

[Planning and Subdivision Codes, Zoning Map - Housing Production]

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

**Ordinance amending the Planning Code to encourage housing production by (1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; (2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; (3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; (4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; (5) expanding the eligibility for the Housing Opportunities Mean Equity – San Francisco (HOME – SF) program and density exceptions in residential districts; (6) exempting certain affordable housing projects from certain development fees; (7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and (8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity**

1 **Geographies Special Use District; amending the Subdivision Code to update the**  
2 **condominium conversion requirements for projects utilizing residential density**  
3 **exceptions in RH Districts; affirming the Planning Department’s determination under**  
4 **the California Environmental Quality Act; and making public necessity, convenience,**  
5 **and welfare findings under Planning Code, Section 302, and findings of consistency**  
6 **with the General Plan and the eight priority policies of Planning Code, Section 101.1.**

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

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

15 Section 1. Environmental and Land Use Findings.

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

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

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code

1 amendments will serve the public necessity, convenience, and welfare for the reasons set  
2 forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board adopts such  
3 reasons as its own. A copy of said resolution is on file with the Clerk of the Board of  
4 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

5 Section 2. General Background and Findings.

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

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

16 (c) According to the Planning Department’s 2020 Housing Inventory, the cost of  
17 housing in San Francisco has increased dramatically since the Great Recession of 2008-  
18 2009, with the median sale price for a two-bedroom house more than tripling from 2011 to  
19 2021, from \$493,000 to \$1,580,000. This includes a 9% increase from 2019 to 2020 alone,  
20 even in the face of the COVID-19 pandemic. The median rental price for a two-bedroom  
21 apartment saw similar although slightly smaller increases, nearly doubling from \$2,570 to  
22 \$4,500 per month, from 2011 to 2019, before declining in 2020 due to the pandemic.

23 (d) These housing cost trends come after decades of underproduction of housing in  
24 the Bay Area, according to the Planning Department’s 2019 Housing Affordability Strategies  
25 Report. The City’s Chief Economist has estimated that approximately 5,000 new market-rate

1 housing units per year would be required to keep housing prices in San Francisco constant  
2 with the general rate of inflation.

3 (e) Moreover, San Francisco will be challenged to meet increased Regional Housing  
4 Needs Allocation (“RHNA”) goals in this 2023-2031 Housing Element cycle, which total 82,069  
5 units over eight years, (46,598 of which must be affordable to extremely-low, very-low, low-,  
6 and moderate-income households), more than 2.5 times the goal of the previous eight-year  
7 cycle. The importance of meeting these goals to address housing needs is self-evident. In  
8 addition, under relatively new State laws like Senate Bill 35 (2017), failure to meet the 2023-  
9 2031 RHNA housing production goals would result in limitations on San Francisco’s control  
10 and discretion over certain projects.

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

18 (g) The 2022 Housing Element includes goals, objectives, policies and implementing  
19 programs that seek to guide development patterns and the allocation of resources to San  
20 Francisco neighborhoods. Generally, it intends to shift an increased share of the San  
21 Francisco’s projected future housing growth to transit corridors and low-density residential  
22 districts within “Well-Resourced Neighborhoods” (which are areas identified by the state as  
23 neighborhoods that provide strong economic, health, and educational outcomes for its  
24 residents), while aiming to prevent the potential displacement and adverse racial and social  
25 equity impacts of zoning changes, planning processes, or public and private investments for

1 populations and in areas that may be vulnerable to displacement, such as “Priority Equity  
2 Geographies” (identified in the Department of Public Health’s Community Health Needs  
3 Assessment as Areas of Vulnerability).

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

14  
15 Section 3. The Planning Code is hereby amended by deleting Sections 121.1, 121.3,  
16 132.2, ~~253~~, 253.1, 253.2, and 253.3, revising Sections 102, 121, 121.7, 132, 134, 135, 140,  
17 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, ~~253~~, 305.1, 311,  
18 317, 406, 710, 711, 713, 714, 722, 723, 750, 754, 810, 811, and 812, and adding new  
19 Sections 121.1 and 121.3, and Section 249.97, to read as follows:

20  
21 **SEC. 102.DEFINITIONS.**

22 \* \* \* \*

23 **Dwelling Unit.** A Residential Use defined as a room or suite of two or more rooms that is de-  
24 signed for, or is occupied by, one family doing its own cooking therein and having only one  
25 kitchen. A Dwelling Unit shall also include “employee housing” when providing accommodations for

1 six or fewer employees, as provided in State Health and Safety Code §17021.5. A housekeeping room  
2 as defined in the Housing Code shall be a Dwelling Unit for purposes of this Code. For the  
3 purposes of this Code, a Live/Work Unit, as defined in this Section, shall not be considered a  
4 Dwelling Unit.

5 \* \* \* \*

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

9  
10 **Historic Building.** A Historic Building is a building or structure that meets at least one of the following  
11 criteria:

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

20 \* \* \* \*

21  
22 **SEC. 121. MINIMUM LOT WIDTH AND AREA.**

23 \* \* \* \*

24 (b) **Subdivisions and Lot Splits.** Subdivisions and lot splits shall be governed by the  
25 Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of

1 California. In all such cases the procedures and requirements of said Code and said Act shall  
2 be followed, including the requirement for consistency with the General Plan of the City and  
3 County of San Francisco. ~~Where the predominant pattern of residential development in the~~  
4 ~~immediate vicinity exceeds the minimum standard for lot width or area, or the minimum standards for~~  
5 ~~both lot width and area, set forth below in this Section, any new lot created by a subdivision or lot split~~  
6 ~~under the Subdivision Code shall conform to the greater established standards, provided that in no~~  
7 ~~case shall the required lot width be more than 33 feet or the required lot area be more than 4,000~~  
8 ~~square feet.~~ In RH districts in the Family Housing Opportunity Special Use District, where the  
9 predominant pattern of residential development in the immediate vicinity exceeds the  
10 minimum standard for lot width or area, or exceeds the minimum standards for both lot width  
11 and area, set forth below in this Section 121, any new lot created by a subdivision or lot split  
12 under the Subdivision Code shall conform to the greater established standard(s), provided  
13 that in no case shall the required lot width be more than 33 feet or the required lot area be  
14 more than 4,000 square feet.

15 \* \* \* \*

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

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

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

19 1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District  
20 (Section 249.94): 33 feet;

21 (2) In all other RH Districts in the Family Housing Opportunity Special Use  
22 District: 25 feet;

23 (3) In all other zoning use districts: 20 feet.

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

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

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

5                   (1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District  
6 (Section 249.94): 4,000 square feet;

7                   (2) In all other RH Districts in the Family Housing Opportunity Special Use  
8 District: 2,500 square feet; except that the minimum lot area for any lot having its street  
9 frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of  
10 not more than 135 degrees shall be 1,750 square feet.

11                   (3) In all other zoning use districts: 1,200 square feet.

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

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

23  
24                   ***SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL***  
25 ***DISTRICTS.***



1           (a) ~~**Purpose.** In order to promote, protect, and maintain a scale of development that is~~  
 2 ~~appropriate to each district and compatible with adjacent buildings, new construction or significant~~  
 3 ~~enlargement of existing buildings on lots of the same size or larger than the square footage stated in the~~  
 4 ~~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>         |                        |

|    |                                       |  |
|----|---------------------------------------|--|
| 1  | <i>Outer Clement Street</i>           |  |
| 2  | <i>Sacramento Street</i>              |  |
| 3  | <i>Taraval Street</i>                 |  |
| 4  | <i>Union Street</i>                   |  |
| 5  | <i>Upper Fillmore Street</i>          |  |
| 6  | <i>West Portal Avenue</i>             |  |
| 7  | <i>NC 2, NCT 2</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 |                                       |  |
| 23 |                                       |  |
| 24 |                                       |  |
| 25 |                                       |  |

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

|                                     |                       |
|-------------------------------------|-----------------------|
| <i>Mission Bernal</i>               |                       |
| <i>Mission Street</i>               |                       |
| <i>Ocean Avenue</i>                 |                       |
| <i>Outer Balboa Street</i>          |                       |
| <i>Regional Commercial District</i> |                       |
| <i>San Bruno Avenue</i>             |                       |
| <i>SoMa</i>                         |                       |
| <i>Upper Market Street</i>          |                       |
| <i>Valencia Street</i>              |                       |
| <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.~~

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

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

| <b><u>District</u></b>                | <b><u>Lot Size Limits</u></b> |
|---------------------------------------|-------------------------------|
| <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>                    |                               |

|   |                            |  |
|---|----------------------------|--|
| 1 | <u>Lower Polk Street</u>   |  |
| 2 | <u>Mission Street</u>      |  |
| 3 | <u>San Bruno Avenue</u>    |  |
| 4 | <u>SoMa</u>                |  |
| 5 | <u>Upper Market Street</u> |  |
| 6 | <u>Valencia Street (*)</u> |  |

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

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

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

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

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

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

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

5 -

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

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

- 13 *(1) The mass and facade of the proposed structure are compatible with the existing scale of*  
 14 *the district.*
- 15 *(2) The facade of the proposed structure is consistent with design features of adjacent*  
 16 *facades that contribute to the positive visual quality of the district.*

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

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

| <u>District</u>                                      | <u>Lot Size Limits</u> |
|--|------------------------|
| <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.

1                   (~~21~~2) **NCT, NC, and Mixed-Use Districts.** In those NCT, NC, and Mixed Use  
2 Districts listed below, merger of lots resulting in a lot with a single street frontage greater than  
3 that stated in the table below on the specified streets or in the specified Districts is prohibited  
4 except according to the procedures and criteria in subsections (c) and (d) below.

5                   (~~32~~3) **WMUO District.** Merger of lots in the WMUO zoning district resulting in a  
6 lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so  
7 long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and  
8 generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is  
9 provided as a result of such merger.

10                   (~~43~~4) **Mission Street NCT District.** In the Mission Street NCT District, projects  
11 that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet  
12 shall provide at least one non-residential space of no more than 2,500 square feet on the  
13 ground floor fronting Mission Street.

14                   (~~54~~5) **Ocean Avenue NCT District.** In the Ocean Avenue NCT District,  
15 projects that propose lot mergers resulting in street frontages greater than 50 feet are  
16 permitted to create corner lots only, and shall require a conditional use authorization.

17 \* \* \* \*

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

21                   The following requirements for minimum front setback areas shall apply to every  
22 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the  
23 existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than  
24 75 feet of street frontage are additionally subject to the Ground Floor Residential Design  
25 Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit



1 Developments or PUDs, as defined in Section 304, shall also provide landscaping in required  
2 setbacks in accord with Section 132(g).

3 (a) **Basic Requirement.** Where one or both *of the* buildings adjacent to the subject  
4 property have front setbacks along a Street or Alley, any building or addition constructed,  
5 reconstructed, or relocated on the subject property shall be set back as follows:

6 (1) In RH Districts in the Family Housing Opportunity Special Use District  
7 (Section 249.94): the average of the two adjacent front setbacks, except as provided in  
8 subsection (d) below. If only one of the adjacent buildings has a front setback, or if there is  
9 only one adjacent building, then the required setback for the subject property shall be equal to  
10 one-half the front setback of such adjacent building;

11 (2) In all other zoning use districts: no less than the depth of the adjacent building  
12 with the shortest front setback, except as provided in subsection (c). the average of the two adjacent  
13 front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent  
14 building, then the required setback for the subject property shall be equal to one-half the front setback  
15 of such adjacent building.

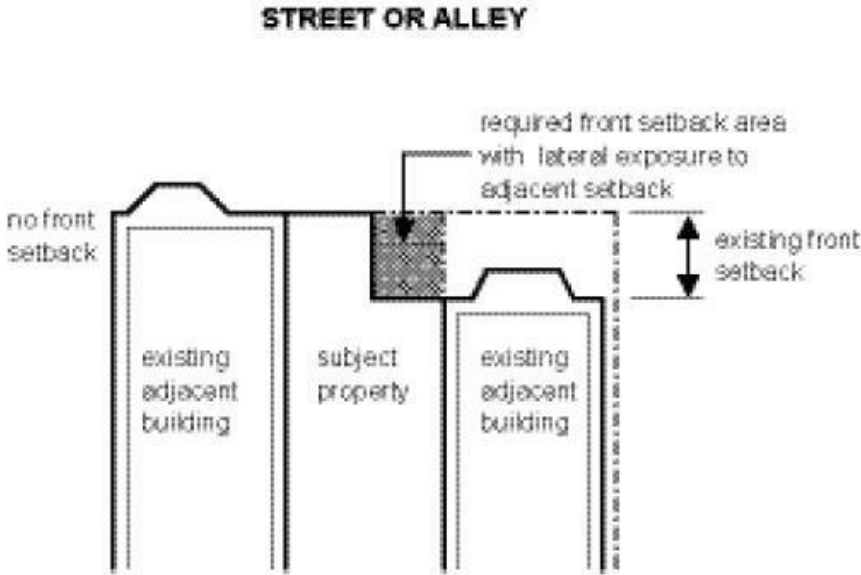
16 (3) In any case in which the lot constituting the subject property is separated  
17 from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50  
18 feet or less parallel to the Street or Alley, such nearest building shall be deemed to be an  
19 “adjacent building,” but a building on a lot so separated for a greater distance shall not be  
20 deemed to be an “adjacent building.” [Note to publisher: Delete diagram that follows this text].

21 ~~(b) **Alternative Method of Averaging.** If, under the rules stated in subsection (a) above, an~~  
22 ~~averaging is required between two adjacent front setbacks, or between one adjacent setback and~~  
23 ~~another adjacent building with no setback, the required setback on the subject property may~~  
24 ~~alternatively be averaged in an irregular manner within the depth between the setbacks of the two~~  
25 ~~adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product~~

1 *of the width of the subject property along the Street or Alley times the setback depth required by*  
2 *subsections (a) and (c) of this Section 132; and provided further, that all portions of the resulting*  
3 *setback area on the subject property shall be directly exposed laterally to the setback area of the*  
4 *adjacent building having the greater setback. In any case in which this alternative method of averaging*  
5 *has been used for the subject property, the extent of the front setback on the subject property for*  
6 *purposes of subsection (c) below relating to subsequent development on an adjacent site shall be*  
7 *considered to be as required by subsection (a) above, in the form of a single line parallel to the Street*  
8 *or Alley* [Note to publisher: Delete diagram that follows this text].

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

1 the Street or Alley. [Note to publisher: The diagram that follows is a reproduction of the  
2 diagram that appears below Section 132(b) in the current version of the Planning Code.]



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

18 **(cd) Applicability to Special Lot Situations.**

19 \* \* \* \*

20 **(de) Maximum Requirements.** The maximum required front setback in any of the  
21 cases described in this Section 132 shall be as follows:

- 22 (1) In RH Districts in the Family Housing Opportunity Special Use District  
23 (Section 249.94): 15 feet from the property line along the Street or Alley, or 15% of the  
24 average depth of the lot from such Street or Alley, whichever results in the lesser requirement.  
25 Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum

1 required setback shall be 10 feet from the property line or 15% of the average depth of the lot  
2 from such Street or Alley, whichever results in the lesser requirement.

3 (2) In all other zoning use districts, except as otherwise provided in this Code:  
4 15 10 feet from the property line along the Street or Alley, except in cases where more than  
5 75% of the properties on the subject block face have a setback of 15 feet or greater, and both  
6 parcels adjacent to the parcel property have a front setback of 15 feet or greater, in which  
7 case the maximum front setback shall be 15 feet., or 15% of the average depth of the lot from  
8 such Street or Alley, whichever results in the lesser requirement. Where a lot faces on a Street or Alley  
9 less than or equal to 40 feet in width, the maximum required setback shall be ten feet from the property  
10 line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser  
11 requirement.

12 (3) The required setback for lots located within the Bernal Heights Special Use  
13 District is set forth in Section 242 of this Code.

14 \* \* \* \*

15  
16 ***SEC. 132.2. SETBACKS IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE***  
17 ***DISTRICT.***

18 *(a) General. In order to maintain the continuity of a predominant street wall along the street,*  
19 *setbacks of the upper portion of a building which abuts a public sidewalk may be required of buildings*  
20 *located within the boundaries of the North of Market Residential Special Use District, as shown on*  
21 *Sectional Map 1Sub of the Zoning Map, as a condition of approval of conditional use authorization*  
22 *otherwise required by Section 253 of this Code for building in RC Districts which exceed 50 feet in*  
23 *height.*

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

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

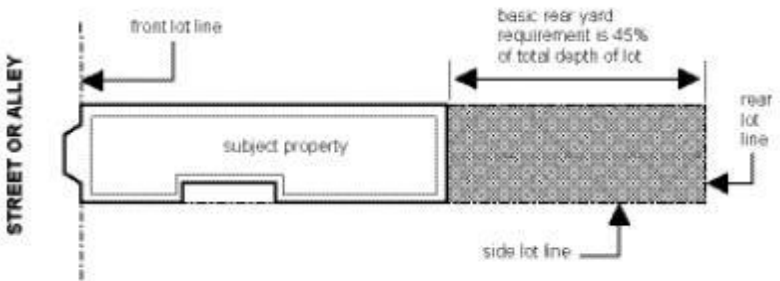
16  
17           **SEC. 134. REAR YARDS IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU,**  
18 **RED, AND RED-MX DISTRICTS.**

19           \* \* \* \*

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

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

1                    (2) In RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use  
 2 District (Section 249.94), the minimum rear yard depth shall be equal to 45% of the total depth  
 3 of the lot on which the building is situated, unless a reduction in this requirement is permitted  
 4 by subsection (k) below or otherwise provided in Section 249.94(d). [Note to publisher: The  
 5 diagram that follows is a reproduction of the diagram that appears below Section 134(c)(3) in  
 6 the current Planning Code.]



14  
 15 (23) In all other Zoning Districts not listed in subsection (c)(1), the rear yard shall be  
 16 equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15  
 17 feet.

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

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

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

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

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

11                    ~~(C1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RTO, NC-1, NCT-1, Inner Sunset,~~  
12 ~~Outer Clement Street, Cole Valley, Haight Street, Lakeside Village, Sacramento Street,~~  
13 ~~24th Street-Noe Valley, Pacific Avenue, and West Portal Avenue Districts. Rear yards shall~~  
14 ~~be provided at grade level and at each succeeding level or story of the building.~~

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

22 \* \* \* \*

23                    ~~(E3) RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary~~  
24 ~~Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk~~  
25 ~~Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU~~

1 **Districts.** Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at  
2 each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east  
3 side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M,  
4 N, R, S, T, U, and V) are not required to provide rear yards at any level of the building,  
5 provided that the project fully meets the usable open space requirement for Dwelling Units  
6 pursuant to Section 135 of this Code, the exposure requirements of Section 140, and gives  
7 adequate architectural consideration to the light and air needs of adjacent buildings given the  
8 constraints of the project site.

9 ~~(F4)~~ **Upper Market Street NCT.** Rear yards shall be provided at the grade  
10 level, and at each succeeding story of the building. For buildings in the Upper Market Street  
11 NCT that do not contain Residential Uses and that do not abut adjacent lots with an existing  
12 pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce  
13 this rear yard requirement pursuant to the procedures of subsection (h).

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

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

24 ~~(de)~~ **Permitted Obstructions.** Only those obstructions specified in Section 136 of this  
25 Code shall be permitted in a required rear yard, and no other obstruction shall be constructed,



1 placed, or maintained within any such yard. No motor vehicle, trailer, boat, or other vehicle  
2 shall be parked or stored within any such yard, except as specified in Section 136.

3 ~~**(e) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,2 and RM-2 Districts.**~~  
4 ~~The rear yard requirement stated in subsection subsection2 (e)(3) above and as stated in subsection~~  
5 ~~subsection2 (e)(2)(A) above for SRO buildings located in the Eastern Neighborhoods Mixed Use~~  
6 ~~Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this~~  
7 ~~subsection (e), based upon conditions on adjacent lots. Except for those SRO buildings referenced~~  
8 ~~above in this subsection (e) whose rear yard can be reduced in the circumstances described in~~  
9 ~~subsection (e) to a 15-foot minimum, under no circumstances shall the minimum rear yard be thus~~  
10 ~~reduced to less than a depth equal to 25% of the total depth of the lot on which the building is situated,~~  
11 ~~or to less than 15 feet, whichever is greater.~~

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

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

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

12                   (4) ~~**Applicability to Special Lot Situations.** In the following special lot situations, the~~  
13 ~~general rule stated in subsection (e)(1) above shall be applied as provided in this subsection (e)(4), and~~  
14 ~~the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all~~  
15 ~~other requirements of this Section 134 are met. [Note to publisher: delete the three diagrams that~~  
16 ~~follow this text]~~

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

21                   (B) ~~**Lots Abutting Properties with Buildings that Front on Another Street or**~~  
22 ~~**Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a building that~~  
23 ~~fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward~~  
24 ~~edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the~~  
25 ~~rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any~~

1 ~~lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley;~~  
2 ~~both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot~~  
3 ~~shall be equal to 25% of the total depth of the subject lot, or 15 feet, whichever is greater.~~ [Note to  
4 publisher: delete the two diagrams that follow this text]

5 (f) **Second Building on Corner Lots and Through Lots ~~Abutting Properties with~~**  
6 **~~Buildings Fronting on Both Streets~~ in RH, RTO, RTO-M, RM-1, and RM-2 Districts.** Where a  
7 lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets,  
8 Alleys, or a Street and an Alley, ~~and where an adjoining lot contains a residential or other lawful~~  
9 ~~structure that fronts at the opposite end of the lot,~~ the subject ~~through~~-lot may ~~also~~ have two  
10 buildings ~~according to such established pattern,~~ each fronting at one end of the lot, provided that  
11 all the other requirements of this Code are met. In such cases, the rear yard required by this  
12 Section 134 for the subject lot shall be located in the central portion of the lot, between the  
13 two buildings on such lot, ~~and the depth of the rear wall of each building from the Street or Alley on~~  
14 ~~which it fronts shall be established by the average of the depths of the rear building walls of the~~  
15 ~~adjacent buildings fronting on that Street or Alley, or where there is only one adjacent building, by the~~  
16 ~~depth of that building.~~ In no case shall the total minimum rear yard for the subject lot be thus  
17 reduced to less than a depth equal to 30% of the total depth of the subject lot or to less than  
18 15 feet, whichever is greater; provided, however, that the Zoning Administrator may reduce  
19 the total depth to 20% pursuant to Section 307(I) of this Code if the reduction is for the sole  
20 purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4), and provided  
21 further that the reduction/waiver is in consideration of the property owner entering into a  
22 Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San  
23 Francisco Rent Stabilization and Arbitration Ordinance. For buildings fronting on a Narrow  
24 Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1  
25 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the requirements

1 of Section 132 of this Code for front setback areas shall be applicable along both Street or  
2 Alley frontages of the subject through lot.

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

8 \* \* \* \*

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

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

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

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

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

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

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

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

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

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

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

13           ~~(2) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section~~  
14 ~~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~~  
15 ~~required rear yard may be substituted with an open area equal to 25% of the lot area which is located~~  
16 ~~at the same levels as the required rear yard in an interior corner of the lot, an open area between two~~  
17 ~~or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning~~  
18 ~~Administrator determines that all of the criteria described below in this subsection (h)(2) are met.~~

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

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

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

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

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

3 \* \* \* \*

4           **(k) Reduction of Requirements in RH-2 and RH-3 Districts in the Family Housing**  
5 **Opportunity Special Use District.** The rear yard requirement stated in subsection (c)(2)  
6 above shall be reduced in specific situations as described in this subsection (k), based upon  
7 conditions on adjacent lots. Under no circumstances shall the minimum rear yard be thus  
8 reduced to less than a depth equal to 25% of the total depth of the lot on which the building is  
9 situated, or to less than 15 feet, whichever is greater.

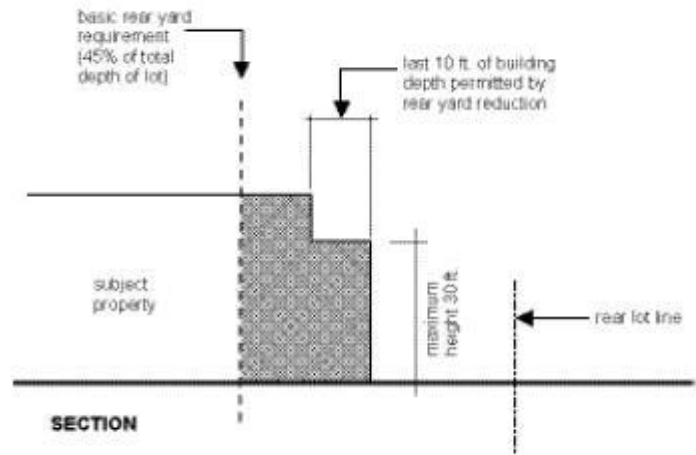
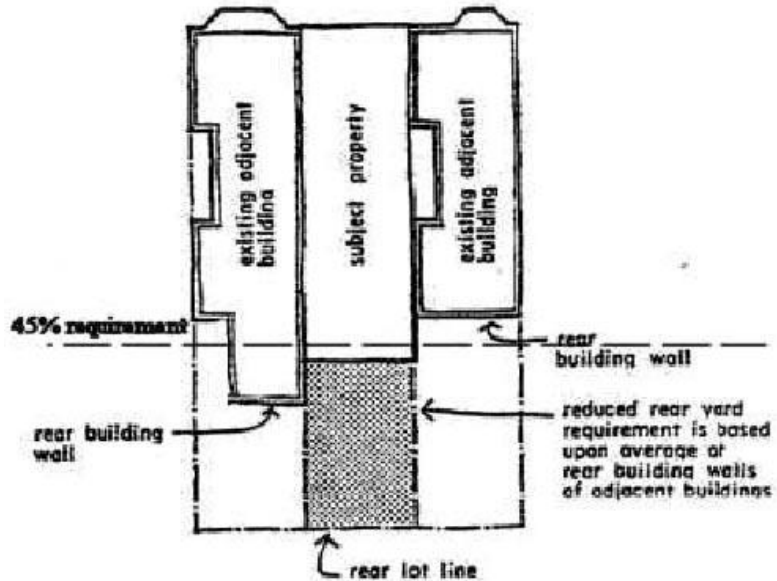
10           **(1) General Rule.** In RH-2 and RH-3 Districts in the Family Housing  
11 Opportunity Special Use District, the forward edge of the required rear yard shall be reduced  
12 to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between  
13 the depths of the rear building walls of the two adjacent buildings. The last 10 feet of building  
14 depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as  
15 prescribed by Section 260 of this Code, or to such lesser height as may be established by  
16 Section 261 of this Code.

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

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

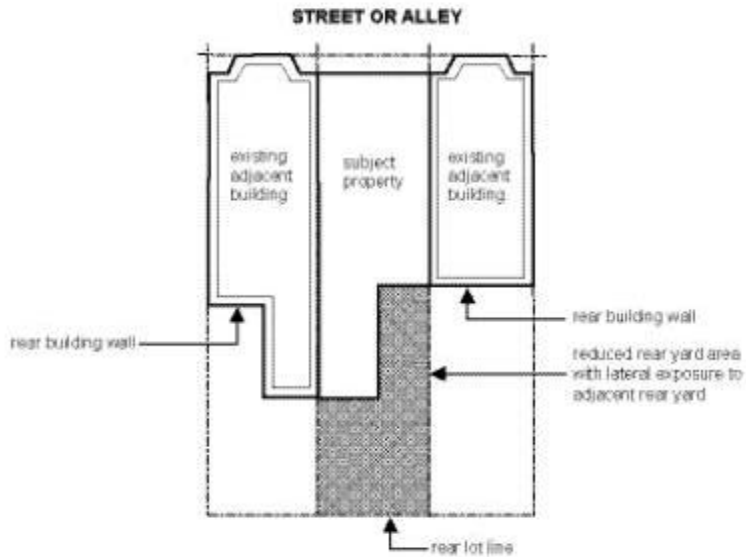
13                   **(4) Applicability to Special Lot Situations.** In the following special lot  
14 situations, the general rule stated in subsection (k)(1) above shall be applied as provided in  
15 this subsection (k)(4), and the required rear yard shall be reduced if conditions on the  
16 adjacent lot or lots so indicate and if all other requirements of this Section 134 are met. [Note  
17 to publisher: The three diagrams that follow are reproductions of the three diagrams that  
18 appear below subsection 134(e)(4) of the current Planning Code.]

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





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



---

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

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

1 total depth of the subject lot, or 15 feet, whichever is greater. [Note to publisher: The two  
2 diagrams that follow are reproductions of the two diagrams that appear below subsection  
3 134(e)(4)(B) of the current Planning Code.]  
4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

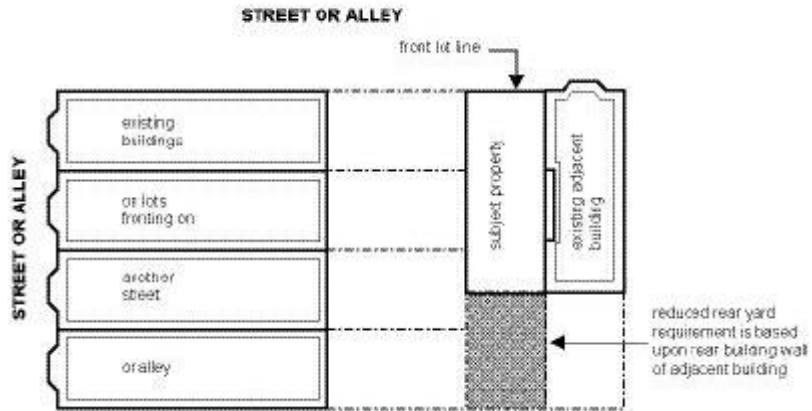
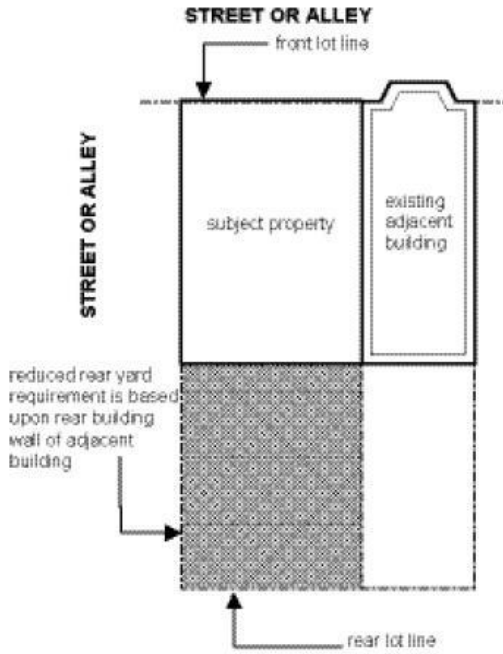
21

22

23

24

25



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

3 \* \* \* \*

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

5                   **(1) Minimum Dimensions and Minimum Area.** Any space credited as private  
6 usable open space shall have a minimum horizontal dimension of as follows:

7                           (A) In RH Districts in the Family Housing Opportunity Special Use  
8 District (Section 249.94): six feet and a minimum area of 36 feet if located on a deck,  
9 balcony, porch, or roof, and a minimum horizontal dimension of 10 feet and a minimum area  
10 of 100 square feet if located on open ground, a terrace, or the surface of an inner or outer  
11 court, except as otherwise provided in Section 249.94(d).

12                           (B) In all other zoning use districts: ~~three~~ ~~six~~ feet and a minimum area of  
13 ~~36~~ ~~27~~ square feet if located on a deck, balcony, porch or roof, and shall have a minimum  
14 horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open  
15 ground, a terrace or the surface of an inner or outer court.

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

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

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

24 \* \* \* \*

1 (C) Areas within inner and outer courts, as defined by this Code, must  
2 either conform to the standards of ~~Subparagraph~~ Subsection (f)(2)(B) ~~above~~ or Subsection  
3 (g)(2). ~~be so arranged that the height of the walls and projections above the court on at least three~~  
4 ~~sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or~~  
5 ~~projection is higher than one foot for each foot that such point is horizontally distant from the opposite~~  
6 ~~side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection~~  
7 ~~135(c) above.~~

8 \* \* \* \*

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

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

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

22 \* \* \* \*

23  
24 **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN**  
25 **AREA.**

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

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

10 (2) An open area (whether an inner court or a space between separate  
11 buildings on the same lot) which is unobstructed (except for fire escapes not projecting more  
12 than necessary for safety and in no case more than four feet six inches, chimneys, and those  
13 obstructions permitted in ~~§~~subsections 136(c)(14), (15), (16), (19), (20) and (29) of this Code)  
14 and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling  
15 Unit in question is located. In RH Districts in the Family Housing Special Use District (Section  
16 249.94), such horizontal dimension shall increase by five feet at each subsequent floor,  
17 except as otherwise provided in Section 249.94(d). ~~and the floor immediately above it, with an~~  
18 ~~increase of five feet in every horizontal dimension at each subsequent floor, except for SRO buildings in~~  
19 ~~the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every~~  
20 ~~horizontal dimension until the fifth floor of the building.~~

21 \* \* \* \*

22  
23 **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,**  
24 **RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

25 \* \* \* \*

1           **(b) Definitions.**

2       \* \* \* \*

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

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

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

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

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

20      \* \* \* \*

21  
22           **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

23      \* \* \* \*

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

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

8 \* \* \* \*

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

11 \* \* \* \*

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

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

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

22 \* \* \* \*

23  
24                   **SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ALL DISTRICTS.**  
25

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

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

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

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

12 \* \* \* \*

13  
14 **SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO**  
15 **PROGRAM.**

16 \* \* \* \*

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

20 (1) Except as limited in application by subsection (f): Provide 30% of units in  
21 the HOME-SF Project as HOME-SF Units, as defined herein. The HOME-SF Units shall be  
22 restricted for the Life of the Project and shall comply with all of the requirements of the  
23 Procedures Manual authorized in Section 415 except as otherwise provided herein. Twelve  
24 percent of HOME-SF Units that are Owned Units shall have an average affordable purchase  
25 price set at 80% of Area Median Income; 9% shall have an average affordable purchase price



1 set at 105% of Area Median Income; and 9% shall have an average affordable purchase price  
2 set at 130% of Area Median Income. Twelve percent of HOME-SF Units that are rental units  
3 shall have an average affordable rent set at 55% of Area Median Income; 9% shall have an  
4 average affordable rent set at 80% of Area Median Income; and 9% shall have an average  
5 affordable rent set at 110% of Area Median Income. All HOME-SF Units must be marketed at  
6 a price that is at least 20% less than the current market rate for that unit size and  
7 neighborhood, and MOHCD shall reduce the Area Median Income levels set forth herein in  
8 order to maintain such pricing. As provided ~~for~~ in subsection (e), the Planning Department and  
9 MOHCD shall amend the Procedures Manual to provide policies and procedures for the  
10 implementation, including monitoring and enforcement, of the HOME-SF Units;

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

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

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

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

18 (32) All HOME-SF units shall be no smaller than the minimum unit sizes set  
19 forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition,  
20 notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum  
21 dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three  
22 bedroom units, or (B) any unit mix which includes some three bedroom or larger units such  
23 that 50% of all bedrooms within the HOME-SF Project are provided in units with more than  
24 one bedroom. Larger units should be distributed on all floors, and prioritized in spaces  
25 adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to

1 incorporate family friendly amenities. Family friendly amenities shall include, but are not  
2 limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space  
3 and yards designed for use by children. HOME-SF Projects are not eligible to modify this  
4 requirement under Planning Code Section 328 or any other provision of this Code;

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

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

10 \* \* \* \*

11  
12 **SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.**

13 \* \* \* \*

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

16 \* \* \* \*

17 (3) **Request for Concessions and Incentives.** In submitting a request for  
18 Concessions or Incentives that are not specified in Subsection 206.5(c)(4), an applicant for an  
19 Individually Requested Density Bonus Project must provide documentation described in  
20 subsection (d) below in its application. Provided that the Planning Commission delegates authority  
21 to review and approve applications for Individually Requested Density Bonus projects, ~~The Planning~~  
22 ~~Director Commission shall hold a hearing and~~ shall approve the Concession or Incentive  
23 requested unless ~~the Director~~ makes written findings, based on substantial evidence that:

24 (A) The Concession or Incentive does not result in identifiable and  
25 actual cost reductions, consistent with Government Code Section 65915(k); or

1 (B) The Concession or Incentive would have a specific adverse impact,  
2 as defined in Government Code Section 65589.5(d)(2) upon public health and safety or the  
3 physical environment or any real property that is listed in the California Register of Historical  
4 Resources and for which there is no feasible method to satisfactorily mitigate or avoid the  
5 specific adverse impact without rendering the Housing Project unaffordable to low- and  
6 moderate-income households; or

7 (C) The Concession or Incentive would be contrary to state or federal  
8 law.

9 \* \* \* \*

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

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

20 \* \* \* \*

21 (2) If the findings required by subsection (~~ae~~)(1) of this Section cannot be  
22 made, the Planning Commission or Director may deny an application for a Concession,  
23 Incentive, waiver or modification only if ~~it~~ the Director makes one of the following written  
24 findings, supported by substantial evidence:

25 \* \* \* \*

1  
2           **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

3           \* \* \* \*

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

6           \* \* \* \*

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

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

11                   ~~(A) Projects in RC Districts or within one-quarter of a mile from an RC or NC-~~  
12 ~~2 (Small Scale Neighborhood Commercial District) zoned area or higher, including Named~~  
13 ~~Commercial Districts, and located in an area with adequate access to services including but not limited~~  
14 ~~to transit, shopping and medical facilities, shall be principally permitted.~~

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

18           \* \* \* \*

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

20                   **(A) Density Exception.** Projects located in RH Districts that are not  
21 seeking or receiving a density bonus under the provisions of Planning Code  
22 Section~~s~~ 206.5 or 206.6 shall receive an exception from residential density limits in the  
23 following amounts for up to four dwelling units per lot, excluding Corner Lots, or up to six dwelling  
24 units per lot in Corner Lots, not inclusive of any Accessory Dwelling Units as permitted under

1 this Section 207, provided that the ~~project dwelling units~~ meets the requirements set forth in this  
2 subsection (c)(8):

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

4 *(ii) Up to six units for Corner Lots*

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

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

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

21 **(D) Unit Replacement Requirements.** Projects utilizing the density  
22 exception of this subsection (c)(8) shall comply with the requirements of Section 66300(d) of  
23 the California Government Code, as may be amended from time to time, including but not  
24 limited to requirements to produce at least as many dwelling units as the projects would  
25 demolish; to replace all protected units; and to offer existing occupants of any protected units

1 that are lower income households relocation benefits and a right of first refusal for a  
2 comparable unit, as those terms are defined therein. In the case of Group Housing, projects  
3 utilizing this density exception shall provide at least as many bedrooms as the project would demolish.

4 **(E) Applicability of Rent Ordinance; Regulatory Agreements.** Project

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

1 to the title records in the Office of the Assessor-Recorder against the property and shall be  
2 binding on all future owners and successors in interest.

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

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

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

| Zoning Category   | § References     | RH-1(D)  | RH-1 | RH-1(S) | RH-2 | RH-3 |
|---|------------------|--|------|---------|------|------|
| <b>BUILDING STANDARDS</b>   |                  |  |      |         |      |      |
| <b>Massing and Setbacks</b>   |                  |  |      |         |      |      |
| * * * *   |                  |  |      |         |      |      |
| <u>Front Setback in the Family Housing Opportunity Special Use District</u> | §§ 130, 131, 132 | <u>Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.</u> |      |         |      |      |
| <u>Front Setback in all other</u>   | §§ 130, 131, 132 | Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front  |      |         |      |      |



|    |  |                            |   |  |   |   |
|----|--|----------------------------|---|--|---|---|
| 1  | <u>Zoning Use Districts</u>  |                            | setback is based on adjacent properties, in no case shall the required setback be greater than <del>15</del> <u>10</u> feet.  |  |   |   |
| 2  | <u>Rear Yard (10)</u>  | <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> |   |
| 3  |  |                            |   |  |   |   |
| 4  | <u>Rear Yard in the Family Housing Opportunity Special Use District (12)</u>                           | <u>§§ 130, 134, 249.94</u> | <u>30% of lot depth, but in no case less than 15 feet.</u>  |  | <u>45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.</u>     |   |
| 5  |  |                            |   |  |   |   |
| 6  |  |                            |   |  |   |   |
| 7  |  |                            |   |  |   |   |
| 8  | <u>Rear Yard in all other Zoning Use Districts</u>   | <u>§§ 130, 134</u>         | <u>30% of lot depth, but in no case less than 15 feet.</u>  |  |   |   |
| 9  |  |                            |   |  |   |   |
| 10 | * * * *  |                            |   |  |   |   |
| 11 | <b>Miscellaneous</b>   |                            |   |  |   |   |
| 12 | <u>Large Project Review</u>  | <u>§ 253</u>               | <u>C required for projects over 40 feet in height.</u>  |  |   |   |
| 13 |  |                            |   |  |   |   |
| 14 | <u>Large Project Review</u>  | <u>§ 253</u>               | <u>C required for projects over 40 feet in height in RH Districts in the Family Housing Opportunity Special Use District (Section 249.94), except as otherwise provided in Section 249.94(f).</u> |  |   |   |
| 15 |  |                            |   |  |   |   |
| 16 | * * * *  |                            |   |  |   |   |
| 17 | <b>RESIDENTIAL STANDARDS AND USES</b>  |                            |   |  |   |   |
| 18 | * * * *  |                            |   |  |   |   |
| 19 | <b>Residential Uses</b>  |                            |   |  |   |   |
| 20 | <u>Residential Density, Dwelling Units in the Family Housing Opportunity Special Use District (12)</u> | <u>§§ 102, 207, 249.94</u> | <u>P up to one unit per lot.</u>  | <u>P up to one unit per lot, C up to one unit per 3,000 square feet of</u> | <u>P up to two units per lot, if the second unit is 600 sq. ft. or less, C up to one unit</u>                                 | <u>P up to two units per lot, C up to one unit per 1,500 square feet of lot area.</u> |
| 21 |  |                            |   |  |   |   |
| 22 |  |                            |   |  |   |   |
| 23 |  |                            |   |  |   |   |
| 24 |  |                            |   |  |   |   |
| 25 |  |                            |   |  |   |   |

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

|   |               |  |   |   |   |   |
|---|---------------|--|---|---|---|---|
|   |               |  | <u>lot area, with no more than three units per lot;</u>   | <u>per 3,000 square feet of lot area, with no more than three units per lot.</u>  |   |   |
| Residential Density, Dwelling Units <u>in all other Zoning Use Districts</u> (6) (11)                 | §§ 102, 207   | <i>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.</i> | P up to one unit per lot, or € up to one unit per 3,000 square feet of lot area, with no more than three units per lot. | P up to two units per lot, if the second unit is 600 sq. ft. or less, or € up to one unit per 3,000 square feet of lot area, with no more than three units per lot. | P up to two units per lot, or € up to one unit per 1,500 square feet of lot area. | P up to three units per lot, or € up to one unit per 1,000 square feet of lot area. |
| * * * *   |               |  |   |   |   |   |
| <u>Residential Density, Group Housing in the Family Housing Opportunity Special Use District (12)</u> | § 208, 249.94 | NP   | NP  | NP  | <u>C, up to one bedroom for every 415 square feet of lot area.</u>                | <u>C, up to one bedroom for every 275 square feet of lot area.</u>                  |
| Residential Density, Group Housing <u>in all</u>  | § 208         | NP(10)   | NP(10)  | NP(10)  | €P, up to one bedroom for every 415 square feet of lot area.                      | €P, up to one bedroom for every 275   |

|                  |                                   |             |           |           |           |                          |
|------------------|-----------------------------------|-------------|-----------|-----------|-----------|--------------------------|
| 1<br>2<br>3<br>4 | <u>other Zoning Use Districts</u> |             |           |           |           | square feet of lot area. |
|                  | Homeless Shelter                  | §§ 102, 208 | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>CP</u>                |
|                  | * * * *                           |             |           |           |           |                          |

(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).~~

\* \* \* \*

(12) Except as otherwise provided in Section 249.94(d).

**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>15</del><br><u>10</u> feet.  |   |
| Rear Yard                   | §§ 130, 134      | <del>45</del> <u>30</u> % of lot depth <i>but in no case less than 15 feet.</i> <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> | <i>C required for buildings over 50 feet in height.</i>   |   |
| * * * *                     |                  |   |   |

**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> |              |      |      |
| * * * *                     |              |      |      |

|                  |  |                            |  |
|------------------|--|----------------------------|--|
| 1<br>2<br>3      | <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> |
| 4                | * * * *  |                            |  |
| 5                | <b>Miscellaneous</b>   |                            |  |
| 6<br>7<br>8<br>9 | <i>Large Project Review Buildings Over 50 Feet in Height</i> | <del>§ 253</del>           | <i>€ Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)</i>         |
| 10<br>11         | * * * *  |                            |  |

**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</u></i> |       |

|                                   |                |   |
|-----------------------------------|----------------|---|
|                                   |                | <i>no case less than 15 feet or 15 feet, whichever is greater.</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> |

1 \* \* \* \*

2  
3 ~~(19) During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California~~  
4 ~~Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be permanent.~~  
5 ~~Otherwise, Homeless Shelter uses are permitted only with Conditional Use authorization and only if~~  
6 ~~each such use (a) would operate for no more than four years, and (b) would be owned or leased by,~~  
7 ~~operated by, and/or under the management or day-to-day control of the City and County of San~~  
8 ~~Francisco. If such a use is to be located within a building or structure, the building or structure must be~~  
9 ~~either (a) preexisting, having been completed and previously occupied by a use other than a Homeless~~  
10 ~~Shelter, or (b) temporary. Other than qualifying Homeless Shelters constructed during a declared~~  
11 ~~shelter crisis, construction of a permanent structure or building to be used as a Homeless Shelter is not~~  
12 ~~permitted.~~

13  
14 **SEC. 249.97. PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT.**

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

19 (b) Purpose. The Priority Equity Geographies SUD is comprised of areas or neighborhoods  
20 with a higher density of vulnerable populations. The 2022 Update of the Housing Element of the  
21 General Plan (2022 Housing Element) identifies several neighborhoods in the City that qualify as  
22 Priority Equity Geographies, based on the Department of Public Health's Community Health Needs  
23 Assessment. The 2022 Housing Element encourages targeted direct investment in these areas, and  
24 identifies them as requiring improved access to well-paid jobs and business ownership; where the City  
25 needs to expand permanently affordable housing investment; where zoning changes must be tailored to

1 serve the specific needs of the communities that live there; and where programs that stabilize  
2 communities and meet community needs need to be prioritized. The purpose of the Priority Equity  
3 Geographies SUD is to help implement the goals and policies outlined in the 2022 Housing Element.

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

6  
7 **~~SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A~~**  
8 **~~HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC~~**  
9 **~~DISTRICTS.~~**

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

19 ~~(b) Commission Review of Proposals.~~

20 ~~(1) In reviewing any such proposal for a building or structure exceeding 40 feet in~~  
21 ~~height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District~~  
22 ~~where the street frontage of the building is more than 50 feet the Planning Commission shall consider~~  
23 ~~the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk~~  
24 ~~districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in~~  
25 ~~Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may~~



1 ~~permit a height of such building or structure up to but not exceeding the height limit prescribed by the~~  
2 ~~height and bulk district in which the property is located.~~

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

7  
8 **SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING**  
9 **A HEIGHT OF 40 FEET IN RH DISTRICTS IN THE FAMILY HOUSING OPPORTUNITY**  
10 **SPECIAL USE DISTRICT.**

11 (a) Notwithstanding any other provision of this Code to the contrary, in any RH District  
12 in the Family Housing Opportunity Special Use District (Section 249.94), established by the  
13 use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet is  
14 prescribed by the height and bulk district in which the property is located, any building or  
15 structure exceeding 40 feet in height shall be permitted only upon approval by the Planning  
16 Commission according to the procedures for conditional use approval in Section 303 of this  
17 Code.

18 (b) **Commission Review of Proposals.** In reviewing any such proposal for a  
19 building or structure exceeding 40 feet in height in a RH District in the Family Housing  
20 Opportunity Special Use District, the Planning Commission shall consider the expressed  
21 purposes of this Code, of the RH Districts, and of the height and bulk districts, set forth in  
22 Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section  
23 303(c) of this Code and the objectives, policies, and principles of the General Plan, and may  
24 permit a height of such building or structure up to but not exceeding the height limit prescribed  
25 by the height and bulk district in which the property is located.

1  
2           **~~SEC. 253.1. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE~~**  
3 **~~BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.~~**

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

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

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

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

17                     ~~(3) The architectural and cultural character and features of existing buildings shall be~~  
18 ~~preserved and enhanced. The Historic Preservation Commission or its staff shall review any proposed~~  
19 ~~alteration of historic resources and must determine that such alterations comply with the Secretary of~~  
20 ~~Interior's Standards for the Treatment of Historic Properties before the City approves any permits to~~  
21 ~~alter such buildings. For purposes of this section, "historic resources" shall include Article 10~~  
22 ~~Landmarks and buildings located within Article 10 Historic Districts, buildings and districts identified~~  
23 ~~in surveys adopted by the City, buildings listed or potentially eligible for individual listing on the~~  
24 ~~National or California Registers, and buildings located within listed or potentially eligible National~~  
25 ~~Register or California Register historic districts. The Planning Department shall also consult materials~~

1 available through the California Historical Resources Information System (CHRIS) and Inventory to  
2 determine eligibility.

3  
4 **~~SEC. 253.2. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE VAN~~**  
5 **~~NESS SPECIAL USE DISTRICT.~~**

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

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

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

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

1           **SEC. 253.3. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES ABOVE 26**  
2 **FEET NOT EXCEEDING 40 FEET IN THE NC-S/LAKESHORE PLAZA SPECIAL USE**  
3 **DISTRICT.**

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

8           ~~(b) In authorizing any such proposal for a building or structure exceeding 26 feet in height, the~~  
9 ~~Planning Commission shall find that, in addition to the criteria of Section 303(c), the proposal is~~  
10 ~~consistent with the expressed purposes of this Code, the NC-S District, the Lakeshore Plaza Special~~  
11 ~~Use District, and the height and bulk districts as set forth respectively in Sections 101, 713, 780 and~~  
12 ~~251 of this Code.~~

13  
14           **SEC. 305.1. REQUESTS FOR REASONABLE MODIFICATION – RESIDENTIAL**  
15 **USES.**

16           \* \* \* \*

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

22           ~~(1) **Parking, Where No Physical Structure Is Proposed.** One parking space may be~~  
23 ~~considered for an administrative reasonable modification provided that the parking space is necessary~~  
24 ~~to achieve the accommodation and that property does not already include a parking space. Exceptions~~  
25 ~~may be considered from rear yard and the front setback requirements if necessary to accommodate the~~

1 *parking space. In reviewing an administrative reasonable modification request for parking, the Zoning*  
2 *Administrator is authorized to allow the parking space for up to five years, at the end of which period*  
3 *the applicant may renew the temporary use for additional five-year periods.*

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

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

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

17 ~~(e) **All Other Requests for Reasonable Modification—Zoning Administrator Review and**~~  
18 ~~**Approval.**~~

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

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

1            **(f~~e~~) Determination.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (a) Purpose. The purpose of this Section 311 is to establish procedures for reviewing  
24 building permit applications within the Priority Equity Geographies SUD (Section 249.97) and RH  
25 Districts in the Family Housing Opportunity Special Use District (Section 249.94) to determine

1 compatibility of the proposal with the neighborhood and for providing notice to property  
2 owners and residents on the site and neighboring the site of the proposed project and to  
3 interested neighborhood organizations, so that concerns about a project may be identified and  
4 resolved during the review of the permit.

5 (b) Applicability. Within the Priority Equity Geographies SUD and RH Districts in the  
6 Family Housing Opportunity Special Use District~~Except as indicated in this subsection (b), all~~  
7 building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use  
8 Districts for ~~a change of use; establishment of a Micro Wireless Telecommunications Services Facility;~~  
9 ~~establishment of a Formula Retail Use;~~ demolition, new construction, or alteration of buildings;  
10 ~~and the removal of an authorized or unauthorized residential unit,~~ shall be subject to the notification  
11 and review procedures required by this Section 311. ~~In addition, with the exception of~~  
12 ~~Grandfathered MCDs converting to Cannabis Retail use pursuant to Section 190(a), all building permit~~  
13 ~~applications that would establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of~~  
14 ~~zoning district, shall be subject to the notification and review procedures required by this Section 311.~~  
15 ~~Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child~~  
16 ~~Care Facility, as defined in Section 102, shall not be subject to the review requirements of this Section~~  
17 ~~311.~~ Notwithstanding the foregoing or any other requirement of this Section 311, building  
18 permit applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6)  
19 shall not be subject to the notification or review requirements of this Section 311.  
20 ~~Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a~~  
21 ~~principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner~~  
22 ~~commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the review or~~  
23 ~~notice requirements of this Section 311.~~ Notwithstanding the foregoing or any other requirement of this  
24 ~~Section 311, building permit applications to change any existing Automotive Use to an Electric Vehicle~~  
25 ~~Charging Location shall not be subject to the review or notification requirements of this Section 311.~~



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

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

16                    ~~(i) Exception. Notwithstanding subsection 311(b)(1)(A), in the~~  
17 ~~geographic areas identified in subsection 311(b)(1)(A)(ii), building permit applications for a change of~~  
18 ~~use to the following uses shall be excepted from the provisions of subsections 311(d) and 311(e): Bar,~~  
19 ~~General Entertainment, Limited Restaurant, Liquor Store, Massage Establishment, Nighttime~~  
20 ~~Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility,~~  
21 ~~Restaurant, and Tobacco Paraphernalia Establishment.~~

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

24                    ~~Area 1: shall comprise all of that portion of the City and County~~  
25 ~~commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight line~~

1 ~~extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding~~  
2 ~~southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th~~  
3 ~~Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly~~  
4 ~~along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of~~  
5 ~~the Pacific Ocean and proceeding northerly along said line to the point of commencement.~~

6 ~~Area 2: shall comprise all of that portion of the City and County~~  
7 ~~commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and~~  
8 ~~proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and~~  
9 ~~proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton~~  
10 ~~Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth~~  
11 ~~Street, and proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along~~  
12 ~~Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line~~  
13 ~~extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding~~  
14 ~~southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany~~  
15 ~~Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and~~  
16 ~~proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison~~  
17 ~~Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and~~  
18 ~~proceeding southerly along Prague Street to Persia Avenue, and proceeding westerly along Persia~~  
19 ~~Avenue to Athens Street, and proceeding southerly along Athens Street to Geneva Avenue, and~~  
20 ~~proceeding easterly along Geneva Avenue to the intersection of Geneva Avenue and Carter Street, and~~  
21 ~~proceeding westerly along the southeastern boundary of Census Tract 0263.02, Block 3005 to the San~~  
22 ~~Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo~~  
23 ~~county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to~~  
24 ~~Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight-line extension~~  
25 ~~to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding~~

1 ~~westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood~~  
2 ~~Way to the point of commencement.~~

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

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

16 (2) **Alterations.** For the purposes of this Section 311, an alteration shall be  
17 defined as an increase to the exterior dimensions of a building except those features listed in  
18 Section 136(c)(1) through ~~Section 136(c)(24) and 136(c)(26)~~, regardless of whether the feature is  
19 located in a required setback. ~~In addition, an alteration in RH, RM, and RTO Districts shall also~~  
20 ~~include the removal of more than 75% of a residential building’s existing interior wall framing or the~~  
21 ~~removal of more than 75% of the area of the existing framing.~~

22 ~~(3) Micro Wireless Telecommunications Services Facilities. Building permit~~  
23 ~~applications for the establishment of a Micro Wireless Telecommunications Services Facility, other~~  
24 ~~than a Temporary Wireless Telecommunications Services Facility, shall be subject to the review~~  
25 ~~procedures required by this Section. Pursuant to Section 205.2, applications for Temporary Wireless~~

1 ~~Telecommunications Facilities to be operated for commercial purposes for more than 90 days shall~~  
2 ~~also be subject to the review procedures required by this Section.~~

3 \* \* \* \*

4  
5 **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**  
6 **DEMOLITION, MERGER, AND CONVERSION.**

7 \* \* \* \*

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

9 (1) Within the Priority Equity Geographies Special Use District (Section 249.97)  
10 and RH Districts in the Family Housing Opportunity Special Use District (Section 249.94),  
11 ~~Any~~ application for a permit that would result in the Removal of one or more Residential Units  
12 or Unauthorized Units is required to obtain Conditional Use authorization.

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

17 (A) The units to be demolished are not tenant occupied and are without a history  
18 of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within the last  
19 five years, and have not been vacated within the past five years pursuant to a Buyout  
20 Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from  
21 time to time;

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

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

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

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

9 (C) The building proposed for demolition is not an Historic Building as defined  
10 in Section 102, and was built after 1923. For the purposes of this subsection (c)(2)(C), an  
11 “Historic Building” shall also include any building located in an historic district listed in Article  
12 10, any building located in a conservation district listed in Article 11, and any building located  
13 in a district that is listed in or determined eligible for listing in the California Register of  
14 Historical Resources or the National Register of Historic Places;

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 §subsubsection (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**

|                                   |                      | <b>NC-1</b>   |
|-----------------------------------|----------------------|---|
| <b>Zoning Category</b>            | <b>§ References</b>  | <b>Controls</b>   |
| <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> |
| <u>Lot Size (Per Development)</u> | <u>§§ 102, 121.1</u> | <u>P(2)</u>   |

1 \* \* \* \*

2 \* \* \* \*

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

5 \* \* \* \*

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

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

8 **ZONING CONTROL TABLE**

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

21 \* \* \* \*

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

24 \* \* \* \*

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

3 \* \* \* \*

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

5                           **NC-S**

6                           **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. <i>Lakeshore Plaza SUD requires C for buildings above 26 feet (1).</i> See Height and Bulk Map Sheets HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § 261.1. |
| * * * *                     |  |   |

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

23 \* \* \* \*

1 **Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL**

2 **DISTRICT**

3 **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. |
| * * * *                     |  |  |

18  
19 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 \* \* \* \*

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

22 **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**

|                            |               | Polk Street NCD  |
|----------------------------|---------------|--|
| Zoning Category            | § References  | Controls   |
| <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.

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

3  
 4 **SEC. 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

5 \* \* \* \*

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

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

16 \* \* \* \*

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

18 (12) C for 5,000 square feet and above if located within the Priority Equity Geographies  
 19 Special Use District established under Section 249.97.

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

23 \* \* \* \*

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

2 **DISTRICT**

3 **ZONING CONTROL TABLE**

|                             |  |   |
|-----------------------------|--|---|
|                             |  | <b>Mission Street NCT</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>253.4</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. |
| * * * *                     |  |   |

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

18 \* \* \* \*

19 **Table 810**

20 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

|                           |                     |  |
|---------------------------|---------------------|--|
|                           |                     | <b>Chinatown Community Business 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> | <i>§ 121.3</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**

|                                   |                     | <b>Chinatown Visitor Retail 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> | <i>§ 121.3</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.**

\* \* \* \*



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

**Table 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> | <del>§ 121.3</del><br><u>§ 121.3</u> | <del>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</del><br><u>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</u> |
| <u>Lot Size (Per Development)</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> | §§ <del>102, 121.1</del> | <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**

| <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(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.

| Zoning Control Table | Note # |
|----------------------|--------|
| 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

1 Blvd. to southernmost boundary of the City  
2 and County of San Francisco. The above  
3 area shall exclude the following area:  
4 Starting at the intersection of Harvard St.  
5 and Burrow St. heading east to Cambridge  
6 St.; Cambridge St. to Felton St.; Felton St. to  
7 Hamilton St.; Hamilton St. to Woolsey St.;  
8 Woolsey St. to Goettingen St.; Goettingen  
9 St. to Mansell St.; Mansell St. to Brussels  
10 St.; Brussels St. to Ward St.; Ward St. to  
11 Ankeny St.; Ankeny St. to Hamilton St.;  
12 Hamilton St. to Mansell St.; Mansell St. to  
13 University St.; University St. to Wayland St.;  
14 Wayland St. to Yale St.; Yale St. to McLaren  
15 Park; a straight line from Yale St. to  
16 Cambridge St.; Cambridge St. to Wayland  
17 St.; Wayland St. to Oxford St.; Oxford St. to  
18 Bacon St.; Bacon St. to Harvard St.; Harvard  
19 St. to Burrows St.

20  
21 Area 2 of the SUD is comprised of the  
22 following boundaries: Starting on Cesar  
23 Chavez St. at the intersection of Valencia  
24 Street, heading eastward to ~~Harrison St.;~~  
25 ~~Harrison St. to 23rd St.; 23rd St. to Highway~~

1 ~~101; following Highway 101 south to Cesar~~  
2 ~~Chaves St.; Cesar Chavez St. to Vermont~~  
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 ~~AveSt.; Pacific AveSt. 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 Ave,  
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

25



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

3  
4 Section 87. Article 9 of the Subdivision Code is hereby amended by amending Section  
5 1396.6, to read as follows:

6 **SEC. 1396.6. CONDOMINIUM CONVERSION ASSOCIATED WITH PROJECTS**  
7 **THAT UTILIZE THE RESIDENTIAL DENSITY EXCEPTION IN RH DISTRICTS TO**  
8 **CONSTRUCT NEW DWELLING UNITS PURSUANT TO PLANNING CODE SECTION**  
9 **207(C)(8).**

10 (a) **Findings.** The findings of Planning Code Section 415.1 concerning the City's  
11 inclusionary affordable housing program are incorporated herein by reference and support the  
12 basis for charging the fee set forth herein as it relates to the conversion of dwelling units into  
13 condominiums.

14 (b) **Definition.** "Existing Dwelling Unit" shall ~~refer to~~ mean the dwelling unit in  
15 existence on a lot at the time of the submittal of an application to construct a new dwelling unit  
16 pursuant to Planning Code Section 207(c)(8).

17 (c) Notwithstanding Section 1396.4 of this Code and Ordinance No. 117-13, a  
18 subdivider of a one-u-unit building that has obtained a permit to build one or more new dwelling  
19 units by utilizing the exception to residential density in RH districts set forth in Planning Code  
20 Section 207(c)(8), which results in two or more dwelling units, and that has signed an affidavit  
21 stating the subdivider's intent to reside in one of those resulting dwelling units, or in the  
22 Existing Dwelling Unit, for a period of three years after the approval of the Certificate of Final  
23 Completion and Occupancy for the new dwelling units, shall (1) be exempt from the annual  
24 lottery provisions of Section 1396 of this Code with respect to the dwelling units built as part of  
25 the Project ~~Units~~ and (2) be eligible to submit a condominium conversion application for the

1 Existing Dwelling Unit and/or include the Existing Dwelling Unit in a condominium map  
2 application for the project approved pursuant to Planning Code Section 207(c)(8).  
3 Notwithstanding the foregoing sentence, no property or applicant subject to any of the  
4 prohibitions on conversions set forth in Section 1396.2, ~~in particular~~ of this Code, including but  
5 not limited to a property with the eviction(s) set forth in Section 1396.2(b), shall be eligible for  
6 condominium conversion under this Section 1396.6. Eligible buildings as set forth in this  
7 subsection (c) may exercise their option to participate in this program according to the  
8 following requirements:

9 (1) The applicant(s) for the subject building seeking to convert dwelling units to  
10 condominiums or subdivide dwelling units into condominiums under this subsection shall pay  
11 the fee specified in Section 1315 of this Code.

12 (2) In addition to all other provisions of this Section 1396.6, the applicant(s)  
13 shall comply with all of the following:

14 (A) The requirements of Subdivision Code Article 9, Sections 1381,  
15 1382, 1383, 1386, 1387, 1388, 1389, 1390, 1391(a) and (b), 1392, 1393, 1394, and 1395.

16 (B) The applicant(s) must certify under penalty of perjury that within the  
17 60 months preceding the date of the subject application, no tenant resided at the property.

18 (C) The applicant(s) must certify under penalty of perjury that to the  
19 extent any tenant vacated their unit after March 31, 2013, and before recordation of the final  
20 parcel or subdivision map, such tenant did so voluntarily or if an eviction or eviction notice  
21 occurred it was not pursuant to Administrative Code Sections 37.9(a)(8)-(12) and 37.9(a)(14)-  
22 (16). ~~If an eviction has taken place under Sections 37.9(a)(11) or 37.9(a)(14), then the~~  
23 ~~applicant(s) shall certify~~ The applicant must also certify under penalty of perjury that to the  
24 extent any tenant vacated their unit after March 31, 2013, and before recordation of the final  
25 parcel or subdivision map, such tenant did not vacate the unit pursuant to a Buyout

1 Agreement, pursuant to the requirements of Administrative Code Section 37.9E, as it may be  
2 amended from time to time, regardless of whether the Buyout Agreement was filed and  
3 registered with the Rent Board pursuant to Administrative Code Section 37.9E(h). If a  
4 temporary eviction occurred under Sections 37.9(a)(11) or 37.9(a)(14), then the applicant(s)  
5 shall certify under penalty of perjury that the original tenant reoccupied the unit after the  
6 temporary eviction.

7 (3) If the Department finds that a violation of this Section 1396.6 occurred prior  
8 to recordation of the final map or final parcel map, the Department shall disapprove the  
9 application or subject map. If the Department finds that a violation of this Section occurred  
10 after recordation of the final map or parcel map, the Department shall take such enforcement  
11 actions as are available and within its authority to address the violation.

12 (4) This Section 1396.6 shall not prohibit a subdivider who has lawfully  
13 exercised the subdivider's rights under Administrative Code Section 37.9(a)(13) from  
14 submitting a condominium conversion application under this Section 1396.6.

15 (d) Decisions and Hearing on the Application.

16 (1) The applicant shall obtain a final and effective tentative map or tentative  
17 parcel map approval for the condominium subdivision or parcel map within one year of paying  
18 the fee specified in subsection (e) of this Section 1396.6. The Director of the Department of  
19 Public Works or the Director's designee is authorized to waive the time limits set forth in this  
20 subsection (d)(1) as it applies to a particular building due to extenuating or unique  
21 circumstances. Such waiver may be granted only after a public hearing and in no case shall  
22 the time limit extend beyond two years after submission of the application.

23 (2) No less than 20 days prior to the Department's proposed decision on a  
24 tentative map or tentative parcel map, the Department shall publish the addresses of buildings  
25 being considered for approval and post such information on its website, post notice that such

1 decision is pending at the affected buildings, and provide written notice of such pending  
2 decision to the applicant, all tenants of such buildings, and any member of the public who  
3 interested party who has requested such notice. During this time, any interested party may file  
4 a written objection to an application and submit information to the Department contesting the  
5 eligibility of a building. In addition, the Department may elect to hold a public hearing on said  
6 tentative map or tentative parcel map to consider the information presented by the public,  
7 other City department, or an applicant. If the Department elects to hold such a hearing it shall  
8 post notice of such hearing, including posting notice at the subject building, and provide  
9 written notice to the applicant, all tenants of such building, any member of the public who  
10 submitted information to the Department, and any interested party who has requested such  
11 notice. In the event that an objection to the conversion application is filed in accordance with  
12 this subsection (d)(2), and based upon all the facts available to the Department, the  
13 Department shall approve, conditionally approve, or disapprove an application and state the  
14 reasons in support of that decision.

15 (3) Any map application subject to a Departmental public hearing on the  
16 subdivision or a subdivision appeal shall receive a six-month extension on ~~have the time limit~~  
17 ~~set forth in subsection (d)(1) of this Section 1396.6~~ extended for another six months.

18 (e) Should the subdivision application be denied or be rejected as untimely in  
19 accordance with the dates specified in subsection (d)(1) of this Section 1396.6, or should the  
20 tentative subdivision map or tentative parcel map be disapproved, the City shall refund the  
21 entirety of the application fee.

22 (f) Conversion of buildings pursuant to this Section 1396.6 shall have no effect on the  
23 terms and conditions applicable to such buildings under Section 4341A, 1385A, or 1396 of  
24 this Code.

1           Section 987. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor’s veto of the ordinance.

5  
6           Section 1098. Scope of Ordinance. In enacting this ordinance, the Board of  
7 Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections,  
8 articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the  
9 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board  
10 amendment additions, and Board amendment deletions in accordance with the “Note” that  
11 appears under the official title of the ordinance.

12  
13           Section 1140. 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  
18 APPROVED AS TO FORM:  
19 DAVID CHIU, City Attorney

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

23  
24  
25  
n:\legana\as2023\2300309\01719741.docx