File No. 130062 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development **Date** March 4, 2013

Board of Supervisors Meeting **Date** _____

Cmte	Board	
☐	☐	**Motion**
☐	☐	**Resolution**
☒	☐	**Ordinance**
☐	☐	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☐	**Introduction Form**
☒	☐	**Department/Agency Cover Letter and/or Report**
☐	☐	**MOU**
☐	☐	**Grant Information Form**
☐	☐	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract/Agreement**
☐	☐	**Form 126 – Ethics Commission**
☐	☐	**Award Letter**
☐	☐	**Application**
☐	☐	**Public Correspondence**

OTHER **(Use back side if additional space is needed)**

☒	☐	Planning Commission Resolution No. 18750
☒	☐	Notice of Public Hearing
☐	☐	
☐	☐	
☐	☐	
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Completed by: Alisa Miller **Date** March 1, 2013
Completed by: _____ **Date** _____

** Due to the large size of the document, a complete copy can be found in file.

FILE NO. 130062 ORDINANCE NO.

[Planning, Administrative Codes - Miscellaneous Technical Amendments, Fee Changes, Clarifications, and Corrections]

Ordinance amending the Planning and Administrative Codes, to correct errors, and make language revisions and updates; revise graphics to be consistent with text; amend fees to be charged for certain kinds of applications and appeals; clarify the meaning of certain Planning Code sections; and adopt findings, including findings under the California Environmental Quality Act and Planning Code, Section 302, and findings of consistency with the General Plan and Planning Code, Section 101.1.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings. The Board of Supervisors finds and declares as follows:

(a) The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130062, and is incorporated herein by reference.

(b) On November 29, 2012, the Planning Commission, in Resolution No. 18750, approved and recommended for adoption by the Board this legislation and adopted findings that it is consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 130062, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this legislation will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18750, and incorporates such reasons herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Sections 102.5, 121.2, 121.4, 132, 132.1, 134, 136, 139, 145.4, 151.1,155, 156, 163, 171, 176, 178, 186, 201, 206.3, 207.6, 209.8, 212, 218, 218.1, 218.2, 219, 227, 235, 249.5, 249.23, 249.33, 249.52, 249.54 249.60, 249.63, 249.65, 270, 303, 304, 307, 309, 309.2, 312, 352, 355, 415.5, 416.3, 419.1, 419.5, 423.3, 423.5, 424.6.2, 429.3, 429.5, 606, 607, 608.13, 702.1, 702.3, 702.4, 703.2, 703.3, 710, 711, 712, 713, 714, 714.1, 715, 716, 717, 718, 719. 720, 721, 722, 723, 724, 725, 726, 727, 728, 728.1, 729, 729.1, 730, 731, 732, 733, 733A, 734.1, 735, 736.1, 737, 737.1, 738, 740, 780.3, 781.1, 781.5, 786, 790.22, 790.55, 790.60, 790.90, 790.91, 790.123, 802.2, 803.2, 803.3, 803.6, 803.7, 803.9, 810, 811, 812, 815, 823, 825, 827, 829, 890.60, 890.123, 890.124, 911, and 916, to read as follows:

SEC. 102.5. DISTRICT.

A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The classes of use districts are described in Section 201 of this Code. ~~*The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1,*~~

~~*RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-O, C-3-O(SD), C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall refer to all RED, RSD, SLR, SLI, or SSO Districts named in Section 802.1. The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU Districts named in Section 802.1. The term "DTR District" or "Downtown Residential District" shall refer to any Downtown Residential District identified by street or area name in Section 825, 827, 828, and 829. The term "PM District" or "Parkmerced District" shall refer to any PM-R, PM-MU1, PM-MU2, PM-S, PM-CF, or PM-OS District named in Section 249.64. The terms "TI District" and "YBI District" shall refer to any TI-R, TI-MU, TI-OS, TI-PCI, YBI-R, YBI-MU, YBI-OS, YBI-PCI, as set forth in Section 249.52.*~~

SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL DISTRICTS.

(a) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses of the same size or larger than the square footage stated in the table below may be permitted only as conditional uses subject to the provisions set forth in

Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	*Use* ~~*Lot*~~ Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Pacific Avenue	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Polk Street	
Sacramento Street	
Union Street	
24th Street-Mission *NCT*	
24th Street-Noe Valley	
West Portal Avenue	
NC-1, NCT-1	3,000 sq. ft.
Broadway	

Hayes-Gough *NCT*	
Upper Market Street	
Upper Market Street *NCT*	
Valencia Street	
NC-2, NCT-2, SoMa *NCT*, Ocean Avenue *NCT*, Glen Park *NCT*	4,000 sq. ft.
NC-3, NCT-3, Mission Street	6,000 sq. ft.
NC-S	

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

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

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

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

(b) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	*Use* ~~*Lot*~~ Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

SEC. 121.4. USE SIZE LIMITS (NON-RESIDENTIAL), MIXED USE DISTRICTS.

In order to protect and maintain small scale use within an historically significant area and to conserve neighborhood-serving uses in Chinatown, commercial uses which exceed the use size limits up to the maximum limits stated in the table below shall be permitted only as conditional uses subject to the provisions set forth in Section 303 of this Code. The use area shall be measured as the gross floor area for each individual commercial use. Individual commercial uses above the maximum limit shall not be permitted.

District	Use Size Maximum	Use Size Limit
Chinatown Visitor	5,000 sq. ft.	2,500 sq. ft.
Chinatown Residential Neighborhood Commercial	4,000 sq. ft.	2,500 sq. ft.
Chinatown Community Business	None	5,000 sq. ft.

In the Chinatown Visitor Retail District, the use size limit shall not apply to ~~*full-service* restaurants~~ *Restaurants* as defined in Section ~~*890.92*~~ *790.91*.

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

. . .

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

. . .

(i) Planned Unit Developments.

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

(1) Where ground floor setbacks are required, landscaping is also required in the setbacks per Section 132(g). All building setback areas not occupied by steps, porches or other permitted obstructions shall be permeable as defined in Section 102.33. Setbacks

should be designed to provide access to landscaped areas, encouraging active use by residents.

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

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

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

. . .

SEC 132.1 SETBACKS AND STREETWALL ARTICULATION: C-3 DISTRICTS.

. . .

(c) C-3-O(SD) District.

(1) **Streetwall Base.** In order to establish an appropriate street wall in relation to the width of the street and to adjacent structures and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together with unrelieved vertical rise, new buildings taller than 150 feet on development lots in the C-3-O(SD) district facing a street wider than 35 feet shall establish a distinctive streetwall, even where no distinct

cornice line or streetwall exists, at a height between 50 and 110 feet for not less than 40 percent of the linear frontage of all street frontages of such development lot. Such streetwall shall be established, by an upper story setback or by a combination of upper story setback and horizontal projection (either occupied or decorative, as allowed in Section 136), creating horizontal relief totaling at least 10 feet ~~*as indicated in Figure 132.1B*~~, however the upper story setback shall not be less than 5 feet. In the New Montgomery-Mission-Second Street Conservation District, such streetwall height shall be set by the prevailing cornice line of the buildings on the subject block face and the minimum dimension of the upper story setback shall be increased to not less than 15 feet. Exceptions to this subsection (c)(1) may be allowed in accordance with the procedures of Section 309 if the Planning Commission affirmatively determines that all of the following criteria have been met:

~~(i)~~ *(A)* the design of the proposed project successfully creates a clearly defined building base that establishes or maintains an appropriate streetwall at the height or height range described above,

~~(ii)~~ *(B)* the base is not defined solely by recessing the base,

~~(iii)~~ *(C)* the overall building mass tapers or steps away from the street above the streetwall reducing any sense of unrelieved vertical rise directly from the sidewalk edge, and

~~(iv)~~ *(D)* the overall architectural expression of the proposed project is exceptional, unique, and consistent with the intent of the streetwall requirement.

(2) **Pedestrian Zone.** In order to establish an appropriate and inviting relationship to the pedestrian realm at street level and create visual and varied interest for pedestrians, all new structures in the C-3-O(SD) district shall incorporate architectural features, awnings, marquees, or canopies, that project from the building face at least one foot

at height of between 15 and 25 feet above grade, for at least 20 percent of the linear frontage of all street facing facades.

(3) **Building Setbacks.** In order to provide necessary and sufficient area for pedestrian circulation, building facades on new development facing certain street frontages are required to be setback from the street-facing property line.

(A) Building setbacks are required on the following frontages:

(i) Mission Street, south side, between 1st and Fremont Streets (minimum 12.5 feet).

(B) A setback of up to 10 feet may be required by the Planning Commission pursuant to the procedures of Section 309 on the following streets if the Commission finds that such setback is necessary, desirable and will not result in an undesirable sawtooth condition of building frontages along the sidewalk due to existing intervening building between the subject lot and the nearest street corner:

(i) Mission Street, north side between 1st Street and Anthony Street;

(ii) 1st Street, west side between Mission and Stevenson Streets;

(iii) Howard Street, north side, between 1st and 2nd Streets.

(C) **Design Requirements.** Setbacks provided pursuant to this subsection (3) shall be:

(i) Designed and treated as a seamless extension of the adjacent public sidewalk, providing for pedestrian circulation and/or other activities typically expected on a public sidewalk;

(ii) Free and clear of all permanent building elements from sidewalk grade to a minimum height of 35 feet above sidewalk grade, except as otherwise

allowed as obstructions over streets according to Section 136 or as allowed by the Planning Department as an exception according to the procedures of Section 309, and

(iii) Available to the public.

(D) The area of setbacks provided pursuant to this subsection (3) shall be counted toward the open space requirements of Section 138. If the subject development does not rely on this area to meet its Section 138 requirements, and the area of the setback is dedicated in fee title to the City for public use or, under exceptional circumstances, dedicated to the City via easement for public use, the value of the setback may be credited as an in-kind improvement toward the satisfaction of the development's fee requirements per Sections 424.6 or 424.7.

. . .

~~(d)~~ *(e)* **Permitted Obstructions.** Obstructions above the horizontal plane or planes of the setback required pursuant to Subsections (a), (b), (c) and (d) which will create limited blockage of light and air and which will not be inconsistent with the purpose of the setback may be permitted within the setback area, in accordance with the provisions of Section 309. Such obstructions may include, but are not limited to, open railings, decorative spires and finials, flagpoles and flags, sparse landscaping, unroofed recreation facilities with open fencing, and unenclosed seating areas.

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

The rear yard requirements established by this Section 134 shall apply to every building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection (a), except those buildings which contain only single room occupancy (SRO) or live/work units and except in the Bernal Heights Special Use District and Residential Character Districts to

the extent these provisions are inconsistent with the requirements set forth in Section 242 of this Code. With the exception of dwellings in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts containing only SRO units, the rear yard requirements of this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

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

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

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

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

[Figure omitted; no changes to figure]

(C) **RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough** *NCT*, **Upper Market Street,** *Upper Market Street NCT*, **SoMa** *NCT*, **Mission Street** *NCT*, **Polk Street,** *Pacific Avenue*, **C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR, MUG, MUO, and UMU Districts.** Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for dwelling units per Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

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

(2) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts.** The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is

situated, except to the extent that a reduction in this requirement is permitted by Subsection (c) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building.

[Figure omitted; no changes to figure]

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

Streets and Alleys	Set-backs	Yards	Usable Open Space	
x	x			. . . (12) Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR, *PDR* and SSO districts, and for Limited Commercial Uses in Residential and RTO Districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;

SEC. 139. STANDARDS FOR BIRD-SAFE BUILDINGS.

(a) Purpose. The purpose of this Section is to establish Bird-Safe Standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated by this Section are 1) location-related hazards, where the siting of a structure creates increased risk to birds and 2) feature-related hazards, which may create

increased risk to birds regardless of where the structure is located. Location-related hazards are created by structures that are near or adjacent to large open spaces and/or water. When structures are located in such an area, the portion of the structure most likely to sustain bird-strikes requires facade treatments. Even if a structure is not located near a ~~locational~~ *locational* hazard, particular building features also may create a hazard for birds. Structures that create such a feature-related hazard are required to treat all of the feature-related hazard. While these controls do not apply retroactively, the purpose of these controls is to ensure that new construction ~~*that*~~ is bird-safe and to decrease existing bird-hazards over time.

(b) Definitions.

(1) Bird-Safe Glazing Treatment. Bird-Safe Glazing Treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. To qualify as Bird-Safe Glazing Treatment vertical elements of window patterns should be at least 1/4 inch wide at a *maximum* ~~*minimum*~~ spacing of 4 inches or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches.

(2) Bird Hazard. Specific circumstances that create a hazard for birds due to either the location of the building or due to specific building features that increase the risk of bird-building collisions as described under (c) below.

(c) Controls. The following Bird-Safe Standards shall apply to: 1) new construction, 2) building additions that create a Bird Hazard, or 3) the replacement of 50% or more of the glazing on an existing Bird Hazard. Additions to existing buildings subject to this subsection are required only to treat the new building addition. Bird Hazards consist of: 1) location-related hazards and 2) feature-related hazards and the standards specified below shall apply to structures that present these hazards. These controls shall apply to all structures subject to this Section regardless of whether the ownership or use is public or private.

(1) **Location-Related Standards.** These standards apply to buildings located inside of open spaces two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water (hereinafter an Urban Bird Refuge). These standards also shall apply to buildings less than 300 feet from an Urban Bird Refuge if such buildings are in an unobstructed line to the refuge. The standards are as follows:

(A) **Facade Requirement.** Bird-Safe Glazing Treatment is required such that the Bird Collision Zone, as defined below, facing the Urban Bird Refuge consists of no more than 10% untreated glazing. Building owners are encouraged to concentrate permitted transparent glazing on the ground floor and lobby entrances to enhance visual interest for pedestrians. The Bird Collision Zone shall mean the portion of buildings most likely to sustain bird-strikes from local and migrant birds in search of food and shelter and includes:

(i) The building facade beginning at grade and extending upwards for 60 feet, or

(ii) Glass facades directly adjacent to landscaped roofs 2 acres or larger and extending upwards 60 feet from the level of the subject roof.

(B) **Lighting.** Minimal lighting shall be used. Lighting shall be ~~*shielding*~~ *shielded*. No uplighting shall be used. No uplighting shall be used. Event searchlights are ~~*be*~~ prohibited on property subject to these controls.

(C) **Wind Generation.** Wind generators in this area shall comply with the Planning Department's permitting requirements, including any monitoring of wildlife impacts that the Department may require.

(2) **Feature-Related Standards.** Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards

can occur throughout the City. Any structure that contains these elements shall treat 100% of the glazing on Feature-Specific hazards.

(3) **Exceptions**. Certain exceptions apply to this Section as set forth below.

(A) **Certain Exceptions for Location-Related Standards to be Applied to Residential Buildings Within R-Districts.**

(i) **Limited Glass Facade.** Residential buildings within R-Districts that are less than 45 feet in height and have an exposed facade comprised of less than 50% glass are exempt from new or replacement facade glazing requirements included in Section 139(c)(1) Location-Related Standards.

(ii) **Substantial Glass Facade.** Residential buildings that are less than 45 feet in height but have a facade with surface area composed of more than 50% glass, shall provide glazing treatments as described in Section 139(c)(1)(A) for 95% of all large, unbroken glazed segments that are 24 square feet and larger.

(B) **General Exceptions for Historic Buildings**. Treatment of replacement glass facades for structures designated as City landmarks or within landmark districts pursuant to Article 10 of the Planning Code, or any building Category I-IV or Category V within a Conservation District pursuant to Article 11 of the Planning Code, shall conform to Secretary of Interior Standards for Rehabilitation of Historic Properties. Reversible treatment methods such as netting, glass films, grates, and screens are recommended. Netting or any other method demonstrated to protect historic buildings from pest species that meets the Specifications for Bird-Safe Glazing Treatment stated above also may be used to fulfill the requirement.

(C) **General Waivers and Modifications.** The Zoning Administrator may either waive the requirements contained within Section 139(c)(1) and Section 139(c)(2)

or modify such requirements to allow equivalent Bird-Safe Glazing Treatments upon the recommendation of a qualified biologist.

SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose:** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section apply to the following street frontages.

(1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827;

(2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial Special Use District;

(3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use District, from Fell Street to Market Street;

(4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown Residential Special Use District;

(5) Market Street, for the entirety of the Van Ness and Market Downtown Residential Special Use District;

(6) 3rd Street, in the UMU districts for parcel frontages wholly contained within 100 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;

(7) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;

(8) Hayes Street, for the entirety of the Hayes-Gough NCT;

(9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;

(10) Market Street, for the entirety of the NCT-3, Upper Market NCD, and Upper Market NCT Districts;

(11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

(12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2 District;

(13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District;

(14) Mission Street, for the entirety of the Mission Street NCT District;

(15) 24th Street, for the entirety of the 24th Street-Mission NCT;

(16) 16th Street, between Guerrero and Capp Streets;

(17) 22nd Street, between Valencia and Mission Streets;

(18) 6th Street for its entirety within the SoMa NCT District;

(19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the north side of Ocean Avenue between Plymouth and Brighton Avenues;

(20) Geneva Avenue, between I-280 and Delano Avenue within the NCT-2 District;

(21) Fillmore Street, in the NC-3 District from Bush Street to McAllister Street;

(22) Diamond Street, for the entirety of the Glen Park NCT District;

(23) Chenery Street, for the entirety of the Glen Park NCT District~~.~~;

(24) Geneva Avenue, between I-280 and Delano Avenue within the NCT-1 District.

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

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	*Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted*
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling units in C-3 *or* ~~*and*~~ SB-DTR, Districts, except as specified below	P up to one car for each four dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 *or* ~~*and*~~ SB-DTR, Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dwelling units.
Dwelling units and SRO units in SLI, SSO, MUG, MUR, MUO, SPD Districts, except as specified below	P up to one car for each four dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
Dwelling units in SLI, SSO, MUG, MUR, MUO, SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.

Dwelling units and SRO units in NCT, C-M, RSD, and SLR Districts and the Upper Market Street NCD, except as specified below	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
Dwelling units in the Ocean Avenue NCT Districts and Glen Park NCT District	P up to one car for each unit; NP above.
Dwelling units and SRO units in RTO and RED Districts, except as specified below	P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.
Dwelling units and SRO units in UMU Districts, except as specified below	P up to 0.75 cars for each dwelling unit; NP above.
Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to 1 car for each dwelling unit and subject to the conditions of 151.1(g); NP above.
Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
All non-residential uses in C-3 and C-M Districts	Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.
Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.
Motel	P up to one for each guest unit, plus one for the manager's dwelling unit, if any.
Hospital or other inpatient medical institution	P up to one for each 8 guest beds excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement.

Residential care facility	P up to one for each 10 residents.
Child care facility	P up to one for each 25 children to be accommodated at any one time.
Elementary school	P up to one for each six classrooms.
Secondary school	P up to one for each two classrooms.
Post-secondary educational institution	P up to one for each two classrooms.
Church or other religious institutions	P up to one for each 20 seats.
Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.
Stadium or sports arena	P up to one for each 15 seats.
Medical or dental office or outpatient clinic	P up to one for each 300 square feet of occupied floor area.
All office uses in C-3, DTR, C-M, SSO, SPD, MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.
Office uses in M-1, UMU, PDR-1-D, and PDR-1-G Districts, except as specified below	P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.
Office uses in M-1, UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd Streets and 4th Street north of Berry Street	P up to one car per 500 square feet of gross floor area; NP above.
Non-residential uses in RTO and RM districts permitted under Section 231.	None permitted.
All non-residential uses in NCT, RSD, and SLR districts and the Upper Market NCD, except for retail grocery stores with over 20,000 gross square feet as specified below	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(g) NP above.

Retail grocery store uses in NCT, RSD, and SLR districts and the Upper Market Street NCD with over 20,000 square feet of occupied floor area	P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g) C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.
All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than 1/4 mile from Market, Mission, 3rd Streets and 4th Street north of Berry Street, except grocery stores of over 20,000 gross square feet.	P up to one for each 1,500 square feet of gross floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other restaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise	P up to one for each 200 square feet of occupied floor area. In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	P up to one for each 1,000 square feet of occupied floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other greenhouse or plant nursery	P up to one for each 4,000 square feet of occupied floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space	P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.
Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	P up to one for each 1,000 square feet of occupied floor area.
Mortuary	P up to five.

Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	P up to one for each 2,000 square feet of occupied floor area.
Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area. In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).
Laboratory	P up to one for each 1,500 square feet of occupied floor area.
Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.
Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.

. . .

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

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

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

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

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

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

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

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

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

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

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

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

(A) For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by

mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands. The Planning Commission may authorize the request for additional parking notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing buildings) in the use of space-efficient parking given the configuration of the parking floors within the building and the number of independently accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or other form of parking space management could not significantly increase the capacity of the parking space above the maximums in Table 151.1;

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

(C) The findings of ~~*Section 151.1 (d)(2), (d)(3) and (d)(5)*~~ *Section 151.1(e)(1)(B), (e)(1)(C) and (e)(1)(E)* are satisfied;

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

(2) Additionally, in granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership,

provided that such requirement shall be limited to one membership per dwelling unit, when the findings set forth in Section 151.1(e)(2) are made.

. . .

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

. . .

(r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-accessible streets and alleys) shall be regulated on development lots as follows on the following street frontages:

(1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as set forth in Section 827.

(2) Not permitted:

(A) The entire portion of Market Street from The Embarcadero to Castro Street,

(B) Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3 and Upper Market NCT Districts,

(C) Van Ness Avenue from Hayes Street to Mission Street,

(D) Mission Street from The Embarcadero to Annie Street and from 10th Street to Division Street,

(E) Octavia Street from Hayes Street to Fell Street,

(F) Embarcadero in the DTR Districts,

(G) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,

(H) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT District,

(I) Mission Street for the entirety of the Mission Street NCT District,

(J) 24th Street for the entirety of the 24th Street-Mission NCT,

(K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT and Mission Street NCT Districts,

(L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts,

(M) 6th Street for its entirety within the SoMa NCT District,

(N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI and MUO District,

(O) Ocean Avenue within the Ocean Avenue NCT District,

(P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,

(Q) Columbus Avenue between Washington and North Point Streets,

(R) Broadway from the Embarcadero on the east to Polk Street on the west, and

(S) All alleyways in the Chinatown Mixed Use Districts,

(T) Diamond Street within the Glen Park NCT District,

(U) Chenery Street within the Glen Park NCT District,

(~~T~~ V) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,

(~~U~~ W) Ecker Alley in its entirety,

(~~V~~ X) Shaw Alley in its entirety,

(~~W~~ Y) 2nd Street from Market to Folsom Streets.

(3) Not permitted except with a Conditional Use authorization, except that in the C-3-O(SD) District, the Planning Commission may grant such permission as an exception pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of parking proposed does not exceed the amounts permitted as accessory according to Section 151.1.

(A) The entire portion of California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts,

(B) Grant Avenue from Market Street to Bush Street,

(C) Montgomery Street from Market Street to Columbus Avenue,

(D) Haight Street from Market Street to Webster Street,

(E) Church Street and 16th Street in the RTO District,

(F) Duboce Street from Noe Street to Market Street,

(G) Duboce Street from Noe Street to Market Street,

(H) Octavia Street from Fell Street to Market Street, and

(I) 1st, Fremont and Beale Streets from Market to Folsom Street.

(4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street. Where an alternative

frontage is not available, parking or loading access along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on streets not listed in subsection (2) above as an exception in the manner provided in Section 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

(5) A "development lot" shall mean any lot containing a proposal for new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking. Pre-existing access to off-street parking and loading on development lots that violates the restrictions of this Section 155(r) may not be maintained.

. . .

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

(b) Where parking lots are specified in Articles 2 or 7 of this Code as a use for which conditional use approval is required in a certain district, such conditional use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to all parking lots whether classified as accessory, principal or conditional uses.

(c) In considering any *conditional use* application ~~*for a conditional use*~~ for a parking lot for a specific use or uses~~,~~ where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the Planning Commission shall consider the criteria set forth in Section 157.

(d) Any vehicle use area that is less than 25 linear feet adjacent to a public right-of-way or *is a* parking lot for the parking of two or more automobiles which adjoins a lot in any R District, or which faces a lot in any R District across a street or alley, shall be screened from view therefrom, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

. . .

(f) All artificial lighting used to illuminate a parking lot for any number of automobiles in any District shall be ~~so~~ arranged *so* that all direct rays from such lighting fall entirely within such parking lot.

. . .

(k) **Street Tree Requirement.** All parking lots shall meet the street tree requirements specified in Section *138.1(c)(1)*~~143~~.

(l) The conditions of approval for the extension an existing parking lot in the C-3-O(SD) District shall include the following:

~~(A)~~ *(1)* a minimum of one parking space for car sharing vehicles meeting all of the requirements in Section 166 for every 20 spaces in said lot;

~~(B)~~ *(2)* a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of frontage in a highly visible area on the property adjacent to a public sidewalk or shall attain approval from the appropriate City agencies to install such bicycle parking on a public sidewalk on the same block;

~~(C)~~ *(3)* interior landscaping compliant with the requirements in subsection (j)

above, provided that if a site permit has been approved by the Planning Department for construction of building on the subject lot that would replace the parking lot in less than 2 years, the trees may be planted in movable planters and the lot need not provide permeable surfaces described in subsection (j).

SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION BROKERAGE SERVICES IN C-3, EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF MARKET MIXED USE DISTRICTS.

. . .

(b) **Applicability.** The requirements of this Section apply to any project meeting one of the following conditions:

(1) In the C-3, Eastern Neighborhoods, Mixed Use and South of Market Mixed Use Districts, projects where the gross square feet of new construction, conversion, or added floor area for office use equals at least 100,000 square feet;

(2) In the C-3-O(SD) District, where new construction, conversion, or added floor area for residential use equals at least 100,000 square feet ~~*equals at least*~~ *or* 100 dwelling units;

(3) In the C-3-O(SD) District, projects where the gross square feet of new construction or added floor area for any non-residential use equals at least 100,000 square feet; or

(4) In the case of the SSO or MUO District, where the gross square feet of new, conve rted or added floor area for office use equals at least 25,000 square feet.

. . .

SEC. 171. COMPLIANCE OF USES REQUIRED.

Except as otherwise provided in this Code, structures and land in any district shall be used only for the purposes listed in this Code as permitted in that district, and in accordance with the regulations established for that district. A Permit of Occupancy shall be issued by the *Department of Building Inspection* ~~*Department of Public Works*~~ (Central Permit Bureau) to the effect that the use or proposed use of a structure or land conforms to the provisions of this and related ordinances, prior to the occupancy of any structure erected, enlarged or structurally altered, or where any vacant land is proposed to be occupied or used except for permitted agricultural uses. Such a permit shall also be issued whenever the use of any structure or land is proposed to be changed from a use first permitted in any district to a use that is more widely permitted by the use districts of the City. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a structure or land existing on the effective date of this Code, including nonconforming uses.

SEC. 176. ENFORCEMENT AGAINST VIOLATIONS.

. . .

(c) **Penalties.**

(1) **Administrative Penalties.** In the notice requiring the cessation, removal or correction of any violation of this Code, the Zoning Administrator may assess upon the responsible party an administrative penalty for each violation in an amount up to $250.00 for each day the violation continues unabated. The "responsible party" is the owner(s) of the real property on which the code violation is located, as listed in the records of the San Francisco Assessor, and the current leaseholder if different from the current owner(s) of the real property.

The responsible party may request a Zoning Administrator's hearing in order to show cause why the notice requiring the cessation, removal or correction of the violation and any assessment of administrative penalties is in error and should be rescinded. The Zoning Administrator may designate a member of Department staff to act as the hearing officer in his or her place. The Department shall send a notice of the date, hour, and place of the hearing to the responsible party at the address specified in the request for hearing and to any member of the public who has expressed an interest in the matter.

The responsible party may also request that the Zoning Administrator terminate abatement proceedings under Section 176 and refer the matter to the Director for enforcement action under the process set forth in Section 176.1 of this Code. If the Zoning Administrator determines that the enforcement case will proceed under Section 176, that determination shall be made as part of the final written decision and is not appealable separately from the decision on the merits.

The responsible party may waive the right to a Zoning Administrator's hearing and proceed directly to an appeal to the Board of Appeals under Section 308.2 of this Code. Administrative penalties shall not accrue during the period of time that the matter is pending before the Zoning Administrator on a request for hearing or before the Board of Appeals on appeal. If the responsible party elects to request a Zoning Administrator's hearing, the request for hearing must be in writing and submitted to the Zoning Administrator prior to ~~*expiration of the time for appeal of the Zoning Administrator's determination to the Board of Appeals*~~ *the expiration date of the Notice of Violation and Penalty*. If a request for a Zoning Administrator's hearing is timely filed, any appeal to the Board of Appeals shall be from the decision of the Zoning Administrator rendered after the hearing.

The Zoning Administrator or the Zoning Administrator's designee, after a full and fair consideration of the evidence and testimony received at the hearing, shall render within thirty days following the conclusion of the hearing a written decision that either rescinds the notice of violation and dismisses the proceedings, upholds the original decision, or modifies the original decision. In rendering a decision, the Zoning Administrator or the Zoning Administrator's designee shall consider:

(A) whether the responsible party was properly identified;

(B) whether the accrual dates for the administrative penalties are accurate;

(C) the amount of documented staff time spent in order to secure abatement of the violation;

(D) the nature of the violation;

(E) the duration of the violation;

(F) efforts made by the responsible party to correct the violation;

(G) the impact of the violation upon the community;

(H) any instance in which the responsible party has been in violation of the same or similar laws at the same or other locations in the City and County of San Francisco;

(I) the responsible party's good faith efforts to comply;

(J) whether the violation is easy to correct; and

(K) such other factors as the Zoning Administrator or his or her designee may consider relevant.

In hearing any appeal of the Zoning Administrator's determination, the Board of Appeals shall consider the above factors. If the Board upholds the Zoning Administrator's decision in whole or in part but reduces the amount of the penalty, it may not reduce the amount of the penalty

below $100.00 for each day that the violation exists, excluding the period of time that the matter has been pending either before the Zoning Administrator on a request for hearing or before the Board of Appeals on appeal.

The provision of administrative penalties is not intended to be punitive in nature but is intended to secure compliance with the Planning Code and to compensate the City for its costs of enforcement.

(2) **Civil Penalties.** Any individual, firm, partnership, corporation, company, association, society, group or other person or legal entity that violates any provision of this Code shall be liable for the City's costs of enforcement and a civil penalty, of not less than $200.00 for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction. The City Attorney may seek recovery of any attorneys' fees and costs, including but not limited to expert witness fees, incurred by the City in bringing such civil action. For civil actions to enforce Municipal Code provisions related to general advertising signs, the penalties, attorneys' fees and costs set forth in this Section 176 shall be in addition to those authorized by Section 610 of this Code.

(3) **Criminal Penalties.** Any individual, firm, partnership, corporation, company, association, society, group or other person or legal entity that violates any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than $200.00 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(4) **Planning Code Enforcement Fund.** Any fees and penalties collected pursuant to this Section 176 shall be deposited in the Planning Code Enforcement Fund

established by Administrative Code Section 10.100-166. The Planning Department, through the Planning Code Enforcement Fund, shall reimburse City departments and agencies, including the City Attorney's Office, for all costs and fees incurred in the enforcement of this Section 176.

. . .

SEC. 178. CONDITIONAL USES.

The following provisions shall apply to conditional uses:

. . .

(f) Notwithstanding the foregoing provisions of this Section 178, a structure occupied by a permitted conditional use that is damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy, may be restored to its former condition and use without the approval of a new conditional use application, provided that such restoration is permitted by the Building Code, and is started within ~~*one year*~~ *18 months* and diligently pursued to completion. Except as provided in Subsection (g) below, no structure occupied by a permitted conditional use that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

(g) None of the provisions of this Section 178 shall be construed to prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the proposed measures have been declared necessary, by such official, to correct the said condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section.

SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS.

The purpose of this Section is to provide for the further continuance in RH, RM, RTO, and RED Districts of nonconforming uses of a limited commercial and industrial character, as herein described, which are beneficial to, or can be accommodated within, the residential areas in which they are located. It is hereby found and declared that, despite the general incompatibility of nonconforming uses with the purposes of this Code, and with other nearby uses, these limited commercial uses may be tolerated in residential areas, and tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes or, within the South of Market RED Districts, tend to provide jobs and continuation of small scale service and light industrial activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a minimum of interference with nearby streets and properties. Accordingly, this Section recognizes the public advantages of these uses and establishes conditions for their continued operation.

(a) The following nonconforming uses in R Districts shall be exempt from the termination provisions of Section 185, provided such uses comply with all the conditions specified in Subsection (b) below:

(1) Any nonconforming use at any story in an *RTO,* RH or RM District which is located more than ¼ mile from the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, and which complies with the use limitations specified for the first story and below of an NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code.

(2) Any nonconforming use in an RH or RM District which is located within ¼ mile from any Individual Area Neighborhood Commercial District or restricted use subdistrict and which complies with the most restrictive use limitations specified for the first story and below of:

(A) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and

(B) Any Individual Area Neighborhood Commercial District within ¼ mile of the use, as set forth in Sections 714.10 through 729.95 of this Code;

(C) Any Restricted Use Subdistrict within ¼ mile of the use, as set forth in Sections 781 through 781.7 of this Code.

(3) In the RED Districts, any nonconforming use which is a personal service use falling within zoning category 816.31; home and business service use falling within zoning categories 816.42 through 816.47; live/work unit falling within zoning category 816.55; wholesale sales, storage or light manufacturing uses falling within zoning categories 816.64 through 816.67.

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SEC. 201. CLASSES OF USE DISTRICTS.

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

Public Use (P) Districts *(Defined in Sec. 234)*	
Residential (R) Districts *(Defined in Sec. 206)*	
RH-1(D)	Residential, House Districts, One-Family

	(Detached Dwellings) *(Defined in Sec. 206.1)*
RH-1	Residential, House Districts, One-Family *(Defined in Sec. 206.1)*
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit *(Defined in Sec. 206.1)*
RH-2	Residential, House Districts, Two-Family *(Defined in Sec. 206.1)*
RH-3	Residential, House Districts, Three-Family *(Defined in Sec. 206.1)*
RM-1	Residential, Mixed Districts, Low Density *(Defined in Sec. 206.2)*
RM-2	Residential, Mixed Districts, Moderate Density *(Defined in Sec. 206.2)*
RM-3	Residential, Mixed Districts, Medium Density *(Defined in Sec. 206.3)*
RM-4	Residential, Mixed Districts, High Density *(Defined in Sec. 206.3)*
RTO	*Residential, Transit-Oriented Neighborhood (Defined in Sec. 206.4)*
RTO-M	*Residential, Transit-Oriented – Mission Defined in Sec. 206.5)*

Residential-Commercial Districts *(Defined in Sec. 206.3)*	
~~*RC-1*~~	~~*Residential-Commercial Combined Districts, Low Density*~~
~~*RC-2*~~	~~*Residential-Commercial Combined Districts, Moderate Density*~~
RC-3	Residential-Commercial Combined Districts, Medium Density *(Defined in Sec. 206.3)*
RC-4	Residential-Commercial Combined Districts, High Density *(Defined in Sec. 206.4)*
Neighborhood Commercial Districts (Also see Article 7) General ~~*Area*~~ ***Neighborhood Commercial*** Districts *(Defined in Sec. 702.1)*	
NC-1	Neighborhood Commercial Cluster District *(Defined in Sec. 710.1)*
NC-2	Small-Scale Neighborhood Commercial District *(Defined in Sec. 711.1)*
NC-3	Moderate-Scale Neighborhood Commercial District *(Defined in Sec. 712.1)*
NC-S	Neighborhood Commercial Shopping Center District *(Defined in Sec. 713.1)*

~~*Individual Area*~~ *Named Neighborhood Commercial* **Districts** *(Defined in Sec. 702.1)*
Broadway Neighborhood Commercial District *(Defined in Sec. 714.1)*
Castro Street Neighborhood Commercial District *(Defined in Sec. 715.1)*
Inner Clement Street Neighborhood Commercial District *(Defined in Sec. 716.1)*
Outer Clement Street Neighborhood Commercial District *(Defined in Sec. 717.1)*
Upper Fillmore Street Neighborhood Commercial District *(Defined in Sec. 718.1)*
Haight Street Neighborhood Commercial District *(Defined in Sec. 719.1)*
Inner Sunset Neighborhood Commercial District *(Defined in Sec. 730.1)*
Upper Market Street Neighborhood Commercial District *(Defined in Sec. 721.1)*
North Beach Neighborhood Commercial District *(Defined in Sec. 722.1)*
Pacific Avenue Neighborhood Commercial District *(Defined in Sec.*

732.1)	
Polk Street Neighborhood Commercial District *(Defined in Sec. 723.1)*	
Sacramento Street Neighborhood Commercial District *(Defined in Sec. 724.1)*	
Union Street Neighborhood Commercial District *(Defined in Sec.725.1)*	
24th Street-Noe Valley Neighborhood Commercial District *(Defined in Sec. 728.1)*	
West Portal Avenue Neighborhood Commercial District *(Defined in Sec. 729.1)*	
Noriega Street Neighborhood Commercial District (Defined in Sec. 739.1)	
Irving Street Neighborhood Commercial District (Defined in Sec. 740.1)	
Taraval Street Neighborhood Commercial District (Defined in Sec. 741.1)	
Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)	
Neighborhood Commercial Transit Districts (NCT) *(Defined in Sec. 702.1)*	
NCT-1	Neighborhood Commercial Transit Cluster District *(Defined in Sec. 733A.1)*

NCT-2	Small-Scale Neighborhood Commercial Transit District *(Defined in Sec. 734.1)*
NCT-3	Moderate Scale Neighborhood Commercial Transit District *(Defined in Sec. 731.1)*
~~Individual Area~~ ***Named*** **Neighborhood Commercial Transit (NCT) Districts** *(Defined in Sec. 702.1)*	
Hayes-Gough NCT *(Defined in Sec. 720.1)*	
Upper Market Street NCT *(Defined in Sec. 733.1)*	
Valencia Street NCT *(Defined in Sec. 726.1)*	
24th Street - Mission NCT *(Defined in Sec. 727.1)*	
Mission Street NCT *(Defined in Sec. 736.1)*	
SoMa NCT *(Defined in Sec. 735.1)*	
Ocean Avenue NCT *(Defined in Sec. 737.1)*	
Glen Park NCT *(Defined in Sec. 738.1)*	
Neighborhood Commercial Special Use Districts *(Defined in Sec. 702.2)*	
Lakeshore Plaza Special Use District *(Defined in Sec. 780.1)*	
Bayshore-Hester Special Use District *(Defined in Sec. 780.2)*	
North Beach Special Use District *(Defined in Sec. 780.3)*	

Taraval Street Restaurant Subdistrict *(Defined in Sec. 726)*
Mission-Harrison Special Use District *(Defined in Sec. 780.4)*
Irving Street Restaurant Subdistrict *(Defined in Sec. 781.2)*
Geary Boulevard *Formula Retail Pet Supply Store and Formula Retail Eating and Drinking* ~~*Fast Food*~~ Subdistrict *(Defined in Sec. 781.4)*
Mission Street Formula Retail Restaurant Subdistrict *(Defined in Sec. 781.5)*
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict *(Defined in Sec. 781.6)*
Chestnut Street Financial Subdistrict *(Defined in Sec. 781.7)*
Neighborhood Commercial Restricted Use Districts *and Subdistricts* *(Defined in Sec. 781)*
Irving Street Restaurant and Fast-Food Subdistrict (Defined in Sec. 781.2)
Mission Alcoholic Beverage Special Use District (Defined in Sec. 781.8
Haight Street Alcohol Special Use District (Defined in Sec. 781.9)
Third Street Alcohol Restricted Use District *(Defined in Sec. 782)*
17th and Rhode Island Street Grocery Store Special Use District (Defined in Sec. 781.10)

Divisadero Street Alcohol Restricted Use District *(Defined in Sec. 783)*	
Lower Haight Street Alcohol Restricted Use District *(Defined in Sec. 784)*	
Excelsior Alcohol Restricted Use District *(Defined in Sec. 785)*	
Lower Haight Street Tobacco Paraphernalia Restricted Use District *(Defined in Sec. 786)*	
Fringe Financial Service Restricted Use District *(Defined in Sec. 249.35)*	
Commercial Districts *(Defined in Sec. 210)*	
~~*C-1*~~	~~*Neighborhood Shopping Districts*~~
C-2	Community Business Districts *(Defined in Sec. 210.2)*
C-M	Heavy Commercial Districts *(Defined in Sec. 210.4)*
C-3-O	Downtown Office District *(Defined in Sec. 210.3)*
C-3-R	Downtown Retail District *(Defined in Sec. 210.3)*
C-3-G	Downtown General Commercial District *(Defined in Sec. 210.3)*

C-3-S	Downtown Support District *(Defined in Sec. 210.3)*
Industrial Districts *(Defined in Sec. 210 and Sec 802.4)*	
M-1	Light Industrial Districts *(Defined in Sec. 210.5)*
M-2	Heavy Industrial Districts *(Defined in Sec. 210.6)*
Production Distribution Repair (PDR) Districts Category (Defined in Sec. 210.7)	
PDR-1-B	Production Distribution and Repair - Light Industrial Buffer *(Defined in Sec. 210.8)*
PDR-1-D	Production Distribution and Repair - Design *(Defined in Sec. 210.9)*
PDR-1-G	Production Distribution and Repair – General *(Defined in Sec. 210.10)*
PDR-2	Core Production Distribution and Repair - Bayview *(Defined in Sec. 210.11)*
**Chinatown Mixed Use Districts (Also see ~~*Article 8*~~ *Sec. 802.3)*	
CCB	Chinatown Community Business District *(Defined in Sec. 810.1)*
CR/NC	Chinatown Residential/Neighborhood Commercial District *(Defined in Sec. 812.1)*

CVR	Chinatown Visitor Retail District *(Defined in Sec. 811.1)*
South of Market Use Mixed Use Districts (Also see ~~*Article 8*~~ *Sec. 802.5)*	
RED	Residential Enclave Districts *(Defined in Sec. 813)*
RSD	Residential Service District *(Defined in Sec. 815)*
SLR	Service/Light Industrial/Residential District *(Defined in Sec. 816)*
SLI	Service/Light Industrial District *(Defined in Sec. 817)*
SSO	Service/Secondary Office District *(Defined in Sec. 818)*
Eastern Neighborhoods Mixed Use Districts (Also see ~~*Article 8*~~ *Sec. 802.4*)	
SPD	South Park District *(Defined in Sec. 814)*
MUG	Mixed Use - General *(Defined in Sec. 840)*
MUO	Mixed Use - Office *(Defined in Sec. 842)*
MUR	Mixed Use - Residential *(Defined in Sec. 841)*
UMU	Urban Mixed Use *(Defined in Sec. 843)*
Downtown Residential Districts	

(Also see *~~Article 8~~* *Sec. 802.6*)	
RH-DTR	Rincon Hill Downtown Residential *(Defined in Sec 827)*
SB-DTR	South Beach Downtown Residential *(Defined in Sec 829)*
TB-DTR	Transbay Downtown Residential District *(Defined in Sec 828)*
Mission Bay Districts **(Also see *~~Article 9~~* *Sec. 902*)**	
MB-R-1	Mission Bay Lower Density Residential District *(Defined in Sec 906)*
MB-R-2	Mission Bay Moderate Density Residential District *(Defined in Sec 907)*
MB-R-3	Mission Bay High Density Residential District *(Defined in Sec 908)*
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District *(Defined in Sec 909)*
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District *(Defined in Sec 910)*
MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District *(Defined in Sec 911)*

MB-O	Mission Bay Office District *(Defined in Sec 912)*
MB-CI	Mission Bay Commercial-Industrial District *(Defined in Sec 913)*
MB-H	Mission Bay Hotel District *(Defined in Sec 914)*
MB-CF	Mission Bay Community Facilities District *(Defined in Sec 915)*
MB-OS	Mission Bay Open Space District *(Defined in Sec 916)*
Parkmerced Districts (Also see Section 249.64)	
PM-R	Parkmerced Residential District *(Defined in Sec 249.64(b)(2)(i))*
PM-MU1	Parkmerced Mixed Use - Social Heart District*(Defined in Sec 249.64(b)(2)(ii))*
PM-MU2	Parkmerced Mixed Use - Neighborhood Commons*(Defined in Sec 249.64(b)(2)(iii))*
PM-S	Parkmerced School District *(Defined in Sec 249.64(b)(2)(iv))*
PM-CF	Parkmerced Community/Fitness District*(Defined in Sec 249.64(b)(2)(v))*
PM-OS	Parkmerced Open Space District*(Defined in Sec*

	249.64(b)(2)(vi))
Treasure Island and Yerba Buena Island Districts (Also see Section 249.52)	
TI-R	Treasure Island-Residential *(Defined in Sec 249.52)*
TI-MU	Treasure Island-Mixed Use *(Defined in Sec 249.52)*
TI-OS	Treasure Island-Open Space *(Defined in Sec 249.52)*
TI-PCI	Treasure Island-Public/Civic/Institutional *(Defined in Sec 249.52)*
YBI-R	Yerba Buena Island-Residential *(Defined in Sec 249.52)*
YBI-MU	Yerba Buena Island-Mixed Use *(Defined in Sec 249.52)*
YBI-OS	Yerba Buena Island-Open Space *(Defined in Sec 249.52)*
YBI-PCI	Yerba Buena Island-Public/Civic/Institutional *(Defined in Sec 249.52)*

SEC. 206.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

These districts are intended to recognize, protect, conserve and enhance areas characterized

by structures combining residential uses with neighborhood-serving commercial uses. The predominant residential uses are preserved, while provision is made for supporting commercial uses, usually in or below the ground story, which meet the frequent needs of nearby residents without generating excessive vehicular traffic. The RC Districts are composed of *two* ~~*four*~~ separate districts, as follows:

~~***RC-1 Districts: Low Density.*** *These districts are no longer in use.*~~

~~***RC-2 Districts: Moderate Density.*** *These districts are no longer in use.*~~

RC-3 Districts: Medium Density. These districts provide for a mixture of medium-density dwellings similar to those in RM-3 Districts, with supporting commercial uses. Open spaces are required for dwellings in the same manner as in RM-3 Districts, except that rear yards need not be at ground level and front setback areas are not required.

RC-4 Districts: High Density. These districts provide for a mixture of high-density dwellings similar to those in RM-4 Districts with supporting commercial uses. Open spaces are required for dwellings in the same manner as in RM-4 Districts, except that rear yards need not be at ground level and front setback areas are not required. The high-density and mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements.

SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, NCT, DTR, AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(a) Purpose. In order to foster flexible and creative infill development while maintaining the character of the district, dwelling unit density is not controlled by lot area in RTO, NCT, and Eastern Neighborhoods Mixed Use Districts but rather by the physical constraints of this Code (such as height, bulk, setbacks, open space, and dwelling unit exposure). However, to ensure an adequate supply of family-sized units in existing and new

housing stock, new residential construction must include a minimum percentage of units of at least 2 bedrooms.

(b) Applicability.

(1) This Section shall apply in the RTO, NCT, DTR and Eastern Neighborhoods Mixed Use Districts.

(2) This Section shall apply to all applications for building permits and/or Planning Commission entitlements which propose the creation of five or more dwelling units.

(3) This Section does not apply to buildings for which 100 percent of the residential uses are: group housing, dwelling units which are provided at below market rates pursuant to Section ~~*326.3(h)(2)(B)*~~ *406(b)(1)* of this Code, Single Room Occupancy Units, student housing (as defined in Sec. ~~*315.1.38)*~~ *102.36*), or housing specifically and permanently designated for seniors or persons with physical disabilities.

(c) Controls.

(1) For the RTO, ~~*Haves-Gough*~~ *Hayes-Gough* NCT, Upper Market Street NCT, and NCT-3 districts, no less than 40 percent of the total number of dwelling units on site shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. While existing dwelling units in buildings which do not comply with this Subsection need not be expanded to meet this requirement, all new dwelling units shall provide at least two bedrooms when less than 40 percent of the total number of dwelling units contain less than two bedrooms.

(2) For all other RTO and NCT districts, as well as DTR and Eastern Neighborhoods Mixed Use Districts, one of the following two must apply;

(A) no less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. or

(B) no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

(d) Modifications.

(1) In NCT and RTO Districts, these requirements may be waived or modified with Conditional Use Authorization. In addition to those conditions set forth in Section 303, the Planning Commission shall consider the following criteria:

(A) The project demonstrates a need or mission to serve unique populations, or

(B) The project site or existing building(s), if any, feature physical constraints that make it unreasonable to fulfill these requirements.

(2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be waived in return for provision of family-sized affordable units, pursuant to Section 319.4(b). To receive this waiver, 100 percent of the total number of inclusionary units required under Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also in Eastern Neighborhoods Mixed Use Districts, these requirements may be waived or modified through the Variance process set forth in Section 305, or in the case of projects subject to Section 329, through the procedures of that section.

(3) In DTR Districts, these requirements may be modified per the procedures of Section 309.1.

SEC. 209.8. COMMERCIAL ESTABLISHMENTS IN R DISTRICTS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	RTO-M	RC-3	RC-4	

													SEC. 209.8. COMMERCIAL ESTABLISHMENTS.
											P	P	(a) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment is permitted as a ~~*principle*~~ *principal* use on the ground floor or below of a building if permitted as a principal use on the ground floor in an NC-3 District, unless otherwise specified in this Code.
													. . . (i) Walk-up Facility,

											P	P	as defined in Section 790.140 of this Code, is permitted as a ~~*principle*~~ *principal* use on the ground floor if recessed 3 feet; requires a conditional use if not recessed.
											P	P	*(j)* Outdoor Activity Area, as defined in Section 790.70 of this Code, if in front; requires a conditional use if elsewhere.

SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M DISTRICTS.

In the following C and M Districts, the permitted uses indicated in Sections 215 through 227 shall be subject to the additional requirements contained in this Section 212.

(a) **Uses in enclosed buildings.** In C-1 and C-2 Districts, all permitted uses, and all storage, servicing, fabricating, processing or repair uses accessory thereto, shall be conducted within enclosed buildings, with the exceptions of:

(1) Those uses indicated by an asterisk (*) in the column for the district;

(2) Accessory off-street parking and loading areas where permitted;

(3) Accessory outdoor dining areas where permitted;

(4) Accessory recreation areas where permitted; and,

(5) Mobile Food Facilities as defined in Section ~~*102.31*~~ *102.34*.

(b) **Drive-in uses.** In ~~*C-1, and*~~ C-3 Districts, no permitted use shall include an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations and automobile washes where permitted.

(c) **Required ground-floor commercial frontage in the C-3 Districts.**

(1) **Purpose.** The purpose of this section is to assure continuity of retail and consumer service uses in the C-3-R ~~*district*~~ *District*, and in other important commercial streets in C-3 Districts.

(2) **Applicability.**

(A) In the C-3-R District, along any block frontage that is entirely within such district or partly in such district and partly in the C-3-O District, where such block frontage faces a street 40 feet or more in width;

(B) On building frontages facing Destination Alleyways, as defined in the Downtown Streetscape Plan;

(C) Along any street frontage facing Market Street in all C-3 Districts except the Van Ness and Market Downtown Residential Special Use District.

(3) **Controls.**

~~*(c)(1)*~~ *(A) **Ground story.*** Permitted uses listed in Sections 218 and ~~*227*~~ *221* shall be located facing such street in the ground story of any building. At least 1/2 the total width of any new or reconstructed building, parallel to and facing such street, shall be devoted at the ground story to entrances, show windows or other displays of such uses.

~~(c)(2)~~ ***(B) All levels.*** All other permitted uses shall be located either on stories above or below the ground story or at a distance of not less than 20 feet behind ~~*the front of the building*~~ *each street frontage* at the ground story. No more than 1/3 the width of any lot, parallel to and facing such street, shall be devoted to entrances to such other permitted uses.

. . .

SEC. 218. RETAIL SALES AND PERSONAL SERVICES.

~~C-1~~	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
													SEC. 218. RETAIL SALES AND PERSONAL SERVICES.
													The uses specified in this Section shall not include any use first specifically listed in a subsequent

													Section of this Code.
~~P~~	~~N A~~	~~N A~~	~~N A~~	~~N A~~	~~N A~~	~~N A~~	~~N A~~	~~N A~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~(a) Retail business or personal service establishment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.~~
	P	P	P	P	P	P	P	P	P under 2,500 gsf per lot; C above for Grocery stores, as	P under 5,000 gsf per lot; C above for Grocery stores, as	P under 2,500 gsf	P under 2,500 gsf per	(~~a~~b) Retail business or personal service establishme

									defined in Section 790.102(a) and Health club, fitness, gymnasium, or exercise facility when including equipment and space for weight-lifting and cardiovascular activities.	defined in Section 790.102(a) and Health club, fitness, gymnasium, or exercise facility when including equipment and space for weight-lifting and cardiovascular activities		lot*#	nt ~~not limited to sales or services primarily for residents in the immediate vicinity, and not restricted to sale of new commodities.~~
													*Subject to the limitations of Section 121.8.

SEC. 218.1. MASSAGE ESTABLISHMENTS.

*(a) **Definition.** Massage establishments are defined by Section 1900 of the San Francisco Health Code. Any massage establishment shall have first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.*

*(b) **Controls.** Massage establishments shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use for accessory use massage are described in subsection (c) below. When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in Section 303(o).*

*(c) **Exceptions.** Certain exceptions would allow a massage use to be "permitted" without a Conditional Use authorization including:*

*(1) **Certain Accessory Use Massage,** provided that the massage use is accessory to a principal use and the massage use is accessed by the principal use; and*

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

(B) the principal use is a tourist hotel, as defined in Section 790.46 of this Code, that contains 100 or more rooms,

(C) the principal use is a large institution as defined in Section 790.50 of this Code, or

(D) the principal use is a hospital or medical center, as defined in Section 790.44 of this Code.

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

*(3) **California State Certification.*** A *State certified massage establishment, as defined by Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the California Business and Professions Code Section 4600 et seq., shall be regulated as a "Medical Service" use as defined by Section 790.114 or 890.114 provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.*

*(d) **Enforcement.** Any massage establishment or exempted massage use found to be operating, conducted or maintained contrary to the provisions of this Code shall be found to be operating in violation of the Code and will be subject to enforcement as provided in Section 176. No application or building permit to establish a massage establishment or exempted massage use will be accepted within one year after the subject property if found operating in violation of the provisions of this Code.*

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1	PDR-2	
											SEC. 218.1. MASSAGE ESTABLISHMENTS.

~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	~~C~~ P	*Certain Accessory Massage as defined above in 218.1(c)(1)* ~~*Massage establishments, as defined by Section 1900 of the San Francisco Health Code, except a use that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the California Business and Professions Code Section 4600 et seq., provided that the massage establishment has first*~~

~~obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, and provided that:~~

~~(a) the massage use is accessory to a principal use, if the massage use is accessed by the principal use and:~~

~~(1) the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or~~

~~(2) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms, a large institution as defined in~~

											~~*Section 790.50 of this Code, or a hospital or medical center, as defined in Section 790.44 of this Code, or*~~
P	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*Chair Massage as defined above in 218.1(c)(2)* ~~*(b) The only massage service provided is chair massage, such service is visible to the public, and customers are fully clothed at all times.*~~
C	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	~~*(c)*~~ *All other massage.* If the massage use does

not meet *the definition of California State Certification per 218.1(c)(3) or* the requirements of ~~(a)~~ *218.1(c)(1)* or ~~(b)~~ *218.1(c)(2)*, above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303*(c), the additional criteria described in Section 303(o) and 218.1(b)* of this Code. ~~*When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following criteria:*~~

											~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;~~
											~~(2) Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include: i) active street frontage of at least 25' in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii)~~

											~~windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;~~
											~~(3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset~~

											~~*hours of the massage use are encouraged;*~~
											~~*(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.*~~
											~~*(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage*~~

											~~*Establishments in specific areas of the City.*~~

SEC. 218.2. LIMITATION ON CHANGE IN USE OR DEMOLITION OF GENERAL GROCERY STORE USE.

Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, a retail sales use as set forth in Section 218(a) ~~*or (b)*~~ and as further defined in Section 790.102, which use exceeds 5,000 gross square feet shall require conditional use authorization pursuant to Section 303. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

SEC. 219. OFFICES.

C-1	C-2	C-3-O	C-3-O SD	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 219. OFFICES.
P	P	P	P	P	P	P	P	P	P	NP, *unless in a designated landmark building. P in designated landmark*	NP, *unless in a designated landmark building. P in designated landmark*	P*#	P*#	(a) Professional and business offices, as defined in 890.70, not more than 5,000 gross square feet in size and offering on-site

										buildings.	*buildings.*			services to the general public.
P	P	P	P	C	P	P	P	P	P	NP_L *unless in a designated landmark building. P in designated landmark buildings.*	NP_L *unless in a designated landmark building. P in designated landmark buildings.*			(b) Professional and business offices, as defined in 890.70, larger than 5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	P	C	P	P	P	P	P	NP_L *unless in a designated landmark building. P in designated landmark buildings.*	NP_L *unless in a designated landmark building. P in designated landmark buildings..*	P under 5,000 gsf *#	P under 5,000 gsf*#	(c) Other professional and business offices, as defined in 890.70, above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that

														the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer services.
P	P	C	C		C	C	P	P	P	NP_L *unless in a designated landmark building. P in designated landmark buildings.*	NP_L *unless in a designated landmark building. P in designated landmark buildings.*	P under 5,000 gsf*#	P under 5,000 gsf *#	(d) Other professional and business offices, as defined in 890.70, at or below the ground floor.
-	-	-		-	-	-	-	-	-	~~P~~	~~P~~	-	-	~~(e) Offices in designated landmark buildings.~~
														~~*See Ordinance 99-~~

														& Subject to limitations of Section 121.8

SEC. 227. OTHER USES.

C-3-O	*C-3-O (SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
				P	P	P	P	P	P	P	P	(a) Greenhouse.
P	*P*	P	P	P	P	P	P	P	P	P	P	(b) Urban Agriculture.
			C	C	P	P	P	P		P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	*P*	P	P	P	P	P	P	C	C	C	C	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure

												or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
C	*C*	C	P	P	P	P	P	P	P	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(r)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.
C	*C*	C	C	C	C	C	C	C	C		C	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes:
												(1) Off-street passenger terminal facilities for mass

												transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system; and
												(2) Landing field for aircraft.
C	C	C	C	C	C	P	P	P	P		P	(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
P	P	P	P	P	P	P	P	P	P	C	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or

												relay of radio, television, or other electronic signals where:
												(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; and
												(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six

												meters. (See also Section 204.3.)
C	C	C	C	C	C	C	C	C	C	C	C	(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:
												(1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; or
												(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or combination

												of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)
P	*P*	P	P	P	P	P	P	P	P	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
P	*P*	P	P	P	P	P	P					(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P	*P*	P	P	P	P	P	P	P	P	P	P	(l) Access driveway to property in any C or M District.
					C	C	C	C#	C #	C #	C #	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
							P					(n) Any use that is permitted as a principal use in any

												other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.
SEE SECTIONS 205 THROUGH 205.2												(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)
P	*P*	P	P	P	P	P	P	P##	P##	P##	P##	(p) Arts activities.
						P	P				P	(q) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.
C	*C*	C	C	C	C	C	C	C	C	C	C	(r) Internet Services Exchange as defined in

												Section 209.6(c).
P	*P*	P	P	P	P	P	P	P under 2, 500 gsf per lot; Cabove	P under 5, 000 gsf per lot; Cabove	P under 2, 500 gs f per lot; and subject to	P under 2, 500 gs f per lot and subj ect to co ntr ol s	(s) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a ¼ miles of an existing fringe financial service.

										s of Sec. 121.8	of Sec. 121.8	
NA	*NA*	NA	NA	NA	NA	NA	NA	P	P	NP	NP	(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional requirements: (A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70); (B) Any retail uses are

subject to any per parcel size controls of the subject zoning district;

(C) No residential uses shall be permitted;

(D) Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent of the units in the building must contain no more than 2,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (E) below

(E) An S.E.W. building may contain units larger than 2,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is

												one identified in Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p) of this Code. Such PDR units may be independently accessible from the street. (F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall be permitted only as long as the provisions of this subsection (D) and (E) are met. To facilitate review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to the change in floor area.

												(2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section. (3) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230 limiting demolition of industrial buildings.
NA	*NA*	NA	NA	NA	NA	NA	NA	P. subject to controls in Sec. 89	P. subject to controls in Sec.	NP	NP	(u) Integrated PDR, as defined in Sec. 890.49.

								0.49	c. 89 0.49			
C	C	C	C	C	C	C	C			C	C	(v) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. ~~*For purposes of Sections 719, 719.1, 786, 723 and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia is sold,*~~

~~*distributed, delivered, furnished or marketed from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq.*~~ "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical

												Cannabis Dispensaries, as defined in Section ~~3201(f)~~ 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.
												[# Dwellings are not permitted as part of any Planned Unit Development in these districts.]
												[*See Section 212(a)]

SEC. 235. SPECIAL USE DISTRICTS.

In addition to the use districts that are established by Section 201 of this Code, there shall also be in the City such special use districts as are established in this Section and Sections 236 through ~~249.5~~ 249.66, in order to carry out further the purposes of this Code. The designations, locations and boundaries of these special use districts shall be as provided in Sections 236 through ~~249.5~~ 249.66, and as shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of Section 105. ~~*The original of the numbered sectional maps of the Zoning Map for Special Use Districts referred to in Sections 236 through 249.5 is on file with the Clerk of the Board of Supervisors under File No. 191-67-2. and No. 273.80.*~~ In any special use district the provisions of the applicable use district established by Section 201 shall prevail, except as specifically provided in Sections 236 through ~~249.5~~249.66.

SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.

. . .

(c) **Controls.** The following zoning controls are applicable in the North of Market Residential Special Use District. Certain controls are set forth in other Sections of this Code and are referenced herein.

(1) **Conditional Use Criteria.** In making determinations on applications for conditional use authorizations required for uses located within the North of Market Residential Special Use District, the ~~*City*~~ Planning Commission shall consider the purposes as set forth in Subsection (b) above, in addition to the criteria of Section 303(c) of this Code.

(2) Notwithstanding the provisions of Section 209.8 of this Code, commercial establishments shall be limited to the ground floor and the first basement floor, except that such establishments may be permitted on the second story as a conditional use if authorized pursuant to Section 303 and Section 249.5(c)(1) of this Code.

~~*(3) Garment shops that meet the qualifications set forth in Section 236(a) may be permitted on the ground floor and first basement floor as a conditional use if authorized pursuant to Section 303 and Section 249.5(c)(1) of this Code.*~~

(*3*~~*4*~~) The following uses are not permitted: (A) A hotel, inn, hostel or motel; and (B) massage establishments which are not incidental to the institutional uses permitted in Sections 217(a) through (d) of the Planning Code or are not incidental to a health club, gymnasium or other facility with a regular membership or other facility which is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or other similar physical activities.

(*4*~~*5*~~) In the portion of the area designated as Subarea No. 1 of the North of Market Residential Special Use District, as shown on Section Map 1SUb of the Zoning Map,

the density ratio shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2, as shown on Section Map 1SUb of the Zoning Map, the density ratio shall be one dwelling unit for each 200 feet of lot area. The double density provisions of Section 209.1(m) shall not result in greater density than that permitted in an RC-4 District.

(*5~~6~~*) *~~Off-street parking requirements may be modified by the City Planning Commission,~~ There are no minimum parking requirements in this Special Use District,* as provided in Section 161(h) of this Code.

(*6~~7~~*) A bulk district "T" shall apply pursuant to the provisions of Section 270, Table 270 of this Code.

(*7~~8~~*) Special exceptions to the 80-foot base height limit in height and bulk districts 80-120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

(*8~~9~~*) Building setbacks are required in this district pursuant to Section 132.2; provisions for exceptions are also set forth in Section 132.2 of this Code.

(*9~~10~~*) Exceptions to the rear yard requirements for an RC-4 District may be granted pursuant to Section *~~134(f)~~ 134(g)* of this Code.

. . .

SEC. 249.23. FOURTH AND FREELON STREETS SPECIAL USE DISTRICT.

There shall be a special use district known as the Fourth Street, Freelon Street, Zoe Street and Welsh Street, as designated on Sectional Map No. 1SU of the Zoning Map of the City and County of San Francisco. The following controls shall apply within this Special Use District.

. . .

(f) **Sunlight and Dwelling Unit Exposure Requirements.** The Planning Commission may grant an exception to Section 135(g)(2) and Section 140 of this Code pursuant to Subsection *(i)*~~(j)~~ of this Section *249.23*.

. . .

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

. . .

(b) **Use Controls.**

(1) **Non-residential uses.** For newly-constructed buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, non-residential uses are not permitted above the 4th story, and at least two occupied square feet of residential use shall be provided for each occupied square foot of non-residential use. In order to accommodate local government office uses near City Hall, publicly-owned or leased buildings or lots are exempted from the requirements of this subsection.

(2) **Residential Density.** There shall be no density limit for residential uses by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Market & Octavia Area Plan Fundamental Principals for Design, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. The limitations of Section 215 shall not apply.

(3) **Residential Affordable Housing Program.** All projects in this district shall be subject to all the terms of Section 415 and following of the Inclusionary Affordable Housing Program. ~~*Not withstanding*~~ *Notwithstanding* the foregoing, projects within the Van Ness and Market Downtown Residential Special Use District shall at a minimum fulfill the requirements to the levels specified in this section. Should Section 415 require greater

contributions to the affordable housing program, those requirements shall supercede this section. Proposed exceptions to these requirements due to hardships associated with construction type, specifically heights above 120 feet, are not applicable in this Special Use District because parcels are receiving an up zoning through increased density and benefits through the general transformation of the district to a transit oriented neighborhood with a mixed use character. Requirements and administration of this program shall follow the conditions outlined in Section 415 of the Planning Code unless otherwise specified in this section.

(A) **Payment of Affordable Housing Fee.** Except as provided in Section 415.5(g), all development projects subject to Section 415 et seq. in the Van Ness Market Special Use District shall be required to pay an Affordable Housing Fee under Section 415.5 equivalent to 20 percent of the number of units in the principal project.

(B) **Alternatives to Payment of Affordable Housing Fee.** If a project sponsor both qualifies for and chooses to meet the requirements through an Alternative to the Program, the project sponsor may choose one of the Alternatives in Section 415.5(g).

(i) **On Site Housing Requirements and Benefits.** For projects that qualify for and choose to fulfill the requirements of Section 415 through the provision of onsite housing, the Planning Department shall require that 15% of all units constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .15 times the total number of units produced in the principal project. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(ii) **Compliance Through Off-Site Housing Development.** For projects that qualify for and choose to fulfill the requirements of Section 415 through the provision of off-site housing, the Planning Department shall require that 20% of all units

constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .20 times the total number of units produced in the principal project. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

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

(A) **Off-Site Provision of Required Open Space.** Up to 40 percent of usable open space required by Sections 135 and 138 may be provided off-site if it is within the SUD or within 900 feet of the project site and meets the standards described below for publicly accessible open space described below.

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

(C) Open space must be of one or more of the following types:

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

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

(iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section 827(g)(3)(A) - (E);

(iv) A terrace or roof garden with landscaping;

(v) Streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Market & Octavia Area Plan, such as sidewalk widening or building setbacks; and

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

(D) **Open space must meet the following standards:**

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

(ii) Be appropriately landscaped;

(iii) Be protected from uncomfortable winds;

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

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

(vi) Be well lighted if the area is of the type requiring artificial illumination;

(vii) Be designed to enhance user safety and security;

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

(ix) Have access to drinking water and toilets if feasible.

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

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

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

(5) **Lot Coverage.** The rear yard requirements of Section 134 shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in which all

residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c). Exceptions to the 20 percent open area may be granted pursuant to the procedures of Section 309 for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.

(6) **Floor Area Ratio.**

(A) The maximum FAR allowed, except as allowed in this Section, shall be that described in Section 123(c), provided that it shall not be greater than 9:1. The definition of Gross Floor Area shall be that in Section 102.9 as of the date of approval of this Ordinance, and shall include all residential uses. The provisions of Section 124(g) shall not apply in this special use district.

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

(i) The gross floor area of a structure or structures on a lot may exceed the maximum ratio described in Section 123(c) through participation in the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program, according to the procedures described ~~below in subsection (b)(7)~~ *in Section 424*.

(ii) Notwithstanding the provisions of Sections 127 and 128 projects in this Special Use District are not eligible to acquire Transferable Development Rights from a Transfer Lot or Lots pursuant to the provisions of Sections 127- 128 for that increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Instead, a project may pay to the City's Citywide Affordable Housing Fund thirty dollars ($30) per additional gross square foot for that increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Any monies

deposited into the Citywide Affordable Housing Fund shall be administered as provided for in Section 315 et seq.

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

. . .

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

. . .

(6) **Building Standards.**

(A) **Building Height.** The applicable height limits for this Special Use District shall be as set forth on Sectional Map HT14 of the Zoning Maps of the City and County of San Francisco. As more particularly described on Section Map HT14, underlying height zones range from 25 feet to 125 feet on Treasure Island and 35 feet to 75 feet on Yerba Buena Island. "Flex Height Zones" have been established on Treasure Island to allow for the flexibility in locating tall buildings within the overall built form of the island, and range from 240 feet to 450 feet. The Flex Height Zones allow for a variety of building types to be built up to the indicated maximum height for their zone as long as they conform to the relevant applicable Standards for Bulk, Massing and Tower Separation as described herein, and Figure 6, Bulk and Massing Controls Matrix. The location of tall buildings in relation to each other and to the lower buildings is controlled by the building separation requirements set forth

in subsection ~~(d)(5)(B)~~ *(e)(6)(B)*, Tower Separation, below. Height shall be measured and regulated as provided in the Design for Development and not as provided in Article 2.5.

. . .

SEC. 249.54. EXECUTIVE PARK SPECIAL USE DISTRICT.

. . .

(c) **Controls.** The Planning Code provisions for the underlying use district shall control except as provided below.

(1) **Executive Park Design Guidelines.** In addition to the Planning Code provisions, developments in the SUD shall comply with the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan of the General Plan, approved by the Board of Supervisors by Ordinance No. *143-11*, on file with the Clerk of the Board of Supervisors in File No. 110624 and the Executive Park Design Guidelines as established by Planning Commission Resolution 18352, on file with the Clerk of the Board of Supervisors in File No. 110626 and incorporated into this Section by this reference. The Executive Park Design Guidelines also are on file with the Planning Department in File No. 2006.0422EMUTZ.

. . .

SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.

. . .

(c) Exceptions.

(1) Bona Fide Eating Place. A Restaurant Use, as defined in Section ~~790.69~~ *790.91*, operating as a Bona Fide Eating Place, as defined in Section 790.142, shall be permitted to serve alcoholic beverages in this special use district.

(2) Non-Profit Theaters. A non-profit theater shall be permitted to serve alcoholic beverages in this special use district. A "non-profit theater" shall mean a building or part of a building intended to be used for the specific purposes of presenting any act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated in by one or more persons, whether or not such person or persons are compensated for such performance, and which is exempted from payment of income tax under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. A "non-profit theater" does not include any dance hall as defined in Section ~~1060~~ *1022* of the San Francisco Police Code, billiard parlor, pool hall, bowling alley, or adult entertainment business as defined in Planning Code Section 790.36.

(3) Bowling Alleys. A bowling alley shall be permitted to serve alcoholic beverages along with any Restaurant use which is functionally and/or physically integrated with such bowling alley.

(4) Single Screen Movie Theatres. A single screen movie theatre shall be permitted to serve alcoholic beverages, provided that (1) such use is defined as a movie theater in Planning Code Section 790.64 and contains only a single screen and auditorium, (2) only beer and wine are offered for consumption, and (3) such beer and wine are: (i) only consumed on the premises and primarily in the main theater auditorium, (ii) only sold to and consumed by ticketholders and only immediately before and during performances, and (iii) only offered in conjunction with the screening of films and not as an independent element of the establishment that is unrelated to the viewing of films.

(d) Fringe Financial Services. In addition to all other applicable controls set forth in this Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within the Fringe Financial Service Restricted Use District established by Section 249.35 and are subject to the controls and exemptions set forth in Section 249.35.

~~***SEC. 249.63. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT.***~~

~~*In order to facilitate the development of a neighborhood grocery store at 17th and Rhode Island Street in the Potrero Hill neighborhood, in an area that does not have a proliferation of off-sale Type 20 or Type 21 liquor establishments and previously was zoned M-1 (which permitted liquor stores as a principal permitted use), there shall be a 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the NC-3 zoned block bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1). The following provisions shall apply within the Special Use Subdistrict:*~~

~~*(a) One off-sale Type 20 and Type 21 liquor store, as defined by Section 790.55 of this Code, is permitted as a conditional use on the first or second story, provided that it is operated as an integral element of a grocery store of not less than 30,000 gross square feet.*~~

~~*(b) Nighttime Entertainment, as defined by 102.17 of this Code, shall not be permitted.*~~

SEC. 249.65. BAYSHORE BOULEVARD HOME IMPROVEMENT SPECIAL USE DISTRICT.

. . .

(c) Controls. The following controls shall apply in the Bayshore Boulevard Home Improvement Special Use District:

(1) A retail sales and personal service use as defined in Section 218 of this Code shall be permitted regardless of the use size limitations in Sections 218~~(b) through (d)~~, however the use size controls set forth in Section 121.6 *and 121.8* shall continue to apply.

(2) Establishment of any of the following uses shall require Conditional Use Authorization under Section 303 of this Code:

(A) a formula retail use as defined in Section 703.3(b) of this Code that is 10,000 square feet or larger;

(B) a liquor store as defined in Section 790.55 of this Code;

(C) a drive up facility as defined in Section 790.30 of this Code;

(D) an adult entertainment establishment as defined in Section 221(k) of this Code;

(E) an automotive use as defined in Section 223 of this Code; and

(F) a fringe financial service as defined in Section 249.35 of this Code.

(3) No off-street parking spaces shall be required. The maximum permitted number of accessory off-street parking spaces shall be that which would apply to accessory off-street parking for a PDR-2 District absent this Special Use District.

(4) The following projects shall be consistent with the policies and guidelines of the "Bayshore Boulevard Home Improvement District Design Guidelines" as adopted by the Planning Commission and amended from time to time:

(A) New construction; or

(B) An increase in gross floor area of more than 25 percent.

(5) The provisions set forth in Section ~~231A~~ *230* of this Code, which relate to demolition of *industrial buildings in PDR districts,* ~~*PDR buildings,*~~ shall not apply.

(6) The requirements for street trees set forth in Section 428 of this Code shall apply.

(7) Formula retail uses as defined in Section 703.3(b) of this Code that are 10,000 square feet or larger shall be subject to the Redevelopment Agency's Bayview Hunters Point "Employment and Contracting Policy."

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SEC. 270. BULK LIMITS: MEASUREMENT.

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE 270
BULK LIMITS

District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300

M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		
CP	This table not applicable. But see Section 263.24.		
HP	This table not applicable. But see Section 263.25.		
PM	This table not applicable. But see Section ~~249.46~~ 249.64 Parkmerced Special Use District.		
TI	This table not applicable. But see Section 263.26.		
EP	This table not applicable. But see Section 263.27.		

SEC. 303. CONDITIONAL USES.

(a) **General.** The ~~City~~ Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this Section and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, medical institutions and post-secondary educational institutions shall in addition be subject to the

institutional master plan requirements of Section 304.5, and conditional use and Planned Unit Development applications filed pursuant to Article 7, or otherwise required by this Code for uses or features in Neighborhood Commercial Districts, and conditional use applications within South of Market Districts, shall be subject to the provisions set forth in Sections 316 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this Code, with respect to scheduling and notice of hearings, and in addition to those provided for in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and reconsideration.

. . .

(c) **Determination.** After its hearing on the application, or upon the recommendation of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of this Code and no hearing is required, the ~~*City*~~ Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish:

(1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

(A) In Neighborhood Commercial Districts, if the proposed use is to be located at a location in which the square footage exceeds the limitations found in Planning Code § 121.2(a) or 121.2(b), the following shall be considered:

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

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

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

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

(C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

(D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

(3) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the ~~*Master Plan*~~ *General Plan*; and

(4) With respect to applications filed pursuant to Article 7 of this Code, that such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District~~, *as set forth in zoning control category .1 of Sections 710 through 729 of this Code*~~; and

(5) (A) *With respect to applications filed pursuant to Article 7, Section 703.2(a), for a movie theater use as defined in Planning Code Section 790.64, an Adult Entertainment use as defined*

in Planning Code Section 790.36, or Other Entertainment uses as defined in Planning Code Section 790.38, that such use or feature will:

(i) Not be located within 1,000 feet of another such use, if the proposed use or feature is ~~*included in zoning category*~~ *an Adult Entertainment Use*, as defined by Section 790.36 of this Code; and/or

(ii) Not be open between two a.m. and six a.m.; and

(iii) Not use electronic amplification between midnight and six a.m.; and

(iv) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(B) Notwithstanding the above, the ~~*City*~~ Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

(C) The action of the Planning Commission approving a conditional use does not take effect until the appeal period is over or while the approval is under appeal.

(6) With respect to applications for live/work units in RH, RM and RTO Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

(A) Each live/work unit is within a building envelope in existence on the effective date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building which lawfully contains at the time of application a nonconforming, nonresidential use;

(B) There shall be no more than one live/work unit for each 1,000 gross square feet of floor area devoted to live/work units within the subject structure; and

(C) The project sponsor will provide any off-street parking, in addition to that otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of and visitors to the project.

Such action of the ~~*City*~~ Planning Commission, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.

(d) **Conditions.** When considering an application for a conditional use as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the San Francisco Administrative Code, the Commission shall comply with that Chapter which requires, among other things, that the Commission not base any decision regarding the development of "dwellings" in which "protected class" members are likely to reside on information which may be discriminatory to any member of a "protected class" (as all such terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when authorizing a conditional use as provided herein, the ~~*City*~~ Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.

(e) **Modification of Conditions.** Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. Such procedures shall also apply to applications for modification or waiver of conditions set forth in prior stipulations and covenants relative thereto continued in effect by the provisions of Section 174 of this Code.

(f) **Conditional Use Abatement.** The Planning Commission may consider the possible revocation of a conditional use or the possible modification of or placement of additional conditions on a conditional use when the Planning Commission determines, based upon substantial evidence, that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or the conditional use is not in compliance with a condition of approval, is in violation of law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject conditional use operator.

(1) The Director of Planning or the Planning Commission may seek a public hearing on conditional use abatement when the Director or Commission has substantial evidence submitted within one year of the effective date of the Conditional Use authorization that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or substantial evidence of a violation of conditions of approval, a violation of

law, or operation which creates hazardous, noxious or offensive conditions enumerated in Section 202(c).

(2) The notice for the public hearing on a conditional use abatement shall be subject to the notification procedure as described in Sections 306.3 and 306.8 except that notice to the property owner and the operator of the subject establishment or use shall be mailed by regular and certified mail.

(3) In considering a conditional use revocation, the Commission shall consider whether and how the false or misleading information submitted by the applicant could have reasonably had a substantial effect upon the decision of the Commission, or the Board of Supervisors on appeal, to authorize the conditional use, substantial evidence of how any required condition has been violated or not implemented or how the conditional use is in violation of the law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As an alternative to revocation, the Commission may consider how the use can be required to meet the law or the conditions of approval, how the hazardous, noxious or offensive conditions can be abated, or how the criteria of Section 303(c) can be met by modifying existing conditions or by adding new conditions which could remedy a violation.

(4) **Appeals.** A decision by the Planning Commission to revoke a conditional use, to modify conditions or to place additional conditions on a conditional use or a decision by the Planning Commission refusing to revoke or amend a conditional use, may be appealed to the Board of Supervisors within 30 days after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the action of the Planning Commission in an abatement matter by the same vote

necessary to overturn the Commission's approval or denial of a conditional use. The Planning Commission's action on a conditional use abatement issue shall take effect when the appeal period is over or, upon appeal, when there is final action on the appeal.

(5) **Reconsideration.** The decision by the Planning Commission with regards to a conditional use abatement issue or by the Board of Supervisors on appeal shall be final and not subject to reconsideration within a period of one year from the effective date of final action upon the earlier abatement proceeding, unless the Director of Planning determines that:

(A) There is substantial new evidence of a new conditional use abatement issue that is significantly different than the issue previously considered by the Planning Commission; or

(B) There is substantial new evidence about the same conditional use abatement issue considered in the earlier abatement proceeding, this new evidence was not or could not be reasonably available at the time of the earlier abatement proceeding, and that new evidence indicates that the Commission's decision in the earlier proceeding *has* ~~*ha*~~ not been implemented within a reasonable time or raises significant new issues not previously considered by the Planning Commission. The decision of the Director of Planning regarding the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use abatement issue within a period of one year from the effective date of final action on the earlier abatement proceeding shall be final.

(g) **Hotels and Motels.**

(1) With respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d) above:

(A) The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

(B) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation; and

(C) The market demand for a hotel or motel of the type proposed.

(2) Notwithstanding the provisions of ~~*Sub-sections*~~ *Subsection* (g)(1) above, the Planning Commission shall not consider the impact of the employees of a proposed hotel or motel project on the demand in the City for housing where:

(A) The proposed project would be located on property under the jurisdiction of the San Francisco Port Commission; and

(B) The sponsor of the proposed project has been granted exclusive rights to propose the project by the San Francisco Port Commission prior to June 1, 1991.

(3) Notwithstanding the provisions of Subsection (g)(1) above, with respect to the conversion of residential units to tourist hotel or motel use pursuant to an application filed on or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco Administrative Code, the Planning Commission shall not consider the criteria contained in Subsection (g)(1) above; provided, however, that the Planning Commission shall consider the criteria contained in Subsection (g)(1) at a separate public hearing if the applicant applies for a permit for new construction or alteration where the cost of such construction or alteration exceeds $100,000. Furthermore, no change in classification from principal permitted use to conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed

applications on or before June 1, 1990 to convert residential units to tourist units pursuant to Chapter 41 of the San Francisco Administrative Code.

. . .

(i) **Formula Retail Uses.**

(1) **Formula Retail Use.** A formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which has eleven or more other retail sales establishments located in the United States. In addition to the eleven establishments, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, ~~a~~ uniform apparel, standardized signage, a trademark or a servicemark.

(A) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(B) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(C) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(D) Decor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

(E) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

(F) ~~(f)~~ Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(G) ~~(g)~~ Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

(H) ~~(h)~~ Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

(2) **"Retail Sales Activity or Retail Sales Establishment."** For the purposes of subsection (i), a retail sales activity or retail sales establishment shall include the following uses, as defined in Article 7 and Article 8 of this Code: "Bar," "Drive-up Facility," "Eating and Drinking Use," "Liquor Store," "Sales and Service, Other Retail," "Restaurant," "Limited-Restaurant," "Take-Out Food," "Sales and Service, Retail," "Service, Financial," "Movie Theater," and "Amusement and Game Arcade."

(3) **Conditional Use Criteria.** With regard to a conditional use authorization application for a formula retail use, the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c) above:

(A) The existing concentrations of formula retail uses within the district.

(B) The availability of other similar retail uses within the district.

(C) The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the district.

(D) The existing retail vacancy rates within the district.

(E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district.

(4) **Conditional Use Authorization Required.** A Conditional Use Authorization shall be required for a formula retail use in the following zoning districts unless explicitly exempted:

(A) All Neighborhood Commercial Districts in Article 7;

(B) All Mixed Use-General Districts in ~~*Article 8*~~ *Section 840*;

(C) All Urban Mixed Use Districts in ~~*Article 8*~~ *Section 843*;

~~*(D) RC-3 and RC-4 zoned parcels along Van Ness Avenue;*~~

(D) All Residential-Commercial Districts as defined in Section 206.3;

(E) Japantown Special Use District as defined in Section 249.31;

(F) Chinatown Community Business District as defined in ~~*Section 810*~~ *Section 810.1*;

(G) Chinatown Residential/Neighborhood Commercial District as defined in ~~*Section 812*~~ *Section 812.1*;

(H) Western SoMa Planning Area Special Use District as defined in ~~*802.5*~~. *823;*

(I) Residential Transit-Oriented Districts as defined in 206.4 and 206.5;

(J) Limited Conforming Use /Non-Conforming Use in RH-RM-RTO and RED Districts.

(5) **Formula Retail Uses Not Permitted.** Formula Retail Uses are not permitted in the following zoning districts:

(A) Hayes-Gough Neighborhood Commercial Transit District;

(B) North Beach Neighborhood Commercial District;

(C) Chinatown Visitor Retail District;

(D) Upper Fillmore District does not permit Formula Retail uses which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;

(E) Broadway Neighborhood Commercial District does not permit Formula Retail uses which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;

(F) Mission Street Formula Retail Restaurant Subdistrict does not permit Formula Retail uses which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;

(G) Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict does not permit Formula Retail uses that are also either a Retail Pet Supply Store or an Eating and Drinking use as set forth in Section 781.4;

(H) Taraval Street Restaurant Subdistrict does not permit Formula Retail uses which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;

(6) **Neighborhood Commercial Notification and Design Review.** Any building permit application for a "formula retail use" as defined in this section and located within a Neighborhood Commercial District in Article 7 shall be subject to the Neighborhood Commercial Notification and Design Review Procedures of Section 312 of this Code.

(7) **Change in Use.** A change from one formula retail use to another requires a new Conditional Use Authorization, whether or not a Conditional Use Authorization would otherwise be required by the particular change in use in question. This Conditional Use Authorization requirement also applies in changes from one Formula Retail operator to another within the same use category. A new Conditional Use Authorization shall not apply to a change in a formula use retailer that meets the following criteria:

(A) the formula use operation remains the same in terms of its size, function and general merchandise offering as determined by the Zoning Administrator, and

(B) the change in the formula retail use operator is the result of the business being purchased by another formula retail operator who will retain all components of the existing retailer and make minor alterations to the establishment(s) such as signage and branding.

The new operator shall comply with all conditions of approval previously imposed on the existing operator, including but not limited to signage programs and hours of operation; and shall conduct the operation generally in the same manner and offer essentially the same services and/or type of merchandise; or seek and be granted a new Conditional Use Authorization.

(8) **Determination of Formula Retail Use.** In those areas in which "formula retail uses" are prohibited, any building permit application determined by the City to be for a "formula retail use" that does not identify the use as a "formula retail use" is incomplete and cannot be processed until the omission is corrected. Any building permit approved that is determined by the City to have been, at the time of application, for a "formula retail use" that did not identify the use as a "formula retail use" is subject to revocation at any time. If the City determines that a building permit application or building permit subject to this Section of the Code is for a "formula retail use," the building permit application or holder bears the burden of proving to the City that the proposed or existing use is not a "formula retail use."

(j) **Large-Scale Retail Uses.** With respect to applications for the establishment of large-scale retail uses under Section 121.6, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall consider the following:

(*1* ~~*A*~~) The extent to which the retail use's parking is planned in a manner that creates or maintains active street frontage patterns;

(*2* ~~*B*~~) The extent to which the retail use is a component of a mixed-use project or is designed in a manner that encourages mixed-use building opportunities;

(*3* ~~*C*~~) ~~*This*~~ *The* shift in traffic patterns that may result from drawing traffic to the location of the proposed use; and

(*4* ~~*D*~~) The impact that the employees at the proposed use will have on the demand in the City for housing, public transit, childcare, and other social services.

(k) **Movie Theater Uses.**

(1) With respect to a change in use or demolition of a movie theater use as set forth in Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(~~21~~)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) Preservation of a movie theater use is no longer economically viable and cannot effect a reasonable economic return to the property owner;

(i) For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

(B) The change in use or demolition of the movie theater use will not undermine the economic diversity and vitality of the surrounding Neighborhood Commercial District; and

(C) The resulting project will preserve the architectural integrity of important historic features of the movie theater use affected.

(l) **Relocation of Existing General Advertising Signs pursuant to a General Advertising Sign Company Relocation Agreement.**

(1) Before the Planning Commission may consider an application for a conditional use to relocate an existing lawfully permitted general advertising sign as authorized by Section 611 of this Code, the applicant sign company must have:

(A) Obtained a current Relocation Agreement approved by the Board of Supervisors under Section 2.21 of the San Francisco Administrative Code that covers the sign or signs proposed to be relocated; and

(B) Submitted to the Department a current sign inventory, site map, and the other information required under Section 604.2 of this Code; and

(C) Obtained the written consent to the relocation of the sign from the owner of the property upon which the existing sign structure is erected.

(D) Obtained a permit to demolish the sign structure at the existing location.

(2) The Department, in its discretion, may review in a single conditional use application all signs proposed for relocation by a general advertising company or may require that one or more of the signs proposed for relocation be considered in a separate application or applications. Prior to the Commission's public hearing on the application, the Department shall have verified the completeness and accuracy of the general advertising sign company's sign inventory.

(3) Only one sign may be erected in a new location, which shall be the same square footage or less than the existing sign proposed to be relocated. In no event may the square footage of several existing signs be aggregated in order to erect a new sign with greater square footage*; provided however the square footage of one or more existing signs may be disaggregated in order to erect multiple smaller signs with lesser total square footage*.

(4) In addition to applicable criteria set forth in subsection (c) above, the Planning Commission shall consider the size and visibility of the signs proposed to be located as well as the following factors in determining whether to approve or disapprove a proposed relocation:

(A) The factors set forth in this subsection (A) shall weigh in favor of the Commission's approval of the proposed relocation site:

(i) The sign or signs proposed for relocation are lawfully existing but are not in conformity with the sign regulations that existed prior to the adoption of Proposition G on March 5, 2002.

(ii) The sign or signs proposed for relocation are on a City list, if any, of priorities for sign removal or signs preferred for relocation.

(iii) The sign or signs proposed for relocation are within, adjacent to, or visible from property under the jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District, or the San Francisco Recreation and Park Commission.

(iv) The sign or signs proposed for relocation are within, adjacent to, or visible from an Historic District or conservation district designated in Article 10 or Article 11 of the Planning Code.

(v) The sign or signs proposed for relocation are within, adjacent to, or visible from a zoning district where general advertising signs are prohibited.

(vi) The sign or signs proposed for relocation are within, adjacent to, or visible from a designated view corridor.

(B) The factors set forth in this Subsection (B) shall weigh against the Commission's approval of the proposed relocation:

(i) The sign or signs proposed for relocation are or will be obstructed, partially obstructed, or removed from public view by another structure or by landscaping.

(ii) The proposed relocation site is adjacent to or visible from property under the jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District, or the San Francisco Recreation and Park Commission.

(iii) The proposed relocation site is adjacent to or visible from an Historic District or conservation district designated in Article 10 or Article 11 of the Planning Code.

(iv) The proposed relocation site is within, adjacent to, or visible from a zoning district where general advertising signs are prohibited.

(v) The proposed relocation site is within, adjacent to, or visible from a designated view corridor.

(vi) There is significant neighborhood opposition to the proposed relocation site.

(5) In no event may the Commission approve a relocation where:

(A) The sign or signs proposed for relocation have been erected, placed, replaced, reconstructed, or relocated on the property, or intensified in illumination or other aspect, or expanded in area or in any dimension in violation of Article 6 of this Code or without a permit having been duly issued ~~*therefore*~~; or

(B) The proposed relocation site is not a lawful location under Planning Code Section 611(c)(2); or

(C) The sign in its new location would exceed the size, height or dimensions, or increase the illumination or other intensity of the sign at its former location; or

(D) The sign in its new location would not comply with the Code requirements for that location as set forth in Article 6 of this Code; or

(E) The sign has been removed from its former location; or

(F) The owner of the property upon which the existing sign structure is erected has not consented in writing to the relocation of the sign.

(6) The Planning Commission may adopt additional criteria for relocation of general advertising signs that do not conflict with this Section 303(l) or Section 611 of this Code.

(m) **General Grocery Store Uses.**

(1) With respect to a change in use or demolition of general grocery store use as set forth in Sections 218.2, 703.2(b)(1)(B)(iii), 803.2(b)(1)(B)(iv) or 803.3 (b)(1)(B)(iii) which use exceeds 5,000 gross square feet, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) Preservation of a general grocery store use is no longer economically viable and cannot effect a reasonable economic return to the property owner. The Commission may disregard the above finding if it finds that the change in use or replacement structure in the case of demolition will contain a general grocery store that is of a sufficient size to serve the shopping needs of nearby residents and offers comparable services to the former general grocery store.

(i) For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

(B) The change in use or demolition of the general grocery store use will not undermine the economic diversity and vitality of the surrounding neighborhood.

(n) **Tobacco Paraphernalia Establishments.**

(1) With respect to a Tobacco Paraphernalia Establishment, as ~~*set forth*~~ *defined* in Section 227(v) of this Code, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on the district's public streets and lots;

(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco; and

(C) The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

(o) **Massage Establishments.**

(1) With respect to Massage Establishments *that are subject to Conditional Use authorization*, as defined in Sections 218.1, 790.60, and 890.60 of this Code, in addition to the criteria set forth in Subsection (c) above, the Commission shall make the following findings:

(A) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;

(B) Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include: i) active street frontage of at least 25' in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;

(C) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged:

(D) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

. . .

SEC. 304. PLANNED UNIT DEVELOPMENTS.

In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, the DTR Districts, or the South of Market Mixed Use Districts, the Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this Section. After review of any proposed development, the Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

. . .

(d) **Criteria and Limitations.** The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

(1) Affirmatively promote applicable objectives and policies of the General Plan;

(2) Provide off-street parking adequate for the occupancy proposed;

(3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

(4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

(5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 230 of this Code;

(6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

(7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

(8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code; and

(9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

(10) Provide street trees as per the requirements of Section ~~*143(j)*~~ *138.1* of the Code.

(11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.

In addition to those specified in Sections 302 through 306, and Sections 316 through ~~316.8~~ *316.6* of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

. . .

SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for (1) the construction or substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain requirements of this Code where the provisions of this Section are invoked, and (3) the approval of open space and streetscape requirements of the Planning Code. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered. This Section shall not require additional review in connection with a site or building permit application if review hereunder was completed with respect to the same proposed structure or alteration in connection with a project authorization application pursuant to Section 322.

(a) **Exceptions.** Exceptions to the following provisions of this Code may be granted as provided in the code sections referred to below:

(1) Exceptions to the setback and rear yard requirements as permitted in Sections 132.1 and 134(d);

(2) Exceptions to the ground-level wind current requirements as permitted in Section 148;

(3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section 146;

(4) Exceptions to the limitation on residential accessory parking as permitted in Section 151.1(e);

(5) Exceptions to the limitation on curb cuts for parking access as permitted in Section 155(r);

(6) Exceptions to the limitations on above-grade residential accessory parking as permitted in Section 155(s);

(7) Exceptions to the freight loading and service vehicle space requirements as permitted in Section ~~161(h)~~ *161(i)*;

(8) Exceptions to the off-street tour bus loading space requirements as permitted in Section 162;

(9) Exceptions to the height limits for vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;

(10) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as permitted in Section 263.8;

(11) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

(b) **Design Review.** In addition to the requirements set forth in this Code, additional design requirements and limitations (hereafter referred to as modifications) may be imposed on the following aspects of a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the ~~*Master*~~ *General* Plan or the purposes of this Code:

(1) Building siting, orientation, massing and facade treatment, including proportion, scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building tops;

(2) Aspects of the project affecting views and view corridors, shadowing of sidewalks and open spaces, openness of the street to the sky, ground-level wind current, and maintenance of predominant streetwalls in the immediate vicinity;

(3) Aspects of the project affecting parking, traffic circulation and transit operation and loading points;

(4) Aspects of the project affecting its energy consumption;

(5) Aspects of the project related to pedestrian activity, such as placement of entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and location and design of open space features;

(6) Aspects of the project affecting public spaces adjacent to the project, such as the location and type of street trees and landscaping, sidewalk paving material, and the design and location of street furniture as required by Section 138.1;

(7) Aspects of the project relating to quality of the living environment of residential units, including housing unit size and the provisions of open space for residents;

(8) Aspects of the design of the project which have significant adverse environmental consequences;

(9) Aspects of the project that affect its compliance with the provisions of Sections 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations in conservation districts;

(10) Other aspects of the project for which modifications are justified because of its unique or unusual location, environment, topography or other circumstances.

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(e) **Hearing and Determination of Applications for Exceptions.**

(1) **Hearing.** The Planning Commission shall hold a public hearing on an application for an exception as provided in Subsection (a).

(2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the written recommendation of the Director of Planning regarding the request for an exception will be available for public review at the office of the Planning Department.

(3) **Decision and Appeal.** The *Planning* Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions, the application for an exception. The decision of the Planning Commission may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(4) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may, subject to the same limitations as are placed on the Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from. If the determination of the Board differs from that of the Commission it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

(f) **Administrative Approval of Design Review.**

(1) **Recommendations.** If the Director of Planning determines that modifications through the imposition of conditions are warranted as provided in Subsection (b), or that the open space requirements or the streetscape requirements of the Planning Code have not been complied with, the matter shall be scheduled for hearing before the Planning Commission. If the Director determines that the open space and streetscape requirements of the Planning Code have been complied with and the applicant does not oppose the imposition of conditions which the Director has determined are warranted, the applicant may waive the right to a hearing before the *Planning* Commission in writing and agree to the conditions. The Zoning Administrator shall provide notice of the proposed approval of the application according to the notice given for applications governed by Subsection (d), so that any person seeking additional modifications or objecting to the open space or streetscape requirements determination may make such a request for Planning Commission review as provided in Subsection (g). If no request is made within 10 days of such notice, the Zoning Administrator shall approve the application subject to the conditions.

(2) **Notice.** If the proposed application will be heard by the Planning Commission, notice of such hearing shall be mailed not less than 10 days prior to the hearing to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the Director's written recommendation will be available for public review at the Planning Department.

(3) **Commission Action.** The Planning Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions applications considered pursuant to Subsection (b) or for compliance with the open space and streetscape requirements of the Planning Code.

(g) **Planning Commission Review Upon Request.**

(1) **Requests.** Within 10 days after notice of the proposed approval has been given, as provided in Subsection (d), any person may request in writing that the Planning Commission impose additional modifications on the project as provided in Subsection (b) or consider the application for compliance with the open space and streetscape requirements of the Planning Code. The written request shall state why additional modifications should be imposed notwithstanding its compliance with the requirements of this Code and shall identify the policies or objectives that would be promoted by the imposition of conditions, or shall state why the open space and streetscape requirements have not been complied with.

(2) **Commission Consideration.** The Planning Commission shall consider at a public hearing each written request for additional modifications and for consideration of the open space and streetscape requirements of the Planning Code compliance and may, by majority vote, direct that a hearing be conducted to consider such modifications or compliance, which hearing may be conducted at the same meeting that the written request is considered and decided. Notice of such hearing shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the Citywide Assessment Roll in the Assessor's Office, to any person who has requested such notice, and to any person who has submitted a request for additional requirements. In determining whether to conduct such a hearing, the *Planning* Commission shall determine whether, based upon a review of the project, reasonable grounds exist justifying a public hearing in order to consider the proposed additional modifications and the open space and streetscape requirements of the Planning Code compliance.

(3) **Commission Action.** If the *Planning* Commission determines to conduct a hearing to consider the imposition of additional modifications or the open space and streetscape requirements compliance, it may, after such hearing and after making appropriate

findings, approve, disapprove, or approve subject to conditions the building or site permit or project authorization application. If the *Planning* Commission determines not to conduct a hearing, the Zoning Administrator shall approve the application subject to any conditions imposed by the Director of Planning to which the applicant has consented.

(h) **Mandatory Planning Commission Hearing for Projects Over 50,000 Square Feet of Gross Floor Area or Over 75 Feet in Height.** The Planning Commission shall hold a public hearing not otherwise required by this Section on all building and site permit and Section 309 applications for projects which will result in a net addition of more than 50,000 square feet of gross floor area of space or which will result in a building that is greater than 75 feet in height. Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice.

(i) **Imposition of Conditions, General.** If, pursuant to the provisions of this Section, the ~~*City*~~ Planning Commission determines that conditions should be imposed on the approval of a building or site permit application, or Section 309 application and the applicant agrees to comply, the *Planning* Commission may approve the application subject to those conditions, and if the applicant refuses to so agree, the *Planning* Commission may disapprove the application.

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SEC. 309.2. PERMIT REVIEW IN THE EXECUTIVE PARK SPECIAL USE DISTRICT.

The provisions and procedures set forth in Section 309.1, applicable in Downtown Residential Districts, shall also apply in the Executive Park Special Use District (SUD) to achieve the objectives and policies of the General Plan and the purposes of this Code, including but not

limited to Section 249.54 and Section 263.27, except that Section 309.2(a) and (b) shall apply instead of the provisions in Section 309.1(a) and (b), the provisions of Section 309.1(c) are modified as provided in Section 309.2(c) and Section 309.1(e) is inapplicable in the SUD.

(a) **Design Review.**

(1) In addition to the standard permit review process, the design of projects for all new construction shall be subject to design review and approval by Department staff. A detailed design review will be initiated by Department staff working with the project sponsor, at the time an application for Section 309.2 review or building permit is filed, and may take place in advance of filing a building permit application. This comprehensive review shall resolve issues related to the project's design, including the following:

(A) Overall building massing and scale;

(B) Architectural treatments, facade design and building materials;

(C) The design of lower floors, including building setback areas, townhouse-style units and entries, and parking and loading access;

(D) The provision of required open space, both on- and off-site;

(E) Streetscape and other public improvements, including tree planting, street furniture, and lighting and adherence to all relevant regulations, plans and guidelines;

(F) Circulation, including streets, alleys and mid-block pedestrian pathways.

(2) For review of projects that include retail space as specified in Planning Code Section ~~281~~ *218* of 10,000 gross square feet or more, the *Planning* Commission shall consider the criteria in Section 121.2(a)(1)-(3).

(3) Other changes necessary to bring a project into conformance with the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, approved by the Board of Supervisors on *July 12, 2011*, the Executive Park Design Guidelines, approved by the

Planning Commission by Resolution No. 18352 and incorporated by this reference into this Section, and other elements and area plans of the General Plan. If the project sponsor opposes project modifications and conditions recommended by the Director of Planning pursuant to the design review, the Director shall prepare a report of recommended modifications which shall be presented to the Planning Commission for a hearing pursuant to Subsection (c) and which shall be available to the public upon mail notification of said hearing.

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SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC, *RED,* AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(a) Purpose. The purpose of this Section is to establish procedures for reviewing building permit applications for lots in NC, *RED,* and Eastern Neighborhoods Mixed Use Districts in order to determine compatibility of the proposal with the neighborhood and for providing notice to property owners, occupants and residents neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit.

(b) Applicability. Except as indicated herein, all building permit applications for demolition, new construction, changes in use to a formula retail use as defined in Section 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be subject to the notification and review procedures required by Subsection 312(d). Subsection 312(f) regarding demolition permits and approval of replacement structures shall apply to all NC, *RED,* and Eastern Neighborhoods Mixed Use Districts. For the purposes of this Section, addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under this Section.

(c) Changes of Use. In NC Districts, all building permit applications for a change of use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a

walkup facility, as defined in Section 790.140, other large institutions, as defined in Section 790.50, other small institutions, as defined in Section 790.51, ~~*limited restaurant*~~ *Limited Restaurant*, as defined in Section 790.90, a Restaurant, as defined in Section 790.91, a massage establishment, as defined in Section 790.60, an outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined in Sections 790.36 and 790.38, or a fringe financial service use, as defined in Section 790.111, shall be subject to the provisions of Subsection 312(d); provided, however, that a change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of Subsection 312(d). In all *RED and* Eastern Neighborhoods Mixed Use Districts all building permit applications for a change of use from any one land use category to another land use category shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the provisions of Subsection 312(d).

For the purposes of this Subsection, "land use category" shall mean those categories used to organize the individual land uses which appear in the use tables in Article 8, immediately preceding a group of individual land uses, and include the following: residential use, institutional use, retail sales and service use, assembly, recreation and entertainment use, office use, motor vehicle services use, industrial home and business service use, or other use.

. . .

(g) Wireless Telecommunications Services Facility as Accessory Use, Notification and Review Required. Building permit applications for new construction of a wireless telecommunications services facility as an accessory use under Article 7 or 8 of the Planning Code in all NC, *RED,* or Eastern Neighborhoods Mixed Use Districts shall be subject to the notification and review procedures required by this Section.

SEC. 350. FEES, GENERAL.

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(g) Fee Adjustments.

(1) The Controller will annually adjust the fee amounts specified in Sections ~~351~~ 350-358~~(d), (e), (f), (g), (h), (i) and Section 352(b), (d), (e), (g), (i), (j), (k), (l), (m), and Section 353(a), (c), (d), and Section 355(a), (2), (3), (4), (5), (6), (7)(b), (c), (d), (e), and Section 356(c), (d), (e), and Section 357 and Section 358 (a), (b), (c), (d)~~ by the two-year average consumer price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA). *For a listing of the Department's current fees inclusive of annual indexing for inflation, reference the Schedule of Application Fees available on the Department website.*

SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) **Conditional Use (Section 303), Planned Unit Development (Section 304).** The initial fee amount is not to exceed 50% of the construction cost. *A $111 surcharge shall be added to the fees for a conditional use or planned unit development to compensate the City for the costs of appeals to the Board of Supervisors.*

[Table omitted; no changes to Table]

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

(1) *The fee for appeals shall be $521.00, plus any inflation indexing as described in Section 350(g)* ~~*$500.00*~~ for the appellant of a ~~*conditional used authorization*~~ *decision by the Planning Commission as described in Section 308.1 or certain disapproval actions by the Historic Preservation Commission as described in Sections 1004.4, 1006, and 1006.7,* ~~*decision*~~ to the Board of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the appeal

filing date, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

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

SEC. 355. PERMIT APPLICATIONS.

(a) Building permit applications for a change in use or alteration of an existing building, to be collected by Central Permit Bureau; provided, however, that the fees charged for Planning Department approval over-the-counter for the replacement of windows, roofs, siding, and doors shall be reduced to ½ the fee set forth below. The Planning Department initial fee amount shall not ~~to~~ exceed 50% of the construction cost; notwithstanding the foregoing, ~~applications~~ *Applications* for permit revisions are excluded from this limitation.

[Table omitted; no changes to table]

(1) Application with Verified Violations of this Code: The Planning Department shall charge $1,153.00 as an inspection fee for monitoring code violation abatements.

(2) Back-Check Fee for Permit Revisions: $208.00 for the initial fee, plus time and materials as set forth in Section 350(c), to be collected at time of permit issuance.

(3) Shadow Impact Fee for New Construction or Alteration Exceeding 40 Feet in Height (Section 295): Additional $477.00 plus time and materials as set forth in Section 350(c).

(4) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section 311: $49.00, plus $3.26 per envelope (subject to increase based on envelope and postage costs). The City's reprographics department will print and mail public notices.

(5) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section 312: $49.00, plus $1.13 per envelope (subject to increase based on envelope and postage costs). The City's reprographics department will print and mail public notices.

(6) For projects with a construction cost of $100,000,000.00 or more, the applicant shall be charged the permit fee for a project with a $100,000,000.00 construction cost.

(7) Permits for solar panels and over-the-counter permits for solar equipment installation shall be $140.00 per permit.

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SEC. 415.5. AFFORDABLE HOUSING FEE.

Except as provided in Section 415.5(g), all development projects subject to this Program shall be required to pay an Affordable Housing Fee subject to the following requirements:

(a) **Payment of a Fee.** Payment of a fee to the Development Collection Unit at DBI for deposit into the Citywide Affordable Housing Fund for the purposes of that Fund.

(b) **Amount of Fee.** The amount of the fee which may be paid by the project sponsor subject to this Program shall be determined by MOH utilizing the following factors:

(1) The number of units equivalent to the applicable percentage of the number of units in the principal project. The applicable percentage shall be 20 percent or the percentage that applied to the project if the project is subject to the requirements of an earlier version of this Program due to the date it submitted its application. For the purposes of this Section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the applicable percentage, rather than rounding up the resulting figure as required by Section 415.6 ~~5~~(a).

(2) The affordability gap using data on the cost of construction of residential housing from the "San Francisco Sensitivity Analysis Summary Report: Inclusionary Housing

Program" prepared by Keyser Marston Associates, Inc. in August 2006 for the Maximum Annual Rent or Maximum Purchase Price for the equivalent unit sizes. The Department and MOH shall update the technical report from time to time as they deem appropriate in order to ensure that the affordability gap remains current.

(3) Commencing on January 1, 2012, no later than January 1 of each year, MOH shall adjust the fee. No later than November 1 of each year, MOH shall provide the Planning Department, DBI, and the Controller with information on the adjustment to the fee so that it can be included in the Planning Department's and DBI's website notice of the fee adjustments and the Controller's Annual Citywide Development Fee and Development Impact Requirements Report described in Section 409(b). MOH is authorized to develop an appropriate methodology for indexing the fee, based on adjustments in the costs of constructing housing and in the price of housing in San Francisco. The method of indexing shall be published in the Procedures Manual.

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SEC. 416.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.

The requirements of Sections 415.1 through 415.9 shall apply in the Market and Octavia Plan Area and the Upper Market NCD in addition to the following additional affordable housing requirement:

(a) **Amount of Fee:** All development projects that have not received Department or Commission approval as of the effective date of May 30, 2008 and that are subject to the Residential Inclusionary Affordable Housing Program shall pay an additional affordable housing fee per the fee schedule in Table 416.3A.

TABLE 416.3A

AFFORDABLE HOUSING FEE SCHEDULE IN THE MARKET AND OCTAVIA PROGRAM AREA

	Van Ness and Market Special Use District	NCT	RTO
Net addition of residential use or change of use to residential use	$7.20/gross square foot	$3.60/gross square foot	$0.00/gross square foot
~~*Replacement of, or change of use from, non-residential to residential use*~~	~~*$3.80/gross square foot*~~	~~*$0.20/gross square foot*~~	~~*$0.00/gross square foot*~~
~~*Replacement of, or change of use from, PDR to residential use*~~	~~*$5.50/gross square foot*~~	~~*$1.90/gross square foot*~~	~~*$0.00/gross square foot*~~

. . .

419.1. FINDINGS.

~~*A.*~~ *(a)* **Need for New Housing and Other Land Uses.** San Francisco is experiencing a severe shortage of housing available to people at all income levels. In addition, San Francisco has an ongoing affordable housing crisis. Many future San Francisco workers will be earning below 80% of the area's median income, and even those earning moderate or middle incomes, above the City's median, are likely to need assistance to continue to live in San Francisco. In 2007, the median income for a family of four in the city was about $86,000. Yet median home prices suggest that nearly twice that income is needed to be able to a dwelling suitable for a family that size. Only an estimated 10% of households in the city can afford a median-priced home.

The Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND) forecasts that San Francisco must produce over 31,000 new units in the next five years, or over 6,000 new units of housing annually, to meet projected needs. At least 60%, or over 18,000, of these new units should be available to households of very low, low, and moderate incomes. With land in short supply in the City, it is increasingly clear that the City's formerly industrial areas offer a critical source of land where this great need for housing, particularly affordable housing, can be partially addressed.

~~B.~~ *(b)* **Target Area For New Housing.** San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offers an opportunity to achieve higher affordability, and meet a greater range of need. The Mission, Showplace Square - Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to meet San Francisco's housing needs, through higher affordability requirements and through greater flexibility in the way those requirements can be met.

New affordable units are currently funded through a variety of sources, including inclusionary housing and in lieu fees leveraged by new market rate residential development pursuant to Sections 413 and 415; as well as City, State, and federal funding. Using these existing sources, the Planning Department projects that approximately 1,000 to 1,500 new units of affordable housing will be developed in the Eastern Neighborhoods.

Recognizing that this number of affordable units is not sufficient, the Plans call for further measures beyond the existing inclusionary requirements and Citywide funding, including new

funding sources for affordable housing programs such as an impact fee; and new zoning districts in formerly industrial areas which require deeper affordability.

~~C.~~ *(c)* **Requirements for New Development To Contribute Towards Housing Objectives.** A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with "complete neighborhoods" that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying for a reasonable share of their impact on the neighborhood's infrastructure. They further require new development in transitioning formerly industrial areas to contribute a higher share towards the City's exponentially high affordability needs.

To address the full range of housing needs of all income categories, including low, moderate and middle income families and individuals, the Plans provide programs which address all of these income levels, as follows:

(1) **Low:** Current housing programs funded by federal and State funds, private equity raised through Low-Income Housing Tax Credits, and local funds such as inclusionary in-lieu and Jobs-Housing Linkage fees and run by MOH and the San Francisco Redevelopment Agency fund affordable housing primarily at very low and low income levels, to households making below 80% of the area median income; but due to the low supply and high costs of land in the City, are at a disadvantage for sites upon which to provide such housing. An alternative to the city's Inclusionary Housing Program will allow developers to dedicate sites for very low and low income level units.

(2) **Moderate:** The City's Inclusionary Housing Program funds affordable housing primarily at the moderate income levels through on-site provision of below-market rate units, to households making between 80% and 120% of the San Francisco median income. Continuation and expansion of the Inclusionary Housing Program will allow provision of these moderate income units to increase.

(3) **Middle:** The City has no current programs to fund affordable housing to those at "middle" income levels, below the 200% area median income level estimated to be required to purchase market rate housing yet above the 120% threshold required for the City's Inclusionary Housing Program. An alternative to the city's Inclusionary Housing Program will allow developers to provide "middle" income level units.

The Eastern Neighborhoods Plans structure requirements and fees by tiers to ensure feasibility. This feasibility amount remains below the nexus established in the Residential Nexus Analysis, April 2007, on file with the Planning Department. Within these districts, new development of market-rate housing will be required to meet affordable housing requirements above the City's ordinary affordable housing requirements for Residential and Live/Work Development Projects (Section 415), as described in Sections ~~*419A.2-419A.*~~*419.2-419.4* These housing requirements may be met through increased inclusionary requirements under the City's traditional Inclusionary Program, or through alternative methods contained herein.

SEC. 419.5. ALTERNATIVES TO THE INCLUSIONARY HOUSING COMPONENT.

. . .

(b) **Rental Incentive.** Qualified rental housing projects, as defined in Section ~~*419A.2(g),*~~ *419.2(a)(1)* are allowed a reduction in their inclusionary housing requirements as follows:

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

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

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

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

. . .

SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE.

. . .

(c) **Fee Calculation for the Eastern Neighborhoods Infrastructure Impact Fee.** For development projects for which the Eastern Neighborhoods Infrastructure Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 423.3A. and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 423.3B.

TABLE 423.3A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE EASTERN NEIGHBORHOODS PROGRAM PLAN AREAS

Tier ~~(per Sec. 423.3(a))~~ *(per Sec. 423.2(a))*	Residential	Non-residential	*Net TIDF*
1	$8/gsf	$6/gsf	*$10/gsf*
2	$12/gsf	$10/gsf	*$10/gsf*
3	$16/gsf	$14/gsf	*$10/gsf*

TABLE 423.3B

FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE EASTERN NEIGHBORHOODS PROGRAM AREA

Tier ~~(per Sec. 422.3(a))~~ *(per Sec. 423.3(a)*	Residential to Residential or Non-residential; or Non-residential to Non-residential	Non-Residential to Residential	PDR to Residential	PDR to Non-residential
1	$0	$2/gsf	$5/gsf	$3/gsf
2	$0	$2/gsf	$9/gsf	$7/gsf
3	$0	$2/gsf	$13/gsf	$11/gsf

(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.**

Project sponsors may propose to directly provide community improvements to the City. In

such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Eastern Neighborhoods Infrastructure Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Eastern Neighborhoods Community Improvements Program and where they substitute for improvements that could be provided by the Eastern Neighborhoods ~~*Community Improvements*~~ *Public Benefits* Fund (as described in Section 423.5). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Eastern Neighborhoods Area Plans (Central Waterfront, East SoMa, Mission, and Showplace Square/Potrero Hill), by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to Eastern Neighborhoods Citizens community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

(2) **Valuation.** The Director of Planning shall determine the appropriate value of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. If the City has completed a detailed site-specific cost estimate for a planned improvement this may serve as one of the cost estimates provided it is indexed to current cost of construction.

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

(*A i*) A description of the type and timeline of the proposed in-kind improvements.

(*B* ~~ii~~) The appropriate value of the proposed in-kind improvement, as determined in subsection (2) above.

(*C* ~~iii~~) The legal remedies in the case of failure by the project sponsor to provide the in-kind improvements according to the specified timeline and terms in the agreement. Such remedies shall include the method by which the City will calculate accrued interest.

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning is authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Eastern Neighborhoods Infrastructure Impact Fee by the value of the proposed In-Kind Improvements Agreement as determined by the Director of Planning. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind Improvements Agreement shall not exceed the required Eastern Neighborhoods Infrastructure Impact Fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.

. . .

SEC. 423.5. THE EASTERN NEIGHBORHOODS PUBLIC BENEFITS FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected by the

Development Fee Collection Unit at DBI pursuant to Section 423.3(~~b~~e) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

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

(1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop and improve public open space and recreational facilities; transit, streetscape and public realm improvements; and community facilities including child care and library materials, as defined in the Eastern Neighborhoods Nexus Studies; or housing preservation and development within the Eastern Neighborhoods Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible." Funds generated for 'library resources' should be used for materials in branches that directly service Eastern Neighborhoods residents. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities if this is deemed necessary.

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

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

(1) Funds collected from all zoning districts in the Eastern Neighborhoods Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts by improvement type according to Table 423.5.

(2) Funds collected in designated affordable housing zones (Mission NCT and MUR (as defined in 401), shall be allocated to accounts by improvement type as described in Table 423.5A. The revenue devoted to affordable housing preservation and development shall be deposited into a specific amount to be held by the Mayor's Office of Housing.

A. All funds collected from projects in the Mission NCT that are earmarked for affordable housing preservation and development shall be expended on housing programs and projects within the Mission Area Plan boundaries.

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

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

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

TABLE 423.5
BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE*

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

*Does not apply to Designated Affordable Housing Zones, which are addressed in Table ~~*423.6A.*~~*423.5A*

TABLE 423.5A
BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

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

. . .

SEC. 424.6.2. APPLICATION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE.

. . .

(d) Option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue

a fee waiver for the Transit Center District Open Space Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) Approval Criteria. The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Transit Center District Plan Implementation Program Document and where they substitute for improvements that could be provided by the Transit Center District Open Space Fund (as described in Section 424.6.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Transit Center District Plan, by the Interagency Plan Implementation Committee (see Chapter 36 of the Administrative Code), or other prioritization processes related to Transit Center District improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

For a development project on Assessor's Block 3720 Lot 009, an In-Kind Agreement may be approved which credits the project for public open space improvements constructed by either the sponsor of the development project or by the Transbay Joint Powers Authority, in accordance with the Transit Center District Plan Implementation Program Document.

(2) Valuation. The Director of Planning shall determine the appropriate value of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. A detailed site-specific cost estimate for a planned improvement prepared by the City or the Transbay Joint Powers Authority may satisfy the requirement for cost estimates provided that the estimate is indexed to current cost of construction.

(3) Content of the In-Kind Improvements Agreement. The In-Kind Improvements

Agreement shall include at least the following items:

~~(i)~~ *(A)* A description of the type and timeline of the proposed in-kind improvements.

~~(ii)~~ *(B)* The appropriate value of the proposed in-kind improvement, as determined in subsection (2) above.

~~(iii)~~ *(C)* The legal remedies in the case of failure by the project sponsor to provide the in-kind improvements according to the specified timeline and terms in the agreement. Such remedies shall include the method by which the City will calculate accrued interest.

. . .

SEC. 429.3. IMPOSITION OF PUBLIC ART FEE REQUIREMENT.

. . .

(d) **Options to Fulfill Requirements.**

(1) **Non-Residential Development Projects.** Non-residential buildings with public open space requirements greater than 1,499 square feet but less than 3,000 square feet that provide ground floor open space shall comply with Section 429.3 by providing on-site public art of a value equivalent to the Public Art Fee; provided, however, that if the required Public Art Fee exceeds $500,000, only on-site public art valued at $500,000 is required to be provided on-site. Non-residential buildings with public open space requirements greater than or equal to 3,000 square feet that provide ground floor open space shall comply with Section 429.3 by providing on-site public art of a value equivalent to the Public Art Fee; provided, however, that if the required Public Art Fee exceeds $750,000, only on-site public art valued

at $750,000 is required to be provided on-site. In any case where the Public Art Fee requirement exceeds the amount required on-site, prior to issuance of a building or site permit the project sponsor shall elect one of the following options to fulfill any requirements imposed as a condition of approval and to notify the Arts Commission and the Department of their choice: ~~*(a) to expend the remainder of the Public Art Fee on-site, or (b) to deposit the remainder of the Public Art Fee into the Public Artwork Trust Fund established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to non profit arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary, or (c) to expend a portion of the remainder on-site and deposit the rest into the Public Artwork Trust Fund.*~~

(A) to expend the remainder of the Public Art Fee on-site, or

(B) to deposit the remainder of the Public Art Fee into the Public Artwork Trust Fund established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to non-profit arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary, or

(C) to expend a portion of the remainder on-site and deposit the rest into the Public Artwork Trust Fund.

As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

(2) **Residential Development Projects.** Prior to issuance of a building or site permit for a residential development project subject to the requirements of Section 429.1 *et seq.*, the sponsor shall elect one of the options listed below to fulfill any requirements imposed as a condition of approval and to notify the Arts Commission and the Department of their choice of the following:

(A) ~~(i)~~ **Option to Use 100% of Public Art Fee to Provide On-Site Public Artwork.** Unless otherwise provided below, the project sponsor may elect to provide on-site public art of a value at least equivalent to the Public Art Fee.

(B) ~~(ii)~~ **Option to Contribute 100% of Public Art Fee Amount to Public Artwork Trust Fund.** Effective on the effective date of Ordinance No. 62-12 for a project that has not received its first construction document, and except as provided herein, the project sponsor may pay the Public Art Fee for deposit in the Public Artwork Trust Fund established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to nonprofit arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

(C) ~~(iii)~~ **Option to Expend a Portion of the Public Art Fee Amount to On-Site Public Artwork and the Remainder to the Public Artwork Trust Fund.** Effective on the effective date of Ordinance No. 62-12 a project that has not received its first construction document may elect to expend a portion of the Public Art Fee for the acquisition of On-Site Public Artwork that shall be subject to the requirements of subsection (d)*(2)(a)* ~~(1)~~ above regarding On-Site Public Artwork, and deposit the remaining balance of the Public Art

Fee into the Public Artwork Trust Fund. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

. . .

SEC. 429.5. ARTS COMMISSION PUBLIC ARTWORK TRUST FUND.

. . .

(b) With the above objective, through a competitive public process the Public Artwork Trust Fund shall be overseen by the Arts Commission and used to fund:

(1) ~~*(i)*~~ the creation, installation, and exhibition of temporary and permanent public works of art in the public realm and within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary;

(2) ~~*(ii)*~~ the conservation, preservation, and restoration, but not maintenance of temporary and permanent public works of art in the public realm and within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary;

(3) ~~*(iii)*~~ distribution of funds to San Francisco nonprofit arts entities and artists to fund temporary public art projects, performance, film and video screenings, and capital improvements for publicly accessible cultural facilities within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary; and

(4) ~~*(iv)*~~ the reasonable administrative expenses of the Arts Commission staff in connection with administering compliance with the requirements of this Section on a time and

materials basis for managing projects funded through the Public Artworks Trust, not to exceed 20% of the costs for any one project.

(c) The Arts Commission shall administer and expend the Public Artwork Trust Fund, and shall have the authority to prescribe rules and regulations governing the Fund that are consistent with this Section.

SEC. 606. RESIDENTIAL DISTRICTS.

Signs in R Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

. . .

(b) Signs for Uses Permitted in R Districts. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized as principal or conditional uses in R Districts, except that signs for any commercial establishments so authorized in RC Districts shall be subject to the limitations of Paragraph (c)(3) below.

(1) One nonilluminated or indirectly illuminated nameplate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts or two square feet in RM or RED Districts.

(2) One identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, and meeting the following additional requirements:

(A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet;

(B) In ~~*RM-1*~~ *RM* or RED Districts: maximum area eight square feet if directly illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

(C) In RTO Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet; signage related to commercial uses permitted under Sections 209.8(e) and 230 is regulated according to the provisions described in Section 230.

(3) One temporary nonilluminated or indirectly illuminated sale or lease sign for each street frontage of the total parcel involved, not exceeding a height of 24 feet if freestanding and not above the roofline if attached to a building, and having an area not exceeding six square feet for each lot or for each 3,000 square feet in such total parcel, whichever ratio permits the larger area, provided that no such sign shall exceed 50 square feet in area and any such sign exceeding 18 square feet in area shall be set back at least 25 feet from all street property lines. Any sale or lease sign shall be removed within seven days following removal of the property from the market.

(4) Temporary nonilluminated signs of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project, not exceeding a height of 12 feet, with the combined area of all such signs not to exceed 10 square feet for each street frontage of the project.

. . .

SEC. 607 COMMERCIAL AND INDUSTRIAL DISTRICTS.

Signs in C, M, and PDR Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) **General Advertising Signs.** No general advertising sign shall be permitted in any C-1 District or within 200 feet of the park known as Union Square and visible from said park, except that a replacement sign of the same size or smaller, of the same type as defined in this Code or as interpreted by the Zoning Administrator, and at the same approximate location as an existing sign would be allowed within 200 feet of said park provided that the sign is otherwise permitted by the Planning Code, would cast no additional shadow upon

Union Square, has no intensification of lighting as determined by the Zoning Administrator, and is not internally lighted or backlighted. Use of neon is not precluded by this provision. Temporary general advertising signs determined by the Zoning Administrator to be at pedestrian level and less than 50 square feet in size are not precluded by this provision.

(b) **Roof Signs.** Roof signs shall be permitted in all C, M and PDR Districts other than C-1 only if Subsections (1) through (3) below are satisfied; except that a roof sign that is designated historic pursuant to Section~~s 303 and~~ 608.14 of this Code may be permitted without regard to Subsections (1) through (3) below:

(1) The sign does not extend more than 25 feet above the roofline of the building on or over which the sign is placed; and

(2) All parts of the sign are within 25 feet of, and the sign is mounted at not more than a 45-degree angle from, a wall of a building the roofline of which is at least as high as the top of the sign; and

(3) Such wall forms a complete backdrop for the sign, as the sign is viewed from all points from which the sign is legible from a public street or alley.

. . .

(d) **Moving Parts.** No sign shall have or consist of any moving, rotating, or otherwise physically animated part (as distinguished from lights that give the appearance of animation by flashing, blinking or fluctuating), except as follows:

(1) Moving or rotating or otherwise physically animated parts may be used for the rotation of barber poles and the indication of time of day and temperature.

(2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, M-2, and PDR Districts, ~~except for signs located within 200 feet of the park known as Union Square and visible from said park~~ and signs located so as to be primarily viewed by persons traveling on any portion of a freeway, moving or otherwise physically animated parts may be used if such parts

do not exceed a velocity of one complete cycle in a four-second period where such parts constitute less than 30 percent of the area of the sign or if, where such parts constitute a greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second period and are stationary at least half of each eight-second period; except that signs designated historic pursuant to Section ~~*s 303 and*~~ 608.14 of this Code may have such moving features otherwise prohibited for signs located so as to be primarily viewed by persons traveling on any portion of a freeway.

(3) Notwithstanding the type of signs permissible under Subparagraph (d), a video sign is prohibited.

(4) Notwithstanding the type of signs permissible under Subparagraph (d)(2), a sign that rotates is prohibited.

. . .

(g) **Height and Extension Above Roofline.**

(1) **Signs Attached to Buildings.** Except as provided in Section 260 for historic signs in historic districts, no sign attached to a building shall extend or be located above the roofline of the building to which it is attached; except that up to ½ the area of a business sign attached to the street wall of a building may extend above the roofline, up to the maximum height permitted for freestanding signs in the same district or 10 feet above the roofline, whichever is the lesser. In addition, no sign attached to a building shall under any circumstances exceed the following maximum heights:

In C-1: 40 feet;

In C-3: 100 feet;

In all other C, ~~*and*~~ M, *and* ~~*Districts*~~ *PDR Districts*: 60 feet.

The 100-foot height limitation stated herein shall not apply to the modification or replacement of any currently existing wall signs so long as such modified or replacement sign

is generally in the same location and not larger in surface area and projection than existing signs being modified or replaced. Such signs may contain letters, numbers, a logo, service mark and/or trademark and may be nonilluminated or indirectly illuminated.

(2) **Freestanding Signs.** The maximum height for freestanding signs shall be as follows:

In C-1: 24 feet;

In C-2: 36 feet;

In all other C, M, and PDR Districts: 40 feet.

. . .

SEC. 608.13. RINCON HILL AREA.

Within the boundaries of the Rincon Hill Downtown Residential *Mixed Use* District set forth in Section ~~*249.1 of the City Planning Code and as designated on Sectional Map 1SUb of the Zoning Map,*~~ *827* and generally bounded by Folsom Street, The Embarcadero, Bryant Street, and Essex Street, notwithstanding any other provisions of this Code, the existing signs and/or sign towers may be changed, modified or replaced provided that all the following criteria are met:

(a) Such changed, modified or replacement sign is in the same general location as the existing signage;

(b) The total area and height of the changed, modified or replacement sign is not increased from the total area and height of the existing sign or sign tower;

(c) Such sign or sign tower may contain letters, numbers, a logo, service mark and/or trademark, and may be nonilluminated, or directly or indirectly illuminated;

(d) Such sign or sign tower may only reflect the identity of the owner or a tenant of the building, including a parent corporation, subsidiary and/or affiliate of the owner or of the tenant.

SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.

(a) The following districts are established for the purpose of implementing the Commerce and Industry element and other elements of the General Plan, according to the objective and policies stated therein. Description and Purpose Statements outline the main functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

The description and purpose statements and land use controls applicable to each of the general and individual area districts are set forth in ~~*Sections 710.1 through 784 of*~~ this Code for each district class. The boundaries of the various Neighborhood Commercial Districts are shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the provisions of that Section.

Neighborhood Commercial General Area Districts	**Section Number**
NC-1 - Neighborhood Commercial Cluster District	§ 710
NC-2 - Small-Scale Neighborhood Commercial District	§ 711
NC-3 - Moderate-Scale Neighborhood Commercial District	§ 712
NC-S - Neighborhood Commercial Shopping Center District	§ 713
~~*NCT-1 Neighborhood Commercial Transit Cluster District*~~	~~*§ 733A*~~
~~*NCT-2 Small Scale Neighborhood Commercial Transit District*~~	~~*§ 734*~~
~~*NCT-3 Moderate-Scale Neighborhood Commercial Transit District*~~	~~*§ 731*~~
Named **Neighborhood Commercial** ~~***Individual Area***~~ **Districts**	**Section Number**
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716

Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
~~*Hayes-Gough Neighborhood Commercial Transit District*~~	~~§ 720~~
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725
~~*Valencia Street Neighborhood Commercial District*~~	~~§ 726~~
~~*24th Street-Mission Neighborhood Commercial District*~~	~~§ 727~~
24th Street-Noe Valley Neighborhood Commercial District	§ 728
West Portal Avenue Neighborhood Commercial District	§ 729
Inner Sunset Neighborhood Commercial District	§ 730
~~*Upper Market Street Neighborhood Commercial Transit District*~~	~~§ 732~~
~~*SoMa Neighborhood Commercial Transit District*~~	~~735~~
~~*Mission Street Neighborhood Commercial Transit District*~~	~~736~~
~~*Ocean Avenue Neighborhood Commercial Transit District*~~	~~737~~
Noriega Street Neighborhood Commercial District	*§739.1*
Irving Street Neighborhood Commercial District	~~§ 735~~*§740.1*
Taraval Street Neighborhood Commercial District	~~§ 736~~*§741.1*
Judah Street Neighborhood Commercial District	~~§ 737~~*§742.1*

(b) The following districts are Neighborhood Commercial Transit (NCT) Districts, including both general area districts and individual area districts identified by street or area name. These districts are a subset of the Neighborhood Commercial (NC) Districts.

~~*Neighborhood Commercial Transit Districts*~~	~~*Section Number*~~

~~*Hayes-Gough Neighborhood Commercial Transit District*~~	~~*§ 720*~~
~~*Valencia Street Neighborhood Commercial Transit District*~~	~~*§ 726*~~
~~*24th Street - Mission Neighborhood Commercial Transit District*~~	~~*§ 727*~~
~~*NCT-3 - Moderate-Scale Neighborhood Commercial Transit District*~~	~~*§ 731*~~
~~*Upper Market Street Neighborhood Commercial Transit District*~~	~~*§ 732*~~
~~*NCT-1 Neighborhood Commercial Transit Cluster District*~~	~~*§ 733A*~~
~~*NCT-2 Small Scale Neighborhood Commercial Transit District*~~	~~*§ 734*~~
~~*SoMa Neighborhood Commercial Transit District*~~	~~*§ 735*~~
~~*Mission Street Neighborhood Commercial Transit District*~~	~~*§ 736*~~
~~*Ocean Avenue Neighborhood Commercial Transit District*~~	~~*§ 737*~~
~~*Glen Park Neighborhood Commercial Transit District*~~	~~*§ 738*~~

Neighborhood Commercial Transit Districts	*Section Number*
NCT-1 Neighborhood Commercial Transit Cluster District	*§ 733A*
NCT-2 Small Scale Neighborhood Commercial Transit District	*§ 734*
NCT-3 - Moderate-Scale Neighborhood Commercial Transit District	*§ 731*
Named Neighborhood Commercial Transit (NCT) Districts	*702.1*
Hayes-Gough Neighborhood Commercial Transit District	*§ 720*
Valencia Street Neighborhood Commercial Transit District	*§ 726*
24th Street - Mission Neighborhood Commercial Transit District	*§ 727*
Upper Market Street Neighborhood Commercial Transit District	*§ 732*

SoMa Neighborhood Commercial Transit District	*§ 735*
Mission Street Neighborhood Commercial Transit District	*§ 736*
Ocean Avenue Neighborhood Commercial Transit District	*§ 737*
Glen Park Neighborhood Commercial Transit District	*§ 738*

NCT Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.

In addition to the Neighborhood Commercial Use Districts established by Section 702.1 of this Code, certain Neighborhood Commercial Special Use Districts are established for the purpose of controlling the expansion of certain kinds of uses which if uncontrolled may adversely affect the character of certain Neighborhood Commercial Districts.

The purposes and provisions set forth in Sections 781.1 through 781.6, ~~and~~ *Sections 783 - 786, and Sections 249.35-249.99* of this Code shall apply respectively within these districts. The boundaries of the districts are as shown on the Zoning Map as referred to in Section 105 of this Code, subject to the provisions of that Section.

Neighborhood Commercial Restricted Use Subdistricts	**Section Number**
Taraval Street Restaurant Subdistrict	§ 781.1
Irving Street Restaurant Subdistrict	§ 781.2
~~*Ocean Avenue Fast Food Subdistrict*~~	~~*§ 781.3*~~
Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict	§ 781.4
Mission Street Formula Retail Restaurant Subdistrict	§ 781.5
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	§ 781.6
Chestnut Street Financial	§ 781.7
Haight Street Alcohol Restricted Use District	§ 781.9
Divisadero Street Alcohol Restricted Use District	§ 783
Lower Haight Street Alcohol Restricted Use District	§ 784
Excelsior Alcohol Special Use District	§ 785
Lower Haight Tobacco Paraphernalia Restricted Use District	§ 786
Fringe Financial Service Restricted Use District	*§ 249.35*
Mission Alcohol Restricted Use District	*§ 249.60 (formerly 781.8)*

Third Street Alcohol Restricted Use District	*§ 249.62 (formerly 782)*

SEC. 702.4. SPECIAL USE DISTRICTS.

In addition to the Neighborhood Commercial Use Districts and Neighborhood Commercial Special Use Districts established by Sections 702.1 and 702.2 of this Code, certain special use districts established in ~~*Section 235 236 through 249.9 of*~~ this Code are located within certain Neighborhood Commercial District boundaries. The designations, locations, and boundaries of the special use districts are as provided below.

Special Use Districts	**Section Number**
~~*Fringe Financial Service Restricted Use District*~~	~~*§ 249.35*~~
Third Street Special Use District	§ 249.14
~~*Mission Alcohol Restricted Use District*~~	~~*§ 249.60 (formerly 781.8)*~~
17th – Rhode Island Street Special Use District	§ 249.61 (formerly 781.10)
~~*Third Street Alcohol Restricted Use District*~~	~~*§ 249.62 (formerly 782)*~~
Geary Boulevard/Divisadero Street Special Use District	§ 249.13
California Street & Presidio Avenue Community Central Special Use District	§ 249.21
Japantown Special Use District	§ 249.31
Fulton Street Grocery Store Special Use District	§ 249.35
Upper Market Special Sign District	§ 608.10

SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific district is set forth or summarized and cross-referenced in *Article 7* ~~*Sections 710.1 through 730.95 of*~~ this Code for each district class.

. . .

(b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in ~~*paragraph (a) in Sections 710.1 through 737.1 of*~~ this Code for each district class.

(1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street parking and loading and other uses listed below which function primarily as open-air uses, or which may be appropriate if located on an open lot, outside a building, or within a partially enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

No.	Zoning Control Category
.56	Automobile Parking
.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental

.81	Other Institutions, Large (selected)
.83	Public Use (selected)
.95	Community Residential Parking

If there are two or more uses in a structure and none is classified below under Section 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as independent principal, conditional or temporary uses.

(A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood Commercial District, when so indicated in ~~*Sections 710.1 through 737.1 [of*~~ this Code for each district class.

(B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated *in this Code*. ~~*Sections 710.10 through 737.1*~~. Conditional uses are subject to the provisions set forth in Sections 178, 179, 303, and 316 through 316.6 of this Code.

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

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 790.64, shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iv) Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require conditional use authorization.

(C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot. Any use which does not qualify as an accessory use shall be classified as a principal or conditional use, unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

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

(i) The use of more than 1/3 of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading and accessory wholesaling, manufacturing or processing of foods, goods, or commodities;

(ii) Any Bar or Restaurant, or any other retail establishment which serves liquor for consumption on-site;

(iii) Any Take-Out Food use, as defined in Section 790.122, except for a Take-Out Food use which occupies 1/3 of the total floor area or up to 500 s/f whichever is more restrictive in a general grocery or specialty grocery store. This Take-Out Food use includes the area devoted to food preparation and service and excludes storage and waiting areas;

(iv) Any Take-Out Food use, as defined in Section 790.122, except for a Take-Out Food use operating as a minor and incidental use within a Restaurant or Limited-Restaurant use;

(v) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also use or provide for retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.

(vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or liquor sales for the consumption off the premises with a State of California Alcoholic Beverage Control ("ABC") Board License type *20* (off-sale beer and wine) or type 21 (off-sale general) which occupy less that 15% of the gross square footage of the establishment (including all areas devoted to the display and sale of alcoholic beverages) in a general grocery store or specialty grocery store, or Limited-Restaurant use (ABC license type 20 only).

(vii) Medical Cannabis Dispensaries as defined in 790.141.

The foregoing rules shall not prohibit take-out food activity which operates in conjunction with a Limited-Restaurant or a Restaurant. A Limited-Restaurant or a Restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.

(viii)~~*(vii)*~~ Any other entertainment use, as defined in Section 790.38, except for one that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 *et seq*.

(D) **Temporary Uses.** Temporary uses are permitted uses, subject to the provisions set forth in Section 205 of this Code.

(2) **Not Permitted Uses.**

(A) Uses which are not specifically listed in this Article are not permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(B) No use, even though listed as a permitted use, shall be permitted in a Neighborhood Commercial District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(C) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229. Except in the SoMa NCT, where these uses are permitted accessory uses.

SEC. 703.3. FORMULA RETAIL USES.

(a) **Findings.**

(1) San Francisco is a city of diverse and distinct neighborhoods identified in large part by the character of their commercial areas.

(2) San Francisco needs to protect its vibrant small business sector and create a supportive environment for new small business innovations. One of the eight Priority Policies of the City's General Plan resolves that "existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhances."

(3) Retail uses are the land uses most critical to the success of the City's commercial districts.

(4) Formula retail businesses are increasing in number in San Francisco, as they are in cities and towns across the country.

(5) Money earned by independent businesses is more likely to circulate within the local neighborhood and City economy than the money earned by formula retail businesses which often have corporate offices and vendors located outside of San Francisco.

(6) Formula retail businesses can have a competitive advantage over independent operators because they are typically better capitalized and can absorb larger startup costs, pay more for lease space, and commit to longer lease contracts. This can put pressure on existing businesses and potentially price out new startup independent businesses.

(7) San Francisco is one of a very few major urban centers in the State in which housing, shops, work places, schools, parks and civic facilities intimately co-exist to create strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and the City's mix of architecture contributes to a strong sense of neighborhood community within the larger City community.

(8) Notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many formula retail businesses can detract from the distinctive character of certain Neighborhood Commercial Districts.

(9) The increase of formula retail businesses in the City's neighborhood commercial areas, if not monitored and regulated, will hamper the City's goal of a diverse retail base with distinct neighborhood retailing personalities comprised of a mix of businesses. Specifically, the unregulated and unmonitored establishment of additional formula retail uses may unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be non-traditional or unique, and unduly skew the

mix of businesses towards national retailers in lieu of local or regional retailers, thereby decreasing the diversity of merchandise available to residents and visitors and the diversity of purveyors of merchandise.

(10) If, in the future, neighborhoods determine that the needs of their Neighborhood Commercial Districts are better served by eliminating the notice requirements for proposed formula retail uses, by converting formula retail uses into conditional uses in their district, or by prohibiting formula retail uses in their district, they can propose legislation to do so.

(b) **Formula Retail Use.** Formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

(1) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(3) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(4) Decor shall be defined as the style of interior finishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.

(5) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.

(6) Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(7) Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

(8) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

. . .

(d) **Formula Retail Uses Permitted.** Any use permitted in ~~*a Neighborhood Commercial District*~~ *in certain districts defined in Section 303(i)(5.A)*, which is ~~*all*~~ *also* a "formula retail use" as defined in this Section, is hereby permitted.

(e) **Formula Retail Use Prohibited.** Notwithstanding subsection (d), ~~*any use permitted in the Hayes-Gough Neighborhood Commercial District, or the North Beach Neighborhood Commercial District, which is also a "formula retail use" as defined in this Section, is hereby prohibited. Any Restaurant, Limited Restaurant permitted in the Upper Fillmore or Broadway Neighborhood Commercial District which is also a "formula retail use*~~" *certain districts may prohibit formula retail uses or a subset of formula retail uses as described in* ~~*this*~~ Section *303(i)(5)* ~~*is hereby prohibited*~~.

(f) **Conditional Uses.** Notwithstanding subsections (d) or (e), ~~*any use permitted in the Haight Street Neighborhood Commercial District, the Japantown Special Use District as defined in Section 249.31, or in the Small-Scale Neighborhood Commercial District along Divisadero Street, bounded by Haight Street to the south and Turk Street to the north (Block 1128, Lot 20, Block 1129, Lots 93 - 106, Block 1153, Lots 1 - 4, 6, and 21 - 22 Block 1154, Lots 13 - 17B and 35 - 40, Block 1155, Lots 16 - 21, Lots 23, 24, and 36 - 38, Block 1156, Lots 4 - 6, 8, 38 and 40 - 41, Block 1179, Lots 1 - 1C, 27, and 28, Block 1180, Lots 12 - 17, Block 1181, Lots 14 - 9, Block 1182, Lots 2 - 6, 8, 22 - 23, 30*~~

~~- 60, Block 1201, Lots 1 - 4, 8 - 10, 39 - 54 and 57 - 61, Block 1202, Lots 2A, 2B, 2J and 7, Block 1203, Lots 17 - 22, 24 and 37, Block 1204, Lots 1 - 11A, Block 1215, Lots 8 - 16, Block 1216, Lots 5, 1 and 17 - 18, Block 1217, Lots 20 - 29, Block 1218, Lots 1 - 8, 29, 32, and 50, Block 1237, Lots 1 - 7, Block 1238, Lots 21 - 27, Block 1239, Lot 27, Block 1240, Lot 1), or in the Neighborhood Commercial Cluster Districts located at Cole and Carl Streets (Block 1267, Lot 9, Block 1268, Lots 26, 27, 28 and 29, Block 1271, Lots 24, 24A, 24B, 25 and 26, Block 1272, Lots 1, 2, 3, 4, and 5, Block 1278, Lot 22), and at Parnassus and Stanyan Streets (Block 1276, Lot 21)~~ *a Conditional Use Authorization shall be required for a formula retail use in the zoning districts listed in Section 303(i)(4) unless explicitly exempted.*

~~which is also a "formula retail use" as defined in this Section, is hereby permitted only as a conditional use.~~ Additional criteria to be used by the Planning Commission when considering granting conditional use permits to formula retail uses in these districts are listed in Section 303(i).

. . .

SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

			NC-1
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 710.13 . . .	Street Frontage	*§ 145.1*	Required ~~§~~
No.	**Zoning Category**	**§ References**	**NC-1** **Controls by Story**
. . . **RETAIL SALES AND SERVICE**			

. . . 710.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ §790.4			

SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2

ZONING CONTROL TABLE

			NC-2		
No.	**Zoning Category**	**§ References**	**Controls**		
BUILDING STANDARDS					
. . . 711.13 . . .	Street Frontage	§ 145.1	Required §		
			NC-2		
No.	**Zoning Category**	**§ References**	**Controls by Story**		
. . . **RETAIL SALES AND SERVICE**					
711.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
711.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ §790.4			

. . .

SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**

. . .		
§ 711.54	§ 790.60, § 1900 Health Code	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3

ZONING CONTROL TABLE

			NC-3		
No.	**Zoning Category**	**§ References**	**Controls**		
BUILDING STANDARDS					
. . . 712.13 . . .	Street Frontage	§ 145.1	Required		
			NC-3		
No.	**Zoning Category**	**§ References**	**Controls by Story**		
. . . **RETAIL SALES AND SERVICE**					
. . . 712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
712.69B	Amusement Game	~~§ 790.04~~ §790.4	C		

	Arcade (Mechanical Amusement Devices) . . .				

. . .

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . .		
§ 712.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage Establishments shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).* . . .

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

ZONING CONTROL TABLE

			NC-S
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			

. . .					
713.13	Street Frontage	*§ 145.1*	Required *~~§ 145.1~~*		
. . .					
			NC-S		
No.	**Zoning Category**	**§ References**	**Controls by Story**		
. . .					
RETAIL SALES AND SERVICE					
713.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
713.69B	Amusement Game Arcade (Mechanical Amusement Devices)	*~~§ 790.04~~ §790.4*	C		

. . .

SPECIFIC PROVISIONS FOR NC-S DISTRICTS

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 713.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 714.1. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

The Broadway Neighborhood Commercial District, located in the northeast quadrant of San Francisco, extends along Broadway from ~~*west*~~ *east* of Columbus Avenue to Osgood Place. It is part of a larger commercial area which includes North Beach to the north, Chinatown to the south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a Citywide and regional entertainment district is derived from a concentration of nightclubs, music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery Street. These places attract locals and visitors alike, mainly in the evening and late-night hours. In addition to the entertainment and some retail businesses, Broadway contains many upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to develop upper-story offices.

The Broadway District controls are designed to encourage development that is compatible with the existing moderate building scale and mixed-use character, and maintain the district's balance of entertainment uses, restaurants, and small-scale retail stores. New buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential levels are protected. Most commercial uses in new buildings are permitted at the first two stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the livability of the area, limitations apply to new fast-food restaurants and adult entertainment uses at the first and second stories, as well as late-night activity. Financial services are allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent further traffic congestion. Parking garages are permitted if their ingress and egress do not disrupt the traffic flow on Broadway.

Housing development in new buildings is encouraged above the second story. Existing housing is protected by limitations on demolitions and upper-story conversions.

SEC. 714 BROADWAY NEIGHBORHOOD-COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Broadway		
No.	**Zoning Category**	**§ References**	**Controls**		
BUILDING STANDARDS					
. . .					
714.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~		
No.	**Zoning Category**	**§ References**	**Broadway Controls by Story**		
. . .					
RETAIL SALES AND SERVICE					
714.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~*§ 790.04*~~ *§790.4*	C		

. . .

SPECIFIC PROVISIONS FOR BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . .		

§ 714.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*
. . . ~~§722.94~~ *714.94*	§§ 150, 153- 157, 159- 160, 204.5	(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this

		Code.

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Castro Street		
No.	**Zoning Category**	**§ References**	**Controls**		
BUILDING STANDARDS					
. . . 715.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~		
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES					
. . . 715.21 . . .	Use Size *[Non-Residential]*	§ 790.130	P to 1,999 sq. ft.; ~~*C# 2,000 sq. ft.*~~ *C 2,000 sq. ft.* to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2		
No.	**Zoning Category**	**§ References**	**Castro Controls by Story**		
RETAIL SALES AND SERVICE					
. . . 715.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
. . . 715.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~*§ 790.04*~~ *§790.4*			

. . .

SPECIFIC PROVISIONS FOR CASTRO NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7	**Other**	**Zoning Controls**

Code Section	Code Section	
. . .		*MASSAGE ESTABLISHMENT*
§ 715.54	*§ 790.60, § 1900 Health Code*	***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*
. . .		

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Inner Clement		
No.	**Zoning Category**	**§ References**	**Controls**		
BUILDING STANDARDS					
. . . 716.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~		
No.	**Zoning Category**	**§ References**	**Inner Clement Controls by Story**		
. . .					
RETAIL SALES AND SERVICE					
. . . 716.54 . . .	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	

716.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ §790.4			

. . .

SPECIFIC PROVISIONS FOR INNER CLEMENT

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR BARS **Boundaries:** Applicable to the Inner Clement Street Neighborhood Commercial District **Controls:** (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that: (1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and (2) The establishment maintains only an ABC license type 42. Other ABC license types, except those that are included within the definition of a Restaurant pursuant to ~~§ 790.61~~ 790.91, are not

		permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use authorization under this Section, the *Planning* Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.
§ 716.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Outer Clement
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 717.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
. . . **Retail Sales and Services**			

. . .					
717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ ~~790.04~~ 790.4			
. . .					

. . .

SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . .		
§ 717.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).
. . .		**Boundaries:** The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the ~~Outter~~ Outer Clement Street Neighborhood Commercial District.
		Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Upper Fillmore
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			

. . .			
718.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
. . .			

			Upper Fillmore Street
No.	**Zoning Category**	**§ References**	**Controls by Story**
. . .			
RETAIL SALES AND SERVICE			
. . .			
718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#
. . .			
718.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~*§ 790.04*~~ *§790.4*	
. . .			

. . .

SPECIFIC PROVISIONS FOR UPPER FILLMORE STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . .		
~~*714.43*~~	§ 790.90	UPPER FILLMORE FORMULA RETAIL RESTAURANT AND
~~*714.44*~~	§ 790.91	LIMITED-RESTAURANT USES

718.43 *718.44*		**Boundaries:** Upper Fillmore NCD **Controls:** Formula Retail Restaurant and Limited-Restaurant Uses are NP.
§ 718.54 . . .	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Haight Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 719.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
			Haight Street
No.	**Zoning Category**	**§ References**	**Controls by Story**
. . . **RETAIL SALES AND SERVICE**			

. . . 719.54 . . .	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
719.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ §790.4			

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SPECIFIC PROVISIONS FOR HAIGHT STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . . § 719.54 . . .	§ 790.60, § 1900 Health Code	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuantto this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			Hayes-Gough
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			

. . .					
720.13	Street Frontage	*§ 145.1*	Required *~~§ 145.1~~*		
720.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above *~~§ 145.1(c), (e)~~*		
720.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	Hayes Street; *~~Octavia Street, from Fell to Hayes Streets~~ portions of Octavia Street* *~~§ 145.1(d), (e)~~*		
720.13c	Street Frontage, Parking and Loading Access Restrictions	*§ 155(r)*	NP: *portions of* Hayes Street *and* Octavia Street, *~~§ 155(r)~~*		
. . .					
No.	**Zoning Category**	**§ References**	**Hayes-Gough Clement Controls by Story**		
. . .					
RETAIL SALES AND SERVICE					
720.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
720.69B	Amusement Game Arcade (Mechanical Amusement Devices)	*~~§ 790.04~~ §790.4*			

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SPECIFIC PROVISIONS FOR HAYES-GOUGH

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 720.54 . . .	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.

			Upper Market Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . .721.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
721.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above ~~*§ 145.1(c), (e)*~~
721.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	Market Street ~~*§ 145.4*~~
721.13c . . .	Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	~~*§ 155(r)*~~ NP: Market Street
No.	**Zoning Category**	**§ References**	**Upper Market Street**

			Controls by Story		
. . .					
RETAIL SALES AND SERVICE					
721.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
721.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ §790.4			

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SPECIFIC PROVISIONS FOR UPPER MARKET STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . .		
§ 721.44	§ 790.91	UPPER MARKET STREET LIQUOR LICENSES FOR RESTAURANTS **Boundaries:** Applicable to the ~~Castro~~ *Upper Market* Street Neighborhood Commercial District. **Controls:** A Restaurant Use may only add ABC license types 47, 49 or 75 as a conditional use on the around level if, in addition to the criteria set forth in Section 303 the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail

		to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.
§ 721.54 . . .	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			North Beach
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 722.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
			North Beach
No.	**Zoning Category**	**§ References**	**Controls by Story**
. . . **RETAIL SALES AND SERVICE**			

722.40 . . .	Other Retail Sales and Services *[Not Listed Below]*	*§ 790.102*	~~*P #*~~ *P*	~~*P #*~~ *P*	
722.54 . . .	Massage Establishment	*§ 790.60,* *§ 1900* *Health Code*	C#		
722.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~*§ 790.04 §790.4*~~			

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SPECIFIC PROVISIONS FOR NORTH BEACH

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . . § 722.43 § 722.44	§ 780.3	NORTH BEACH SPECIAL USE DISTRICT **Boundaries:** North Beach NCD. **Controls:** Restaurants and Limited-Restaurants as defined in Sections 790.90 and 790.91 of this Code and Bars as defined in Section ~~780.22~~ *790.22* may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant, Limited-Restaurant, or Bar does not occupy: (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach

		Controls); or (2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.
. . . *§ 722.54* . . .	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Polk Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 723.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
			Polk Street
No.	**Zoning Category**	**§ References**	**Controls by Story**

. . .					
RETAIL SALES AND SERVICE					
. . .					
723.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
. . .					
723.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ §790.4			
. . .					

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SPECIFIC PROVISIONS FOR POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . .		
§ 723.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*
. . .		

SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Sacramento Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . .			
724.13	Street Frontage	*§ 145.1*	Required *~~§ 145.1~~*
. . .			
No.	**Zoning Category**	**§ References**	**Union Street**
			Controls by Story
. . .			
RETAIL SALES AND SERVICE			
. . .			
724.69B	Amusement Game Arcade (Mechanical Amusement Devices)	*~~§ 790.04~~* *§ 790.4*	
. . .			

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Union Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			

. . . 725.13. . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
No.	**Zoning Category**	**§ References**	**Union Street**
			Controls by Story
RETAIL SALES AND SERVICE			
. . . 725.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~*§ 790.04*~~ *§ 790.4*	

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 725.44	§ 790.91	UNION STREET RESTAURANTS **Boundaries:** Applicable to the Union Street Neighborhood Commercial District **Applicability:** The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to § 178(c) of the Planning Code. **Controls:** The Planning Commission may approve a Restaurant if, in addition to meeting the criteria set forth in Section 303, the use (1) is located on the ground floor, and (2) the Planning

. . .		Commission finds that an additional restaurant would not result in a net total of more than 44 Restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street ~~*Full Service*~~ Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			Valencia Street
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 726.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
726.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above ~~*§ 145.1*~~
726.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	~~*Requirements apply. See*~~ *Portions of Valencia Street, 16th Street, and 22nd Street* ~~*§ 145.4*~~
726.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. ~~*See § 155(r)*~~
. . .			

No.	Zoning Category	§ References	Valencia Street Transit Controls by Story		
. . .					
RETAIL SALES AND SERVICE					
. . . 726.54 . . .	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
726.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ § 790.4			

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SPECIFIC PROVISIONS FOR VALENCIA STREET *TRANSIT*

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 726.54	§ 790.60, § 1900 Health Code	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria*

. . .		*listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

			24th Street – Mission Transit
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . ~~*731.13*~~ *727.13*	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
727.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above ~~*§ 145.1*~~
727.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply ~~*See § 145.4*~~
727.13c . . .	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. ~~*See § 155(r)*~~

			24th Street Mission Transit		
No.	**Zoning Category**	**§ References**	**Controls by Story**		
. . . **RETAIL SALES AND SERVICE**					
. . .					

727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
727.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ § 790.4			

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SPECIFIC PROVISIONS FOR 24th STREET MISSION TRANSIT NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 727.54 . . .	§ 790.60, § 1900 Health Code	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 728.1. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

The 24th Street – Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

The 24th Street – Noe Valley District controls are designed to allow for development that is compatible with the existing small-scale, mixed-use neighborhood commercial character and surrounding residential area. The small scale of new buildings and neighborhood-serving uses is encouraged and rear yard open space corridors at all levels are protected. Most commercial uses are directed to the ground story and limited at the second story of new buildings. In order to maintain the variety and mix of retail sales and services along the commercial strip and to control the problems of traffic, congestion, noise and late-night activity, certain potentially troublesome commercial uses are regulated. ~~*Additional large fast food restaurants are prohibited, other eating*~~ *Eating* and drinking establishments require conditional use authorization, and ground-story entertainment and financial service uses are restricted to and at the ground story. Prohibitions on drive-up and most automobile uses help prevent additional traffic and parking congestion.

Housing development in new buildings is encouraged above the ground story. Existing housing units are protected by prohibitions on upper-story conversions and limitations on demolitions.

SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			24th Street Noe Valley		
No.	**Zoning Category**	**§ References**	**Controls**		
BUILDING STANDARDS					
. . . 728.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~		
No.	**Zoning Category**	**§ References**	**24TH Street Noe Valley** **Controls by Story**		
. . . **RETAIL SALES AND SERVICE**					
728.40	Other Retail Sales and Services *[Not Listed Below]*	§ 790.102	~~*P*~~ *P#*	~~*C*~~ *C#*	
728.41	Bar	§ 790.22	C		
728.43 . . .	Limited-Restaurant	§ 790.90	P #		
728.54 . . .	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
728.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~*§ 790.04*~~ *§ 790.4*			

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SPECIFIC PROVISIONS FOR 24th STREET NOE VALLEY

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 728.40 *§728.43* . . .	§ 703.2(b)(1)(C); *§ 703.3* ; § 790.102(b) and (n)	24TH STREET – NOE VALLEY SPECIALTY RETAIL USES **Boundaries:** Only the area within the 24th Street – Noe Valley Neighborhood Commercial District. The controls shall not apply to NC-1 Districts or nonconforming uses within ¼ mile of this District asset forth in Code §§ 710.10 and 186. **Controls:** Formula Retail Limited-Restaurants are NP.
§ 728.54 . . .	*§ 790.60,* *§ 1900* *Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 729.1. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Located in the southwestern part of the City, the West Portal Avenue Neighborhood Commercial District stretches for three long blocks along West Portal Avenue from Ulloa Street to 15th Avenue and extends one block east along Ulloa Street from the Twin Peaks Tunnel entrance to Claremont Boulevard. West Portal Avenue provides a selection of goods and services for customers coming mainly from the surrounding west of Twin Peaks and Sunset single-family residential neighborhoods. The lively, small-scale retail frontage is

interrupted at several locations by large-scale financial institutions which take up a large amount of commercial ground-story frontage. More than half of the number of medical, professional and business offices are located at the ground level. Except for one three-movie theater complex, West Portal offers no entertainment uses and its restaurants are mainly family-oriented.

The West Portal Avenue District controls are designed to preserve the existing family-oriented, village character of West Portal Avenue. The building standards limit building heights to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level and above. The height, bulk and design of new development, especially on large lots, should respect the small-scale character of the district and its surrounding residential neighborhoods. Lot mergers creating large lots are discouraged. Individual nonresidential uses require conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an absolute limit to conform with the existing small use sizes in the district.

Special controls on commercial uses are designed to protect the existing mix of ground-story retail uses and prevent further intensification and congestion in the district. No new financial services are permitted. Because the district and surrounding neighborhoods are well served by the existing number of eating and drinking establishments, new bars, restaurants and take-out food generally are discouraged: any proposed new establishment should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented, and will not involve high-volume take-out food or generate traffic, parking, or litter problems. ~~*Large fast-food restaurants and small self-service restaurants are prohibited.*~~ Medical, business or professional services are permitted at the first two stories, but additional ground-story locations are to be closely monitored to ensure that the current balance between retail and office uses is maintained. Existing service stations are encouraged to continue operating, but changes in their size, operation, or location are subject to review. Other automotive uses are

prohibited. The neighborhood-oriented, retail character of the district is further protected by prohibiting hotels and nonretail uses. The daytime orientation of the district is maintained by prohibitions of entertainment uses and late-night commercial operating hours.

Housing development is limited. Existing residential units are protected by limitations on demolition and prohibition of upper-story conversions; new construction is to be carefully reviewed to ensure appropriate scale, design and compatibility with adjacent development.

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			West Portal Avenue
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 729.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
			West Portal Avenue
No.	**Zoning Category**	**§ References**	**Controls by Story**
. . . **RETAIL SALES AND SERVICE**			
. . . 729.69B . . .	Amusement Game Arcade (Mechanical Amusement	~~*§ 790.04*~~ *§ 790.4*	

	Devices)				

SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Inner Sunset
No.	**Zoning Category**	**§ References**	**Controls**
~~730.1~~ *730.10* . . .	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	40-X Height Sculpting on Alleys: § 261.1
730.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
~~730.2~~ *730.20* . . .	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 ~~*§ 124(a) (b)*~~

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RETAIL SALES AND SERVICES

No.	**Zoning Category**	**§ References**	**Inner Sunset**		
			Controls by Story		
. . . 730.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		

. . .					
730.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ *§ 790.4*			
~~730.7~~ *730.70*	Administrative Service	§ 790.106			
~~730.8~~ *730.80*	Hospital or Medical Center	§ 790.44			
. . . **RESIDENTIAL STANDARDS AND USES**					
~~730.9~~	Residential Use	§ 790.88	P	P	P

SPECIFIC PROVISIONS FOR INNER SUNSET

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 730.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*
§ 730.68	§ 249.35	~~*Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions*~~

		~~*set forth in Subsection 249.35(c)(3).*~~ *FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)* *Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Inner Sunset Neighborhood Commercial District.* *Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).*

SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

NCT-3 ZONING CONTROL TABLE

			NCT-3
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 731.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
731.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above ~~*§ 145. (c), (e)*~~
731.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	Market Street, Church Street ~~*§ 145.1(d)*~~
731.13c	Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	~~*§ 155(r)*~~ NP: Market Street, Church Street, Mission Street C: Duboce Street,

. . .			Haight Street		
No.	**Zoning Category**	**§ References**	**NCT- 3** **Controls by Story**		
. . . **RETAIL SALES AND SERVICE**					
. . . 731.54 . . .	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
731.68 . . .	*Fringe Financial Services*	~~*§ 790.11*~~ *§ 790.111*	P#	P#	P#
731.69B . . .	*Amusement Game Arcade (Mechanical Amusement Devices)*	~~*§ 790.04*~~ *§ 790.4*			

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SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . . *§ 731.54*	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering*

. . .		*an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Pacific Avenue
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 732.13 . . .	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~

			Pacific Avenue		
No.	*Zoning Category*	*§ References*	*Controls by Story*		
732.38	Residential Conversion	§ 790.84	C		
. . .					
RETAIL SALES AND SERVICES					
. . . 732.68 . . .	Fringe Financial Services	§ 790.111	P#		

732.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ *§ 790.4*			

SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

			Upper Market NCT
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 733.13	Street Frontage	*– § 145.1*	Required ~~*§ 145.1*~~
733.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above ~~*§ 145.1(c), (e)*~~
733.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	Market Street; Church Street ~~*§ 145.4(d)*~~
733.13c . . .	Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	~~*§ 155(r)*~~ NP: Market Street, Church Street

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

. . . 733.23 . . .	Off-Street ~~*Fright*~~ *Freight* Loading	§§ 150, 153 - 155, 204.5, *§§ 152, 161(b)*	Generally, none required if gross floor area is less than 10,000 sq. ft. ~~*§§ 152.161(b)*~~
			Upper Market NCT
No.	**Zoning Category**	**§ References**	**Controls by Story**

. . .					
RETAIL SALES AND SERVICE					
. . .					
733.44	Restaurant	§ 790.91	~~C~~ C#	-	-
. . .					
733.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
. . .					
733.68	Fringe Financial Services	§ 790.111	P#		
733.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ § 790.4			
. . .					

. . .

SPECIFIC PROVISIONS FOR UPPER MARKET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . .		
§ 733.54	§ 790.60, § 1900 Health Code	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria*

. . .		*listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1

ZONING CONTROL TABLE

			NCT-1
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
. . . 733A.13	Street Frontage	*§ 145.1*	Required *~~§ 145.1~~*
~~733.13a~~ 733A.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above *~~§ 145.1~~*
733A.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	*Portions of* Geneva Avenue, *~~§ 145.4~~*
733A.13c . . .	Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*~~§ 155(r)~~* NP: Geneva Avenue
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
. . .	Walk-Up Facility	§ 790.140	P if recessed 3 ft.;

~~733.26~~ *733A.26* . . .			C if not recessed ~~§~~ *~~145.2(b)~~*		
No.	Zoning Category	§ References	NCT-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~Non-Retail Sales and Services~~ ***Retail Sales and Services***					
. . . 733A.69B . . .	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ § 790.4			

. . .

SPECIFIC PROVISIONS FOR NCT-1 DISTRICTS

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
. . . ~~§ 733A.68~~	~~§ 249.35~~	~~*FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)*~~ ~~*Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-1 Neighborhood Commercial District.*~~

. . .		~~*Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).*~~

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

			NCT-2		
No.	**Zoning Category**	**§ References**	**Controls**		
BUILDING STANDARDS					
734.13	Street Frontage	~~§~~§ 145.1, ~~*145.4*~~	Required §§ 145.1, ~~*145.4*~~		
734.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1		
734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	~~*Requirements apply*~~ *Portions of* Geneva Avenue; *Portions of 22nd Street §145.4*		
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply ~~*NP: Geneva Avenue*~~ *§ 155(r) NP: Portions of Geneva Avenue; Portions of 22nd Street.*		
			NCT-2		
No.	**Zoning Category**	**§ References**	**Controls by Story**		
		§ 790.118	1st	2nd	3rd+
734.37	Residential Conversion	§ 790.84	C	C	
734.38	Residential Demolition	§ 790.86	C	C	C

~~731.39~~ *734.39*	Residential Division	§ 207.8	P	P	P
~~Non-Retail Sales and Services~~ **Retail Sales and Services**					
734.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		
734.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
734.69B	Amusement Game Arcade (Mechanical Amusement Devices)	*~~§ 790.04~~ §790.4*			

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 734.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria*

		listed in Section 303(c), the additional criteria described in §303(o).
~~*§ 734.68*~~	~~*§ 249.35*~~	~~*FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)*~~ ~~*Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-2 Neighborhood Commercial District.*~~ ~~*Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).*~~

SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			SoMa-NCT
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
735.13	Street Frontage	~~§~~§§ 145.1, ~~*145.4*~~	Required ~~*§§ 145.1, 145.4*~~
735.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above ~~*§ 145.1*~~
735.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	~~*Requirements apply*~~ *Sixth Street*
735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
			SoMa NCT
No.	**Zoning Category**	**§ References**	**Controls by Story**

RETAIL SALES AND SERVICE					
735.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
735.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ § 790.4			

SPECIFIC PROVISIONS FOR SOMA NCT DISTRICTS

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 735.54	§ 790.60, § 1900 Health Code	MASSAGE ESTABLISHMENT **Controls.** Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).
~~§ 735.68~~	~~§ 249.35~~	~~FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)~~ ~~Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the SoMa Neighborhood Commercial District.~~ ~~Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).~~

SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

			Mission Street NCT

No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
736.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~		
736.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floor above ~~*§ 145.1(c), (e)*~~		
736.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	~~*Required along Mission St. § 145.4 (d)*~~ *Mission Street; Portions of 16th Street; Portions of 22nd Street*		
736.13c	Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	NP along Mission St. ~~*§ 155(r)*~~		
			Mission Street NCT		
No.	**Zoning Category**	**§ References**	**Controls by Story**		
RETAIL SALES AND SERVICE					
736.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
736.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~*§ 790.04*~~ *§ 790.4*	C		

SPECIFIC PROVISIONS FOR MISSION NCT DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 736.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering*

		an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).

SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Ocean Avenue Neighborhood Commercial Transit District is located on Ocean Avenue from Phelan to Manor Avenues. Ocean Avenue is a multi-purpose transit-oriented small-scale commercial district that is modeled on the NCT-2 District. Ocean Avenue was developed as a streetcar-oriented commercial district in the 1920s and continues to serve this function, with the K-line streetcar on Ocean Avenue. Numerous other bus lines serve the area, especially the eastern end, where the Phelan Loop serves as a major bus terminus. The eastern end of the district is anchored by the main City College campus at Phelan and direct linkages to the Balboa Park BART/MUNI rail station a couple blocks to the east, which serves as the southernmost San Francisco station for BART and the terminus of the J, K, and M streetcar lines. Because of the immediate proximity of the BART/MUNI station the district has quick and easy transit access to downtown.

The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one- and two-story retail district to include neighborhood-serving commercial uses on lower floors and housing above. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Access (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit function of the street. Residential and commercial parking are not required.

The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may range in height, with height limits generally allowing up to four or five stories. Lots are generally small to medium in size and lot consolidation is prohibited to preserve the fine grain character of the district, unless the consolidation creates a corner parcel that enables off-street parking to be accessed from a side street.

Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Commercial uses are required at the ground level and permitted at the second story. ~~*Large Fast Food uses are not permitted.*~~

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

SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			Ocean Avenue NCT
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
737.13	Street Frontage	*§ 145.1*	Required ~~*§ 145.1*~~
737.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above ~~*§ 145.1(c)*~~
737.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	*Portions of* Ocean Avenue ~~*§ 145.4*~~

737.13c	Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*~~§ 155(r)~~* NP: Ocean Avenue		
No.	**Zoning Category**	**§ References**	**Ocean Avenue NCT Controls by Story**		
		§ 790.118	1st	2nd	3rd+
737.38	Residential Conversion	§ 790.84	P		
737.39	Residential Demolition	§ 790.86	C	C	C
737.39a	Residential Division	§ 207.8	P	P	P
~~Non-Retail Sales and Services~~ ***Retail Sales and Services***					
737.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		
737.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
737.69B	Amusement Game Arcade (Mechanical Amusement Devices)	*~~§ 790.04~~ § 790.4*			

SPECIFIC PROVISIONS FOR OCEAN AVENUE NCT DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 737.54	*§ 790.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT*

		Controls. *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*
~~§ 737.68~~	~~§ 249.35~~	~~FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)~~ ~~Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Ocean Avenue NCT Neighborhood Commercial District.~~ ~~Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).~~

SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			Glen Park NCT
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
738.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	~~45-X & 35-X~~ 30-X & 40-X; additional 5' height allowed for ground floor active uses in 30-X and

			40-X; See Zoning Map
738.13	Street Frontage	*§ 145.1*	Required *~~§ 145.1~~*
738.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	*§ 145.1*	Minimum 25 feet on ground floor, 15 feet on floors above *~~§ 145.1(c)~~*
738.13b	Street Frontage, Required Ground Floor Commercial	*§ 145.4*	*~~Glen Park § 145.4 Required along~~* Diamond Street~~,~~; Chenery Street
738.13c	Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*~~§ 155(r)~~* NP: *~~Required along~~* Diamond Street, Chenery Street

No.	Zoning Category	§ References	Glen Park NCT Controls by Story		
RETAIL SALES AND SERVICE					
~~738.42~~	*~~Full-Service Restaurant~~*	*~~§ 790.92~~*	*~~P~~*		
738.43	*~~Large Fast Food~~ Limited* Restaurant	§ 790.90	*P*		
738.44	*~~Small Self-Service~~* Restaurant	§ 790.91	P		
738.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
~~738.67~~	*~~Video Store~~*	*~~§ 790.135~~*	*~~C~~*	*~~C~~*	

~~738.69A~~	~~Self-Service Specialty Food~~	~~§ 790.93~~	~~P~~		
738.69B	Amusement Game Arcade (Mechanical Amusement Devices)	~~§ 790.04~~ § 790.4			

SPECIFIC PROVISIONS FOR GLEN PARK NCT DISTRICT

Article 7 **Code Section**	**Other Code Section**	**Zoning Controls**
§ 738.54	§ 790.60, § 1900 Health Code	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).*

SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

. . .

SPECIFIC PROVISIONS FOR IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code	**Other Code**	**Zoning Controls**

Section	Section	
~~*§ 740.43*~~ ~~*§ 740.44*~~	~~*§ 703.3*~~	~~*Restaurants and Limited Restaurants are P; Formula Retail Restaurants and Formula Retail Limited Restaurants are NP.*~~
§ 740.43 § 740.44 . . .	§ 781.2 *§ 703.3*	IRVING STREET RESTAURANT SUBDISTRICT **Boundaries:** Applicable *to* ~~*only for the portion of the*~~Irving Street ~~*NC-2*~~ *Neighborhood Commercial* District ~~*between 19th and 27th Avenues*~~ as mapped on Sectional Map SU05. **Controls:** Restaurants are *P*~~*C*~~; Formula Retail restaurants and Limited-Restaurant are NP.

. . .

SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.

In order to preserve and maintain the mix and variety of neighborhood-serving retail sales and personal services of a type which supplies commodities or offers personal services to residents of North Beach and nearby neighborhoods, there shall be a North Beach Special Use District applicable to the North Beach Neighborhood Commercial District, as designated on the Sectional Map SU01 of the Zoning Maps. The following provisions shall apply within such district:

(a) Restaurants as defined in Section 790.91 of this Code and Bars as defined in Section ~~*780.22*~~ *790.22* of this Code may be permitted as a conditional use on the ground level

if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant or Bar does not occupy:

(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or

(2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

. . .

SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT.

In order to preserve the mix and variety of goods and services provided to the Sunset and Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent further aggravation of parking and traffic congestion in this district, there shall be a Taraval Street Restaurant Subdistrict, generally applicable for the NC-1-zoned portion of Taraval Street located between 40th and 41st Avenues and between 45th and 47th Avenues, and for the NC-2-zoned portion of Taraval Street located between 12th and 36th Avenues, as designated on Sectional Maps ~~*5SU and GSU*~~ *SU05 and SU06* of the Zoning Map. The following provisions shall apply within such subdistrict:

(a) Restaurants and Limited-Restaurants, as defined in Sections 790.90 and 790.91 of this Code, are permitted as conditional uses on the first story and below.

(b) Restaurants and Limited-Restaurants also defined as formula retail, as defined in Section 703.3 of this Code, shall not be permitted in this subdistrict.

(c) The provisions of Sections 180 through 186.1 of this Code shall govern Restaurants and Limited-Restaurants also defined as formula retail, which existed lawfully at the effective date of this Code in this subdistrict.

SEC. 781.5. MISSION STREET FORMULA RETAIL RESTAURANT SUBDISTRICT.

In order to preserve the mix and variety of goods and services provided to the Mission neighborhood and City residents and prevent further proliferation of formula retail restaurant uses, there shall be a Mission Street Formula Retail Restaurant Subdistrict, generally applicable for the NC-3-zoned portion of Mission Street between 14th and Randall Streets, as designated on Sectional Map 7SU of the Zoning Map. The following provisions shall apply within such subdistrict:

(a) A Limited-Restaurant use, as defined by Planning Code Section 790.90, and a Restaurant Use, as defined by Planning Code Section 790.91, that are also Formula Retail Uses, as defined in Planning Code Section 703.3, shall not *be* permitted in this subdistrict.

(b) The provisions of Sections 180 through 186.1 of this Code shall govern Formula Retail Limited-Restaurants and Restaurants which existed lawfully at the effective date of this Code in this subdistrict.

~~***SEC. 786. LOWER HAIGHT STREET TOBACCO PARAPHERNALIA RESTRICTED USE DISTRICT.***~~

~~*(a) Findings. There are an unusually large number of Tobacco Paraphernalia Establishments, as defined in Section 227(v), in the Neighborhood Commercial Districts located generally along lower Haight Street – specifically, the Small-Scale Neighborhood Commercial District located generally along Haight Street at Divisadero Street; the Neighborhood Commercial District located generally along Haight Street at Scott Street; the Neighborhood Commercial District located generally along Haight Street at Pierce Street; and the Small-Scale Neighborhood Commercial District located generally along Haight Street at and between Steiner and Webster Streets. The existence of this inordinate number of Tobacco Paraphernalia Establishments appears to contribute directly to numerous peace, health, safety, and general welfare problems in the area, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic*~~

~~*circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly residents and visitors to the area. These problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life, and discourage more desirable and needed commercial uses in the area.*~~

~~*(b) Establishment of the Lower Haight Street Tobacco Paraphernalia Restricted Use District. In order to preserve the residential character and the neighborhood serving commercial uses of the area, and to alleviate the problems associated with the inordinate number of Tobacco Paraphernalia Establishments in the area, the Lower Haight Street Tobacco Paraphernalia Restricted Use District (Lower Haight Street Tobacco Paraphernalia RUD) is hereby established for the following:*~~

~~*(1) Properties in the Small-Scale Neighborhood Commercial District located generally along Haight Street at Divisadero Street;*~~

~~*(2) Properties in the Neighborhood Commercial Cluster District located generally along Haight Street at Scott Street;*~~

~~*(3) Properties in the Neighborhood Commercial Cluster District located generally along Haight Street at Pierce Street;*~~

~~*(4) Properties in the Small-Scale Neighborhood Commercial District located generally along Haight Street at and between Steiner and Webster Streets.*~~

~~*The above Neighborhood Commercial Cluster Districts and Small-Scale Neighborhood Commercial Districts are designated on Zoning Use and District Map ZN 07 of the Zoning Map of the City and County of San Francisco. Block and lot numbers for the properties included in these districts are on file with the Clerk of the Board of Supervisors in File No. , and are incorporated herein by reference. The Lower Haight Street Tobacco Paraphernalia RUD is designated on Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco.*~~

~~*(c) Controls.*~~

~~*(1) No new Tobacco Paraphernalia Establishments shall be permitted in the Lower Haight Street Tobacco Paraphernalia RUD.*~~

~~*(2) The prohibition on Tobacco Paraphernalia Establishments shall not be interpreted to prohibit temporary uses, as described in Planning Code Section 205.1 to 205.3.*~~

~~*(3) Continuation of Existing Tobacco Paraphernalia Establishments. In the Lower Haight Street Tobacco Paraphernalia RUD, any Tobacco Paraphernalia Establishment in existence as to the effective date of this Ordinance may continue its operations in accordance with Planning Code section 180 through 186.2, subject to the following provisions:*~~

~~*(A) For purposes of this Section, the period for discontinuance for Tobacco Paraphernalia Establishments shall be eighteen (18) months, as provided in Section 186.1(d).*~~

~~*(B) A break in continuous operations shall not be interpreted to include the following: a change in ownership; or to the re-establishment or repair of a Tobacco Paraphernalia Establishment on the same lot after destruction or damage due to fire, riot, insurrection or act of God; provided, however, that there is no expansion or significant change in mode or character of the enterprise which intensifies the area devoted to selling Tobacco Paraphernalia.*~~

~~*(d) Definitions: The following definitions shall apply to this Section 786.*~~

~~*(1) "Tobacco Paraphernalia" shall mean, in accordance with Section 277(v) and 790.123 of this Code, paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section 3201(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.*~~

~~*(2) A "Tobacco Paraphernalia Establishment" shall mean, in accordance with Sections 227(v) and 790.123 of this Code, a retail use where Tobacco Paraphernalia is sold, distributed, delivered, furnished or marketed from one person to another.*~~

~~*(d) Sunset Provision. This Section 786 shall be repealed three years after its initial effective date unless the Board of Supervisors, on or before that date, extends or re-enacts it.*~~

SEC. 790.22. BAR.

A retail use which provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 42, 48, or 61) and drinking establishments serving liquor (with ABC licenses 42 or 60) in conjunction with other uses which admit minors, such as restaurants, movie theaters, and other entertainment. *This use must comply with the controls set forth in Section 703.5.*

SEC. 790.55. LIQUOR STORE.

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

(*a* ~~*1*~~) are ~~*both*~~ (*1* ~~*a*~~) classified as a general grocery store use as set forth in Section 790.102(a), *or* a specialty grocery store use as set forth in Section 790.102(b), and (*2* ~~*b*~~) have a gross floor area devoted to alcoholic beverages that is within the accessory use limits set forth in Section 703.2(b)(1)(C)(vi); or

(*b* ~~*2*~~) have ~~*both*~~ (*1* ~~*a*~~) a use size as defined in Section 790.130 of this Code of greater than 10,000 gross square feet and (*2* ~~*b*~~) a gross floor area devoted to alcoholic beverages

that is within accessory use limits as set forth in Section 204.2 or 703.2(b)(1)(c) of this Code, depending on the zoning district in which the use is located.

(c) For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784, the retail uses explicitly exempted from this definition as set forth above shall only apply to general grocery and specialty grocery stores that exceed 5,000s/f in size, ~~*shall*~~ *that do* not:

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

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

(*3* ~~*c*~~) sell single servings of beer in container sizes 24 oz. or smaller.

SEC. 790.60. MASSAGE ESTABLISHMENT.

~~*A retail use as defined in Section 1900 of the Health Code, except a use that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the California Business and Professions Code Section 4600 et seq., provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, and provided that:*~~

~~*(a) The massage use is accessory to a principal use, if the massage use is accessed by the principal use and: (1) the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the*~~

~~*principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as defined in Section 790.44 of this Code, or*~~

~~*(b) the only massage service provided is chair massage, such service is visible to the public, and customers are fully clothed at all times.*~~

~~*(c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this Code. When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following criteria:*~~

~~*(1) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;*~~

~~*(2) Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include: i) active street frontage of at least 25' in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;*~~

~~*(3) Whether the use includes pedestrian-oriented lighting. Well-lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged;*~~

~~*(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.*~~

~~*(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the City.*~~

(a) Definition. *Massage establishments are defined by Section 1900 of the San Francisco Health Code. The massage establishment shall first obtain a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.*

(b) Controls. *Massage establishments shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for accessory use massage are described in subsection (c) below. When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in Section 303(o).*

(c) ***Exceptions.*** *Certain exceptions would allow a massage use to be "permitted" without a Conditional Use authorization including:*

(1) ***Certain Accessory Use Massage,*** *provided that the massage use is accessory to a principal use; the massage use is accessed by the principal use; and*

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

(B) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms,

(C) the principal use is a large institution as defined in Section 790.50 of this Code, or

(D) the principal use is a hospital or medical center, as defined in Section 790.44 of this Code.

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

(3) California State Certification. *State certified massage establishments, as defined by Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the California Business and Professions Code Section 4600 et seq., shall be regulated as a "Medical Service" use as defined by Section 790.114 or 890.114 provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.*

(d) ***Enforcement.*** *Any massage establishment or exempted massage use found to be operating, conducted or maintained contrary to the provisions of this Code shall be found to be operating in violation of this Code and will be subject to enforcement as provided in Section 176. No application or building permit to establish a massage establishment or exempted massage use will be accepted within one year after the subject property if found operating in violation of the provisions of this Code.*

SEC. 790.90. LIMITED-RESTAURANT.

(a) A retail eating and/or drinking use which serves ~~*ready-to-eat*~~ foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may

include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v).

(b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries meeting the above characteristics but is distinct from a Restaurant, as defined in Section 790.91, and a Bar, as defined in Section 790.22. It may also operate as a Take-Out Food use as defined in Section 790.122.

(c) It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi). *This use must comply with the controls set forth in Section 703.5.*

SEC. 790.91. RESTAURANT.

A retail eating or eating and drinking use which serves ~~*prepared, ready-to-eat cooked*~~ foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC licenses 41, 47, 59, or 75); however, if it does so it shall be required to operate as a Bona Fide Eating Place as defined in Section 790.142. It is distinct and separate from the Limited-Restaurant definition, as defined in Sections 790.90 of this Code. *This use must comply with the controls set forth in section 703.5.*

SEC. 790.123. TOBACCO PARAPHERNALIA ESTABLISHMENT

A Tobacco Paraphernalia Establishment shall be, as established in Section 227(v) of this code, a retail use where more than 10% of the square footage of occupied floor area, as

defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 719, 719.1, 786, 723 and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished or marketed from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section ~~3201(f)~~ 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.

SEC. 802.2. SPECIAL USE DISTRICTS.

Portions of the area covered by this Article are also subject to the provisions of Section 235 ~~236~~ of this Code.

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

. . .

(b) **Use Limitations.** Uses in Chinatown Mixed Use Districts are either permitted, conditional, accessory, temporary, or are not permitted.

(1) **Permitted Uses.** All permitted uses in Chinatown Mixed Use Districts shall be conducted within an enclosed building, unless otherwise specifically allowed in this Code.

Exceptions from this requirement are: accessory off-street parking and loading; uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 890.71 of this Code; as Neighborhood Agriculture, as defined in Section 102.35; and uses which by their nature are to be conducted in an open lot or outside a building, as described in Sections 890 through 890.140 of this Code. If there are two or more uses in a structure and none is classified under Section 803.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(A) **Principal Uses.** Principal uses are permitted as of right in a Chinatown Mixed Use District, when so indicated in Sections 810.1 through 812.96 of this Code for each district class.

(B) **Conditional Uses.** Conditional uses are permitted in a Chinatown Mixed Use District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in Sections 810 through 812. Conditional uses are subject to the provisions set forth in Section 303 of this Code. In the case of formula retail uses, the provisions of Planning Code Section 303(i) shall apply.

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

(ii) Any use or feature which lawfully existed and was permitted as a principal or conditional use on the effective date of these controls which is not otherwise nonconforming or noncomplying as defined in Section 180 of this Code, and which use or feature is not permitted under this Article is deemed to be a permitted conditional use subject to the provisions of this Code.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require

conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iv) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as further defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

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

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

(b. ~~*2)*~~ the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount;

(c. ~~*3)*~~ the building has not had two or more "no-fault" evictions, as defined in Section 37.9(a)(7) - (13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, and

(d. ~~*4)*~~ the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.

Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to *a., b.,* ~~*(1), (2),*~~ and *c.* ~~*(3)*~~ above, which the Department shall independently

verify. The Department shall also have made a determination that the project complies with *d. (4)* above.

(vi) ~~(v)~~ Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require conditional use authorization.

(C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an accessory use when located on the same lot. Any use not qualified as an accessory use shall only be allowed as a principal or conditional use, unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

No use in a Chinatown Mixed Use District will be considered accessory to a principal use which involves or requires any of the following:

(i) The use of more than 1/3 of the total floor area occupied by both the accessory use and the principal use to which it is accessory, combined, except in the case of accessory off-street parking;

(ii) Any bar or restaurant, or any other retail establishment which serves liquor for consumption on-site;

(iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a retail grocery or specialty food store;

(iv) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also provide for primarily

retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.

(v) Medical Cannabis Dispensaries as defined in 890.133.

(vi)~~(v)~~ Any other entertainment use, as defined in Section 890.37, except for one that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq.

No part of this subsection (C) shall prohibit take-out food activity which operates in conjunction with a fast-food restaurant. A fast-food restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.

(D) **Temporary Uses.** Uses not otherwise permitted are permitted in Chinatown Mixed Use Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this Code.

(2) **Not Permitted Uses.**

(A) Uses which are not listed in this Article are not permitted in a Chinatown Mixed Use District unless determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(B) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

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

(D) No off-street parking garage installations or new curb cuts are permitted on the alleyways in the Chinatown Mixed-Use Districts.

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

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

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

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

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

(B) **Conditional Uses.** Conditional uses are permitted in an Eastern Neighborhood Mixed Use District and South of Market Mixed Use District, when authorized by the Planning Commission; whether a use is conditional in a given district is generally indicated in Sections 813 through 818 and 840 through 843 of this Code. Conditional uses are subject

to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316, and 803.5 through 803.9 of this Code.

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

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

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

(iv) Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require conditional use authorization.

(C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of Market Mixed Use District. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided

that (1) the accessory use is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April 6, 1990 (the effective date of this amendment). Accessory uses to non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses. Any use which does not qualify as an accessory use shall be classified as a principal use.

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

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

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

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

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

(v) Medical Cannabis Dispensaries as defined in 890.133.

(vi)~~(v)~~ Any nighttime entertainment use, as defined in Section 102.17; provided, however, that a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq. is allowed

in any District except for (a) an SLI District that is included in the Western SoMa Planning Area Special Use District or (b) an RED, RSD, SLR, MUR, or MUG District.

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

SEC. 803.6. FORMULA RETAIL USES IN THE *MUG DISTRICT, UMU DISTRICT,* CHINATOWN MIXED USE DISTRICTS, AND IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.

(a) **Findings.**

(1) San Francisco is a city of diverse and distinct neighborhoods identified in large part by the character of their commercial areas.

(2) San Francisco needs to protect its vibrant small business sector and create a supportive environment for new small business innovations. One of the eight Priority Policies of the City's General Plan resolves that "existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced."

(3) Retail uses are the land uses most critical to the success of the City's commercial districts.

(4) Formula retail businesses are increasing in number in San Francisco, as they are in cities and towns across the country.

(5) Money earned by independent businesses is more likely to circulate within the local neighborhood and City economy than the money earned by formula retail businesses which often have corporate offices and vendors located outside of San Francisco.

(6) Formula retail businesses can have a competitive advantage over independent operators because they are typically better capitalized and can absorb larger startup costs, pay more for lease space, and commit to longer lease contracts. This can put pressure on existing businesses and potentially price out new startup independent businesses.

(7) San Francisco is one of a very few major urban centers in the state in which housing, shops, work places, schools, parks and civic facilities intimately co-exist to create strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and the City's mix of architecture contributes to a strong sense of neighborhood community within the larger City community.

(8) Notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many formula retail businesses can detract from the distinctive character of certain neighborhood commercial and mixed use districts.

(9) The increase of formula retail businesses in the City's neighborhood commercial and mixed use areas, if not monitored and regulated, will hamper the City's goal of a diverse retail base with distinct neighborhood retailing personalities comprised of a mix of businesses. Specifically, the unregulated and unmonitored establishment of additional formula retail uses may unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of businesses towards national retailers in lieu of local or regional retailers, thereby decreasing the diversity of merchandise available to residents and visitors and the diversity of purveyors of merchandise.

(b) **Formula Retail Uses.**

(1) **Formula Retail Uses Permitted as a Conditional Use.** Formula retail uses are permitted in the *MUG District, UMU District,* Western SoMA Planning Area Special Use District, the Chinatown Community Business District and the Chinatown Residential Neighborhood Commercial District only as a conditional use. When considering an application for a conditional use permit under this Section, the Planning Commission shall consider the criteria defined in Section 303(i) of this Code.

(2) **Formula Retail Uses Prohibited.** The establishment of new formula retail uses in the Chinatown Visitor Retail District is prohibited. The establishment of new Restaurant or Limited-Restaurant uses that are also defined as formula retail in any Chinatown Mixed Use Districts is prohibited.

SEC. 803.7. PERMIT REVIEW PROCEDURES IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT ESTABLISHED PURSUANT TO SECTION 823 OF THIS CODE.

All building permit applications for demolition, new construction, alterations which expand the exterior dimensions of a building, or changes in use to a formula retail use as defined in Section 803.6 of this Code, a bar as defined in Section ~~*890.22*~~ *790.22,* a walk-up facility as defined in Section 890.140, other institution as defined in Section 890.50, ~~*a full-service restaurant as defined in Section 890.92, a large fast-food restaurant as defined in Section 890.91, a small fast-food restaurant as defined in Section 890.90*~~, *a limited restaurant as defined in Section 790.90, a restaurant as defined in Section 790.91,* a massage establishment as defined in Section 890.60, an outdoor activity area as defined in Section 890.71, or an adult or other entertainment use as defined in Sections 890.36 and 890.37, respectively, shall be subject to the notification and review procedures required by Section 312 of this Code.

SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.

. . .

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

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

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

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

(4) **Controls.**

(A) **Designated Office Story or Stories.** Office uses are not permitted on the ground floor, except as specified in Sections 840.65A and 843.65A. Office uses may be permitted on stories above the ground floor if they are designated as office stories. On any designated office story, office uses are permitted, subject to any applicable use size limitations. On any story not designated as an office story, office uses are not permitted. When an office use is permitted on the ground floor per Sections ~~*840.065A*~~ *840.65A* and 843.65A, it shall not be considered a designated office story for the purposes of Subsection ~~*D*~~ *(h)(4)(D)* below.

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

expanded office uses or along with any associated Planning Commission action, whichever occurs first.

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

(D) **Maximum Number of Designated Stories.** The maximum number of designated office stories shall correspond to the total number of stories in a given building, as set forth in the table below. The designation of a particular story shall apply to the total floor area of that story and no partial designation, split designation, or other such subdivision of designated floors shall be permitted. For the purposes of the following table, the total number of stories in a given building shall be counted from grade level at curb and shall exclude any basements or below-grade stories.

Table 803.9(h)

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

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

TABLE. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT

ZONING CONTROL TABLE.

. . .

			Chinatown Community Business District		
No.	Zoning Category	§ References	1st	2nd	3rd+
. . .					
.54	Massage Establishment	§ 890.60 § 1900 Health Code	C#	C#	C#
. . .					

. . .

SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT

Section		Zoning Controls
. . .		
§ 810.54	*§ 890.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement*

. . .		*for massage are described in §303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §890.60(b).*

TABLE 811. CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE.

. . .

			Chinatown Visitor Retail District Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
. . . .54 . . .	Massage Establishment	§ 890.60 § 1900 Health Code	C#	C#	C#

. . .

SPECIFIC PROVISIONS FOR CHINATOWN VISITOR RETAIL DISTRICT

Section		Zoning Controls
. . . *§ 811.54*	*§ 890.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use*

. . .		*authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §303(o) and 890.60(b).*

TABLE 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.

. . .

			Chinatown Residential Neighborhood Commercial District Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
. . . .45 . . .	Take-Out Food	§ ~~*890.122*~~ *790.122*	C		
.54 . . .	Massage Establishment	§ 890.60 § 1900 Health Code	C#		

. . .

SPECIFIC PROVISIONS FOR CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

Section		Zoning Controls
. . .		
§ 812.54	*§ 890.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in 303(o) and §890.60(b).*
. . .		

TABLE 815. RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT

ZONING CONTROL TABLE.

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
. . .			
815.34A	Massage Establishment	§ 890.60 § 1900 Health Code	C#
. . .			

. . .

SPECIFIC PROVISIONS FOR RESIDENTIAL/SERVICE MIXED USE DISTRICTS

Section		*Zoning Controls*
. . .		
§ 815.34A	§ 890.60, § 1900 Health Code	~~*Only those businesses that can demonstrate to the satisfaction of the Planning Commission that massage services are provided in conjunction with full-service spa services are authorized to provide massage services*~~ *MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Only those businesses that can demonstrate to the satisfaction of the Planning Commission that massage services are provided in conjunction with full-service spa services are authorized to provide massage services.* *Certain exceptions to the Conditional Use authorization for massage are described in § 303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §303(o) and 890.60(b).*

SEC. 823. WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.

(a) The Western SoMa Planning Area Special Use District, as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map, is governed ~~*buy*~~ *by* Sections 80-3.6 and 803.7 of this Code, and Board of Supervisors Resolution No. 731-04.

. . .

SEC. 825. DTR - DOWNTOWN RESIDENTIAL DISTRICTS.

. . .

*(c) **Use.** A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted. If there are two or more uses in a structure, any use not classified in Section 825(c)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.*

(1) Permitted Uses.

(A) Principal Uses. All uses are permitted as principal uses as of right in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not Permitted in this Section 825 of this Code or any other Section governing an individual DTR District. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 and other applicable provisions of this Code.

***(B) Conditional Uses.** Conditional uses are permitted in a Downtown Residential district, when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in the Section of this Code governing the individual DTR District. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316, and 803.5 of this Code.*

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

(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and elsewhere in this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a Downtown Residential district. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use, (2) the multiple locations existed on the effective date of this amendment; and (3) the existence of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the effective date of this amendment. Any use, which does not qualify as an accessory use, shall be classified as a principal use. No use will be considered accessory to a principal use, which involves or requires any of the following:

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 151.1, 156 and 157 of this Code;

(ii) Nighttime entertainment, massage establishment, or movie theater use;

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

***(D) Temporary Uses.** Temporary uses not otherwise permitted are permitted in Downtown Residential districts to the extent authorized by Sections 205 through 205.4 of this Code.*

(E) Prohibited Uses.

(i) Uses which are specifically listed as Not Permitted (NP) in any Section governing an individual DTR District are not permitted. The use provisions of an individual DTR District shall apply in case of conflict with use limitations in Section 825. Signs not specifically permitted in Article 6 are not permitted.

(ii) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Downtown Residential district which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

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

(2) Residential Use Controls.

Unless otherwise specified in a Section governing an individual DTR district, the following residential use controls shall apply:

(A) Required Residential to Non-Residential Use Ratio. For newly constructed buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, at least six occupiable square feet of residential use shall be provided for each occupiable square foot of non-residential use, excluding accessory parking, on any lot legally existing. Hotels, inns, or hostels as defined under Section 209.2(d) and (e), time-share or fractional-ownership condominiums, and lawfully existing live/work units shall be considered as non-residential uses for the purpose of this section, and do not satisfy the residential requirement. Exemption from the required use ratio for building additions of less than 20 percent may not be granted for any single lot if such an exemption would increase the total square footage of the building to an amount 20 percent greater than existed on the lot since the adoption of this Section.

(B) For newly constructed buildings or additions, which exceed 20 percent or more of an existing structure's gross floor area, all building area above 85 feet in height shall be devoted to residential use.

***(C) Residential Density**. There shall be no density limit for residential uses in Downtown Residential districts. The provisions of Sections 207 through 208 related to residential density shall not apply.*

(d) Reduction of Ground Level Wind Currents.

***(1) Requirement.** New buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than 10 percent of the time year-round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.*

(2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.

***(3) Exception.** The Zoning Administrator may allow the building or addition to add to the amount of time the comfort level is exceeded by the least practical amount if (i) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (ii) the Zoning Administrator concludes that, because of the limited amount by which the comfort level is exceeded, the addition is insubstantial. The Zoning Administrator shall not grant an exception, and, no building or*

addition shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

(4) Procedures. *Procedures and methods for implementing this Section shall be specified by the Environmental Review Officer of the Planning Department.*

TABLE 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR) ZONING CONTROL TABLE.

. . .

Non-Residential Standards and Uses

			Rincon Hill Downtown Residential Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
. . .			
.35	Massage Establishment	§ 890.60 § 1900 Health Code	C#
. . .			

. . .

SPECIFIC PROVISIONS FOR RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE

Section		***Zoning Controls***
§ 827.35	*§ 890.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use*

		authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o)When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in § 303(o) and 890.60(b).

TABLE 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR)

ZONING CONTROL TABLE.

. . .

Non-Residential Standards and Uses

			South Beach Downtown Residential District Zoning
No.	Zoning Category	§ References	Controls
. . .			
.35	Massage Establishment	§ 890.60 § 1900 Health Code	C#
. . .			

. . .

SPECIFIC PROVISIONS FOR SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT

Section	*Zoning Controls*

§ 829.35	*§ 890.60, § 1900 Health Code*	*MASSAGE ESTABLISHMENT* ***Controls.*** *Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o) When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §303(o) and 890.60(b).*

SEC. 890.60. MASSAGE ESTABLISHMENT.

~~*(a) The massage use is accessory to a principal use, if the massage use is accessed by the principal use and: (1) the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as defined in Section 790.44 of this Code, or*~~

~~*(b) the only massage service provided is chair massage, such service is visible to the public, and customers are fully clothed at all times.*~~

~~*(c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this Code. When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following criteria:*~~

~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;~~

~~(2) Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include: i) active street frontage of at least 25' in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;~~

~~(3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged;~~

~~(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.~~

~~(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the City.~~

(a) Definition. *Massage establishments are defined by Section 1900 of the San Francisco Health Code; provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.*

*(b) **Controls.** Massage establishments shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use for accessory use massage are described in subsection (c) below. When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in Section 303(o).*

*(c) **Exceptions.** Certain exceptions would allow a massage use to be "permitted" without a Conditional Use authorization including:*

*(1) **Certain Accessory Use Massage** and provided that the massage use is accessory to a principal use; the massage use is accessed by the principal use; and*

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

(B) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms,

(C) the principal use is a large institution as defined in Section 790.50 of this Code, or

(D) the principal use is a hospital or medical center, as defined in Section 790.44 of this Code.

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

***(3) California State Certification.** State certified massage establishments, as defined by Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only*

persons certified by the state's Massage Therapy Organization, pursuant to the California Business and Professions Code Section 4600 et seq., shall be regulated as a "Medical Service" use as defined by Section 790.114 or 890.114 provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.

(d) ***Enforcement.*** *Any massage establishment or exempted massage use found to be operating conducted or maintained contrary to the provisions of this Code shall be found to be operating in violation of the Code and will be subject to enforcement as provided in Section 176. No application or building permit to establish a massage establishment or exempted massage use will be accepted within one year after the subject property if found operating in violation of the provisions of this Code.*

SEC. 890.123. TOBACCO PARAPHERNALIA ESTABLISHMENT

A Tobacco Paraphernalia Establishment shall be, as established in Section 227(v) of this Code, a retail use where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section ~~*3201(f)*~~ *3301(f)* of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.

SEC. 890.124. TRADE SHOP.

A retail service use which provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. A trade shop includes, but is not limited to:

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

(b) Upholstery services;

(c) Carpentry;

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

(e) Tailoring; and

(f) Other artisan craft uses, including fine arts uses.

(g) Within the South of Market Districts, arts activities falling within Section 102.2 shall not be considered trade shops.

~~(g)~~ *(h)* Within South of Market *and Eastern Neighborhoods Mixed Use* Districts, this use shall include the offices of building, plumbing, electrical, painting, masonry, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if located entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of an R District. No processing of building materials, such as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking, loading and unloading of all vehicles used by the contractor shall be located entirely within the building containing the use.

(i) Within the Chinatown Mixed Use Districts, it does not include any shop which uses a single machine of more than five horsepower capacity, or a shop in which the mechanical equipment, together with related floor space used primarily by the operators of such equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use. A trade shop is distinct from light manufacturing, as defined in Section 890.54(a) of this Code.

SEC. 911. MISSION BAY NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT (MB-CN-S).

The MB-CN-S Districts are located at the northwest corner of 3rd and 16th Street and the northeast corner of 3rd and Mariposa Streets. They are intended to provide retail goods and services for car-oriented shoppers from a wide market area as well as from Mission Bay. Although nonresidential uses are not limited as to story, the districts are expected to contain one story to two story buildings (one being a supermarket) with a substantial amount of off-street parking above or adjacent to the building. Residential use is permitted in both locations. Light industrial uses are permitted in the 3rd and Mariposa location as a conditional use. Live/work units are permitted in the 3rd and 16th Streets location.

TABLES 909, 910, 911
MISSION BAY NEIGHBORHOOD COMMERCIAL DISTRICTS
(MB-NC-2, MB-NC-3 and MB-CN-S) CONTROL TABLES

...

NONRESIDENTIAL USES

No.	Zoning Category	§ References	§ 909 MB-NC-2	§ 910 MB-NC-3	§ 911 MB-NC-S
...					
~~.52~~	~~*Full Service*~~	~~*§ 790.92*~~	~~*P*~~	~~*P*~~	

	~~*Restaurant*~~				
.53	~~*Large Fast Food*~~ *Limited* Restaurant	§ 790.90	~~*C*~~ *P*	P	P
.54	~~*Small Self-Service*~~ Restaurant	§ 790.91	P	P	P
...					

SEC. 916. MISSION BAY OPEN SPACE DISTRICTS.

TABLE 916

MISSION BAY OPEN SPACE DISTRICTS (MB-OS) CONTROL TABLE

...

No.	Zoning Category	§ References	§ 916 MB-OS
...			Controls
...	~~*Full-Service, Small Self-Service Restaurant*~~ *Limited Restaurant, Restaurant*	§ ~~*790.92*~~ *790.90,* 790.91	P

~~***TEMPORARY LAND USE CONTROLS***~~

~~***In order of expiration date***~~

~~*Status as of August 1, 2002*~~

~~***Expiration***~~	~~***Subject***~~	~~***File Number***~~	~~***Legislation***~~
~~*12/2/2002*~~	~~*Interim controls regulating certain uses in the Mission District in the area bounded by Guerrero Street, Cesar*~~	~~*011363*~~	~~*Res. 841-01*~~

	~~*Chavez Street, Potrero Avenue and the Central Freeway, in the Valencia Street Neighborhood Commercial District, in the 24th Street Neighborhood Commercial District, on Mission Street from 15th Street to Cesar Chavez Street Zoned NC-3, and in the NEMIZ*~~		
~~*2/1/2003*~~	~~*Interim controls regulating certain industrially zoned properties on Third Street between Islais Creek and Paul Street*~~	~~*011373*~~	~~*Res. 63-02*~~
~~*3/9/2003*~~	~~*Visitacion Valley interim controls extension*~~	~~*020207*~~	~~*Res. 101-02*~~
~~*7/7/2003*~~	~~*Interim controls regulating, amending, and extending certain uses in the Mission District.*~~	~~*020916*~~	~~*Res. 500-02*~~

~~*NOTE: Legislation adopted by the Board of Supervisors and the City Planning Commission concerning interim land use controls may be obtained from the Planning Department at 1660*~~ *1650* ~~*Mission Street, Suite #400, San Francisco, California 94103.*~~

Section 3. The San Francisco Planning Code is hereby amended by replacing the existing graphics in Section 134(c)(4), 144, 261, 263.20 and 270 with the new graphics below.

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

. . .

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

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

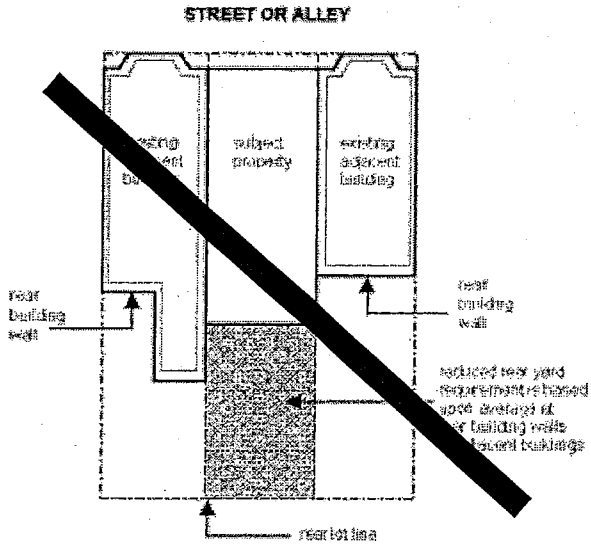
(2) Alternative Method of Averaging. If, under the rule stated in Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(1); and provided further that all portions of the open area on the part of the lot to which the

rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

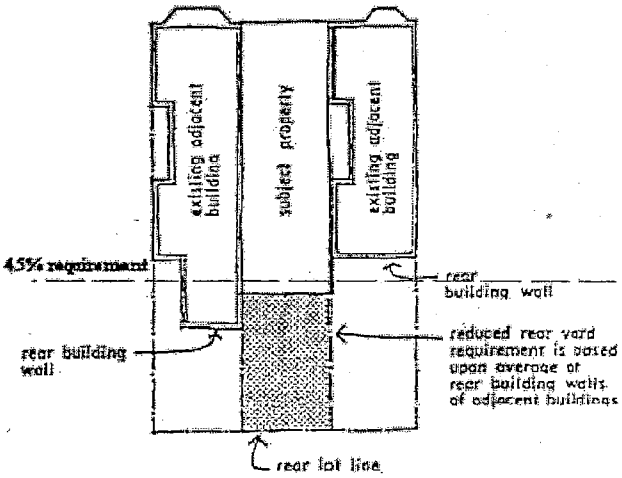
(3) Method of Measurement. For purposes of this Subsection (c), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least ½ the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.

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

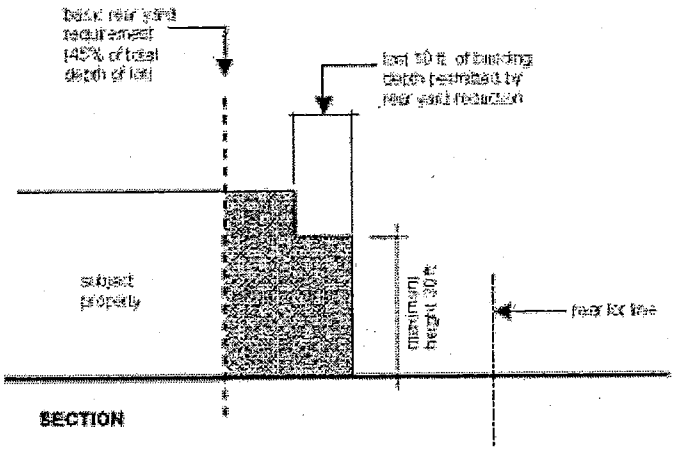
Note to Publisher: Delete This Graphic

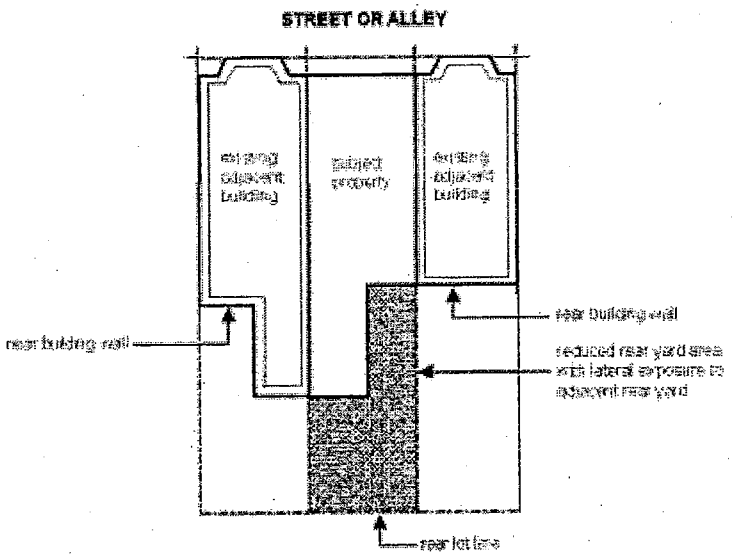


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Note to Publisher: Retain the Remaining Graphics





(A) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by 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 percent of the total depth of the subject lot, or 15 feet, whichever is greater.

(C) **Through Lots Abutting Properties that Contain Two Buildings.** Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots are also through lots, each containing two dwellings or group housing structures that front at opposite ends of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided all the other requirements of this Code are met. In such cases the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the street or alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable along both street or alley frontages of the subject through lot.

[Note to publisher: Existing graphics are omitted here and remain unchanged.]

SEC. 144. STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.

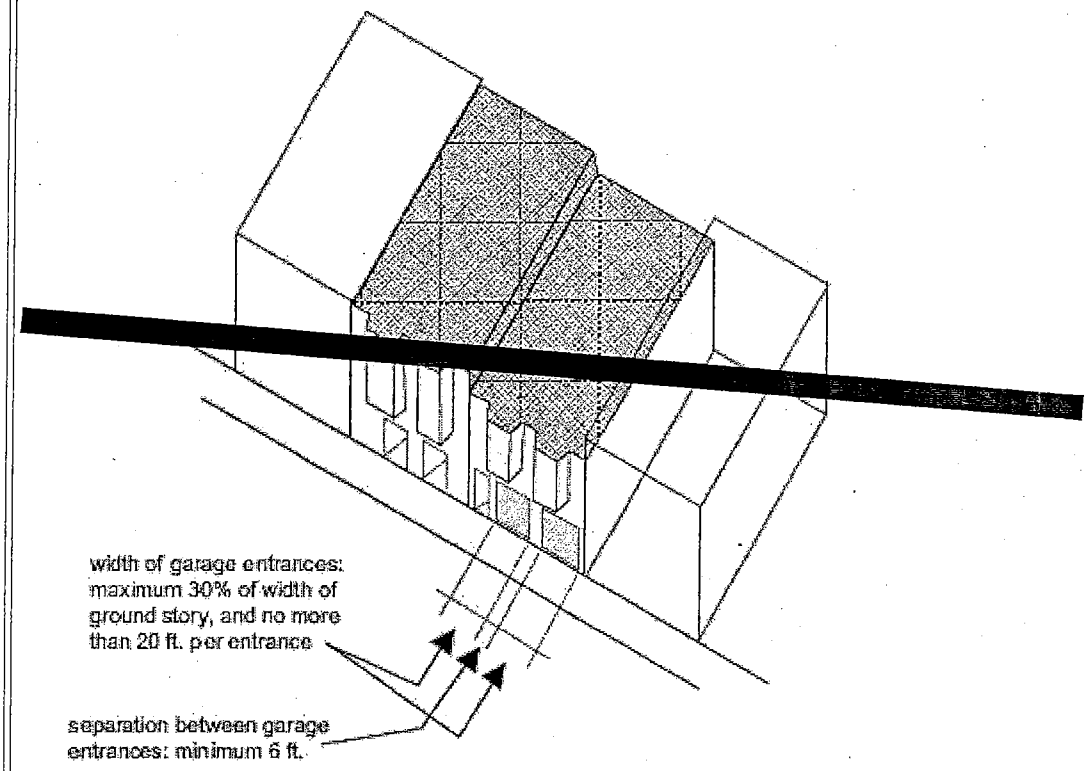
(a) Purpose. This Section is enacted to assure that in RH, RM, RTO and RTO-M Districts the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to the pattern of the neighborhood, and so designed that adequate areas are provided for front landscaping, street trees and on-street parking between driveways. The design of ground story frontages subject to this Section shall also be reviewed for consistency with applicable design guidelines, including the Ground Floor Residential Design Guidelines.

(b) Controls.

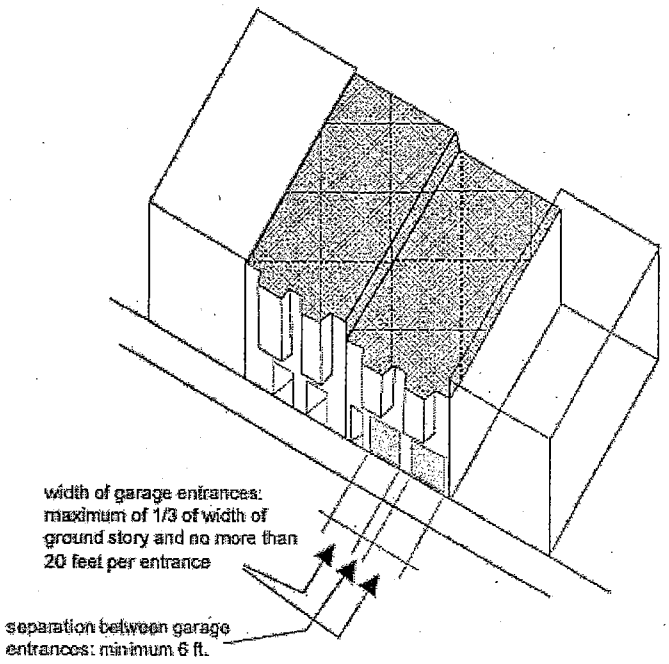
(1) Entrances to Off-Street Parking. Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way.

(A) Exceptions. The requirements of this Subsection (1) shall not be applicable where the lot has an upward or downward slope from the front lot line to the forward edge of the required rear yard, along the centerline of the building, of more than 20 percent; or where the lot depth and the requirements of this Code for dimensions, areas and open spaces are such that the permitted building depth is less than 40 feet in an RH-2 District or less than 65 feet in an RH or RM District.

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(2) Features To Be Provided. In the case of every dwelling in such districts, no less than one-third of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

(3) Parking Setback. In RTO and RTO-M districts off-street parking is not permitted on the ground floor within the first 20 feet of building depth from any facade facing a street at least 30 feet in width, unless such parking occupies the space otherwise used as the

drive-aisle or driveway (such as in cases of tandem parking). All off-street parking along these frontages must be wrapped with dwelling units, entrances to dwelling units, commercial uses where permitted, and other uses (other than storage) and building features that generate activity or pedestrian interest.

SEC. 261. ADDITIONAL HEIGHT LIMITS APPLICABLE TO CERTAIN USE DISTRICTS.

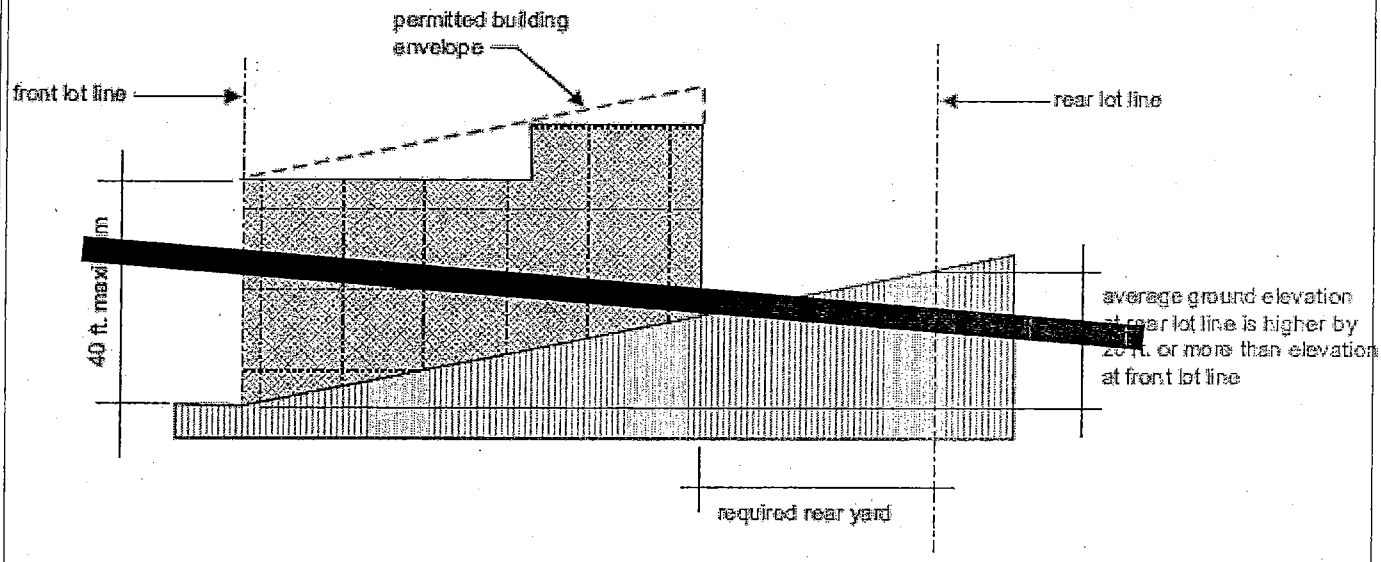
(a) **General.** Notwithstanding any other height limit established by this Article 2.5 to the contrary, the height of dwellings in certain use districts established by Article 2 of this Code shall be further limited by this Section 261. The measurement of such height shall be as prescribed by Section 260.

(b) **Height Limits Applicable to the Entire Property.**

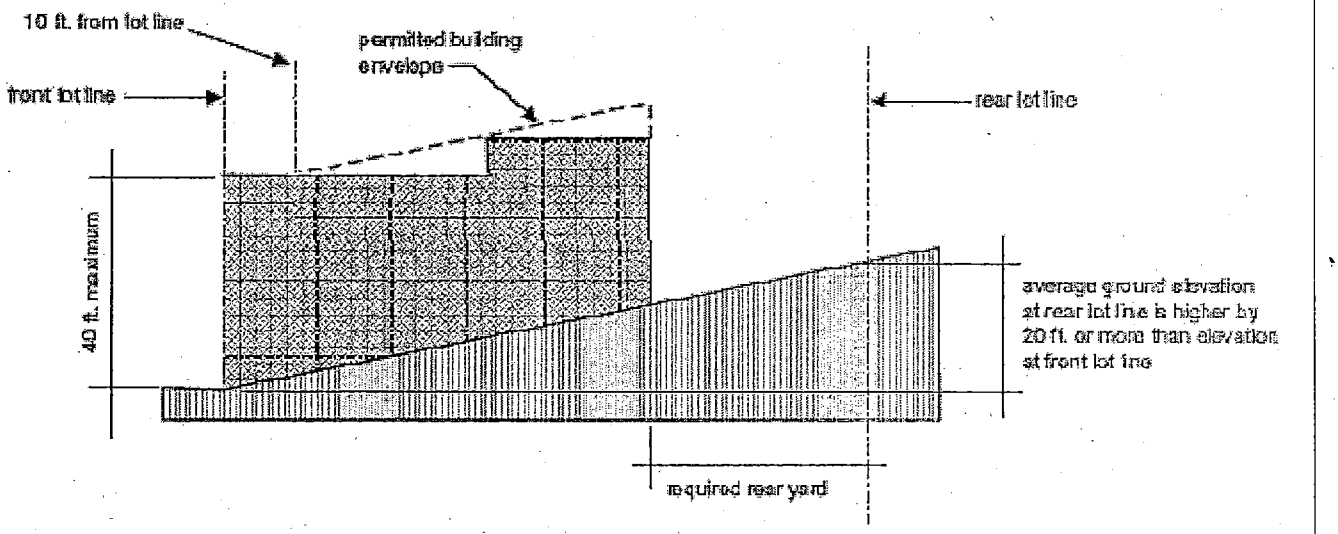
(1) No portion of a dwelling in any RH-1(D), RH-1 or RH-1(S) District shall exceed a height of 35 feet, except that:

(A) The permitted height shall be increased to 40 feet, *as measured at curb per Section 102.12*, where the average ground elevation at the rear line of the lot is higher by 20 or more feet than at the front line thereof;

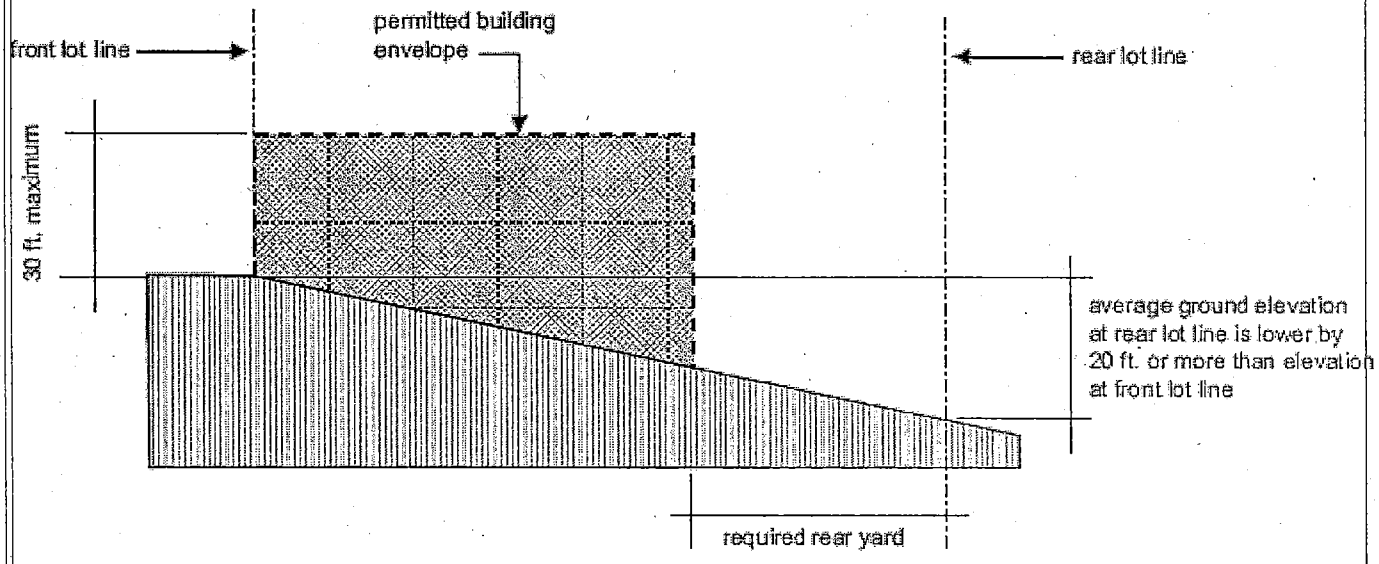
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(B) The permitted height shall be reduced to 30 feet where the average ground elevation at the rear line of the lot is lower by 20 or more feet than at the front line thereof; and



(C) The permitted height shall be reduced to 25 feet where the average ground elevation at the rear line of the lot is lower by 40 or more feet than at the front line thereof.

(2) No portion of a dwelling in any RH-2 District shall exceed a height of 40 feet, except that the permitted height shall be reduced to 35 feet where the average ground elevation at the rear line of the lot is lower by 20 or more feet than at the front line thereof.

. . .

SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR GROUND FLOOR USES IN NCT 30-X, 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED PARCELS AND IN SPECIFIED NC DISTRICTS.

(a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street, up to an additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-2, or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

(b) **Applicability.** The special height exception described in this section shall only apply to projects that meet all of the following criteria:

(1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as designated on the Zoning Map;

(2) project is located:

(A) in an NCT district as designated on the Zoning Map;

(B) in the Upper Market Street NCD;

(C) a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border;

(D) on a NC-1 designated parcel within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; or

(E) on a NC-1 designated parcel within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; or

(F) on a NC-3 designated parcel fronting on Geary Boulevard from Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm Avenue and Parker Avenue;

(G) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Noriega Street west of 19th Avenue;

(H) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Irving Street west of 19th Avenue;

(I) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Taraval Street west of 19th Avenue;

(J) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Judah Street west of 19th Avenue;

(3) project features ground floor commercial space or other active use as defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk

grade, or in the case of residential uses, such walk-up residential units are raised up from sidewalk level;

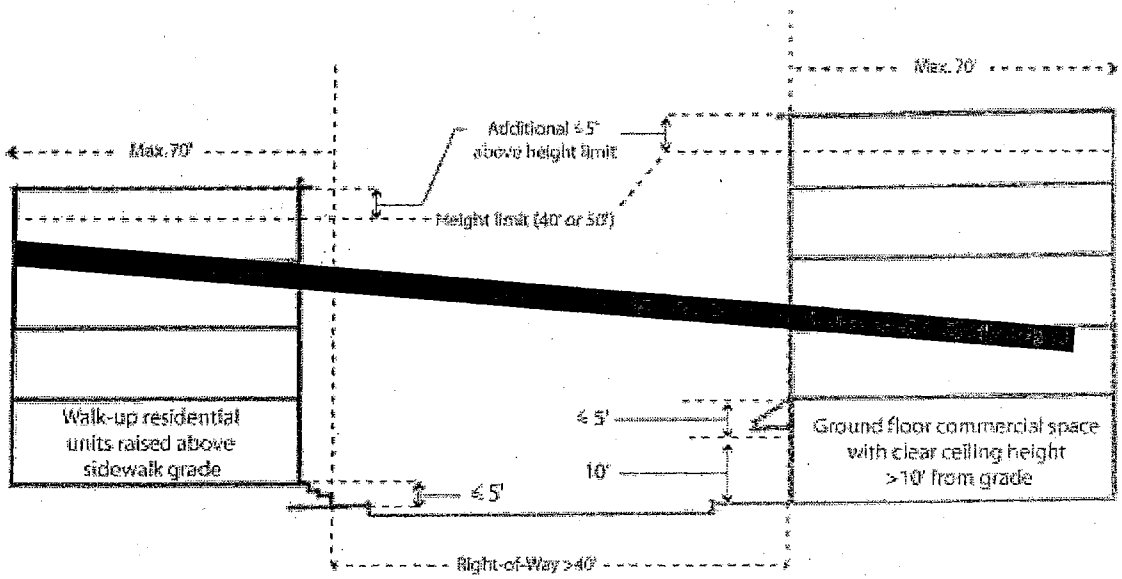
(4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented along a right-of-way wider than 40 feet;

(5) said ground floor commercial space or active use occupies at least 50% of the project's ground floor area; and

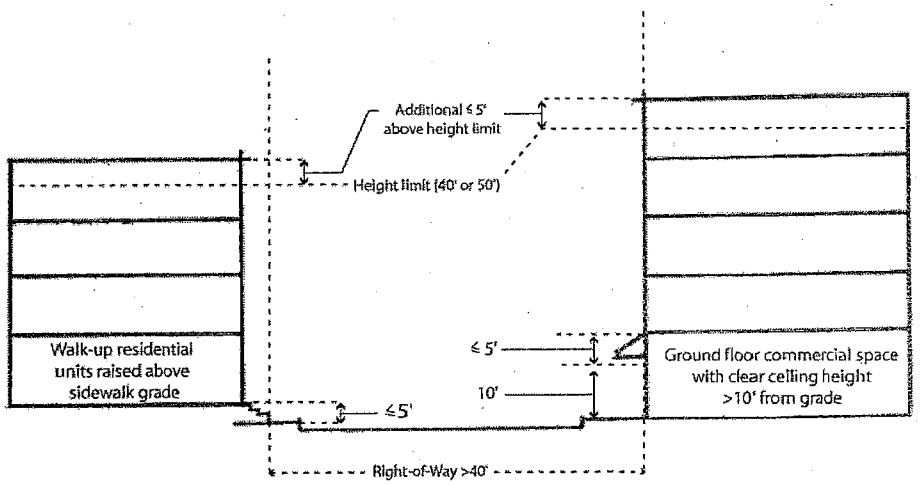
(6) except for projects located in NCT districts, the project sponsor has conclusively demonstrated that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

(c) One additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

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SEC. 270. BULK LIMITS: MEASUREMENT.

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE 270
BULK LIMITS

District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200

J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		
CP	This table not applicable. But see Section 263.24.		

HP	This table not applicable. But see Section 263.25.
PM	This table not applicable. But see Section ~~249.46-1~~ *249.64* Parkmerced Special Use District.
TI	This table not applicable. But see Section 263.26.
EP	This table not applicable. But see Section 263.27.

. . .

(e) **Rincon Hill and South Beach.** In Bulk District R (Rincon Hill and South Beach DTR Districts), bulk limitations are as follows:

(1) There are no bulk limits below the podium height as described in Section 263.19, except for the lot coverage limitations and setback requirements described in Sections 825 and 827.

(2) **Tower Bulk and Spacing.** All portions of structures above the podium height as described in Section 263.19 shall meet the following bulk limitations, as illustrated in Chart C.

(A) Buildings between the podium height limit and 240 feet in height may not exceed a plan length of 90 feet and a diagonal dimension of 120 square feet.

(B) Buildings between 241 and 300 feet in height may not exceed a plan length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor area of 8,500 gross square feet.

(C) Buildings between 301 and 350 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor are of 9,000 ~~*toss*~~ *gross* square feet.

(D) Buildings between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 10,000 gross square feet.

(E) To allow variety in the articulation of towers, the floor plates of individual floors may exceed the maximums described above by as much as 5 percent, provided the maximum average floor plate is met.

(F) To encourage tower sculpting, the gross floor area of the top one-third of the tower shall be reduced by 10 percent from the maximum floor plates described in (A) - (D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

(G) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 110 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 110 feet in height. Any project that is permitted pursuant to the exception described in Section 270(e)(3) shall not be considered for the purposes of measuring tower spacing pursuant to this Section.

(H) The procedures for granting special exceptions to bulk limits described in Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and 270(e)(4).

(I) Additional setback, lot coverage, and design requirements for the DTR Districts are described in Sections 825 and 827.

(3) Exceptions to tower spacing and upper tower sculpting requirements in Rincon Hill DTR. An exception to the 115 feet tower spacing requirement and the upper tower sculpting requirement described in *(e) (2)* (F) and (G) above may be granted to a project only on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006,

pursuant to the procedures described in 309.1 of this Code provided that projects meet the following criteria:

~~(i)~~ *(A)* Applications for environmental review and conditional use related to a building above 85 feet in height on the subject lot have been filed with the Department prior to March 1, 2003 and February 1, 2005, respectively;

~~(ii)~~ *(B)* Given the 115 tower spacing requirement described in (F) above, the existence of an adjacent building greater than 85 feet in height precludes the development of a tower on the subject lot;

~~(iii)~~ (C) The subject lot has a total area of no less than 35,000 square feet;

~~(iv)~~ *(D)* The proposed project is primarily residential and has an area of no more than 528,000 gross square feet;

~~(v)~~ *(E)* The proposed project conforms to all other controls described or referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

~~(vi)~~ *(F)* For the purposes of subsection (iv) above, the term "gross square feet" shall be the sum of the gross areas of all floors of a building or buildings above street grade measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings, excluding area below street grade. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separated from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

(4) **Allowance for limited reduction in spacing from existing towers in Rincon Hill DTR.** To allow limited variation in tower placement from towers for which a

certificate of occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described in *(e) (2)* (G) above may be granted pursuant to the procedures described in 309.1 of this Code if all the following criteria are met:

~~(i)~~ *(A)* For every percent reduction from the maximum average floor area as described in (2) above, an equal percent reduction in tower separation may be granted subject to the following limits:

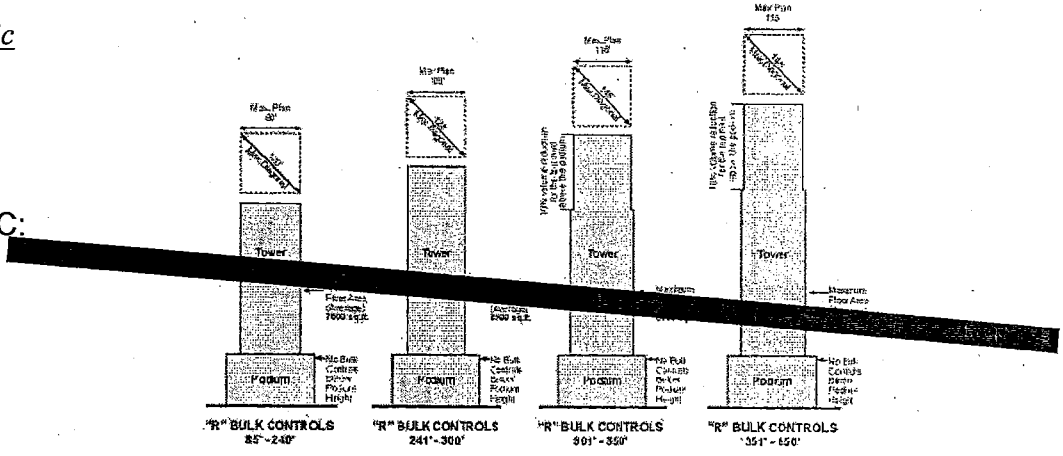
(*ii*) Up to a height of one-and-one-half times the maximum permitted podium height, tower spacing described in *(e)(2)*(G) above may be reduced by not more than 15 percent;

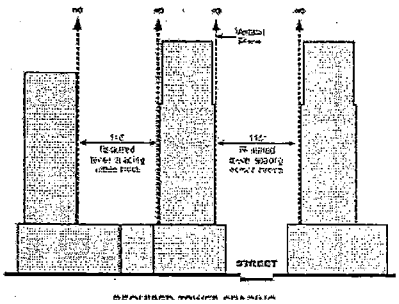
(*iii*) up to a height of 180 feet, tower spacing described in *(e)(2)*(G) above may be reduced by not more than 10 percent; and

(*iii*~~v~~) all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in *(e)(2)*(G) above. A project may average the tower separation of all floors below 180 feet so long as the requirements of *(ii i) and (iii v) herein* are satisfied.

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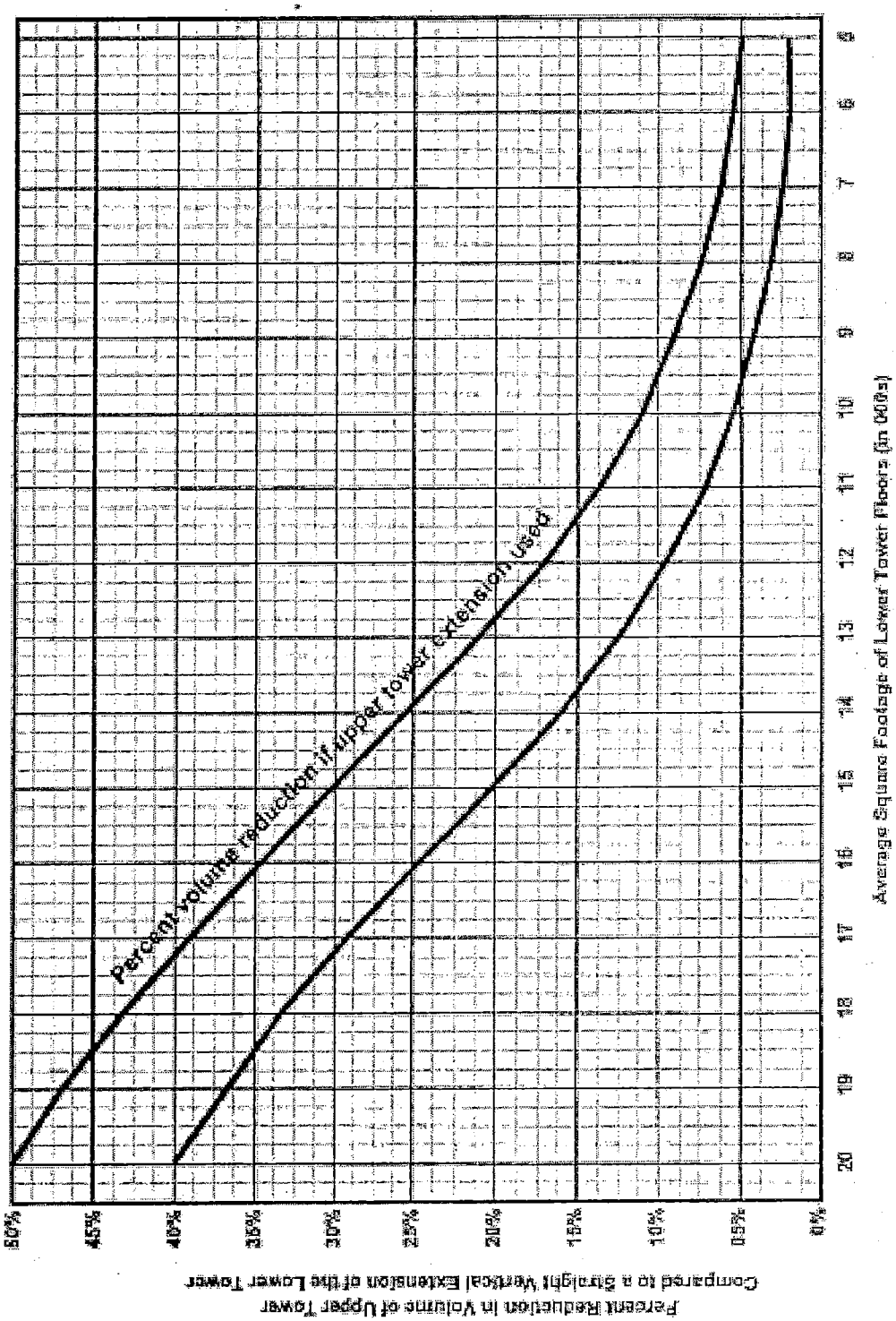
Chart C:





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CHART G
BULK CONTROL
UPPER TOWER VOLUME REDUCTION



(f) **Van Ness and Market Downtown Residential Special Use District.** In Bulk District R-2 (Van Ness and Market Downtown Special Use District), bulk limitations are as follows:

(1) **Tower Bulk and Spacing.** In height districts 120/200-R-2, 120/300-R-2, 120/320-R-2, and 120/400-R-2, there are no bulk limitations below 120 feet in 7 height, and structures above 120 feet in height shall meet the bulk limitations described in subsection (e)(2)(A)-(F). In height district 85/250-R-2 there are no bulk limitations below 85 feet in height, and structures above 85 feet in height shall meet the bulk limitations described in subsections (e)(2)(A) - (F).

(2) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 120 feet in height at all levels above 120 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 120 feet in height.

(3) No exceptions shall be permitted. The procedures for granting special exceptions to bulk limits described in Section 272 shall not apply.

Section 4. The San Francisco Administrative Code is hereby amended by amending Sub-section 31.22 to read as follows:

SEC. 31.22. BASIC FEES.

(a) The Planning Department shall charge the following basic fees to applicants for projects located outside of recently adopted Plan Areas (adopted after July 1, 2005) that do not require one or more of the following, which will be initiated through the adoption of an Area

Plan: Code amendments for the height or bulk district and General Plan amendments, as specified in Section 31.21 above:

(1) For an initial study of a project excluding use of special expertise or technical assistance, as described in Section 31.23 below, the initial fee shall be:

Where the total estimated construction cost as defined by the San Francisco Building Code is between $0 and $9,999: $1,092;

Where said total estimated construction cost is $10,000 or more, but less than $200,000: $4,249 PLUS 2.066% of the cost over $10,000;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $8,251 PLUS 1.562% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $20,987 PLUS 1.311% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000: $141,220 PLUS 0.404% of the cost over $10,000,000;

Where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000: $ 223,531 PLUS 0.152% of the cost over $30,000,000;

Where said total estimated construction cost is $50,000,000 or more, but less than $100,000,000: $254,453 PLUS 0.037% of the cost over $50,000,000;

Where said total estimated construction cost is $100,000,000 or more: $272,962 PLUS 0.016% of the cost over $100,000,000.

An applicant proposing major revisions to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(2) For preparation of an environmental impact report excluding use of special expertise or technical assistance, as described in Section 31.23 below, the initial fee shall be:

Where the total estimated construction cost as defined in the San Francisco Building Code is between $0 to $199,999: $24,255;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $24,255 PLUS 0.596% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $29,248 PLUS 0.404% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000: $66,289 PLUS 0.165% of the cost over $10,000,000;

Where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000: $100,041 PLUS 0.045% of the cost over $30,000,000;

Where said total construction cost is $50,000,000 or more, but less than $100,000,000: $109,240 PLUS 0.045% of the cost over $50,000,000;

Where said total estimated construction cost is $100,000,000 or more: $132,433 PLUS 0.016% of the cost over $100,000,000.

An applicant proposing major revisions to a project application that has been inactive for more than six months and is assigned shall submit a new application. An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

(3) For an appeal to the Planning Commission: The fee shall be $500.00 to the appellant; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (a) has been in existence for 24 months prior to the appeal filing date, (b) is on the Planning Department's neighborhood organization notification list, and (c) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. An exemption from paying this appeal fee may be granted when the requestor's income is not enough to pay for the fee without affecting their abilities to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Planning Director or his/her designee that they are substantially affected by the proposed project.

(4) For an appeal to the Board of Supervisors of environmental determinations, including the certification of an EIR, a negative declaration, or determination of a categorical exemption, the fee shall be $500.00 to the appellant; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (a) has been in existence for

24 months prior to the appeal filing date, (b) is on the Planning Department's neighborhood organization notification list, and (c) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Fees shall be used to defray the cost of appeal for the Planning Department. Such fee shall be refunded to the appellant in the event the Planning Department rescinds its determination or the Board of Supervisors remands or rejects the environmental impact report, negative declaration, or determination of a categorical exemption to the Planning Commission for revisions based on issues related to the adequacy and accuracy of the environmental determination. An exemption from paying this appeal fee may be granted when the requestor's income is not enough to pay for the fee without affecting their ability to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Clerk of the Board of Supervisors or his/her designee that they are substantially affected by the proposed project.

(5) For preparation of an addendum to an environmental impact report that has previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: or reevaluation of a modified project for which a negative declaration has been prepared: $22,844 plus time and materials as set forth in Subsection (b)(2).

(6) For preparation of a supplement to a draft or certified final environmental impact report: One-half of the fee that would be required for a full environmental impact report on the same project, as set forth in Paragraph (2) above, plus time and materials as set forth in Subsection (b)(2).

(7) (~~a~~ A) For preparation of a Certificate of Exemption from Environmental Review determining that a project is categorically exempt, statutorily exempt, ministerial/nonphysical, an emergency, or a planning and feasibility study: $291 for applications that require only a stamp, $5,697 as an initial fee for applications that require an Exemption Certificate, plus time and materials as set forth in Subsection (b)(2).

(~~b~~ *B)* For preparation of a Class 32 Certificate of Exemption from Environmental Review determining that a project is categorically exempt, the initial fee shall be:

Where the total estimated construction cost as defined by the San Francisco Building Code is between $0 and $9,999: $10,476;

Where said total estimated construction cost is $10,000 or more, but less than $200,000: $10,476 PLUS 0.182% of the cost over $10,000;

Where said total estimated construction cost is $200,000 or more, but less than $1,000,000: $10,822 PLUS 0.172% of the cost over $200,000;

Where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000: $12,201 PLUS 0.053% of the cost over $1,000,000;

Where said total estimated construction cost is $10,000,000 or more: $16,978 PLUS 0.386% of the cost over $10,000,000.

(8) For preparation of an exemption that requires review of historical resource issues only, the following fees apply. For a determination of whether a property is an historical resource under CEQA, the fee is $2,387. For a determination of whether a project would result in a substantial adverse change in the significance of an historical resource, the fee is $3,310.

(9) For preparation of a letter of exemption from environmental review: $291, plus time and materials as set forth in Subsection (b)(2).

(10) For review of a categorical exemption prepared by another City Agency, such as the Municipal Transportation Agency or the Public Utilities Commission: $245, plus time and materials as set forth in Subsection (b)(2).

(11) For reactivating an application that the Environmental Review Officer has deemed withdrawn due to inactivity and the passage of time, subject to the approval of the Environmental Review Officer and within six months of the date the application was deemed withdrawn: $237 plus time and materials to cover any additional staff costs.

(12) Monitoring Conditions of Approval and Mitigation Monitoring: Upon adoption of conditions of approval and/or mitigation measures which the Environmental Review Officer determines require active monitoring, the fee shall be $1,153, as an initial fee, plus time and materials as set forth in Section 31.22(b).

A $111 surcharge shall be added to the fees in Section 31.22(a) to compensate the City for the costs of appeals to the Board of Supervisors.

(b) Payment.

(1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department at the time of the filing of the environmental evaluation application, and where an environmental impact report is determined to be required, the fee specified in Subsection (a)(2) shall be paid at the time the Notice of Preparation is prepared, except as specified below. However, the Director of Planning or his/her designee may authorize phased collection of the fee for a project whose work is projected to span more than one fiscal year. A nonrefundable processing fee of $53 is required to set-up any installment payment plan for all application fees. The balance of phased payments must be paid in full one week in advance

of the first scheduled public hearing before the Planning Commission in consider the project or before any Environmental Impact Report is published.

(2) The Planning Department shall charge the applicant for any time and material costs incurred in excess of the initial fee charged if required to recover the Department's costs for providing services. Provided, however, that where a different limitation on time and materials is set forth elsewhere in this section, then that limitation shall prevail.

(3) *Fee Adjustments.* The Controller will annually adjust the *project application* fee amounts specified in Section 31.22~~*(a)(1), (2), (5), (7), (8), (9), (10), (11), and (12), Section 31.22(b)(1)*~~ and ~~*(6), and Section 31.22 (c),*~~ Section 31.23~~*(d) and Section 31.23.1(a) and (b)*~~ by the two-year average consumer price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA). *For a listing of the Department's current fees inclusive of annual indexing for inflation, reference the Schedule of Application Fees available on the Planning Department website.*

(4) Any fraternal, charitable, benevolent or any other nonprofit organization, that is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or other nonprofit organization, or public entity that submits an application for the development of residential units or dwellings all of which are affordable to low and moderate income households, as defined by the United State Housing and Urban Development Department, for a time period that is consistent with the policy of the Mayor's Office of Housing and the San Francisco Redevelopment Agency may defer payment of the fees specified herein, with the exception of the fees payable pursuant to Section 31.22(a)(3) and (4) and Section 31.22(a)(11) herein, until the time of issuance of the building permit, before the building permit is released to the applicant; or (2) within one year of the date of completion of the environmental review document, whichever is sooner. This exemption shall apply

notwithstanding the inclusion in the development of other nonprofit ancillary or accessory uses.

(5) An exemption from paying the full fees set forth in Section 31.22(a) (3) and (4) herein may be granted when the requestor's income is not enough to pay the fee without affecting his or her ability to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Director of Planning or his/her designee that he or she is substantially affected by the proposed project.

(6) Exceptions to the payment provisions noted above may be made when the Director of Planning or his/her designee has authorized phased collection of the fee for a project whose work is projected to span more than one fiscal year. A nonrefundable processing fee of $53 is required to set-up any installment payment plan for all application fees. The balance of phased payments must be paid in full one week in advance of the first scheduled public hearing before the Planning Commission to consider the project or before any Environmental Impact Report is published.

Section 5. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 6. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation,

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charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: _____
KATE HERRMANN STACY
Deputy City Attorney

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December 3, 2012

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2012.0543T:**
Code Corrections Ordinance

BOS File No: 130062 **(pending)**
Planning Commission Recommendation: ***Approval with Modifications***

Dear Ms. Calvillo,

On October 18, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a proposed Ordinance;

On November 29, 2012 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

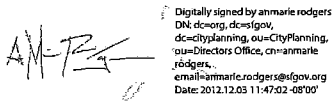
The proposed Ordinance initiated by the Planning Commission would amend the Planning Code to Ordinance amending the San Francisco Planning Code to (1) correct clerical errors, make language revisions and updates; (2) revise graphics to be consistent with text; (3) amend fees to be charged for certain kinds of applications and appeals; (4) adopt findings, including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the November 29, hearing, the Commission voted to recommend **approval with modifications** of the proposed Ordinance. I have contacted the City Attorney's office to request that the Ordinance be modified per the Commission's request. Please find attached documents relating to the Commission's action. The original documents have been sent via inter-office mail.

If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



AnMarie Rodgers
Manager of Legislative Affairs

cc:
Mayor's Office, Jason Elliot
City Attorney, Kate Stacy
City Attorney, Jon Givner

Attachments (one copy of the following):

Exhibit A:	Proposed changes to the Draft Ordinance* since the Commission Initiation
Exhibit B:	Draft Ordinance as reviewed by the Commission
Exhibit C:	Guide to the Draft Ordinance
Exhibit D:	Commission Resolution Number 18750

ATTACHMENT A: NEW CORRECTIONS IDENTIFIED AFTER INITIATION

CHANGES TO SECTIONS 156 AND 424.6.2: THESE TWO SECTIONS NEED TO BE AMENDED IN RESPONSE TO THE RECENTLY ADOPTED TRANSIT CENTER DISTRICT PLAN [BOARD FILE NO. 120665, ORDINANCE NO. 182-12]. THE ONLY CHANGES WOULD BE RENUMBERING CONTROLS CONSISTENT WITH STANDARD ORGANIZATION OF THE PLANNING CODE.

SEC. 156. PARKING LOTS.

....

(l) The conditions of approval for the extension an existing parking lot in the C-3-O(SD) District shall include the following:

~~(A)~~ *(1)* a minimum of one parking space for car sharing vehicles meeting all of the requirements in Section 166 for every 20 spaces in said lot;

~~(B)~~ *(2)* a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of frontage in a highly visible area on the property adjacent to a public sidewalk or shall attain approval from the appropriate City agencies to install such bicycle parking on a public sidewalk on the same block;

~~(C)~~ *(3)* interior landscaping compliant with the requirements in subsection (j) above, provided that if a site permit has been approved by the Planning Department for construction of building on the subject lot that would replace the parking lot in less than 2 years, the trees may be planted in movable planters and the lot need not provide permeable surfaces described in subsection (j).

SEC. 424.6.2. APPLICATION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE.

....

(d) Option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Transit Center District Open Space Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) Approval Criteria. The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Transit Center District Plan Implementation Program Document and where they substitute for improvements that could be provided by the Transit Center District Open Space Fund (as described in Section 424.6.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Transit Center District Plan, by the Interagency Plan Implementation Committee (see Chapter 36 of the Administrative Code), or other prioritization processes related to Transit Center District improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

For a development project on Assessor's Block 3720 Lot 009, an In-Kind Agreement may be approved which credits the project for public open space improvements constructed by either the sponsor of the development project or by the Transbay Joint Powers Authority, in accordance with the Transit Center District Plan Implementation Program Document.

(2) Valuation. The Director of Planning shall determine the appropriate value

of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. A detailed site-specific cost estimate for a planned improvement prepared by the City or the Transbay Joint Powers Authority may satisfy the requirement for cost estimates provided that the estimate is indexed to current cost of construction.

(3) Content of the In-Kind Improvements Agreement. The In-Kind Improvements Agreement shall include at least the following items:

~~(i)~~ *(A)* A description of the type and timeline of the proposed in-kind improvements.

~~(ii)~~ *(B)* The appropriate value of the proposed in-kind improvement, as determined in subsection (2) above.

~~(iii)~~ (C) The legal remedies in the case of failure by the project sponsor to provide the in-kind improvements according to the specified timeline and terms in the agreement. Such remedies shall include the method by which the City will calculate accrued interest.

CHANGES TO SECTION 227: THIS SECTION NEEDS TO BE AMENDED IN RESPONSE TO THE RECENTLY ADOPTED TRANSIT CENTER DISTRICT PLAN [BOARD FILE NO. 120665, ORDINANCE NO. 182-12]. THE ONLY CHANGE WOULD BE TO INSERT THE NEW DISTRICT C-3-O (SD) AND USING THE SAME USE CONTROLS AS THOSE USED BY C-3-O. THIS CHANGE IS CONSISTENT WITH THE EXPLANATORY MATERIALS THAT WAS BEFORE THE COMMISSION, BUT DID NOT MAKE IT INTO THE PROPOSED ORDINANCE. IN ADDITION, THIS CHART SHOWS THE OTHER CHANGE TO THE TEXT OF SUBSECTION (V) OF 227 WHICH WAS INITIATED BY THE PLANNING COMMISSION.

SEC. 227. OTHER USES.

C-1	C-2	C-3-O	C-3-O (SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
P*	P*					P	P	P	P	P	P	P	P	(a) Greenhouse.
P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	(b) Urban Agriculture.
	C				C	C	P	P	P	P		P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	P	P	P	P	P	P	P	P	P	C	C	C	C	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure

														or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
P*	P*	C	C	C	P	P	P	P	P	P	P	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(r)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.
C*	C*	C	C	C	C	C	C	C	C	C	C		C	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes:
														(1) Off-street passenger terminal facilities for mass

														transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system; and
														(2) Landing field for aircraft.
C*	C*	C	C	C	C	C	C	P	P	P	P		P	(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
P	P	P	P	P	P	P	P	P	P	P	P	C	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or

	relay of radio, television, or other electronic signals where:
	(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; and
	(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six

														meters. (See also Section 204.3.)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:
														(1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; or
														(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or combination

														of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)
P*	P*	P	*P*	P	P	P	P	P	P	P	P	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
	P*	P	*P*	P	P	P	P	P	P					(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P*	P*	P	*P*	P	P	P	P	P	P	P	P	P	P	(l) Access driveway to property in any C or M District.
C	C						C	C	C	C#	C#	C#	C#	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
									P					(n) Any use that is permitted

														as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.
	SEE SECTIONS 205 THROUGH 205.2													(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)
P	P	P	*P*	P	P	P	P	P	P	P##	P##	P##	P##	(p) Arts activities.
	P							P	P				P	(q) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.

C	C	C	*C*	C	C	C	C	C	C	C	C	C	C	(r) Internet Services Exchange as defined in Section 209.6(c).
P	P	P	*P*	P	P	P	P	P	P	P under 2, 500 gsf per lot; C above	P under 5, 000 gsf per lot; C above	P under 2, 500 gsf per lot; and subject to	P under 2, 500 gsf per lot and subj ect to co ntr	(s) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a ¼ miles of an existing fringe financial service.

												ntrol s of Sec. 121.8	ols of Sec. 121.8	
NA	NA	NA	*NA*	NA	NA	NA	NA	NA	NA	P	P	NP	NP	(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional requirements: (A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in

														Section 890.70); (B) Any retail uses are subject to any per parcel size controls of the subject zoning district; (C) No residential uses shall be permitted; (D) Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent of the units in the building must contain no more than 2,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (E) below (E) An S.E.W. building may contain units larger than 2,500 square feet on the ground floor as long as each such unit contains a principal

														PDR use. For the purposes of this Section, a PDR use is one identified in Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p) of this Code. Such PDR units may be independently accessible from the street. (F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall be permitted only as long as the provisions of this subsection (D) and (E) are met. To facilitate review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to

														the change in floor area. (2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section. (3) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230 limiting demolition of industrial buildings.
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P. subject to controls in Sec. 890	P. subject to controls in Sec	NP	NP	(u) Integrated PDR, as defined in Sec. 890.49.

										0.49	c. 89 0.49			
C	C	C	C	C	C	C	C	C	C			C	C	(v) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. ~~*For purposes of Sections 719, 719.1, 786, 723 and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished*~~

														~~*or marketed from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054 et seq.*~~ "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section ~~*3201(f)*~~

	3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.
	[# Dwellings are not permitted as part of any Planned Unit Development in these districts.]
	[*See Section 212(a)]

CHANGES TO SECTIONS 702.3: TWO CHANGES ARE PROPOSED TO THIS SECTION. FIRST, AS INITIATED THIS SECTION WOULD HAVE INSERTED THE WORDS "FAST-FOOD" INTO THE TARAVAL AND IRVING STREET RESTRICTED USE SUBDISTRICTS. THE ADOPTION OF ORDINANCE NUMBER 75-12 (EATING AND DRINKING CONTROLS) STRUCK THESE WORDS PROPERLY AND "FAST-FOOD" SHOULD NOT BE INSERTED INTO THE TITLES FOR THE TARAVAL AND IRVING STREET RESTRICTED USE SUBDISTRICTS. THE TEXT BELOW SHOWS THE TITLES FOR THESE SUBDISTRICTS AS PROPOSED FOR ADOPTION, WITHOUT THE "FAST-FOOD" AS IN THE INITIATED VERSION. SECOND, ORDINANCE NUMBER 61-09 (BALBOA PARK STATION AREA PLAN), STRUCK SECTION THE OCEAN AVENUE FAST FOOD SUBDISTRICT AND ALL REFERENCES TO THIS DISTRICT, HOWEVER, A SUBSEQUENT ORDINANCE INADVERTANTLY REINSERTED THIS OBSOLETE DISTRICT INTO THE LIST IN SECTION 702.3. THE TEXT BELOW SHOWS THIS SUBDISTRICT AS PROPOSED FOR DELETION SINCE THE SUBDISTRICT ITSELF NO LONGER EXISTS.

SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.

In addition to the Neighborhood Commercial Use Districts established by Section 702.1 of this Code, certain Neighborhood Commercial Special Use Districts are established for the purpose of controlling the expansion of certain kinds of uses which if

uncontrolled may adversely affect the character of certain Neighborhood Commercial Districts.

The purposes and provisions set forth in Sections 781.1 through 781.6, ~~and~~ *Sections 783 -786, and Sections 249.35-249.99* of this Code shall apply respectively within these districts. The boundaries of the districts are as shown on the Zoning Map as referred to in Section 105 of this Code, subject to the provisions of that Section.

Neighborhood Commercial Restricted Use Subdistricts	**Section Number**
Taraval Street Restaurant Subdistrict	§ 781.1
Irving Street Restaurant Subdistrict	§ 781.2
~~*Ocean Avenue Fast Food Subdistrict*~~	~~*§ 781.3*~~
Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict	§ 781.4
Mission Street Formula Retail Restaurant Subdistrict	§ 781.5
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	§ 781.6
Chestnut Street Financial	§ 781.7
Haight Street Alcohol Restricted Use District	§ 781.9
Divisadero Street Alcohol Restricted Use District	§ 783
Lower Haight Street Alcohol Restricted Use District	§ 784
Excelsior Alcohol Special Use District	§ 785
Lower Haight Tobacco Paraphernalia Restricted Use District	§ 786

Fringe Financial Service Restricted Use District	*§ 249.35*
Mission Alcohol Restricted Use District	*§ 249.60 (formerly 781.8)*
Third Street Alcohol Restricted Use District	*§ 249.62 (formerly 782)*

CHANGES TO SECTIONS 740 ET. SEQ.: THE ADOPTED ORDINANCE NUMBER 175-12 CREATED THE IRVING STREET NCD (AMOUNG OTHER CHANGES). THIS ORDINANCE ESTABLISHED THAT FORMULA RETAIL RESTAURANTS AND LIMITED-RESTAURANTS WOULD BE "NOT PERMITTED" WHILE OTHER, NON-FORMULA RETAIL RESTAURANTS AND LIMITED-RESTAURANTS WOULD BE "PERMITTED". THESE CONTROLS ARE INTENDED TO APPLY TO THE "IRVING STREET RESTAURANT SUBDISTRICT" WHICH IS THE SAME AREA AS THE IRVING STREET NC-2. THEREFORE, THIS CONTROL DOES NOT NEED TO BE LISTED TWICE.

SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

SPECIFICL PROVISIONS FOR IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	***Other Code Section***	***Zoning Controls***

~~*§ 740.43*~~ ~~*§ 740.44*~~	~~*§ 703.3*~~	~~*Restaurants and Limited Restaurants are P; Formula Retail Restaurants and Formula Retail Limited Restaurants are NP.*~~
§ 740.43 § 740.44	§ 781.2 *§ 703.3*	IRVING STREET RESTAURANT SUBDISTRICT **Boundaries:** Applicable *to* ~~*only for the portion of the*~~Irving Street ~~*NC-2*~~ *Neighborhood Commercial* District ~~*between 19th and 27th Avenues*~~ as mapped on Sectional Map SU05. **Controls:** Restaurants are *P*~~*C*~~; Formula Retail restaurants and Limited-Restaurant are NP.

Item No.	Item title	Section(s) amended	Description
1	recent ordinance	102.5, 155, 163	Regarding Section 102.5, Ordinance 176-12 deleted a listing of specific districts which tends to become obsolete. The next day a separate Ordinance 182-12 reinserted the obsolete references. This change would again delete the listing of districts and reference the reader to a current list. Ordinance 182-12 also created renumbering issues in Sections 155 and 163 which are being corrected with this proposal.
2	table labeling error	121.2	The tables in 121.2(a) and (b) are related to USE size limits in NCDs. The tables, however, are labeled "LOT size limits".
3	landscaping	132	Section 132(i)(2) allows the ZA to modify "additional lardscaping requirements". The proposal would change this to "landscaping". Section 132(g) currently neglects to specify which permitted obstructions should not be counted towards the calculation of required permeable surface. This change specifies that permeable surface calcuations need not be based on the area occupied by egress stairs, chimneys, and underground garages.
4	illustration of process for "rear yard averaging"	134	The current figure illustrating rear yard averaging is wrong. The proposal inserts the proper illustration.
5	Section 136(c)12	136	New leg. allowing awnings for LCUs has been added to 136(c)12 with reference to PDR districts.
6	garage door graphic	144	Section 144 was amended on 47/2011 (BF 101053), such that the previous limit for garage entrances to "30%" was replaced with "1/3" of the width of the lot. This is not reflected in the illustration accompanying Section 144.
7	And vs. Or in 151.1	151.1	References to properties in the SB-DTR AND (emphasis added) C-3. Elsewhere in 151.1 there is discussion of properties in the C-3 AND the Van Ness SUD. In the former, it is thought that the intention is to apply to properties in EITHER ONE of the two districts, while in the latter, it is thought that the intention is to apply to properties that are in BOTH districts. The proposal would amend the former to reflect the intent.
8	added "C" in table as it was omitted	151.1	In multiple places the table lists the "P" amount of parking ,it then follows with what would be "conditional" but does not include the "C".
9	Section 156	156	156 refers to Section 143, which is now Section 428. the Street Tree In-Lieu fee. The reference in 156(k) should be to the Street Tree requirement in 138.1
10	outdated reference	171	Section 171 is currently written as "A Permit of Occupancy shall be issued by the Department of Public Works (Central Permit Bureau)..." This section should be updated to state "A Permit of Occupancy shall be issued by the Department of Building Inspection..."
11	error and structure	176	176(c)(1) Paragraph 4 Line 3 has an error as follows: "If the responsible party elects to request a Zoning Administrator's hearing, the request for hearing must be in writing and submitted to the Zoning Administrator prior to (begin delete)expiration of the time for appeal of the Zoning Administrator's determination to the Board of Appeals (end delete) (begin add new text) the expiration date of the Notice of Violation and Penalty (end add)
12	classes of use districts	201	Cross-references are added. SUD and RUD list should is updated. Headers are amended for clarity. New Sunset Districts have been added to this list.
13	incorrect number of RC districts	206.3	Ord. 63-11 deleted RC-1 and RC-2 which are no longer in use. However, the description "four separate districts" was erroneously retained. Now there are only two districts RC-3 and RC-4.
14	table for commercial establishments in R Districts	209.8	Two changes: "principle" is used where "principal" is the intent and (j) was inadvertently not numbered.
15	Commercial Uses in R Districts	209.9	This section refers you to RC-1 Zoning; however, RC-1 Zoning has been removed. The proposal uses the language from the pending Chiu Ordinance to fix this.
16	209.9(e) (Other Uses)	209.9	209.9(e) (Other Uses) allows RC-1 Uses in Landmarks in Residential Districts by CU. The RC-1 and RC-2 Districts were eliminated. These districts should be eliminated in the chart. The pending Chiu Ordinance amends references within this table which rely on permitted uses for RC-1 to now reference NC-1. This pending change has also been included here.
17	incorrect reference	212	Section 212 references Sec. 102.31 for the mobile food facilities definition, this should be 102.34. The proposal also removes references to the defunct C-1 district, and fixes renumbering issues.

Item No.	Item title	Section(s) amended	Description
18	incorrect reference	212	Section 212(c)(3)(A) and (B) should reference Section 221 (assembly & entertainment) instead of Code Section 227 (other uses). Clarify ambiguous language.
19	Reference to an Ordinance which is now codified.	219	The proposal removes "see ordinance 99-8" and replaces it with "subject to limitations of section 121.8". For clarity and ease of use this is now referenced directly.
20	Office uses in landmark buildings	219	Section 219(e) seems to indicate that office uses are NP in designated historic structures except in PDR 1-G and PDR 1-D districts. This is a mistake – the intention was to allow office uses w/in PDR 1 G and D districts *only* in designated landmark buildings, but not to limit the use in other districts.
21	Executive Park SUD	249.54	The ordinance reference was left blank for the Clerk to fill in upon adoption. This did not happen. This proposal adds the proper number of ordinance.
22	redundant section	249.63	Sections 249.63 and 249.61 are redundant. The proposal would keep Section 249.61 because it is listed under 702.4 special use districts.
23	incorporate other controls that are relevant.	249.65	First, use size controls that still apply include 121.8. Second Section 231A was renumbered as Section 230 via Ordinance 196-11.
24	Height Controls	261	The height diagram under Sec 261 does not match the height description stated under Sec 102.12. Sec. 102.12 states that height measurement is taken from the top of curb and is held for the first 10 feet of the lot and then the height limit may increase with the slope of the lot. The diagram under Sec 261 shows that the height limit may increase immediately with the slope of the lot (and is not held to the height limit for the first 10 feet of the lot depth). The proposal has retrieved the previous illustration for reinsertion into the Code.
25	Height Exceptions	263.2	The Code Section for 263.20 currently has the incorrect illustration. The illustration in 263.20 SHOULD actually be placed in 263.21.
26	Measurement of Bulk Limits	270	In Section 270 (Bulk Limits: Measurement) Chart B refers to refers to Chart C to determine the Upper Tower Bulk Reduction based upon the square footage of the Lower Tower Average floor plate. Unfortunate Chart C has been deleted and replaced with the Rincon Hill Chart, now named Chart C. The proposal places the proper illustrations from prior Code.
27	missing text	303	Section 303(c)(5)(A) is void of text in the on-line Code. The proper text is proposed to be added back.
28	disagregation of general advertising signs through CU	303(l)(3)	This codifies a 2010 Zoning Administrator interpretation which clarified that a single general advertising sign may be 'disagregated' into multiple smaller signs through the existing Conditional Use process for general advertising sign relocations.
29	Planned Unit Developments	304	The criteria listed as applicable for PUDs (Section 304(d)(10)) includes a reference to Street Trees per the requirements of Section 143(j). This section has been replaced/reference should be to 138.1.
30	loading requirements	309	Section 309(a)(8) references off-street loading requirements in Section 161(h), but the correct reference would be to section 161(i)
31	date inserted by codifier	309.2	The date was inadvertently left blank in Ordinance No. 144-11.
32	notice requirements out of date with adopted Commission policy	312	Section 312 should be amended to include East SOMA RED Districts per a Planning Commission policy dated July 9, 2009.
33	fee adjustment	350, 355, and Administrative Code 31.22	Simplify the definition of which fees are indexed annually by the Controller in Section 350 and Administrative Code Section 31.22. This change would not change which fees are indexed nor the process for index updates but instead would simplify the listing to ensure that there are no ommissions. Updates the current indexed fee amount into Section 352.
34	fee for appeal of HPC disapproval actions	352	While Sections 1004.4, 1006, and 1006.7 establish that certain HPC disapproval actions may be appealled to the Board of Supervisors, no fee amount was specified. This update sets the fee for HPC appeals at the same amount specified for appeals of Planning Commission decisions.
35	permit applications	355	Fixed sentence structure.
36	typo in header on on-line code	415.5	This Section currently reads: SEC. 415.5. - COMPLIANCE THROUGH PROVISION OF ON-SITE AFFORDABLE HOUSING. AFFORDABLE HOUSING FEE It should read: SEC. 415.5. - AFFORDABLE HOUSING FEE
37	table formatt errors	423.2	The tables are missing the headings.

Item No.	Item title	Section(s) amended	Description
38	607(d)(2) (Moving Parts for Signs)	607	607(d)(2) (Moving Parts) exempts "signs located within 200 feet of the park known as Union Square. and visible from said park..." This line should be deleted. It is a remnant of the Union Square Special Sign District which was eliminated in the late 80s-early 90s. From the 1960s until that time, the City wanted Union Square to be Times Square West. The proposal would delete (d)(2)-- it was likely inappropriately copied from 607(a).
39	607(g) (1) (Height and Extension Above Roofline)	607	607(g) (1) (Height and Extension Above Roofline) only references C and M districts but (g)(2) references C, M and PDR districts. 607(g) (1) should also reference PDR districts. This was omitted in error.
40	Section 608.13 - Rincon Hill SSD Error	608.13	Section 608.13 defines the Rincon Hill SSD. The Rincon Hill Downtown Residential District is also known as the "RH-DTR" and is "generally bounded by Folsom Street, The Embarcadero, Bryant Street, and Essex Street." The RH-DTR used to be included in Section 249.1, when it was the Rincon Hill SUD; however, Section 249.1 was changed to the Folsom/Main Residential SUD in 2005 (Ord. 217-05). The reference to Section 249.1 and Sectional Map 1SUb should be deleted from Section 608.13 and it should only refer to the RH-DTR.
41	naming of NC Restricted Use Subdistricts	702.3	BF 110592 Inner, Outer Clement & Geary NC Controls. This Ordinance amended the name of a restricted use district from the "Geary Boulevard Fast-Food Subdistrict" to the "Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict". This RUD is currently referenced in Section SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS, however, no conforming amendments were made to change its name within 702.3.
42	error in NCD description	714.1	Section 714.1 of the Planning Code re Broadway Neighborhood commercial District. The second line of the description says "along Broadway from west of Columbus Avenue to Osgood Place..... ". This is incorrect, "west" should be "east".
43	Castro St NCD Use Size	715.21	use size P up to 1,999, C #2,000. The #sign is not connected to any additional provision and therefore unnecessary & confusing.
44	Valencia NCT	726	Section 726 titles the Section as a conventional NCD whereas 726.1 and other Sections title the District as an NCT. References to NCD should be replaced.
45	error from Ordinance 140-19	727.13	Sections 727.13 and 238 lists section 731.13 for street frontage. This error is currently noted in on-line code but needs this ordinance to make final fix.
46	errors in Ordinance 140-22	730	730 251 - 254 sec. 730.1-730.9 are not properly numbered.
47	different specific provision for fringe financial services:	730.68	Changed to be like other specific provisions for fringe financial services
48	controls heading misplaced	732	This proposal would move control heading to its proper place above controls by story but below other controls.
49	Glen Park- proper reference for 5' height bonus	738.1	In this table, the Height and Bulk limit listed should be listed as 30-X and 40-X instead of 35-X and 45-X. While heights in the district are allowed to extend up to 35' & 45', this is only under the provision for taller ground floors (Sec. 263.20). The base heights should be 30' & 40' in the district.
50	Formula Retail	803.6	Ord. 140-11 amended this section without taking into account amendments previously made by Ord. 298-08. The proposal would add MUG and UMU districts to the list governed by Formula Retail for Article 8.
51	Missing Text for DTR Districts	825	The online Code is missing both subsections (c) and (d) for Sec 825. The proposal would add back the correct language from Ord. 298-08, File No. 081153, Approved 12/19/2008.

Item No.	Item title	Section(s) amended	Description
52	Trade Shop uses in Eastern Neighborhoods Districts	890.124	For context, contractors offices had historically been allowed in the old M zones under business service, Section 222, and in the SOMA mixed use districts as a trade shop as defined under 890.124(g). When the M districts were rezoned to UMU, this provision was eliminated because the trade shop definition does not reference EN districts, so contractors offices default to straight up office – which is restricted in the UMU. However, the goal of UMU is to allow these sorts of "trade-shop" related contractors offices in the UMU. This proposal would change the trade shop 890.124(g) definition to include EN districts – thereby allowing contractors offices in the UMU and other EN mixed use districts.
53	restaurant ordinance corrections	121.4, 725, 780.3, 781.1 790.55, 803.7, 812.45 911.51-911.54, 916, many article 7 and 8 tables, Police code 21	The code contains many references to out-of-date restaurant classifications.
54	operating conditions for new restaurants	790.22, 790.90, 790.91	The recent restaurant ordinance created uniform operating conditions for eating & drinking uses. However, 703.5 doesn't appear to be referenced within the 3 new definitions. To increase clarity, the proposal would add a sentence to each definition stating that they need to comply with 703.
55	Added NCT for clarity and consistency	121.2, 134	Added not to distinguish between multiple names like upper market. Also added individual upper market nod where it previously only had upper market vaguery.
56	Pacific Avenue NCD - rear yard and open space	134(c) and 732.12	134c does not mention the Pacific Avenue NCD. But since the table is explicitly states that a 45% rear yard is required at the first story and above and all residential levels, the proposal would add Pacific to the list of districts that require rearyard at residential levels.
57	bird-safe glazing treatment	139(a)(b)(1)	There is an error in one word of the bird-safe treatment specifications. It contains the word "minimum" where it should say "maximum". The code should read: "(1) Bird-Safe Glazing Treatment. Bird-Safe Treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. To qualify as Bird-Safe Glazing Treatment vertical elements of window patterns should be at least 1/4 inch wide at a maximum spacing of 4 inches or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches."
58	typos	139(a),(b), 156, 207.6(c), 209.8, 212, 303(g), 303(i),781.5 823, 1060.5.1	These are typos, improper references, and grammatical errors
59	consistency amongst 145 controls	145.4, many article 7 tables with the controls of XXX.13, 13a, 13b, 13c	145 requirements were inconsistently laid out in the various zoning control tables. This proposal would institute consistency throughout the tables.
60	Incorrect section references outside of article 7 tables, organizational changes	151.1, 201, 207.6, 212, 219, 231, 249.23, 249.52, 270, 307, 309, 309.2 419.1, 419.5, 423.5 429.3, 803.9, Police Code 1060.5.1	These errors reference sections that no longer exist or have moved. Many had already been corrected by codifier and left a footnote, so original language was put back in, officially deleted, and new language officially added.
61	178 (f) – ACTS of GOD	178(f)	Nonconforming uses destroyed by an Act of God was amended to 18 months, but it appears that Section 178 CU was not amended in the same way. Section 178 (f) should have a parallel amendment.
62	Section 186; LCUs in RTO	186(a)(1)	Section 186 refers to LCUs in RH, RM, RED, and RTO. However, the rules for changes of use and exemption from termination in sub (a) only refer to RH, RM and RED. RTO LCUs should be subject to the same rules as RH/RM. RTO needs to be referenced in 186(a)(1).
63	lists of NC SUDs and RUDs	201, 235 702.1 702.2, 702.3, 702.4, 802.2	These Sections have lists for Neighborhood Commercial Special Use Districts and Restricted Use Districts. Make sure always update these Sections with new districts.

Item No.	Item title	Section(s) amended	Description
64	section references in required DU Mix	207.6(b)(3)	This Section references BMR units per §326(h)(2)(B). This Section does not exist. This should reference 406(b)(1). Also, in this Section we correct a reference to student housing as defined in Section 315 to state 401. However, the pending Student Housing ordinance [BF 111374] currently waits for second read at the BOS. If this is adopted, a fix would still be needed to change the definition reference to 102.36.
65	eliminate Section 218(a), and references to it	218, 218.2, 249.65	This Section only applies to C-1 Districts-- there are no parcels with this zoning remaining.
66	Section 218.1—Massage Establishment	218.1, 303(o), and many article 7 and 8 tables, also definitions in 790.60 and 890.60	The table shows that new Massage uses are C / P, this is unclear. Proposal would clarify this section & 790.60 & 890.60 & all related zoning control tables. Remove the additional CU criteria from each of the 3 definitions of massage and instead reference the criteria already listed in 303(o).
67	expired tobacco paraphernalia controls	227, 786, etc.	Section 786 expired on 8/10/12. Therefore deleting all sections that were subject to the more restrictive definition of Tobacco Paraphernalia and reverting to the citywide definitions and controls.
68	Head Shop definition incorrectly references MCD definition	227, 790.123, 890.123	Section 790.123 regarding Tobacco Paraphernalia Establishments refers to MCD definitions incorrectly. The definition section is 3301 (f), not 3201 (f) of the Health Code.
69	moved Code sections are now improperly referenced	249.33(b)6(B)i	PC Sec. 249.33(b)6(B)i states "described below in subsection (b)(7)" which doesn't exist. 249.33(b)6(B)i should be amended such that "according to the procedures described below in subsection (b)(7)" is changed to "according to the procedures described below in Section 424"
70	North of Market SUD	249.5(c)(6), (10)	In May 2011, the minimum off-street parking requirements for the NOMAR SUD were modified so that there's no longer a minimum off-street parking requirement or Conditional Use requirement for the modification of the off-street parking standard in the SUD as stated in Code Section 161(h). However, Code Section 249.5(c)(6) still references the old Code language in 161(h) that required the Planning Commission to approve Conditional Use for the parking modification. The Code language in 249.5(c)(6) needs to be changed so it reflects the new standards of Code Section 161(h). The Garment Shop Special Use District has been repealed via Ordinance 167-07. Previously there had been a special definition for garment shops that had less than 25 sewing machines. This change deletes the reference to Garment Shop and instead would rely on the recently updated definition of "trade shop" for such uses as defined in 175-12. The rear yard requirement in the NOMAR SUD (Section 249.5(c)(10) does not correctly cross-reference the rear yard requirement in Section 134 of the Code. In Section 249.5(c)(10), the Code should reference Section 134(g) instead of 134(f).
71	Mission Alcoholic Beverage SUD	249.60(c)(1)	The reference in this SUD to Restaurant Use cites 790.69 (office) where it should cite in Section 790.91 (restaurant).
72	SEC. 303. CONDITIONAL USES-- regarding Formula Retail (and 703.3 sync)	303 703.3	This Section has been amended to be the main location for formula retail controls by BF 110482 Misc. Tech. Amend. However, newer amendments to the Formula Retail controls were not included in the list of the uses. Section 303 should be updated to reflect the following recent Ordinances:•CU now applies to all RC districts--not just RC-3 and RC-4 zoned parcels along Van Ness Avenue and to LCUs in RH, RM, RTO, and RED Districts. (change created by BF 101053 Consistent Street Frontages) •there are additional prohibitions on formula retail, including formula retail pet supply and formula retail eating & drinking establishments (BF 110592 Inner, Outer Clement and Geary NC Controls); and Upper Fillmore formula retail restaurants (BF 110070).
73	Updated references to San Francisco's General Plan	303(c), 309	The proposal changes references to "master plan" to "general plan" but does not make any changes to "institutional master plan".
74	Updating controls for Formula Retail with recent amendments	303(i)(4)	Insert LCU/NCU in RH, RM, RTO, and RED under conditional use authorization required.

Item No.	Item title	Section(s) amended	Description
75	Inadvertent deletion of appeal fee	352(a), admin code 31.22(1)	On June 22, 2005, the Board passed updated fee legislation (ordinance 175-05). Language was included in this legislation that added a Board of Supervisor's surcharge to all Conditional Use and Environmental applications that would "compensate the City for the costs of appeals to the Board of Supervisors." In subsequent fee change legislation, this language was somehow removed from the code. This proposal would add to Planning Code Section 352(a), "A $111 surcharge shall be added to the fees for a conditional use or planned unit development to compensate the City for the costs of appeals to the Board of Supervisors." immediately following the sentence "The initial fee amount is not to exceed 50% of the construction cost." In the Administrative Code section 31.22(1), please add the language "A $111 surcharge shall be added to the fees in Section 31.22(a) to compensate the City for the costs of appeals to the Board of Supervisors." immediately following the sentence "Where said total estimated construction cost is $100,000,000 or more: $272,962 PLUS 0.016% of the cost over $100,000,000."
76	Affordable housing fee application market and Octavia	352, 416.3	The fee doesn't apply to commercial use so there should be no credits. This text was added with EN Code Corrections to keep the table consistent in format with other fee changes, however it created confusion instead.
77	TIDF Fee Schedule for EN	423.3 Table 423.3A	The non-residential fees column in this table present the Net TIDF impact fees. The original impact fees approved by the Commission included an additional $10 for each Tier. This distinction should be clarified in the table, by adding a column that shows the original impact fees and another one for Net TIDF.
78	improper reference within the EN Infrastructure Fee	423.3A	In the written Code, Table 423.3A references the Tier definition in Section 423.3(a). The proper reference should be 423.2(a). Table 423.3B references the Tier in Section 422.3(a) when it also should be 423.2(a).
79	organizational corrections	429.3, 429.5, 703.2, 803.2, 803.3	These changes are to make the code more consistent or clear (e.g. re-lettering, formatting).
80	sings in residential districts	606 (b)(2)(B)	Section 606 (b)(2)(B) addresses signs all "RM or RED Districts." The proposed change would apply this control to all RM districts not just RM-1 districts.
81	arcade uses	725.69 (b) *also fixed in many of the other tables, starting at 719.69(b)*	Section number reference should be 790.4 instead of 790.04
82	"Large fast food"	728.1, 729.1, 737.1, 738.43	Planning Code Section 737.1 on line (in the introductory paragraph) still refers to "large fast food." This definition no longer exists.
83	error from Ordinance 140-27	733a	733A.13a 277 A missing in 733A.13a corrected in on-line code
84	error from Ordinance 140-28	733a	733A.26 278 A missing in 733A.26 corrected in on-line code
85	specific provision without table entry	734.68, 735.68, 737.68	The proposal would remove fringe financial service provision when no table entry for it.
86	sections 733A.1, 734, 737	sections 733A.1, 734, 737	The subheadings under headings (commercial & institutional standard uses) states "non-retail sales & services".
87	old address	Temporary Land Use Controls conclusion	The Office of the Zoning Administrator is no longer located at 1660 Mission Street.
88	update references to Planning Commission and Department.	Various including: 249.5, 303, 309, Temporary Land Use Control Table and Police Code 1060.5.1	The proposal would change City Planning Commission to Planning Commission and City Planning Department to Planning Department.

Item No.	Item title	Section(s) amended	Description
89	incorrect numerical references in zoning control tables	Various Article 7	many Article 7 tables had incorrect numbers, either referenced, or just typos.
90	Incorrect and outdated lists.	Various including: Temporary Land Use Controls, etc.	Several places in the Code attempt to keep an ongoing catelog of similar controls. While this is good in theory, in practice the lists become lost and the controls are amended while the lists are not.

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Planning Commission Resolution No. 18750

Planning Code and Administrative Text Changes

HEARING DATE: NOVEMBER 29, 2012

Project:	**Planning Code Corrections**
Case No.:	2012.0543T
Initiated by:	Planning Commission
Prepared by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
With the assistance of:	Thayer Mullins, Legislative Intern
Recommendation:	**Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE AND ADMINISTRATIVE TO (1) CORRECT ERRORS, MAKE LANGUAGE REVISIONS AND UPDATES; (2) REVISE GRAPHICS TO BE CONSISTENT WITH TEXT; (3) AMEND FEES TO BE CHARGED FOR CERTAIN KINDS OF APPLICATIONS AND APPEALS; (4) CLARIFY THE MEANING OF CERTAIN PLANNING CODE SECTIONS; AND (5) ADOPT FINDINGS, INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND PLANNING CODE SECTION 302, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on October 18, 2012, the Planning Director requested that amendments be made to the Planning Code under Case Number 2012.0543T; and

Whereas, the proposed Planning Code text changes would amend several sections of the Code as outlined in Exhibit A and C; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on October 18, 2012; and

WHEREAS the Planning Commission adopted Resolution No. 18718 initiating amendments to the Planning Code on October 18, 2012; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors ***approve with modifications*** the proposed ordinance. Specifically, the proposed modifications are:

1. Changes to Sections 156 and 424.6.2: These two sections need to be amended in response to the recently adopted Transit Center District Plan [Board File No. 120665, Ordinance No. 182-12]. The only changes would be renumbering controls consistent with standard organization of the Planning Code.
2. Changes to Section 227: This section needs to be amended in response to the recently adopted Transit Center District Plan [Board File No. 120665, Ordinance No. 182-12]. The only change would be to insert the new district C-3-O (SD) and using the same use controls as those used by C-3-0. This change is consistent with the explanatory materials that was before the Commission, but did not make it into the proposed Ordinance.
3. Changes to Sections 702.3: Two changes are proposed to this Section. First, as initiated this Section would have inserted the words "Fast-Food" into the Taraval and Irving Street Restricted Use Subdistricts. The adoption of Ordinance Number 75-12 (Eating and Drinking Controls) stuck these words properly and "Fast-Food" should not be inserted into the titles for the Taraval and Irving Street Restricted Use Subdistricts. Second, Ordinance Number 61-09 (Balboa Park Station Area Plan), struck Section the Ocean Avenue Fast Food Subdistrict and all references to this district, however, a subsequent ordinance inadvertantly reinserted this obsolete district into the list in Section 702.3.
4. Changes to Sections 740 et. seq.: The Adopted Ordinance Number 175-12 created the Irving Street NCD (among other changes). This Ordinance established that formula retail Restaurants and Limited-Restaurants would be "not permitted" while other, non-formula retail Restaurants and Limited-Restaurants would be "permitted". These controls are intended to apply to the "Irving Street Restaurant Subdistrict" which is the same area as the Irving Street NC-2. Therefore, this control does not need to be listed twice.

FINDINGS

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

1. The Planning Code has been amended dozens of times over the past three years.

2. Many factors contribute to the errors that need fixing by this legislation. First, there is a delay between the effective date of a Ordinance and when the online Planning Code is updated to reflect the change.

3. In addition, amendments from the Planning Code are proposed by many sources including the Planning Department, the Board of Supervisors, the Mayor and private parties. Legislation does not march in an orderly manner through the approvals process. An Ordinance considered by the Planning Commission in the spring may sit at the Board for months before it is called to hearing before a Committee. In the meantime, other pieces of legislation may move ahead that were not considered in the original ordinance. The most recent Code changes not yet visible online may not be used as a basis for new Code amendments.

4. As a result, many code amendments were inadvertently removed and controls were amended or omitted. The majority of this legislation addresses these issues. (Attachment B, G, and H) details the Code sections that are being amended and the specific changes being made).

5. With regard to the remainder of the proposed changes to the Planning Code the proposed changes are minor in scope - typographical errors, updating and consolidating definitions, and correcting errors that were inadvertently made by subsequent code changes and/or by the publisher. This proposal contains non-substantive changes not changes in policy.

6. Therefore, the Commission recommends ***approval with modifications of the proposed Ordinance.***

7. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable

place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.3
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan

OBJECTIVE 6
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1
Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.3
Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.8
Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT
THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS
The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3
Recognize that buildings, when seen together, produce a total effect that characterizes the city and

its districts.

OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4
Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5
Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7
Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

III. DOWNTOWN ELEMENT
THE DOWNTOWN PLAN GROWS OUT OF AN AWARENESS OF THE PUBLIC CONCERN IN RECENT YEARS OVER THE DEGREE OF CHANGE OCCURRING DOWNTOWN – AND OF THE OFTEN CONFLICTING CIVIC OBJECTIVES BETWEEN FOSTERING A VITAL ECONOMY AND RETAINING THE URBAN PATTERNS AND STRUCTURES WHICH COLLECTIVELY FOR THE PHYSICAL ESSENCE OF SAN FRANCISCO.

OBJECTIVE 1
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12
CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1
Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The goal of the proposed Ordinance is to make typographical and clerical errors to the Planning Code.

8. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

   A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the supply of affordable housing.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments.

G) That landmark and historic buildings will be preserved:

The proposed Ordinance will update the Planning Code to reflect Charter Section 4.135 to incorporate the Historic Preservation Commission.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 29, 2012.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Wu, Antonini, Borden, Hillis, Moore, and Sugaya

NOES: --

ABSENT: --

ADOPTED: November 29, 2012

Exhibit A: Proposed changes to the Draft Ordinance* since the Commission Initiation
Exhibit C: Guide to the Draft Ordinance

BOARD of SUPERVISORS

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

NOTICE OF PUBLIC HEARING

LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Monday, March 4, 2013**

Time: **1:30 p.m.**

Location: **Committee Room 263, located at City Hall**
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: **File No. 130062.** Ordinance amending the Planning and Administrative Codes, and Zoning Map, to correct errors, and make language revisions and updates; revise graphics to be consistent with text; amend fees to be charged for certain kinds of applications and appeals; clarify the meaning of certain Planning Code sections; and adopt findings, including findings under the California Environmental Quality Act and Planning Code, Section 302, and findings of consistency with the General Plan and Planning Code, Section 101.1.

If the legislation passes, the fee for appeals to the Board of Supervisors of environmental determinations and decisions by the Planning Commission, shall be codified to reflect the adjusted consumer price index increase from $500 to $521 (Administrative Code, Section 31.22(a)); of which, a $111 surcharge shall be added to conditional use or planned unit development application fees and all fees listed in Administrative Code, Section 31.22(a). These fees are collected to compensate the Planning Department for administrative costs, with $111 being routed to the Board of Supervisors to compensate for the costs of appeals.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, March 1, 2013.

Angela Calvillo, Clerk of the Board

DATED: February 14, 2013
POSTED: February 14, 2013
PUBLISHED: February 18 & 25, 2013

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NOTICE OF PUBLIC HEARING
LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
MARCH 4, 2013 – 1:30 PM
COMMITTEE ROOM 263, CITY HALL
1 DR. CARLTON B. GOODLETT PL, SAN FRANCISCO, CA

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Angela Calvillo, Clerk of the Board

Miller, Alisa

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NOTICE OF PUBLIC HEARING
LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
MARCH 4,2 013 – 1:30 PM
COMMITTEE ROOM 263,C ITY HALL
1 DR.C ARLTON B.G OODLETT PL,
SAN FRANCISCO,C A

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Angela Calvillo,C lerk oft he Board

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