

File No. 130062

Committee Item No. 2

Board Item No. 10

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 11, 2013

Board of Supervisors Meeting Date March 26, 2013

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

#### OTHER

(Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Planning Commission Resolution No. 18750
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Fee Ad
<input type="checkbox"/>	<input type="checkbox"/>	
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Completed by: Alisa Miller Date March 8, 2013

Completed by: Alisa Miller Date March 14, 2013

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

Ordinance amending the Planning and Administrative Codes to correct errors; 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; amend the Zoning Map to remove the incorrect Chinese Hospital Special Use District designation from Assessor's Block No. 0192, Lot No. 041; 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 ~~striketthrough italics Times New Roman~~.  
Board amendment additions are double underlined.  
Board amendment deletions are ~~striketthrough 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



1 Resolution is on file with the Clerk of the Board of Supervisors in File No. 130062, and is  
2 incorporated herein by reference.

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

7 Section 2. The San Francisco Planning Code is hereby amended by amending  
8 Sections 102.5, 121.2, 121.4, 132, 132.1, 134, 136, 139, 145.4, 151.1, 155, 156, 163, 171,  
9 176, 178, 186, 201, 206.3, 207.6, 209.8, 212, 218, 218.1, 218.2, 219, 227, 235, 249.5,  
10 249.23, 249.33, 249.52, 249.54, 249.60, 249.63, 249.65, 270, 303, 304, 307, 309, 309.2,  
11 312, 350, 352, 355, 415.5, 416.3, 419.1, 419.5, 423.3, 423.5, 424.6.2, 429.3, 429.5, 606, 607,  
12 608.13, 702.1, 702.3, 702.4, 703.2, 703.3, 710, 711, 712, 713, 714, 714.1, 715, 716, 717,  
13 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 728.1, 729, 729.1, 730, 731, 732, 733,  
14 733A, 734.1, 735, 736.1, 737, 737.1, 738, 740, 780.3, 781.1, 781.2, 781.5, 790.22, 790.55,  
15 790.60, 790.90, 790.91, 790.123, 802.2, 803.2, 803.3, 803.6, 803.7, 803.9, 810, 811, 812,  
16 815, 823, 825, 827, 829, 890.60, 890.123, 890.124, 911, and 916, to read as follows:

17  
18 **SEC. 102.5. DISTRICT.**

19 A portion of the territory of the City, as shown on the Zoning Map, within which certain  
20 regulations and requirements or various combinations thereof apply under the provisions of  
21 this Code. The term "district" shall include any use, special use, height and bulk, or special  
22 sign district. The classes of use districts are described in Section 201 of this Code. The term  
23 "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,  
24 RTO, RTO-M, RC 1, RC 2, RC 3, RC 4 or RED District. The term "C District" shall mean any  
25 C 1, C 2, C 3 or C M District. The term "RTO District" shall be that subset of R Districts which

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1 are the RTO and RTO-M District. The term "M District" shall mean any M-1 or M-2 District.  
2 The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District. The  
3 term "RH District" shall mean any RH-1 (D), RH-1, RH-1(S), RH-2, or RH-3 District. The term  
4 "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall  
5 mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-0,  
6 C-3-0 (SD), C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of  
7 this Code, the term "C-3 District" shall also include the Extended Preservation District  
8 designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any  
9 NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and  
10 Neighborhood Commercial Transit District identified by street or area name in Section 702.1.  
11 The term "NCT" shall mean any district listed in Section 702.1 (b), including any NCT-1, NCT-  
12 2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name.  
13 The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed  
14 Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term  
15 "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown  
16 R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall  
17 refer to all RED, RSD, SLR, SU, or SSE Districts named in Section 802.1. The term "Eastern  
18 Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU  
19 Districts named in Section 802.1. The term "DTR District" or "Downtown Residential District"  
20 shall refer to any Downtown Residential District identified by street or area name in Section  
21 825, 827, 828, and 829. The term "PM District" or "Parkmerced District" shall refer to any PM-  
22 R, PM-MU1, PM-MU2, PM-S, PM-CF, or PM-OS District named in Section 249.64. The terms  
23 "TI District" and "YBI District" shall refer to any TI-R, TI-MU, TI-OS, TI-PCI, YBI-R, YBI-MU,  
24 YBI-OS, YBI-PCI, as set forth in Section 249.52.

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

3 (a) In order to protect and maintain a scale of development appropriate to each  
4 district, nonresidential uses of the same size or larger than the square footage stated in the  
5 table below may be permitted only as conditional uses subject to the provisions set forth in  
6 Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor  
7 area for each individual nonresidential use.

District	<u>Use</u> <del>Lot</del> Size Limits
North Beach	2,000 sq. ft.
Castro Street	
<u>Pacific Avenue</u>	
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 <u>NCT</u>	

24th Street-Noe Valley	
West Portal Avenue	
NC-1, NCT-1	3,000 sq. ft.
Broadway	
Hayes-Gough <u>NCT</u>	
<u>Upper Market Street</u>	
Upper Market Street <u>NCT</u>	
Valencia Street	4,000 sq. ft.
NC-2, NCT-2, SoMa <u>NCT</u> , Ocean Avenue <u>NCT</u> , Glen Park <u>NCT</u>	
NC-3, NCT-3, Mission Street	
NC-S	6,000 sq. ft.

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

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

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

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

(b) In order to protect and maintain a scale of development appropriate to each district, 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	<u>Use Lot</u> 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.

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

3  
4 **SEC. 132. FRONT SETBACK AREAS, RTO, RH AND RM DISTRICTS AND FOR**  
5 **REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.**

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

23 ...  
24 (i) Planned Unit Developments.  
25

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

3 (1) Where ground floor setbacks are required, landscaping is also required in  
4 the setbacks per Section 132(g). All building setback areas not occupied by steps, porches or  
5 other permitted obstructions shall be permeable as defined in Section 102.33. Setbacks  
6 should be designed to provide access to landscaped areas, encouraging active use by  
7 residents.

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

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

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

22 ...

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

24 ...

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

1           (1) **Streetwall Base.** In order to establish an appropriate street wall in relation to  
2 the width of the street and to adjacent structures and to avoid the perception of overwhelming  
3 mass that would be created by a number of tall buildings built close together with unrelieved  
4 vertical rise, new buildings taller than 150 feet on development lots in the C-3-O(SD) district  
5 facing a street wider than 35 feet shall establish a distinctive streetwall, even where no distinct  
6 cornice line or streetwall exists, at a height between 50 and 110 feet for not less than 40  
7 percent of the linear frontage of all street frontages of such development lot. Such streetwall  
8 shall be established, by an upper story setback or by a combination of upper story setback  
9 and horizontal projection (either occupied or decorative, as allowed in Section 136), creating  
10 horizontal relief totaling at least 10 feet *as indicated in Figure 132.1B*, however the upper story  
11 setback shall not be less than 5 feet. In the New Montgomery-Mission-Second Street  
12 Conservation District, such streetwall height shall be set by the prevailing cornice line of the  
13 buildings on the subject block face and the minimum dimension of the upper story setback  
14 shall be increased to not less than 15 feet. Exceptions to this subsection (c)(1) may be  
15 allowed in accordance with the procedures of Section 309 if the Planning Commission  
16 affirmatively determines that all of the following criteria have been met:

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

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

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

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



1           (2) **Pedestrian Zone.** In order to establish an appropriate and inviting  
2 relationship to the pedestrian realm at street level and create visual and varied interest for  
3 pedestrians, all new structures in the C-3-O(SD) district shall incorporate architectural  
4 features, awnings, marquees, or canopies, that project from the building face at least one foot  
5 at height of between 15 and 25 feet above grade, for at least 20 percent of the linear frontage  
6 of all street facing facades.

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

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

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

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

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

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

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

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

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

4 (ii) Free and clear of all permanent building elements from  
5 sidewalk grade to a minimum height of 35 feet above sidewalk grade, except as otherwise  
6 allowed as obstructions over streets according to Section 136 or as allowed by the Planning  
7 Department as an exception according to the procedures of Section 309, and

8 (iii) Available to the public.

9 (D) The area of setbacks provided pursuant to this subsection (3) shall be  
10 counted toward the open space requirements of Section 138. If the subject development does  
11 not rely on this area to meet its Section 138 requirements, and the area of the setback is  
12 dedicated in fee title to the City for public use or, under exceptional circumstances, dedicated  
13 to the City via easement for public use, the value of the setback may be credited as an in-kind  
14 improvement toward the satisfaction of the development's fee requirements per Sections  
15 424.6 or 424.7.

16 ...

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

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

3 The rear yard requirements established by this Section 134 shall apply to every building in an  
4 R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection  
5 (a), except those buildings which contain only single room occupancy (SRO) or live/work units  
6 and except in the Bernal Heights Special Use District and Residential Character Districts to  
7 the extent these provisions are inconsistent with the requirements set forth in Section 242 of  
8 this Code. With the exception of dwellings in the South of Market Mixed Use and Eastern  
9 Neighborhoods Mixed Use Districts containing only SRO units, the rear yard requirements of  
10 this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR, UMU, SPD,  
11 RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area Neighborhood  
12 Commercial Transit District, Individual Neighborhood Commercial District as noted in  
13 Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. These  
14 requirements are intended to assure the protection and continuation of established midblock,  
15 landscaped open spaces, and maintenance of a scale of development appropriate to each  
16 district, consistent with the location of adjacent buildings.

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

19 (1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M,**  
20 **MUG, MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts.** The minimum rear  
21 yard depth shall be equal to 25 percent of the total depth of the lot on which the building is  
22 situated, but in no case less than 15 feet. For buildings containing only SRO units in the South  
23 of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, the minimum rear yard  
24 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,  
25

1 but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced  
2 in specific situations as described in Subsection (c) below.

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

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

11  
12 [Figure omitted; no changes to figure]

13  
14 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough NCT,  
15 Upper Market Street, Upper Market Street NCT, SoMa NCT, Mission Street NCT, Polk  
16 Street, Pacific Avenue, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR, MUG, MUO, and UMU  
17 Districts. Rear yards shall be provided at the lowest story containing a dwelling unit, and at  
18 each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east  
19 side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M,  
20 N, R, S, T, U, and V) are not required to provide rear yards at any level of the building,  
21 provided that the project fully meets the usable open space requirement for dwelling units per  
22 Section 135 of this Code, the exposure requirements of Section 140, and gives adequate  
23 architectural consideration to the light and air needs of adjacent buildings given the  
24 constraints of the project site.  
25

(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			<p>...</p> <p>(12) Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR, <u>PDR</u> 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;</p> <p>...</p>

1  
2 **SEC. 139. STANDARDS FOR BIRD-SAFE BUILDINGS.**

3 (a) **Purpose.** The purpose of this Section is to establish Bird-Safe Standards for new  
4 building construction and replacement facades to reduce bird mortality from circumstances  
5 that are known to pose a high risk to birds and are considered to be "bird hazards." The two  
6 circumstances regulated by this Section are 1) location-related hazards, where the siting of a  
7 structure creates increased risk to birds and 2) feature-related hazards, which may create  
8 increased risk to birds regardless of where the structure is located. Location-related hazards  
9 are created by structures that are near or adjacent to large open spaces and/or water. When  
10 structures are located in such an area, the portion of the structure most likely to sustain bird-  
11 strikes requires facade treatments. Even if a structure is not located near a ~~location~~ location  
12 hazard, particular building features also may create a hazard for birds. Structures that create  
13 such a feature-related hazard are required to treat all of the feature-related hazard. While  
14 these controls do not apply retroactively, the purpose of these controls is to ensure that new  
15 construction ~~that~~ is bird-safe and to decrease existing bird-hazards over time.

16 (b) **Definitions.**

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

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

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

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

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

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

22 (ii) Glass facades directly adjacent to landscaped roofs 2 acres  
23 or larger and extending upwards 60 feet from the level of the subject roof.  
24  
25

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

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

7 (2) **Feature-Related Standards.** Feature-related hazards include free-  
8 standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that  
9 have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards  
10 can occur throughout the City. Any structure that contains these elements shall treat 100% of  
11 the glazing on Feature-Specific hazards.

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

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

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

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

23 (B) **General Exceptions for Historic Buildings.** Treatment of  
24 replacement glass facades for structures designated as City landmarks or within landmark  
25 districts pursuant to Article 10 of the Planning Code, or any building Category I-IV or Category



1 V within a Conservation District pursuant to Article 11 of the Planning Code, shall conform to  
2 Secretary of Interior Standards for Rehabilitation of Historic Properties. Reversible treatment  
3 methods such as netting, glass films, grates, and screens are recommended. Netting or any  
4 other method demonstrated to protect historic buildings from pest species that meets the  
5 Specifications for Bird-Safe Glazing Treatment stated above also may be used to fulfill the  
6 requirement.

7 (C) **General Waivers and Modifications.** The Zoning Administrator  
8 may either waive the requirements contained within Section 139(c)(1) and Section 139(c)(2)  
9 or modify such requirements to allow equivalent Bird-Safe Glazing Treatments upon the  
10 recommendation of a qualified biologist.

11  
12 **SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.**

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

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

17 (1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section  
18 827;

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

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

23 (4) South Van Ness Avenue, for the entirety of the Van Ness and Market  
24 Downtown Residential Special Use District;  
25

(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**

<i>Use or Activity</i>	<i>Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted</i>
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; <u>C</u> 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 <u>or and</u> SB-DTR, Districts, except as specified below	P up to one car for each four dwelling units; <u>C</u> 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 <u>or and</u> 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; <u>C</u> 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).

1	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.
2		
3	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.
4		
5	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.
6		
7	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.
8		
9	Mortuary	P up to five.
10		
11	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.
12		
13	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).
14		
15	Laboratory	P up to one for each 1,500 square feet of occupied floor area.
16		
17	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
18		
19	Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.
20		
21	Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.
22		
23		
24		
25		

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

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

7 (A) For projects with 50 units or more, all residential accessory parking  
8 in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by  
9 mechanical stackers or lifts, valet, or other space-efficient means that allows more space  
10 above-ground for housing, maximizes space efficiency and discourages use of vehicles for  
11 commuting or daily errands. The Planning Commission may authorize the request for  
12 additional parking notwithstanding that the project sponsor cannot fully satisfy this  
13 requirement provided that the project sponsor demonstrates hardship or practical infeasibility  
14 (such as for retrofit of existing buildings) in the use of space-efficient parking given the  
15 configuration of the parking floors within the building and the number of independently  
16 accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or  
17 other form of parking space management could not significantly increase the capacity of the  
18 parking space above the maximums in Table 151.1;

19 (B) For any project with residential accessory parking in excess of  
20 0.375 parking spaces for each dwelling unit, the project complies with the housing  
21 requirements of Sections 415 through 415.9 of this Code except as follows: the inclusionary  
22 housing requirements that apply to projects seeking conditional use authorization as  
23 designated in Section 415.3(a)(2) shall apply to the project;

24 (C) The findings of ~~Section 151.1 (d)(2), (d)(3) and (d)(5)~~ Section  
25 151.1(e)(1)(B), (e)(1)(C) and (e)(1)(E) are satisfied;



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

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

10 ...  
11 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF**  
12 **OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.**

13 ...  
14 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In  
15 order to preserve the pedestrian character of certain downtown and neighborhood commercial  
16 districts and to minimize delays to transit service, garage entries, driveways or other vehicular  
17 access to off-street parking or loading (except for the creation of new publicly-accessible  
18 streets and alleys) shall be regulated on development lots as follows on the following street  
19 frontages:

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

22 (2) Not permitted:

23 (A) The entire portion of Market Street from The Embarcadero to Castro  
24 Street,  
25

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

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

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

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

7 (F) Embarcadero in the DTR Districts,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) Not permitted except with a Conditional Use authorization, except that in the  
11 C-3-O(SD) District, the Planning Commission may grant such permission as an exception  
12 pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of  
13 parking proposed does not exceed the amounts permitted as accessory according to Section  
14 151.1.

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

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

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

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

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

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

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

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

24 (I) 1st, Fremont and Beale Streets from Market to Folsom Street.  
25

1 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or  
2 loading shall be created or utilized on street frontages identified along any Transit Preferential,  
3 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the  
4 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,  
5 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts  
6 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle  
7 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,  
8 unless the officially adopted alignment is along the left side of the street. Where an alternative  
9 frontage is not available, parking or loading access along any Transit Preferential, Citywide  
10 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation  
11 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on  
12 streets not listed in subsection (2) above as an exception in the manner provided in Section  
13 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be  
14 clearly demonstrated that the final design of the parking access minimizes negative impacts to  
15 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

21 ...  
22 **SEC. 156. PARKING LOTS.**

23 (a) A "parking lot" is hereby defined as an off-street open area or portion thereof  
24 solely for the parking of passenger automobiles. Such an area or portion shall be considered  
25 a parking lot whether or not on the same lot as another use, whether or not required by this

1 Code for any structure or use, and whether classified as an accessory, principal or conditional  
2 use.

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

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

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

17 ...

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

21 ...

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

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

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

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

7           (C) (3) interior landscaping compliant with the requirements in subsection (j)  
8 above, provided that if a site permit has been approved by the Planning Department for  
9 construction of building on the subject lot that would replace the parking lot in less than 2  
10 years, the trees may be planted in movable planters and the lot need not provide permeable  
11 surfaces described in subsection (j).

12  
13           SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND  
14 TRANSPORTATION BROKERAGE SERVICES IN C-3, EASTERN NEIGHBORHOODS  
15 MIXED USE, AND SOUTH OF MARKET MIXED USE DISTRICTS.

16           ...

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

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

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

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

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

6 ...

7 **SEC. 171. COMPLIANCE OF USES REQUIRED.**

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

20  
21 **SEC. 176. ENFORCEMENT AGAINST VIOLATIONS.**

22 ...

23 (c) Penalties.  
24  
25

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

8  
9       The responsible party may request a Zoning Administrator's hearing in order to show cause  
10 why the notice requiring the cessation, removal or correction of the violation and any  
11 assessment of administrative penalties is in error and should be rescinded. The Zoning  
12 Administrator may designate a member of Department staff to act as the hearing officer in his  
13 or her place. The Department shall send a notice of the date, hour, and place of the hearing to  
14 the responsible party at the address specified in the request for hearing and to any member of  
15 the public who has expressed an interest in the matter.

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

22  
23       The responsible party may waive the right to a Zoning Administrator's hearing and proceed  
24 directly to an appeal to the Board of Appeals under Section 308.2 of this Code. Administrative  
25 penalties shall not accrue during the period of time that the matter is pending before the



1 Zoning Administrator on a request for hearing or before the Board of Appeals on appeal. If the  
2 responsible party elects to request a Zoning Administrator's hearing, the request for hearing  
3 must be in writing and submitted to the Zoning Administrator prior to ~~expiration of the time for~~  
4 ~~appeal of the Zoning Administrator's determination to the Board of Appeals~~ the expiration date of the  
5 Notice of Violation and Penalty. If a request for a Zoning Administrator's hearing is timely filed,  
6 any appeal to the Board of Appeals shall be from the decision of the Zoning Administrator  
7 rendered after the hearing.

8  
9 The Zoning Administrator or the Zoning Administrator's designee, after a full and fair  
10 consideration of the evidence and testimony received at the hearing, shall render within thirty  
11 days following the conclusion of the hearing a written decision that either rescinds the notice  
12 of violation and dismisses the proceedings, upholds the original decision, or modifies the  
13 original decision. In rendering a decision, the Zoning Administrator or the Zoning  
14 Administrator's designee shall consider:

- 15 (A) whether the responsible party was properly identified;
- 16 (B) whether the accrual dates for the administrative penalties are  
17 accurate;
- 18 (C) the amount of documented staff time spent in order to secure  
19 abatement of the violation;
- 20 (D) the nature of the violation;
- 21 (E) the duration of the violation;
- 22 (F) efforts made by the responsible party to correct the violation;
- 23 (G) the impact of the violation upon the community;
- 24
- 25

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

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

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

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

8 In hearing any appeal of the Zoning Administrator's determination, the Board of Appeals shall  
9 consider the above factors. If the Board upholds the Zoning Administrator's decision in whole  
10 or in part but reduces the amount of the penalty, it may not reduce the amount of the penalty  
11 below \$100.00 for each day that the violation exists, excluding the period of time that the  
12 matter has been pending either before the Zoning Administrator on a request for hearing or  
13 before the Board of Appeals on appeal.

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

17 (2) **Civil Penalties.** Any individual, firm, partnership, corporation, company,  
18 association, society, group or other person or legal entity that violates any provision of this  
19 Code shall be liable for the City's costs of enforcement and a civil penalty, of not less than  
20 \$200.00 for each day such violation is committed or permitted to continue, which penalty shall  
21 be assessed and recovered in a civil action brought in the name of the people of the City and  
22 County of San Francisco by the City Attorney in any court of competent jurisdiction. The City  
23 Attorney may seek recovery of any attorneys' fees and costs, including but not limited to  
24 expert witness fees, incurred by the City in bringing such civil action. For civil actions to  
25 enforce Municipal Code provisions related to general advertising signs, the penalties,

1 attorneys' fees and costs set forth in this Section 176 shall be in addition to those authorized  
2 by Section 610 of this Code.

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

9 (4) **Planning Code Enforcement Fund.** Any fees and penalties collected  
10 pursuant to this Section 176 shall be deposited in the Planning Code Enforcement Fund  
11 established by Administrative Code Section 10.100-166. The Planning Department, through  
12 the Planning Code Enforcement Fund, shall reimburse City departments and agencies,  
13 including the City Attorney's Office, for all costs and fees incurred in the enforcement of this  
14 Section 176.

15 ...

16 **SEC. 178. CONDITIONAL USES.**

17 The following provisions shall apply to conditional uses:

18 ...

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

1 may thereafter be restored except upon approval of a new conditional use application.  
2 pursuant to the provisions of Article 3 of this Code.

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

11  
12 **SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL**  
13 **NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS.**

14 The purpose of this Section is to provide for the further continuance in RH, RM, RTO,  
15 and RED Districts of nonconforming uses of a limited commercial and industrial character, as  
16 herein described, which are beneficial to, or can be accommodated within, the residential  
17 areas in which they are located. It is hereby found and declared that, despite the general  
18 incompatibility of nonconforming uses with the purposes of this Code, and with other nearby  
19 uses, these limited commercial uses may be tolerated in residential areas, and tend to provide  
20 convenience goods and services on a retail basis to meet the frequent and recurring needs of  
21 neighborhood residents within a short distance of their homes or, within the South of Market  
22 RED Districts, tend to provide jobs and continuation of small scale service and light industrial  
23 activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a  
24 minimum of interference with nearby streets and properties. Accordingly, this Section  
25

1 recognizes the public advantages of these uses and establishes conditions for their continued  
2 operation.

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

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

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

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

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

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

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

1  
2 **SEC. 201. CLASSES OF USE DISTRICTS.**

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

<b>Public Use (P) Districts</b> <i>(Defined in Sec. 234)</i>	
<b>Residential (R) Districts</b> <i>(Defined in Sec. 206)</i>	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings) <i>(Defined in Sec. 206.1)</i>
RH-1	Residential, House Districts, One-Family <i>(Defined in Sec. 206.1)</i>
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit <i>(Defined in Sec. 206.1)</i>
RH-2	Residential, House Districts, Two-Family <i>(Defined in Sec. 206.1)</i>
RH-3	Residential, House Districts, Three-Family <i>(Defined in Sec. 206.1)</i>
RM-1	Residential, Mixed Districts, Low Density <i>(Defined in Sec. 206.2)</i>
RM-2	Residential, Mixed Districts, Moderate Density <i>(Defined in Sec. 206.2)</i>

RM-3	Residential, Mixed Districts, Medium Density <i>(Defined in Sec. 206.3)</i>
RM-4	Residential, Mixed Districts, High Density <i>(Defined in Sec. 206.3)</i>
RTO	Residential, Transit-Oriented Neighborhood <i>(Defined in Sec. 206.4)</i>
RTO-M	Residential, Transit-Oriented – Mission <i>(Defined in Sec. 206.5)</i>
<b>Residential-Commercial Districts</b> <i>(Defined in Sec. 206.3)</i>	
RC-3	Residential-Commercial Combined Districts, Medium Density <i>(Defined in Sec. 206.3)</i>
RC-4	Residential-Commercial Combined Districts, High Density <i>(Defined in Sec. 206.4)</i>
<b>Neighborhood Commercial Districts</b> (Also see Article 7) General Area <u>Neighborhood Commercial</u> Districts <i>(Defined in Sec. 702.1)</i>	
NC-1	Neighborhood Commercial Cluster District <i>(Defined in Sec. 710.1)</i>
NC-2	Small-Scale Neighborhood Commercial District <i>(Defined in Sec. 711.1)</i>

NC-3	Moderate-Scale Neighborhood Commercial District <i>(Defined in Sec. 712.1)</i>
NC-S	Neighborhood Commercial Shopping Center District <i>(Defined in Sec. 713.1)</i>
<b><i>Individual Area Named Neighborhood Commercial Districts (Defined in Sec. 702.1)</i></b>	
Broadway Neighborhood Commercial District <i>(Defined in Sec. 714.1)</i>	
Castro Street Neighborhood Commercial District <i>(Defined in Sec. 715.1)</i>	
Inner Clement Street Neighborhood Commercial District <i>(Defined in Sec. 716.1)</i>	
Outer Clement Street Neighborhood Commercial District <i>(Defined in Sec. 717.1)</i>	
Upper Fillmore Street Neighborhood Commercial District <i>(Defined in Sec. 718.1)</i>	
Haight Street Neighborhood Commercial District <i>(Defined in Sec. 719.1)</i>	
Inner Sunset Neighborhood Commercial District <i>(Defined in Sec. 730.1)</i>	
Upper Market Street Neighborhood Commercial District <i>(Defined in</i>	



1 Sec. 721.1)

2 North Beach Neighborhood Commercial District (Defined in Sec.  
3 722.1)

4 Pacific Avenue Neighborhood Commercial District (Defined in Sec.  
5 732.1)

6 Polk Street Neighborhood Commercial District (Defined in Sec.  
7 723.1)

8 Sacramento Street Neighborhood Commercial District (Defined in  
9 Sec. 724.1)

10 Union Street Neighborhood Commercial District (Defined in  
11 Sec. 725.1 )

12 24th Street-Noe Valley Neighborhood Commercial District (Defined  
13 in Sec. 728.1)

14 West Portal Avenue Neighborhood Commercial District (Defined in  
15 Sec. 729.1)

16 Noriega Street Neighborhood Commercial District (Defined in Sec.  
17 739.1)

18 Irving Street Neighborhood Commercial District (Defined in Sec. 740.1)

19 Taraval Street Neighborhood Commercial District (Defined in Sec.  
20 741.1)

21 Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)

<b>Neighborhood Commercial Transit Districts (NCT)</b>	
<i>(Defined in Sec. 702.1)</i>	
NCT-1	Neighborhood Commercial Transit Cluster District <i>(Defined in Sec. 733A.1)</i>
NCT-2	Small-Scale Neighborhood Commercial Transit District <i>(Defined in Sec. 734.1)</i>
NCT-3	Moderate Scale Neighborhood Commercial Transit District <i>(Defined in Sec. 731.1)</i>
<b>Individual Area <u>Named</u> Neighborhood Commercial Transit (NCT) Districts <i>(Defined in Sec. 702.1)</i></b>	
Hayes-Gough NCT <i>(Defined in Sec. 720.1)</i>	
Upper Market Street NCT <i>(Defined in Sec. 733.1)</i>	
Valencia Street NCT <i>(Defined in Sec. 726.1)</i>	
24th Street - Mission NCT <i>(Defined in Sec. 727.1)</i>	
Mission Street NCT <i>(Defined in Sec. 736.1)</i>	
SoMa NCT <i>(Defined in Sec. 735.1)</i>	
Ocean Avenue NCT <i>(Defined in Sec. 737.1)</i>	
Glen Park NCT <i>(Defined in Sec. 738.1)</i>	
<b>Neighborhood Commercial Special Use Districts</b>	
<i>(Defined in Sec. 702.2)</i>	

1 Lakeshore Plaza Special Use District (Defined in Sec. 780.1)

2 Bayshore-Hester Special Use District (Defined in Sec. 780.2)

3 Mission-Harrington Special Use District (Defined in Sec. 780.4)

4 North Beach Special Use District (Defined in Sec. 780.3)

5 1800 Market Community Center Project Special Use District  
6 (Defined in Sec. 787)

7  
8  
9 **Neighborhood Commercial Restricted Use Districts and**  
10 **Subdistricts**  
11 (Defined in Sec. 781)

12 Taraval Street Restaurant Subdistrict (Defined in Sec. 781.1)

13 Irving Street Restaurant Subdistrict (Defined in Sec. 781.2)

14 Geary Boulevard Formula Retail Pet Supply Store and Formula  
15 Retail Eating and Drinking Subdistrict (Defined in Sec. 781.4)

16 Mission Street Formula Retail Restaurant Subdistrict (Defined in  
17 Sec. 781.5)

18 North Beach Financial Service, Limited Financial Service, and  
19 Business or Professional Service Subdistrict (Defined in Sec. 781.6)

20 Chestnut Street Financial Subdistrict (Defined in Sec. 781.7)

21 Mission Alcoholic Beverage Special Use District (Defined in Sec. 781.8)

22 Haight Street Alcohol Special Use District (Defined in Sec. 781.9)

1 17th and Rhode Island Street Grocery Store Special Use District  
2 (Defined in Sec. 781.10)

3  
4 Third Street Alcohol Restricted Use District (Defined in Sec. 782)

5 Divisadero Street Alcohol Restricted Use District (Defined in Sec.  
6 783)

7 Lower Haight Street Alcohol Restricted Use District (Defined in Sec.  
8 784)

9  
10 Excelsior Alcohol Restricted Use District (Defined in Sec. 785)

11 Lower Haight Street Tobacco Paraphernalia Restricted Use  
12 District (Defined in Sec. 786)

13 Fringe Financial Service Restricted Use District (Defined in Sec.  
14 249.35)

15  
16 **Commercial Districts**

17 (Defined in Sec. 210)

18 C-1

Neighborhood Shopping Districts

19 C-2

Community Business Districts (Defined in Sec.  
20 210.2)

21 C-M

Heavy Commercial Districts (Defined in Sec.  
22 210.4)

23 C-3-O

Downtown Office District (Defined in Sec. 210.3)  
24  
25

C-3-O (SD)	Downtown Office Special Development District <i>(Defined in Sec. 210.3)</i>
C-3-R	Downtown Retail District <i>(Defined in Sec. 210.3)</i>
C-3-G	Downtown General Commercial District <i>(Defined in Sec. 210.3)</i>
C-3-S	Downtown Support District <i>(Defined in Sec. 210.3)</i>
<b>Industrial Districts</b> <i>(Defined in Sec. 210 and Sec 802.4)</i>	
M-1	Light Industrial Districts <i>(Defined in Sec. 210.5)</i>
M-2	Heavy Industrial Districts <i>(Defined in Sec. 210.6)</i>
<b><u>Production Distribution Repair (PDR) Districts Category</u></b> <i>(Defined in Sec. 210.7)</i>	
PDR-1-B	Production Distribution and Repair - Light Industrial Buffer <i>(Defined in Sec. 210.8)</i>
PDR-1-D	Production Distribution and Repair - Design <i>(Defined in Sec. 210.9)</i>
PDR-1-G	Production Distribution and Repair – General <i>(Defined in Sec. 210.10)</i>
PDR-2	Core Production Distribution and Repair - Bayview <i>(Defined in Sec. 210.11)</i>
<b>Chinatown Mixed Use Districts</b>	

<b>(Also see <i>Article 8 Sec. 802.3</i>)</b>	
CCB	Chinatown Community Business District ( <i>Defined in Sec. 810.1</i> )
CR/NC	Chinatown Residential/Neighborhood Commercial District ( <i>Defined in Sec. 812.1</i> )
CVR	Chinatown Visitor Retail District ( <i>Defined in Sec. 811.1</i> )
<b>South of Market Use Mixed Use Districts</b> <b>(Also see <i>Article 8 Sec. 802.5</i>)</b>	
RED	Residential Enclave Districts ( <i>Defined in Sec. 813</i> )
RSD	Residential Service District ( <i>Defined in Sec. 815</i> )
SLR	Service/Light Industrial/Residential District ( <i>Defined in Sec. 816</i> )
SLI	Service/Light Industrial District ( <i>Defined in Sec. 817</i> )
SSO	Service/Secondary Office District ( <i>Defined in Sec. 818</i> )
<b>Eastern Neighborhoods Mixed Use Districts</b> <b>(Also see <i>Article 8 Sec. 802.4</i>)</b>	
SPD	South Park District ( <i>Defined in Sec. 814</i> )

MUG	Mixed Use - General <i>(Defined in Sec. 840)</i>
MUO	Mixed Use - Office <i>(Defined in Sec. 842)</i>
MUR	Mixed Use - Residential <i>(Defined in Sec. 841)</i>
UMU	Urban Mixed Use <i>(Defined in Sec. 843)</i>
<b>Downtown Residential Districts</b> <b>(Also see <i>Article 8 Sec. 802.6</i>)</b>	
RH-DTR	Rincon Hill Downtown Residential <i>(Defined in Sec 827)</i>
SB-DTR	South Beach Downtown Residential <i>(Defined in Sec 829)</i>
TB-DTR	Transbay Downtown Residential District <i>(Defined in Sec 828)</i>
<b>Mission Bay Districts</b> <b>(Also see <i>Article 9 Sec. 902</i>)</b>	
MB-R-1	Mission Bay Lower Density Residential District <i>(Defined in Sec 906)</i>
MB-R-2	Mission Bay Moderate Density Residential District <i>(Defined in Sec 907)</i>
MB-R-3	Mission Bay High Density Residential District <i>(Defined in Sec 908)</i>

MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District <i>(Defined in Sec 909)</i>
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District <i>(Defined in Sec 910)</i>
MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District <i>(Defined in Sec 911)</i>
MB-O	Mission Bay Office District <i>(Defined in Sec 912)</i>
MB-CI	Mission Bay Commercial-Industrial District <i>(Defined in Sec 913)</i>
MB-H	Mission Bay Hotel District <i>(Defined in Sec 914)</i>
MB-CF	Mission Bay Community Facilities District <i>(Defined in Sec 915)</i>
MB-OS	Mission Bay Open Space District <i>(Defined in Sec 916)</i>
<p style="text-align: center;"><b>Parkmerced Districts</b> <b>(Also see Section 249.64)</b></p>	
PM-R	Parkmerced Residential District <i>(Defined in Sec 249.64(b)(2)(i))</i>
PM-MU1	Parkmerced Mixed Use - Social Heart District <i>(Defined in Sec 249.64(b)(2)(ii))</i>
PM-MU2	Parkmerced Mixed Use - Neighborhood



	Commons( <i>Defined in Sec 249.64(b)(2)(iii)</i> )
PM-S	Parkmerced School District ( <i>Defined in Sec 249.64(b)(2)(iv)</i> )
PM-CF	Parkmerced Community/Fitness District( <i>Defined in Sec 249.64(b)(2)(v)</i> )
PM-OS	Parkmerced Open Space District( <i>Defined in Sec 249.64(b)(2)(vi)</i> )
<b>Treasure Island and Yerba Buena Island Districts</b> <b>(Also see Section 249.52)</b>	
TI-R	Treasure Island-Residential ( <i>Defined in Sec 249.52</i> )
TI-MU	Treasure Island-Mixed Use ( <i>Defined in Sec 249.52</i> )
TI-OS	Treasure Island-Open Space ( <i>Defined in Sec 249.52</i> )
TI-PCI	Treasure Island-Public/Civic/Institutional ( <i>Defined in Sec 249.52</i> )
YBI-R	Yerba Buena Island-Residential ( <i>Defined in Sec 249.52</i> )
YBI-MU	Yerba Buena Island-Mixed Use ( <i>Defined in Sec 249.52</i> )
YBI-OS	Yerba Buena Island-Open Space ( <i>Defined in Sec</i>

	<u>249.52)</u>
YBI-PCI	Yerba Buena Island-Public/Civic/Institutional <u>(Defined in Sec 249.52)</u>

### **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.

...

**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	RT O	RTO -M	RC -3	RC -4	
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Supervisor Tang  
BOARD OF SUPERVISORS

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													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 <del>principle</del> <u>principal</u> 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 <del>principle</del> <u>principal</u> use on the ground floor if recessed 3 feet; requires a conditional use if not recessed.
										P	P	(i) 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.**

~~(e)(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.

(e)(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	
													<b>SEC. 218. RETAIL SALES AND PERSONAL SERVICES.</b>
													The uses specified in this Section shall not include any use first specifically listed in a subsequent

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													section of this Code.
P	N	N	N	N	N	N	N	N	NA	NA	NA	NA	(a) <del>Retail</del> <del>business or</del> <del>personal</del> <del>service</del> <del>establishment,</del> <del>of a type</del> <del>which</del> <del>supplies new</del> <del>commodities</del> <del>or offers</del> <del>personal</del> <del>services</del> <del>primarily to</del> <del>residents in</del> <del>the immediate</del> <del>vicinity.</del>
	A	A	A	A	A	A	A	A					
	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 unde r 2,50 0 gsf	P unde r 2,50 0 gsf per	(a/b) Retail business or personal service establishe



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

1       **SEC. 218.1. MESSAGE ESTABLISHMENTS.**

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

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

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

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

14                       (A) the principal use is a dwelling unit and the massage use conforms to the  
15                       requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or  
16                       (B) the principal use is a tourist hotel, as defined in Section 790.46 of this

17                       Code, that contains 100 or more rooms,  
18                       (C) the principal use is a large institution as defined in Section 790.50 of this

19                       Code, or  
20                       (D) the principal use is a hospital or medical center, as defined in Section 790.44

21                       of this Code.  
22                       (2) Chair Massage. The only massage service provided is chair massage, such service  
23                       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 is 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.

1	€	€	€	€	€	€	€	€	€	€	€	<u>Certain Accessory</u>
2	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Massage as defined above</u>
3												<u>in 218.1(c)(1) Massage</u>
4												<u>establishments, as defined</u>
5												<u>by Section 1900 of the San</u>
6												<u>Francisco Health Code,</u>
7												<u>except a use that is a sole</u>
8												<u>proprietorship, as defined</u>
9												<u>in California Business and</u>
10												<u>Professions Code Section</u>
11												<u>4612(b)(1), and where the</u>
12												<u>sole proprietor is certified</u>
13												<u>pursuant to the California</u>
14												<u>Business and Professions</u>
15												<u>Code Section 4600 et seq.,</u>
16												<u>or one that employs or</u>
17												<u>uses only persons certified</u>
18												<u>by the state's Massage</u>
19												<u>Therapy Organization,</u>
20												<u>pursuant to the California</u>
21												<u>Business and Professions</u>
22												<u>Code Section 4600 et seq.,</u>
23												<u>provided that the massage</u>
24												<u>establishment has first</u>
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										<p><i>obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, and provided that:</i></p> <p><i>(a) — the massage use is accessory to a principal use, if the massage use is accessed by the principal use and:</i></p> <p><i>— (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</i></p> <p><i>— (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</i></p>
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											Section 790.50 of this Code, or a hospital or medical center, as defined in Section 790.44 of this Code, or
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	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.
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	(e) All other massage. If the massage use does

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											not meet <u>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), and the additional criteria described in Sections 303(o) and 218.1(b) of this Code. <del>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:</del></u>
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										<p><del>(1)</del> 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;</p>
										<p><del>(2)</del> 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)</p>



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										<i>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;</i>
										<i><del>(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</del></i>

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										<i>hours of the massage use are encouraged;</i>
										<i><del>(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.</del></i>
										<i><del>(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage</del></i>

											<i>Establishments in specific areas of the City.</i>
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**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	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	
			SD											
														<b>SEC. 219. OFFICES.</b>
P	P	P	P	P	P	P	P	P	P	NP <sub>1</sub> <i>unless in a designated landmark building. P in designated landmark</i>	NP <sub>1</sub> <i>unless in a designated landmark building. P in designated landmark</i>	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

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										<u>buildings.</u>	<u>buildings.</u>			services to the general public.
P	P	P	P	C	P	P	P	P	P	NP <sub>1</sub> <u>unless in a</u> <u>designated</u> <u>landmark</u> <u>building.</u> <u>P in</u> <u>designated</u> <u>landmark</u> <u>buildings.</u>	NP <sub>1</sub> <u>unless in a</u> <u>designated</u> <u>landmark</u> <u>building.</u> <u>P in</u> <u>designated</u> <u>landmark</u> <u>buildings.</u>			(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 <sub>1</sub> <u>unless in a</u> <u>designated</u> <u>landmark</u> <u>building.</u> <u>P in</u> <u>designated</u> <u>landmark</u> <u>buildings.</u>	NP <sub>1</sub> <u>unless in a</u> <u>designated</u> <u>landmark</u> <u>building.</u> <u>P in</u> <u>designated</u> <u>landmark</u> <u>buildings.</u>	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 <sub>L</sub> <i>unless in a designated landmark building. P in designated landmark buildings.</i>	NP <sub>L</sub> <i>unless in a designated landmark building. P in designated landmark buildings.</i>	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-



												or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
C	<u>C</u>	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	<u>C</u>	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	<u>C</u>	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	<u>P</u>	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



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												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

												<p>1 meters. (See also Section</p> <p>2 204.3.)</p>
C	<u>C</u>	C	C	C	C	C	C	C	C	C	C	<p>3 (i) Commercial wireless</p> <p>4 transmitting, receiving or</p> <p>5 relay facility, as described in</p> <p>6 Subsection 227(h) above,</p> <p>7 where:</p>
												<p>8 (1) Any portion of such</p> <p>9 facility exceeds a height of</p> <p>10 25 feet above the roof line of</p> <p>11 the building on the premises</p> <p>12 or above the ground if there</p> <p>13 is no building, or 25 feet</p> <p>14 above the height limit</p> <p>15 applicable to the subject site</p> <p>16 under Article 2.5 of this</p> <p>17 Code, whichever is the</p> <p>18 lesser height; or</p>
												<p>19 (2) Such facility, if closer</p> <p>20 than 1,000 feet to any R</p> <p>21 District (except for those R</p> <p>22 Districts entirely surrounded</p> <p>23 by a C-3, M or combination</p> <p>24</p> <p>25</p>

												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	<u>P</u>	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	<u>P</u>	P	P	P	P	P	P					(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P	<u>P</u>	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	<u>P</u>	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	<u>C</u>	C	C	C	C	C	C	C	C	C	C	(r) Internet Services Exchange as defined in

												Section 209.6(c).
P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	(s) Fringe financial services,
								un	un	un	un	as defined in Section
								de	de	de	de	249.35, and subject to the
								r	r	r	r	restrictions set forth in
								2,	5,	2,	2,	Section 249.35, including,
								50	00	50	50	but not limited to, that no
								0	0	0	0	new fringe financial service
								gsf	gs	gs	gs	shall be located within a ¼
								pe	f	f	f	miles of an existing fringe
								r	pe	pe	pe	financial service.
								lot;	r	r	r	
								C	lot	lot	lot	
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N A	<u>NA</u>	N A	N A	NA	NA	N A	NA	P	P	N P	N P		(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

(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

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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.
N A	<u>NA</u>	N A	N A	NA	NA	N A	NA	P. su bje ct to co ntr ols in Se c. 89	P. su bj ec t to co ntr ol s in Se	N P	N P	(u) Integrated PDR, as defined in Sec. 890.49.

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C	<u>C</u>	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. <del>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,</del>





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

3 ...  
4 (c) **Controls.** The following zoning controls are applicable in the North of Market  
5 Residential Special Use District. Certain controls are set forth in other Sections of this Code  
6 and are referenced herein.

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

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

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

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

24 (45) In the portion of the area designated as Subarea No. 1 of the North of  
25 Market Residential Special Use District, as shown on Section Map 1Sub of the Zoning Map,

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

5 ~~(56) Off-street parking requirements may be modified by the City Planning Commission,~~  
6 There are no minimum parking requirements in this Special Use District, as provided in Section  
7 161(h) of this Code.

8 ~~(67)~~ A bulk district "T" shall apply pursuant to the provisions of Section 270,  
9 Table 270 of this Code.

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

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

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

17 ~~(910)~~ Exceptions to the rear yard requirements for an RC-4 District may be  
18 granted pursuant to Section 134(f) of this Code.

19 ~~(1011)~~ Awnings, canopies and marquees, as defined in Sections 790.20, 790.26  
20 and 790.58 of this Code, and further regulated by the Building Code and Sections  
21 249.5(c)(12), 136.2 and 607.4 of this Code are permitted.

22 ~~(1112)~~ Signs located in the RC-4 portion of this district shall be regulated as  
23 provided in Section 607.4 of this Code.

24 ~~(1213)~~ All provisions of the City Planning Code applicable in an RC-4 Use  
25 District shall apply within that portion of the district zoned RC-4, except as specifically

1 provided above. All provisions of the City Planning Code applicable in a P Use District shall  
2 apply within that portion of the district zoned P, except as specifically provided above.

3 (1314) All demolitions of buildings containing residential units shall be permitted  
4 only if authorized as a conditional use under Section 303 of this Code, unless the Director of  
5 the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public  
6 Safety determines that the building is unsafe or dangerous and that demolition is the only  
7 feasible means to secure the public safety. When considering whether to grant a conditional  
8 use permit for the demolition, in lieu of the criteria set forth in City Planning Code Section  
9 303(c), consideration shall be given to the purposes of the North of Market Residential Special  
10 Use District set forth in Section 249.5(b), above, to the adverse impact on the public health,  
11 safety and general welfare due to the loss of existing housing stock in the district and to any  
12 unreasonable hardship to the applicant if the permit is denied. Demolition of residential hotel  
13 units shall also comply with the provisions of the Residential Hotel Ordinance.

14 ...

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

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

20 ...

21  
22 (f) **Sunlight and Dwelling Unit Exposure Requirements.** The Planning Commission  
23 may grant an exception to Section 135(g)(2) and Section 140 of this Code pursuant to  
24 Subsection (i)(j) of this Section 249.23.

25 ...

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

3 ...  
4 (b) **Use Controls.**

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

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

17 (3) **Residential Affordable Housing Program.** All projects in this district  
18 shall be subject to all the terms of Section 415 and following of the Inclusionary Affordable  
19 Housing Program. ~~Notwithstanding~~ Notwithstanding the foregoing, projects within the Van Ness  
20 and Market Downtown Residential Special Use District shall at a minimum fulfill the  
21 requirements to the levels specified in this section. Should Section 415 require greater  
22 contributions to the affordable housing program, those requirements shall supercede this  
23 section. Proposed exceptions to these requirements due to hardships associated with  
24 construction type, specifically heights above 120 feet, are not applicable in this Special Use  
25 District because parcels are receiving an up zoning through increased density and benefits



1 through the general transformation of the district to a transit oriented neighborhood with a  
2 mixed use character. Requirements and administration of this program shall follow the  
3 conditions outlined in Section 415 of the Planning Code unless otherwise specified in this  
4 section.

5 (A) **Payment of Affordable Housing Fee.** Except as provided in  
6 Section 415.5(g), all development projects subject to Section 415 et seq. in the Van Ness  
7 Market Special Use District shall be required to pay an Affordable Housing Fee under Section  
8 415.5 equivalent to 20 percent of the number of units in the principal project.

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

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

19 (ii) **Compliance Through Off-Site Housing Development.** For  
20 projects that qualify for and choose to fulfill the requirements of Section 415 through the  
21 provision of off-site housing, the Planning Department shall require that 20% of all units  
22 constructed on the project site shall be affordable to qualifying households so that a project  
23 applicant must construct .20 times the total number of units produced in the principal project.  
24 If the total number of units is not a whole number, the project applicant shall round up to the  
25 nearest whole number for any portion of .5 or above.

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

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

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

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

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

22                   (ii) An unenclosed plaza at street grade, with seating areas and  
23 landscaping and no more than 10 percent of the floor area devoted to food or beverage  
24 service;  
25

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

3 (iv) A terrace or roof garden with landscaping;

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

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

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

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

14 (ii) Be appropriately landscaped;

15 (iii) Be protected from uncomfortable winds;

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

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

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

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

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

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

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

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

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

21 (5) **Lot Coverage.** The rear yard requirements of Section 134 shall not apply.  
22 Lot coverage is limited to 80 percent at all residential levels except on levels in which all  
23 residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to  
24 the sky except for those obstructions permitted in yards per Section 136(c). Exceptions to the  
25 20 percent open area may be granted pursuant to the procedures of Section 309 for

1 conversions of existing non-residential structures where it is determined that provision of 20  
2 percent open area would require partial demolition of the existing non-residential structure.

3 (6) **Floor Area Ratio.**

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

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

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

16 (ii) Notwithstanding the provisions of Sections 127 and 128  
17 projects in this Special Use District are not eligible to acquire Transferable Development  
18 Rights from a Transfer Lot or Lots pursuant to the provisions of Sections 127- 128 for that  
19 increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described  
20 in Section 123(c). Instead, a project may pay to the City's Citywide Affordable Housing Fund  
21 thirty dollars (\$30) per additional gross square foot for that increment of FAR above the base  
22 FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Any monies  
23 deposited into the Citywide Affordable Housing Fund shall be administered as provided for in  
24 Section ~~315-415~~ 415 et seq.

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

2  
3 ...  
4 (e) **Development Controls.** Development and uses of property within this Special Use  
5 District shall be regulated by the controls contained herein and in the Design for Development,  
6 provided, however, that if there is any inconsistency between this Special Use District and the  
7 Design for Development, this Special Use District shall control.  
8  
9 ...

10 (6) **Building Standards.**

11  
12 (A) **Building Height.** The applicable height limits for this Special Use  
13 District shall be as set forth on Sectional Map HT14 of the Zoning Maps of the City and  
14 County of San Francisco. As more particularly described on Section Map HT14, underlying  
15 height zones range from 25 feet to 125 feet on Treasure Island and 35 feet to 75 feet on  
16 Yerba Buena Island. "Flex Height Zones" have been established on Treasure Island to allow  
17 for the flexibility in locating tall buildings within the overall built form of the island, and range  
18 from 240 feet to 450 feet. The Flex Height Zones allow for a variety of building types to be  
19 built up to the indicated maximum height for their zone as long as they conform to the relevant  
20 applicable Standards for Bulk, Massing and Tower Separation as described herein, and  
21 Figure 6, Bulk and Massing Controls Matrix. The location of tall buildings in relation to each  
22 other and to the lower buildings is controlled by the building separation requirements set forth  
23 in subsection ~~(d)(5)(B)~~ (e)(6)(B), Tower Separation, below. Height shall be measured and  
24 regulated as provided in the Design for Development and not as provided in Article 2.5.  
25

1       ...

2

3       **SEC. 249.54. EXECUTIVE PARK SPECIAL USE DISTRICT.**

4       ...

5

6           (c) **Controls.** The Planning Code provisions for the underlying use district shall control

7 except as provided below.

8           (1) **Executive Park Design Guidelines.** In addition to the Planning Code

9 provisions, developments in the SUD shall comply with the Executive Park Subarea Plan of

10 the Bayview Hunters Point Area Plan of the General Plan, approved by the Board of

11 Supervisors by Ordinance No. 143-11, on file with the Clerk of the Board of Supervisors in File

12 No. 110624 and the Executive Park Design Guidelines as established by Planning

13 Commission Resolution 18352, on file with the Clerk of the Board of Supervisors in File No.

14 110626 and incorporated into this Section by this reference. The Executive Park Design

15 Guidelines also are on file with the Planning Department in File No. 2006.0422EMUTZ.

16       ...

17       **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

18       ...

19           (c) **Exceptions.**

20           (1) **Bona Fide Eating Place.** A Restaurant Use, as defined in Section ~~790.69,~~

21 790.91, operating as a Bona Fide Eating Place, as defined in Section 790.142, shall be

22 permitted to serve alcoholic beverages in this special use district.

23           (2) **Non-Profit Theaters.** A non-profit theater shall be permitted to serve

24 alcoholic beverages in this special use district. A "non-profit theater" shall mean a building or

25

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

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

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

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

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



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

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

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

12  
13 **SEC. 249.65. BAYSHORE BOULEVARD HOME IMPROVEMENT SPECIAL USE**  
14 **DISTRICT.**

15 ...  
16 (c) Controls. The following controls shall apply in the Bayshore Boulevard Home  
17 Improvement Special Use District:

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

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

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

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

- 1 (C) a drive up facility as defined in Section 790.30 of this Code;  
2 (D) an adult entertainment establishment as defined in Section 221(k)  
3 of this Code;  
4 (E) an automotive use as defined in Section 223 of this Code; and  
5 (F) a fringe financial service as defined in Section 249.35 of this Code.  
6 (3) No off-street parking spaces shall be required. The maximum permitted  
7 number of accessory off-street parking spaces shall be that which would apply to accessory  
8 off-street parking for a PDR-2 District absent this Special Use District.  
9 (4) The following projects shall be consistent with the policies and guidelines  
10 of the "Bayshore Boulevard Home Improvement District Design Guidelines" as adopted by the  
11 Planning Commission and amended from time to time:  
12 (A) New construction; or  
13 (B) An increase in gross floor area of more than 25 percent.  
14 (5) The provisions set forth in Section ~~231A~~ 230 of this Code, which relate to  
15 demolition of industrial buildings in PDR districts, ~~PDR buildings~~, shall not apply.  
16 (6) The requirements for street trees set forth in Section 428 of this Code shall  
17 apply.  
18 (7) Formula retail uses as defined in Section 703.3(b) of this Code that are  
19 10,000 square feet or larger shall be subject to the Redevelopment Agency's Bayview  
20 Hunters Point "Employment and Contracting Policy."  
21

22 **SEC. 270. BULK LIMITS: MEASUREMENT.**

23 (a) The limits upon the bulk of buildings and structures shall be as stated in this Section  
24 and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal  
25 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.

<b>TABLE 270 BULK LIMITS</b>			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
S-2	This table not applicable. But see Section 270(d).		

T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		
CP	This table not applicable. But see Section 263.24.		
HP	This table not applicable. But see Section 263.25.		
PM	This table not applicable. But see Section <del>249.46</del> <u>249.64</u> 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

1 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and  
2 reconsideration.

3 . . .

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), for a  
18 movie theater use as defined in Planning Code Section 790.64, an Adult Entertainment use as defined  
19 in Planning Code Section 790.36, or Other Entertainment uses as defined in Planning Code Section  
20 790.38, that such use or feature will:

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

24 (ii) Not be open between two a.m. and six a.m.; and  
25

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

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

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

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

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

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

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

22 (C) The project sponsor will provide any off-street parking, in addition  
23 to that otherwise required by this Code, needed to satisfy the reasonably anticipated auto  
24 usage by residents of and visitors to the project.  
25

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

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

20 (e) **Modification of Conditions.** Authorization of a change in any condition  
21 previously imposed in the authorization of a conditional use shall be subject to the same  
22 procedures as a new conditional use. Such procedures shall also apply to applications for  
23 modification or waiver of conditions set forth in prior stipulations and covenants relative  
24 thereto continued in effect by the provisions of Section 174 of this Code.  
25



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

15           (1) The Director of Planning or the Planning Commission may seek a public  
16 hearing on conditional use abatement when the Director or Commission has substantial  
17 evidence submitted within one year of the effective date of the Conditional Use authorization  
18 that the applicant for the conditional use had submitted false or misleading information in the  
19 application process that could have reasonably had a substantial effect upon the decision of  
20 the Commission or substantial evidence of a violation of conditions of approval, a violation of  
21 law, or operation which creates hazardous, noxious or offensive conditions enumerated in  
22 Section 202(c).

23           (2) The notice for the public hearing on a conditional use abatement shall be  
24 subject to the notification procedure as described in Sections 306.3 and 306.8 except that  
25

1 notice to the property owner and the operator of the subject establishment or use shall be  
2 mailed by regular and certified mail.

3 (3) In considering a conditional use revocation, the Commission shall consider  
4 whether and how the false or misleading information submitted by the applicant could have  
5 reasonably had a substantial effect upon the decision of the Commission, or the Board of  
6 Supervisors on appeal, to authorize the conditional use, substantial evidence of how any  
7 required condition has been violated or not implemented or how the conditional use is in  
8 violation of the law if the violation is within the subject matter jurisdiction of the Planning  
9 Commission or operates in such a manner as to create hazardous, noxious or offensive  
10 conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction  
11 of the Planning Commission. As an alternative to revocation, the Commission may consider  
12 how the use can be required to meet the law or the conditions of approval, how the  
13 hazardous, noxious or offensive conditions can be abated, or how the criteria of Section  
14 303(c) can be met by modifying existing conditions or by adding new conditions which could  
15 remedy a violation.

16 (4) **Appeals.** A decision by the Planning Commission to revoke a conditional  
17 use, to modify conditions or to place additional conditions on a conditional use or a decision  
18 by the Planning Commission refusing to revoke or amend a conditional use, may be appealed  
19 to the Board of Supervisors within 30 days after the date of action by the Planning  
20 Commission pursuant to the provisions of Section 308.1(b) The Board of Supervisors may  
21 disapprove the action of the Planning Commission in an abatement matter by the same vote  
22 necessary to overturn the Commission's approval or denial of a conditional use. The Planning  
23 Commission's action on a conditional use abatement issue shall take effect when the appeal  
24 period is over or, upon appeal, when there is final action on the appeal.

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

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

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

18           (g) **Hotels and Motels.**

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

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

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

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

5 (D) In the Transit Center C-3-O(SD) Commercial Special Use District, the  
6 opportunity for commercial growth in the Special Use District and whether the proposed hotel,  
7 considered with other hotels and non-commercial uses approved or proposed for major  
8 development sites in the Special Use District since its adoption would substantially reduce the  
9 capacity to accommodate dense, transit-oriented job growth in the District.

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

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

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

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

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

3 ...

4 (i) **Formula Retail Uses.**

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

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

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

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

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

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

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

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

4                    (H) ~~(h)~~ Signage shall be defined as business sign pursuant to Section  
5 602.3 of the Planning Code.

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

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

15                    (A) The existing concentrations of formula retail uses within the district.  
16                    (B) The availability of other similar retail uses within the district.  
17                    (C) The compatibility of the proposed formula retail use with the  
18 existing architectural and aesthetic character of the district.

19                    (D) The existing retail vacancy rates within the district.  
20                    (E) The existing mix of Citywide-serving retail uses and neighborhood-  
21 serving retail uses within the district.

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

25                    (A) All Neighborhood Commercial Districts in Article 7;

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

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

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

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

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

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

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

10 (H) Western SoMa Planning Area Special Use District as defined in  
11 ~~802.5. 823~~;

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

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

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

17 (A) Hayes-Gough Neighborhood Commercial Transit District;

18 (B) North Beach Neighborhood Commercial District;

19 (C) Chinatown Visitor Retail District;

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

22 (E) Broadway Neighborhood Commercial District does not permit Formula  
23 Retail uses that are also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and  
24 790.91;

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

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

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

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

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

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

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



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

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

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

18 (1 A) The extent to which the retail use's parking is planned in a manner that  
19 creates or maintains active street frontage patterns;

20 (2 B) The extent to which the retail use is a component of a mixed-use project  
21 or is designed in a manner that encourages mixed-use building opportunities;

22 (3 C) ~~This~~ The shift in traffic patterns that may result from drawing traffic to the  
23 location of the proposed use; and

24 (4 D) The impact that the employees at the proposed use will have on the  
25 demand in the City for housing, public transit, childcare, and other social services.

1           (k) **Movie Theater Uses.**

2           (1) With respect to a change in use or demolition of a movie theater use as  
3 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  
4 addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make  
5 the following findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (i) The sign or signs proposed for relocation are lawfully existing  
23 but are not in conformity with the sign regulations that existed prior to the adoption of  
24 Proposition G on March 5, 2002.  
25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ...

25 (n) **Tobacco Paraphernalia Establishments.**

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

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

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

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

15 (o) **Massage Establishments.**

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

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

22 (B) Whether the use's facade is transparent and open to the public.  
23 Permanent transparency and openness are preferable. Elements that lend openness and  
24 transparency to a facade include: (i) active street frontage of at least 25' in length where 75%  
25 of that length is devoted to entrances to commercially used space or windows at the

1 pedestrian eye-level; (ii) windows that use clear, untinted glass, except for decorative or  
2 architectural accent; (iii) any decorative railings or decorative grille work, other than wire  
3 mesh, which is placed in front of or behind such windows, should be at least 75 percent open  
4 to perpendicular view and no more than six feet in height above grade;

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

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

13 . . .

#### 14 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

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

24 . . .

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

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

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

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

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

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

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

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

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



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

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

8 (11) Provide landscaping and permeable surfaces in any required setbacks in  
9 accordance with Section 132 (g) and (h).  
10

#### 11 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

12 In addition to those specified in Sections 302 through 306, and Sections 316 through ~~316.8~~  
13 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in  
14 administration and enforcement of this Code. The duties described in this Section shall be  
15 performed under the general supervision of the Director of Planning, who shall be kept  
16 informed of the actions of the Zoning Administrator.

17 ...

#### 18 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

19 The provisions and procedures set forth in this Section shall govern the review of project  
20 authorization and building and site permit applications for (1) the construction or substantial  
21 alteration of structures in C-3 Districts, (2) the granting of exceptions to certain requirements  
22 of this Code where the provisions of this Section are invoked, and (3) the approval of open  
23 space and streetscape requirements of the Planning Code. When any action authorized by  
24 this Section is taken, any determination with respect to the proposed project required or  
25 authorized pursuant to CEQA may also be considered. This Section shall not require

1 additional review in connection with a site or building permit application if review hereunder  
2 was completed with respect to the same proposed structure or alteration in connection with a  
3 project authorization application pursuant to Section 322.

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

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

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

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

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

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

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

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

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

22 (9) Exceptions to the height limits for vertical extensions as permitted in  
23 Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;  
24  
25

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

4 (11) Exceptions to the bulk requirements as permitted in Sections 270 and  
5 272;

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

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

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

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

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

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

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

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

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

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

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

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

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

13 ...

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

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

17 (2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than  
18 10 days prior to the date of the hearing to the project applicant, to property owners within 300  
19 feet of the project that is the subject of the application, using for this purpose the names and  
20 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any  
21 person who has requested such notice. The notice shall state that the written  
22 recommendation of the Director of Planning regarding the request for an exception will be  
23 available for public review at the office of the Planning Department.

24 (3) **Decision and Appeal.** The Planning Commission may, after public  
25 hearing and after making appropriate findings, approve, disapprove or approve subject to

1 conditions, the application for an exception. The decision of the Planning Commission may be  
2 appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the  
3 decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged  
4 that there was an error in the interpretation of the provisions of this Code or abuse of  
5 discretion on the part of the Planning Commission.

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

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

14 (1) **Recommendations.** If the Director of Planning determines that  
15 modifications through the imposition of conditions are warranted as provided in Subsection  
16 (b), or that the open space requirements or the streetscape requirements of the Planning  
17 Code have not been complied with, the matter shall be scheduled for hearing before the  
18 Planning Commission. If the Director determines that the open space and streetscape  
19 requirements of the Planning Code have been complied with and the applicant does not  
20 oppose the imposition of conditions which the Director has determined are warranted, the  
21 applicant may waive the right to a hearing before the Planning Commission in writing and  
22 agree to the conditions. The Zoning Administrator shall provide notice of the proposed  
23 approval of the application according to the notice given for applications governed by  
24 Subsection (d), so that any person seeking additional modifications or objecting to the open  
25 space or streetscape requirements determination may make such a request for Planning

1 Commission review as provided in Subsection (g). If no request is made within 10 days of  
2 such notice, the Zoning Administrator shall approve the application subject to the conditions.

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

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

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

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

23 (2) **Commission Consideration.** The Planning Commission shall consider at  
24 a public hearing each written request for additional modifications and for consideration of the  
25 open space and streetscape requirements of the Planning Code compliance and may, by

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

11 (3) **Commission Action.** If the Planning Commission determines to conduct a  
12 hearing to consider the imposition of additional modifications or the open space and  
13 streetscape requirements compliance, it may, after such hearing and after making appropriate  
14 findings, approve, disapprove, or approve subject to conditions the building or site permit or  
15 project authorization application. If the Planning Commission determines not to conduct a  
16 hearing, the Zoning Administrator shall approve the application subject to any conditions  
17 imposed by the Director of Planning to which the applicant has consented.

18 (h) **Mandatory Planning Commission Hearing for Projects Over 50,000 Square**  
19 **Feet of Gross Floor Area or Over 75 Feet in Height.** The Planning Commission shall hold a  
20 public hearing not otherwise required by this Section on all building and site permit and  
21 Section 309 applications for projects which will result in a net addition of more than 50,000  
22 square feet of gross floor area of space or which will result in a building that is greater than 75  
23 feet in height. Notice of such hearing shall be mailed not less than 10 days prior to the date of  
24 the hearing to the project applicant, to property owners immediately adjacent to the site of the  
25

1 application using for this purpose the names and addresses as shown on the citywide  
2 Assessment Roll in the Assessor's Office, and to any person who has requested such notice.

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

9 ...  
10 **SEC. 309.2. PERMIT REVIEW IN THE EXECUTIVE PARK SPECIAL USE DISTRICT.**

11 The provisions and procedures set forth in Section 309.1, applicable in Downtown Residential  
12 Districts, shall also apply in the Executive Park Special Use District (SUD) to achieve the  
13 objectives and policies of the General Plan and the purposes of this Code, including but not  
14 limited to Section 249.54 and Section 263.27, except that Section 309.2(a) and (b) shall apply  
15 instead of the provisions in Section 309.1(a) and (b); the provisions of Section 309.1(c) are  
16 modified as provided in Section 309.2(c) and Section 309.1(e) is inapplicable in the SUD.

17 (a) **Design Review.**

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

24 (A) Overall building massing and scale;  
25



1 (B) Architectural treatments, facade design and building materials;  
2 (C) The design of lower floors, including building setback areas;  
3 townhouse-style units and entries, and parking and loading access;  
4 (D) The provision of required open space, both on- and off-site;  
5 (E) Streetscape and other public improvements, including tree planting,  
6 street furniture, and lighting and adherence to all relevant regulations, plans and guidelines;  
7 (F) Circulation, including streets, alleys and mid-block pedestrian  
8 pathways.

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

12 (3) Other changes necessary to bring a project into conformance with the  
13 Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, approved by the Board  
14 of Supervisors on July 12, 2011, the Executive Park Design Guidelines, approved by the  
15 Planning Commission by Resolution No. 18352 and incorporated by this reference into this  
16 Section, and other elements and area plans of the General Plan. If the project sponsor  
17 opposes project modifications and conditions recommended by the Director of Planning  
18 pursuant to the design review, the Director shall prepare a report of recommended  
19 modifications which shall be presented to the Planning Commission for a hearing pursuant to  
20 Subsection (c) and which shall be available to the public upon mail notification of said hearing.

21 ...

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

24 (a) Purpose. The purpose of this Section is to establish procedures for reviewing  
25 building permit applications for lots in NC, RED, and Eastern Neighborhoods Mixed Use

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

5 (b) Applicability. Except as indicated herein, all building permit applications for  
6 demolition, new construction, changes in use to a formula retail use as defined in Section  
7 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be  
8 subject to the notification and review procedures required by Subsection 312(d). Subsection  
9 312(f) regarding demolition permits and approval of replacement structures shall apply to all  
10 NC, RED, and Eastern Neighborhoods Mixed Use Districts. For the purposes of this Section,  
11 addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and  
12 136(c)(26) shall not be subject to notification under this Section.

13 (c) Changes of Use. In NC Districts, all building permit applications for a change of  
14 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a  
15 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section  
16 790.50, other small institutions, as defined in Section 790.51, ~~limited restaurant~~ Limited  
17 Restaurant, as defined in Section 790.90, a Restaurant, as defined in Section 790.91, a  
18 massage establishment, as defined in Section 790.60, an outdoor activity, as defined in  
19 Section 790.70, an adult or other entertainment use, as defined in Sections 790.36 and  
20 790.38, or a fringe financial service use, as defined in Section 790.111, shall be subject to the  
21 provisions of Subsection 312(d); provided, however, that a change of use from a Restaurant  
22 to a Limited-Restaurant shall not be subject to the provisions of Subsection 312(d). In all RED  
23 and Eastern Neighborhoods Mixed Use Districts all building permit applications for a change of  
24 use from any one land use category to another land use category shall be subject to the  
25 provisions of Subsection 312(d). In addition, any accessory massage use in the Ocean

1 Avenue Neighborhood Commercial Transit District shall be subject to the provisions of  
2 Subsection 312(d).

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

9 ...  
10 (g) Wireless Telecommunications Services Facility as Accessory Use, Notification  
11 and Review Required. Building permit applications for new construction of a wireless  
12 telecommunications services facility as an accessory use under Article 7 or 8 of the Planning  
13 Code in all NC, RED, or Eastern Neighborhoods Mixed Use Districts shall be subject to the  
14 notification and review procedures required by this Section.

15 **SEC. 350. FEES, GENERAL.**

16 ...  
17 (g) Fee Adjustments.

18 (1) The Controller will annually adjust the fee amounts specified in Sections  
19 ~~351-350-358(d), (e), (f), (g), (h), (i) and Section 352(b), (d), (e), (g), (i), (j), (k), (l), (m), and Section~~  
20 ~~353(a), (e), (d), and Section 355(a), (2), (3), (4), (5), (6), (7)(b), (c), (d), (e), and Section 356(c), (d),~~  
21 ~~(e), and Section 357 and Section 358 (a), (b), (c), (d)~~ by the two-year average consumer price  
22 index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area  
23 (PMSA). For a listing of the Department's current fees inclusive of annual indexing for inflation,  
24 reference the Schedule of Application Fees available on the Department website.

1     **SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.**

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

3     The initial fee amount is not to exceed 50% of the construction cost. A \$111 surcharge shall be  
4     added to the fees for a conditional use or planned unit development to compensate the City for the costs  
5     of appeals to the Board of Supervisors.

6                     [Table omitted; no changes to Table]

7             ...  
8             **(n) ~~Conditional Use~~ Appeals to the Board of Supervisors:**

9                     **(1) The fee for appeals shall be \$521.00, plus any inflation indexing as described in**  
10     Section 350(g) \$500.00 for the appellant of a ~~conditional used authorization~~ decision by the Planning  
11     Commission as described in Section 308.1 or certain disapproval actions by the Historic Preservation  
12     Commission as described in Sections 1004.4, 1006, and 1006.7, ~~decision~~ to the Board of  
13     Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a  
14     neighborhood organization that: (1) has been in existence for 24 months prior to the appeal  
15     filing date, (2) is on the Planning Department's neighborhood organization notification list, and  
16     (3) can demonstrate to the Planning Director or his/her designee that the organization is  
17     substantially affected by the proposed project.

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

21     **SEC. 355. PERMIT APPLICATIONS.**

22             **(a)** Building permit applications for a change in use or alteration of an existing  
23     building, to be collected by Central Permit Bureau; provided, however, that the fees charged  
24     for Planning Department approval over-the-counter for the replacement of windows, roofs,  
25

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.

...

**SEC. 415.5. AFFORDABLE HOUSING FEE.**

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

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

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

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

14 (2) The affordability gap using data on the cost of construction of residential  
15 housing from the "San Francisco Sensitivity Analysis Summary Report: Inclusionary Housing  
16 Program" prepared by Keyser Marston Associates, Inc. in August 2006 for the Maximum  
17 Annual Rent or Maximum Purchase Price for the equivalent unit sizes. The Department and  
18 MOH shall update the technical report from time to time as they deem appropriate in order to  
19 ensure that the affordability gap remains current.

20 (3) Commencing on January 1, 2012, no later than January 1 of each year,  
21 MOH shall adjust the fee. No later than November 1 of each year, MOH shall provide the  
22 Planning Department, DBI, and the Controller with information on the adjustment to the fee so  
23 that it can be included in the Planning Department's and DBI's website notice of the fee  
24 adjustments and the Controller's Annual Citywide Development Fee and Development Impact  
25 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.

...

**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
<i>Replacement of, or change of use from, non-residential to residential use</i>	<i>\$3.80/gross square foot</i>	<i>\$0.20/gross square foot</i>	<i>\$0.00/gross square foot</i>

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



1 lands, no longer needed to meet current industrial or PDR needs, offers an opportunity to  
2 achieve higher affordability, and meet a greater range of need. The Mission, Showplace  
3 Square - Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan  
4 (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to  
5 meet San Francisco's housing needs, through higher affordability requirements and through  
6 greater flexibility in the way those requirements can be met.

7  
8 New affordable units are currently funded through a variety of sources, including inclusionary  
9 housing and in lieu fees leveraged by new market rate residential development pursuant to  
10 Sections 413 and 415; as well as City, State, and federal funding. Using these existing  
11 sources, the Planning Department projects that approximately 1,000 to 1,500 new units of  
12 affordable housing will be developed in the Eastern Neighborhoods.

13 Recognizing that this number of affordable units is not sufficient, the Plans call for further  
14 measures beyond the existing inclusionary requirements and Citywide funding, including new  
15 funding sources for affordable housing programs such as an impact fee; and new zoning  
16 districts in formerly industrial areas which require deeper affordability.

17  
18 **C. (c) Requirements for New Development To Contribute Towards Housing**  
19 **Objectives.** A key policy goal of the Eastern Neighborhoods Plans is to provide a significant  
20 amount of new housing affordable to low, moderate and middle income families and  
21 individuals, along with "complete neighborhoods" that provide appropriate amenities for these  
22 new residents. The Plans obligate all new development within the Eastern Neighborhoods to  
23 contribute towards these goals, by providing a contribution towards affordable housing needs  
24 and by paying for a reasonable share of their impact on the neighborhood's infrastructure.  
25

1 They further require new development in transitioning formerly industrial areas to contribute a  
2 higher share towards the City's exponentially high affordability needs.

3  
4 To address the full range of housing needs of all income categories, including low, moderate  
5 and middle income families and individuals, the Plans provide programs which address all of  
6 these income levels, as follows:

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

15  
16 (2) **Moderate:** The City's Inclusionary Housing Program funds affordable  
17 housing primarily at the moderate income levels through on-site provision of below-market  
18 rate units, to households making between 80% and 120% of the San Francisco median  
19 income. Continuation and expansion of the Inclusionary Housing Program will allow provision  
20 of these moderate income units to increase.

21 (3) **Middle:** The City has no current programs to fund affordable housing to  
22 those at "middle" income levels, below the 200% area median income level estimated to be  
23 required to purchase market rate housing yet above the 120% threshold required for the City's  
24  
25

1 Inclusionary Housing Program. An alternative to the city's Inclusionary Housing Program will  
2 allow developers to provide "middle" income level units.

3  
4 The Eastern Neighborhoods Plans structure requirements and fees by tiers to ensure  
5 feasibility. This feasibility amount remains below the nexus established in the Residential  
6 Nexus Analysis, April 2007, on file with the Planning Department. Within these districts, new  
7 development of market-rate housing will be required to meet affordable housing requirements  
8 above the City's ordinary affordable housing requirements for Residential and Live/Work  
9 Development Projects (Section 415), as described in Sections ~~419A.2-419A.4~~ 419.2-419.4. These  
10 housing requirements may be met through increased inclusionary requirements under the  
11 City's traditional Inclusionary Program, or through alternative methods contained herein.

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

13 ...

14 (b) **Rental Incentive.** Qualified rental housing projects, as defined in Section ~~419A.2(g)~~  
15 419.2(a)(1) are allowed a reduction in their inclusionary housing requirements as follows:

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

19 (2) If the rental housing project chooses to meet its inclusionary housing  
20 requirements through the land dedication option for projects less than 30,000 square feet,  
21 then the project is entitled to a 5% reduction in the requirements specified above in the  
22 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 ( <del>per Sec. 423.3(a)</del> ) ( <u>per Sec. 423.2(a)</u> )	Residential	Non-residential	<u>Net TIDE</u>
1	\$8/gsf	\$6/gsf	<u>\$10/gsf</u>
2	\$12/gsf	\$10/gsf	<u>\$10/gsf</u>

3	\$16/gsf	\$14/gsf	<u>\$10/gsf</u>
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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

1 (Central Waterfront, East SoMa, Mission, and Showplace Square/Potrero Hill), by the  
2 Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the  
3 Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related  
4 to Eastern Neighborhoods Citizens community improvements programming. No physical  
5 improvement or provision of space otherwise required by the Planning Code or any other City  
6 Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

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

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

15 (A) A description of the type and timeline of the proposed in-kind  
16 improvements.

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

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

23 (4) **Approval Process.** The Planning Commission must approve the material  
24 terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City  
25 Attorney must approve the agreement as to form and to substance. The Director of Planning

1 is authorized to execute the Agreement on behalf of the City. If the Planning Commission  
2 approves the In-Kind Agreement, it shall waive the amount of the Eastern Neighborhoods  
3 Infrastructure Impact Fee by the value of the proposed In-Kind Improvements Agreement as  
4 determined by the Director of Planning. No credit shall be made for land value unless  
5 ownership of the land is transferred to the City or a permanent public easement is granted, the  
6 acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind  
7 Improvements Agreement shall not exceed the required Eastern Neighborhoods Infrastructure  
8 Impact Fee.

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

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

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

20 ...  
21  
22 **TABLE 423.5**  
23 **BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND**  
24 **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



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

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

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

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

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

25 (ii) (B) The appropriate value of the proposed in-kind improvement, as

1 determined in subsection (2) above.

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

6 **(4) Approval Process.** The Planning Commission must approve the material  
7 terms of an In-Kind Agreement. The Planning Commission shall hear and consider the  
8 recommendation of the Interagency Plan Implementation Committee, as established in  
9 Chapter 36 of the Administrative Code, in deciding whether to approve or disapprove any In-  
10 Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve  
11 the agreement as to form and to substance. The Director of Planning shall be authorized to  
12 execute the Agreement on behalf of the City. If the Planning Commission approves the In-  
13 Kind Agreement, it shall waive the amount of the Transit Center District Open Space Impact  
14 Fee equivalent to the value of the improvements proposed in the In-Kind Agreement. No  
15 credit shall be made for land value unless ownership of the land is transferred to the City or a  
16 permanent public easement is granted, the acceptance of which is at the sole discretion of the  
17 City. The maximum value of the credit for the improvements proposed in the In-Kind  
18 Improvements Agreement shall not exceed the required Transit Center District Open Space  
19 Impact Fee.

20 **(5) Administrative Costs.** Project sponsors that pursue an In-Kind  
21 Improvements Agreement will be billed time and materials for any administrative costs that the  
22 Planning Department or any other City entity incurs in negotiating, drafting, and monitoring  
23 compliance with the In-Kind Improvements Agreement.  
24  
25

1 **SEC. 429.3. IMPOSITION OF PUBLIC ART FEE REQUIREMENT.**

2  
3 (d) Options to Fulfill Requirements.

4 (1) **Non-Residential Development Projects.** Non-residential buildings with  
5 public open space requirements greater than 1,499 square feet but less than 3,000 square  
6 feet that provide ground floor open space shall comply with Section 429.3 by providing on-site  
7 public art of a value equivalent to the Public Art Fee; provided, however, that if the required  
8 Public Art Fee exceeds \$500,000, only on-site public art valued at \$500,000 is required to be  
9 provided on-site. Non-residential buildings with public open space requirements greater than  
10 or equal to 3,000 square feet that provide ground floor open space shall comply with Section  
11 429.3 by providing on-site public art of a value equivalent to the Public Art Fee; provided,  
12 however, that if the required Public Art Fee exceeds \$750,000, only on-site public art valued  
13 at \$750,000 is required to be provided on-site. In any case where the Public Art Fee  
14 requirement exceeds the amount required on-site, prior to issuance of a building or site permit  
15 the project sponsor shall elect one of the following options to fulfill any requirements imposed  
16 as a condition of approval and to notify the Arts Commission and the Department of their  
17 choice: ~~(a) to expend the remainder of the Public Art Fee on-site, or (b) to deposit the remainder of the~~  
18 ~~Public Art Fee into the Public Artwork Trust Fund established in Section 10.100-29 of the San~~  
19 ~~Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the~~  
20 ~~creation, installation, exhibition, conservation, preservation, and restoration of works of public art and~~  
21 ~~for capital improvements to non profit arts facilities ("In Lieu Fee for Public Artwork Trust") within~~  
22 ~~the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within~~  
23 ~~another zoning district, within a half mile of the project boundary, or (c) to expend a portion of the~~  
24 ~~remainder on-site and deposit the rest into the Public Artwork Trust Fund.~~

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

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

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

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

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

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

20 **(B)(ii) Option to Contribute 100% of Public Art Fee Amount to Public**  
21 **Artwork Trust Fund.** Effective on the effective date of Ordinance No. 62-12 for a project that  
22 has not received its first construction document, and except as provided herein, the project  
23 sponsor may pay the Public Art Fee for deposit in the Public Artwork Trust Fund established  
24 in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth  
25 therein and in Section 429.5(b), including the creation, installation, exhibition, conservation,

1 preservation, and restoration of works of public art and for capital improvements to nonprofit  
2 arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile  
3 of the boundary of the C-3 District or, if the project is within another zoning district, within a  
4 half mile of the project boundary. As provided in Section 402, the project sponsor shall pay the  
5 fee to the Development Fee Collection Unit at DBI.

6 (C)(iii) **Option to Expend a Portion of the Public Art Fee Amount to**  
7 **On-Site Public Artwork and the Remainder to the Public Artwork Trust Fund.** Effective  
8 on the effective date of Ordinance No. 62-12 a project that has not received its first  
9 construction document may elect to expend a portion of the Public Art Fee for the acquisition  
10 of On-Site Public Artwork that shall be subject to the requirements of subsection (d)(2)(a)(i)  
11 above regarding On-Site Public Artwork, and deposit the remaining balance of the Public Art  
12 Fee into the Public Artwork Trust Fund. As provided in Section 402, the project sponsor shall  
13 pay the fee to the Development Fee Collection Unit at DBI.

14 ...

15  
16 **SEC. 429.5. ARTS COMMISSION PUBLIC ARTWORK TRUST FUND.**

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

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

23 (2)(ii) the conservation, preservation, and restoration, but not maintenance of  
24 temporary and permanent public works of art in the public realm and within the C-3 District or  
25

1 within a half mile of the boundary of the C-3 District or, if the project is within another zoning  
2 district, within a half mile of the project boundary;

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

8 (4) ~~(iv)~~ the reasonable administrative expenses of the Arts Commission staff in  
9 connection with administering compliance with the requirements of this Section on a time and  
10 materials basis for managing projects funded through the Public Artworks Trust, not to exceed  
11 20% of the costs for any one project.

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

15  
16 **SEC. 606. RESIDENTIAL DISTRICTS.**

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

19 ...

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

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

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

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

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

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

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

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

25 ...

1 **SEC. 607 COMMERCIAL AND INDUSTRIAL DISTRICTS.**

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

4 (a) **General Advertising Signs.** No general advertising sign shall be permitted in  
5 any C-1 District or within 200 feet of the park known as Union Square and visible from said  
6 park, except that a replacement sign of the same size or smaller, of the same type as defined  
7 in this Code or as interpreted by the Zoning Administrator, and at the same approximate  
8 location as an existing sign would be allowed within 200 feet of said park provided that the  
9 sign is otherwise permitted by the Planning Code, would cast no additional shadow upon  
10 Union Square, has no intensification of lighting as determined by the Zoning Administrator,  
11 and is not internally lighted or backlighted. Use of neon is not precluded by this provision.  
12 Temporary general advertising signs determined by the Zoning Administrator to be at  
13 pedestrian level and less than 50 square feet in size are not precluded by this provision.

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

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

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

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

25 (c) **Wind Signs.** No wind sign shall be permitted in any C or M District.



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

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

6 (2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, M-2, and  
7 PDR Districts, except for signs located within 200 feet of the park known as Union Square and  
8 visible from said park and signs located so as to be primarily viewed by persons traveling on  
9 any portion of a freeway, moving or otherwise physically animated parts may be used if such  
10 parts do not exceed a velocity of one complete cycle in a four-second period where such parts  
11 constitute less than 30 percent of the area of the sign or if, where such parts constitute a  
12 greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second  
13 period and are stationary at least half of each eight-second period; except that signs  
14 designated historic pursuant to Section ~~s 303 and~~ 608.14 of this Code may have such moving  
15 features otherwise prohibited for signs located so as to be primarily viewed by persons  
16 traveling on any portion of a freeway.

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

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

21 . . .

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

23 (1) **Signs Attached to Buildings.** Except as provided in Section 260 for  
24 historic signs in historic districts, no sign attached to a building shall extend or be located  
25 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 1S~~ 827 ~~of the Zoning Map,~~ 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:

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

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

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

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

10  
11 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

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

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

22

Neighborhood Commercial General Area Districts	Section Number
NC-1 - Neighborhood Commercial Cluster District	§ 710

23  
24  
25

1	NC-2 - Small-Scale Neighborhood Commercial District	§ 711
2	NC-3 - Moderate-Scale Neighborhood Commercial District	§ 712
3	NC-S - Neighborhood Commercial Shopping Center District	§ 713
4	<i>NCT 1 Neighborhood Commercial Transit Cluster District</i>	<del>§ 733A</del>
5	<i>NCT 2 Small Scale Neighborhood Commercial Transit District</i>	§ 734
6	<i>NCT 3 - Moderate Scale Neighborhood Commercial Transit District</i>	§ 731
7	<b><u>Named</u> Neighborhood Commercial Individual Area Districts</b>	<b>Section Number</b>
8	Broadway Neighborhood Commercial District	§ 714
9	Castro Street Neighborhood Commercial District	§ 715
10	Inner Clement Street Neighborhood Commercial District	§ 716
11	Outer Clement Street Neighborhood Commercial District	§ 717
12	Upper Fillmore Street Neighborhood Commercial District	§ 718
13	Haight Street Neighborhood Commercial District	§ 719
14	<i>Hayes Gough Neighborhood Commercial Transit District</i>	§ 720
15	Upper Market Street Neighborhood Commercial District	§ 721
16	North Beach Neighborhood Commercial District	§ 722
17	Polk Street Neighborhood Commercial District	§ 723
18	Sacramento Street Neighborhood Commercial District	§ 724
19	Union Street Neighborhood Commercial District	§ 725
20	<i>Valencia Street Neighborhood Commercial District</i>	§ 726
21	<i>24th Street Mission Neighborhood Commercial District</i>	§ 727
22	24th Street-Noe Valley Neighborhood Commercial District	§ 728
23	West Portal Avenue Neighborhood Commercial District	§ 729
24	Inner Sunset Neighborhood Commercial District	§ 730
25	<i>Upper Market Street Neighborhood Commercial Transit District</i>	§ 732
	<i>SoMa Neighborhood Commercial Transit District</i>	735
	<i>Mission Street Neighborhood Commercial Transit District</i>	736

<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<i>737</i>
<i>Noriega Street Neighborhood Commercial District</i>	<i>§739.1</i>
<i>Irving Street Neighborhood Commercial District</i>	<i>§ 735§740.1</i>
<i>Taraval Street Neighborhood Commercial District</i>	<i>§ 736§741.1</i>
<i>Judah Street Neighborhood Commercial District</i>	<i>§ 737§742.1</i>

(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.

<i>Neighborhood Commercial Transit Districts</i>	<i>Section Number</i>
<i>Hayes Gough Neighborhood Commercial Transit District</i>	<i>§ 720</i>
<i>Valencia Street Neighborhood Commercial Transit District</i>	<i>§ 726</i>
<i>24th Street Mission Neighborhood Commercial Transit District</i>	<i>§ 727</i>
<i>NCT 3 Moderate Scale Neighborhood Commercial Transit District</i>	<i>§ 731</i>
<i>Upper Market Street Neighborhood Commercial Transit District</i>	<i>§ 732</i>
<i>NCT 1 Neighborhood Commercial Transit Cluster District</i>	<i>§ 733A</i>
<i>NCT 2 Small Scale Neighborhood Commercial Transit District</i>	<i>§ 734</i>
<i>SoMa Neighborhood Commercial Transit District</i>	<i>§ 735</i>
<i>Mission Street Neighborhood Commercial Transit District</i>	<i>§ 736</i>
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<i>§ 737</i>
<i>Glen Park Neighborhood Commercial Transit District</i>	<i>§ 738</i>

<u><i>Neighborhood Commercial Transit Districts</i></u>	<u><i>Section Number</i></u>
<u><i>NCT-1 Neighborhood Commercial Transit Cluster District</i></u>	<u><i>§ 733A</i></u>
<u><i>NCT-2 Small Scale Neighborhood Commercial Transit District</i></u>	<u><i>§ 734</i></u>
<u><i>NCT-3 - Moderate-Scale Neighborhood Commercial Transit District</i></u>	<u><i>§ 731</i></u>
<u><i>Named Neighborhood Commercial Transit (NCT) Districts</i></u>	<u><i>702.1</i></u>
<u><i>Hayes-Gough Neighborhood Commercial Transit District</i></u>	<u><i>§ 720</i></u>
<u><i>Valencia Street Neighborhood Commercial Transit District</i></u>	<u><i>§ 726</i></u>
<u><i>24th Street - Mission Neighborhood Commercial Transit District</i></u>	<u><i>§ 727</i></u>
<u><i>Upper Market Street Neighborhood Commercial Transit District</i></u>	<u><i>§ 732</i></u>
<u><i>SoMa Neighborhood Commercial Transit District</i></u>	<u><i>§ 735</i></u>
<u><i>Mission Street Neighborhood Commercial Transit District</i></u>	<u><i>§ 736</i></u>
<u><i>Ocean Avenue Neighborhood Commercial Transit District</i></u>	<u><i>§ 737</i></u>
<u><i>Glen Park Neighborhood Commercial Transit District</i></u>	<u><i>§ 738</i></u>

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
<i>Irving Street Restaurant Subdistrict</i>	<i>§ 781.2</i>
<i>Ocean Avenue Fast Food Subdistrict</i>	<i>§ 781.3</i>
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
<i>Lower Haight Tobacco Paraphernalia Restricted Use District</i>	§ 786
<i>Fringe Financial Service Restricted Use District</i>	§ 249.35
<i>Mission Alcohol Restricted Use District</i>	§ 249.60 (formerly 781.8)
<i>Third Street Alcohol Restricted Use District</i>	§ 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
<i>Fringe Financial Service Restricted Use District</i>	§ 249.35
Third Street Special Use District	§ 249.14
<i>Mission Alcohol Restricted Use District</i>	§ 249.60 (formerly 781.8)
17th – Rhode Island Street Special Use District	§ 249.61 (formerly



	781.10)
<i>Third Street Alcohol Restricted Use District</i>	<i>§ 249.62 (formerly 782)</i>
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-

1 street parking and loading and other uses listed below which function primarily as open-air  
2 uses, or which may be appropriate if located on an open lot, outside a building, or within a  
3 partially enclosed building, subject to other limitations of this Article 7 and other sections of  
4 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

14 If there are two or more uses in a structure and none is classified below under Section  
15 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered  
16 separately as independent principal, conditional or temporary uses.

17 (A) **Principal Uses.** Principal uses are permitted as of right in a  
18 Neighborhood Commercial District, when so indicated in *Sections 710.1 through 737.1* [of this  
19 Code for each district class.

20 (B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood  
21 Commercial District when authorized by the Planning Commission; whether a use is  
22 conditional in a given district is indicated *in this Code. Sections 710.10 through 737.1.*  
23 Conditional uses are subject to the provisions set forth in Sections 178, 179, 303, and 316  
24 through 316.6 of this Code.

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

3 (ii) Notwithstanding any other provision of this Article, a change in  
4 use or demolition of a movie theater use, as set forth in Section 790.64, shall require  
5 conditional use authorization. This Subsection shall not authorize a change in use if the new  
6 use or uses are otherwise prohibited.

7 (iii) Notwithstanding any other provision of this Article, a change in  
8 use or demolition of a general grocery store use, as defined in Section 790.102(a), which use  
9 exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection  
10 shall not authorize a change in use if the new use or uses are otherwise prohibited.

11 (iv) Large-Scale Urban Agriculture, as defined in Section  
12 102.35(b), shall require conditional use authorization.

13 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to  
14 the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R  
15 and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and  
16 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the  
17 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental  
18 and subordinate to any such use, shall be permitted as an accessory use when located on the  
19 same lot. Any use which does not qualify as an accessory use shall be classified as a  
20 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through  
21 205.4 of this Code.

22 No use will be considered accessory to a permitted principal or conditional use which involves  
23 or requires any of the following:

24 (i) The use of more than 1/3 of the total floor area occupied by  
25 such use and the principal or conditional use to which it is accessory, except in the case of

1 accessory off-street parking and loading and accessory wholesaling, manufacturing or  
2 processing of foods, goods, or commodities;

3 (ii) Any Bar or Restaurant, or any other retail establishment which  
4 serves liquor for consumption on-site;

5 (iii) Any Take-Out Food use, as defined in Section 790.122, except  
6 for a Take-Out Food use which occupies 1/3 of the total floor area or up to 500 s/f whichever  
7 is more restrictive in a general grocery or specialty grocery store. This Take-Out Food use  
8 includes the area devoted to food preparation and service and excludes storage and waiting  
9 areas;

10 (iv) Any Take-Out Food use, as defined in Section 790.122, except  
11 for a Take-Out Food use operating as a minor and incidental use within a Restaurant or  
12 Limited-Restaurant use;

13 (v) The wholesaling, manufacturing or processing of foods, goods,  
14 or commodities on the premises of an establishment which does not also use or provide for  
15 retail sale of such foods, goods or commodities at the same location where such wholesaling,  
16 manufacturing or processing takes place.

17 (vi) Any retail liquor sales, as defined in Section 790.55, except for  
18 beer, wine, and/or liquor sales for the consumption off the premises with a State of California  
19 Alcoholic Beverage Control ("ABC") Board License type 20 (off-sale beer and wine) or type 21  
20 (off-sale general) which occupy less than 15% of the gross square footage of the  
21 establishment (including all areas devoted to the display and sale of alcoholic beverages) in a  
22 general grocery store or specialty grocery store, or Limited-Restaurant use (ABC license type  
23 20 only).

24 (vii) Medical Cannabis Dispensaries as defined in 790.141.  
25

1 The foregoing rules shall not prohibit take-out food activity which operates in conjunction with  
2 a Limited-Restaurant or a Restaurant. A Limited-Restaurant or a Restaurant, by definition,  
3 includes take-out food as an accessory and necessary part of its operation.

4 ~~(viii)(vii)~~ Any other entertainment use, as defined in Section  
5 790.38, except for one that involves a Limited Live Performance Permit as set forth in Police  
6 Code Section 1060 *et seq.*

7 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the  
8 provisions set forth in Section 205 of this Code.

9 (2) **Not Permitted Uses.**

10 (A) Uses which are not specifically listed in this Article are not permitted  
11 unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this  
12 Code or are determined by the Zoning Administrator to be permitted uses in accordance with  
13 Section 307(a) of this Code.

14 (B) No use, even though listed as a permitted use, shall be permitted in a  
15 Neighborhood Commercial District which, by reason of its nature or manner of operation,  
16 creates conditions that are hazardous, noxious, or offensive through the emission of odor,  
17 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive  
18 noise.

19 (C) The establishment of a use that sells alcoholic beverages, other than  
20 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by  
21 Section 229. Except in the SoMa NCT, where these uses are permitted accessory uses.

22  
23 **SEC. 703.3. FORMULA RETAIL USES.**

1 (d) **Formula Retail Uses Permitted.** Any use permitted in ~~a Neighborhood~~  
2 ~~Commercial District certain districts defined in Section 303(i)(5)(A)~~, which is ~~all~~ also a "formula  
3 retail use" as defined in this Section, is hereby permitted.

4 (e) **Formula Retail Use Prohibited.** Notwithstanding subsection (d), ~~any use~~  
5 ~~permitted in the Hayes-Gough Neighborhood Commercial District, or the North Beach Neighborhood~~  
6 ~~Commercial District, which is also a "formula retail use" as defined in this Section, is hereby~~  
7 ~~prohibited. Any Restaurant, Limited Restaurant permitted in the Upper Fillmore or Broadway~~  
8 ~~Neighborhood Commercial District which is also a "formula retail use" certain districts may prohibit~~  
9 ~~formula retail uses or a subset of formula retail uses as described in this Section 303(i)(5) is hereby~~  
10 ~~prohibited.~~

11 (f) **Conditional Uses.** Notwithstanding subsections (d) or (e), ~~any use permitted in the~~  
12 ~~Haight Street Neighborhood Commercial District, the Japantown Special Use District as defined in~~  
13 ~~Section 249.31, or in the Small Scale Neighborhood Commercial District along Divisadero Street,~~  
14 ~~bounded by Haight Street to the south and Turk Street to the north (Block 1128, Lot 20, Block 1129,~~  
15 ~~Lots 93-106, Block 1153, Lots 1-4, 6, and 21-22 Block 1154, Lots 13-17B and 35-40, Block 1155,~~  
16 ~~Lots 16-21, Lots 23, 24, and 36-38, Block 1156, Lots 4-6, 8, 38 and 40-41, Block 1179, Lots 1-~~  
17 ~~1C, 27, and 28, Block 1180, Lots 12-17, Block 1181, Lots 14-9, Block 1182, Lots 2-6, 8, 22-23, 30~~  
18 ~~-60, Block 1201, Lots 1-4, 8-10, 39-54 and 57-61, Block 1202, Lots 2A, 2B, 2J and 7, Block 1203,~~  
19 ~~Lots 17-22, 24 and 37, Block 1204, Lots 1-11A, Block 1215, Lots 8-16, Block 1216, Lots 5, 1 and 17~~  
20 ~~-18, Block 1217, Lots 20-29, Block 1218, Lots 1-8, 29, 32, and 50, Block 1237, Lots 1-7, Block~~  
21 ~~1238, Lots 21-27, Block 1239, Lot 27, Block 1240, Lot 1), or in the Neighborhood Commercial~~  
22 ~~Cluster Districts located at Cole and Carl Streets (Block 1267, Lot 9, Block 1268, Lots 26, 27, 28 and~~  
23 ~~29, Block 1271, Lots 24, 24A, 24B, 25 and 26, Block 1272, Lots 1, 2, 3, 4, and 5, Block 1278, Lot 22),~~  
24 ~~and at Parnassus and Stanyan Streets (Block 1276, Lot 21) a Conditional Use Authorization shall be~~  
25

1 required for a formula retail use in the zoning districts listed in Section 303(i)(4) unless explicitly  
2 exempted.

3 ~~which is also a "formula retail use" as defined in this Section, is hereby permitted only as a conditional~~  
4 ~~use.~~ Additional criteria to be used by the Planning Commission when considering granting  
5 conditional use permits to formula retail uses in these districts are listed in Section 303(i).  
6 ...

7 **SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**

8 **ZONING CONTROL TABLE**

			NC-1
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
...			
710.13	Street Frontage	§ <u>145.1</u>	Required §
...			
			NC-1
No.	Zoning Category	§ References	Controls by Story
...			
RETAIL SALES AND SERVICE			
...	Amusement Game	§ <del>790.04</del> <u>§790.4</u>	
710.69B	Arcade (Mechanical Amusement Devices)		
...			

22  
23 **SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**

24 **ZONING CONTROL TABLE**

			NC-2		
--	--	--	------	--	--

No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
...					
711.13	Street Frontage	§ <u>145.1</u>	Required §		
...					
No.	Zoning Category	§ References	NC-2		
			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)	<del>§ 790.04</del> <u>§ 790.4</u>			
...					

### SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
...		
<u>§ 711.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>
		<u>Controls. Massage shall generally be subject to Conditional</u>
		<u>Use authorization. Certain exceptions to the Conditional Use</u>
...		<u>requirement for massage are described in §790.60(c). When considering</u>



		<i>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).</i>
--	--	---

## **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**

### **ZONING CONTROL TABLE**

			NC-3		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
...	Street Frontage	§ <u>145.1</u>	Required		
712.13					
...					
			NC-3		
No.	Zoning Category	§ References	Controls by Story		
...					
RETAIL SALES AND SERVICE					
...		§ 790.60, § 1900	C#	C#	
712.54	Massage Establishment	Health Code			
...					
712.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§790.4</u>	C		
...					

...

### **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
...		
<u>§ 712.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>
...		

### SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S

#### ZONING CONTROL TABLE

No.	Zoning Category	§ References	NC-S Controls
<b>BUILDING STANDARDS</b>			
...			
713.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
...			
No.	Zoning Category	§ References	NC-S Controls by Story

...					
<b>RETAIL SALES AND SERVICE</b>					
...	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
713.54					
...					
713.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>	C		
...					

...

**SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
...	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MESSAGE ESTABLISHMENT</u>
<u>§ 713.54</u>		<u>Controls. Massage shall generally be subject to Conditional</u> <u>Use authorization. Certain exceptions to the Conditional Use</u> <u>requirement for massage are described in §790.60(c). When considering</u> <u>an application for a conditional use permit pursuant to this subsection,</u> <u>the Planning Commission shall consider, in addition to the criteria</u> <u>listed in Section 303(c), the additional criteria described in §303(o).</u>
...		

**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

1 the south and west, and Jackson Square to the southeast. Broadway's fame and popularity as  
2 a Citywide and regional entertainment district is derived from a concentration of nightclubs,  
3 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery  
4 Street. These places attract locals and visitors alike, mainly in the evening and late-night  
5 hours. In addition to the entertainment and some retail businesses, Broadway contains many  
6 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to  
7 develop upper-story offices.

8 The Broadway District controls are designed to encourage development that is compatible  
9 with the existing moderate building scale and mixed-use character, and maintain the district's  
10 balance of entertainment uses, restaurants, and small-scale retail stores. New buildings  
11 exceeding 40 feet in height will be carefully reviewed and rear yards at residential levels are  
12 protected. Most commercial uses in new buildings are permitted at the first two stories.  
13 Neighborhood-serving businesses are strongly encouraged. In order to protect the livability of  
14 the area, limitations apply to new fast-food restaurants and adult entertainment uses at the  
15 first and second stories, as well as late-night activity. Financial services are allowed on the  
16 ground story subject to certain limitations. Nonretail offices are prohibited in order to prevent  
17 encroachment of the adjoining downtown office uses. Due to the high traffic volume on  
18 Broadway, most automobile and drive-up uses are prohibited in order to prevent further traffic  
19 congestion. Parking garages are permitted if their ingress and egress do not disrupt the traffic  
20 flow on Broadway.

21 Housing development in new buildings is encouraged above the second story. Existing  
22 housing is protected by limitations on demolitions and upper-story conversions.

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

24 **ZONING CONTROL TABLE**

			Broadway		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
...					
714.13	Street Frontage	§ <u>145.1</u>	Required <del>§ 145.1</del>		
...					
			Broadway		
No.	Zoning Category	§ References	Controls by Story		
...					
RETAIL SALES AND SERVICE					
...	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
714.54					
...	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>	C		
714.69B					
...					

**SPECIFIC PROVISIONS FOR BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
...		
<u>§ 714.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>Controls. Massage shall generally be subject to Conditional</u>  <u>Use authorization. Certain exceptions to the Conditional Use</u>

		<p><i>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).</i></p>
<p>....</p> <p><del>§722.94</del> <del>714.94</del></p>	<p>§§ 150, 153- 157, 159- 160, 204.5</p>	<p>(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;</p> <p>(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;</p> <p>(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,</p> <p>(4) the garage would not front on a public right-of-way narrower than 41 feet, and</p> <p>(5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p>

# **SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

## **ZONING CONTROL TABLE**

			Castro Street		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
...					
715.13	Street Frontage	§ <u>145.1</u>	Required <del>§ 145.1</del>		
...					
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES					
...			P to 1,999 sq. ft.; <del>C# 2,000 sq. ft.</del> <u>C 2,000 sq. ft.</u> to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2		
715.21	Use Size [Non-Residential]	§ 790.130			
...					
			Castro		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
...		§ 790.60, § 1900 Health Code	C#	C#	
715.54	Massage Establishment				
...		§ <del>790.04</del> <u>§790.4</u>			
715.69B	Amusement Game Arcade (Mechanical Amusement Devices)				
...					

## **SPECIFIC PROVISIONS FOR CASTRO NEIGHBORHOOD COMMERCIAL DISTRICT**

<b>Article 7 Code Section</b>	<b>Other Code Section</b>	<b>Zoning Controls</b>

...		<u>MASSAGE ESTABLISHMENT</u>
<u>§ 715.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>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).</u>
...		

## SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

### ZONING CONTROL TABLE

			Inner Clement
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
...			Required <del>§ 145.1</del>
716.13	Street Frontage	<u>§ 145.1</u>	
...			
			Inner Clement
No.	Zoning Category	§ References	Controls by Story
<b>RETAIL SALES AND SERVICE</b>			
...		§ 790.60, § 1900 Health Code	C#
716.54	Massage Establishment		C#
...			



716.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§790.4</u>			
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...  
**SPECIFIC PROVISIONS FOR INNER CLEMENT  
 NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 716.41	§ 790.22	<p>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</p> <p><b>Boundaries:</b> Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p><b>Controls:</b></p> <p>(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</p> <p>Commission finds that:</p> <p>(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</p> <p>(2) The establishment maintains only an ABC license type 42.</p> <p>Other ABC license types, except those that are included within the definition of a Restaurant pursuant to <del>§ 790.61</del> <u>790.91</u>, are not</p>

		permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use authorization under this Section, the <u>Planning</u> 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.
<u>§ 716.54</u> ...	<u>§ 790.60.</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>

**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Outer Clement Controls
<b>BUILDING STANDARDS</b>			
...			
717.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
...			
...			

Retail Sales and Services					
...					
717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ <del>790.04</del> 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).  <b>Boundaries:</b> The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the <del>Outer</del> <u>Outer</u> Clement Street Neighborhood Commercial District.  <b>Controls:</b> 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
<b>BUILDING STANDARDS</b>			

...			
718.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>
...			
No.	Zoning Category	§ References	Upper Fillmore Street Controls by Story
...			
<b>RETAIL SALES AND SERVICE</b>			
...			
718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#
...			
718.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>	
...			

...  
**SPECIFIC PROVISIONS FOR UPPER FILLMORE STREET**  
**NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
...		
<del>714.43</del>	§ 790.90	UPPER FILLMORE FORMULA RETAIL RESTAURANT AND
<del>714.44</del>	§ 790.91	LIMITED-RESTAURANT USES

1 2 3	<u>718.43</u> <u>718.44</u>		<b>Boundaries:</b> Upper Fillmore NCD <b>Controls:</b> Formula Retail Restaurant and Limited-Restaurant Uses are NP.
4 5 6 7 8 9 10 11	<u>§ 718.54</u> ...	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <i><u>Controls. Massage shall generally be subject to Conditional</u></i> <i><u>Use authorization. Certain exceptions to the Conditional Use</u></i> <i><u>requirement for massage are described in §790.60(c). When considering</u></i> <i><u>an application for a conditional use permit pursuant to this subsection,</u></i> <i><u>the Planning Commission shall consider, in addition to the criteria</u></i> <i><u>listed in Section 303(c), the additional criteria described in §303(o).</u></i>

**SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

15				<b>Haight Street</b>
16	<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
17	<b>BUILDING STANDARDS</b>			
18	...			
19	719.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
20	...			
21				<b>Haight Street</b>
22	<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Controls by Story</b>
23	...			
24	<b>RETAIL SALES AND SERVICE</b>			

...		§ 790.60, § 1900 Health Code	C#		
719.54	Massage Establishment				
...					
719.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>			
...					

...

**SPECIFIC PROVISIONS FOR HAIGHT STREET  
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
...	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>
<u>§ 719.54</u>		<u>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).</u>
...		

**SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Hayes-Gough Controls
<b>BUILDING STANDARDS</b>			

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...			
720.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
720.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above <u>§ 145.1(e), (e)</u>
720.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Hayes Street; <del>Octavia Street, from Fell to Hayes Streets</del> portions of <u>Octavia Street</u> <u>§ 145.1(d), (e)</u>
720.13c	Street Frontage, Parking and Loading Access Restrictions	<u>§ 155(r)</u>	NP: <u>portions of</u> Hayes Street <u>and Octavia Street, § 155(r)</u>
...			
No.	Zoning Category	§ References	Hayes-Gough Clement Controls by Story
...	<b>RETAIL SALES AND SERVICE</b>		
...	Massage Establishment	§ 790.60, § 1900 Health Code	C#
720.54			
...	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>	
720.69B			
...			

...  
**SPECIFIC PROVISIONS FOR HAYES-GOUGH  
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 720.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>

**SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE.**

No.	Zoning Category	§ References	Upper Market Street Controls
<b>BUILDING STANDARDS</b>			
...	Street Frontage	<u>§ 145.1</u>	Required <del>§ 145.1</del>
721.13			
721.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above <del>§ 145.1(e), (e)</del>
721.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Market Street <u>§ 145.4</u>
721.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	<del>§ 155(r)</del> NP: Market Street
...			



No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
...					
<b>RETAIL SALES AND SERVICE</b>					
...	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
721.54					
...	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>			
721.69B					
....					

...

**SPECIFIC PROVISIONS FOR UPPER MARKET STREET**

**NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
...		
§ 721.44	§ 790.91	<p>UPPER MARKET STREET LIQUOR LICENSES FOR RESTAURANTS</p> <p><b>Boundaries:</b> Applicable to the <del>Castro</del> <u>Upper Market</u> Street Neighborhood Commercial District.</p> <p><b>Controls:</b> 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</p>

		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.
<u>§ 721.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>

## SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

### ZONING CONTROL TABLE

No.	Zoning Category	§ References	North Beach Controls
<b>BUILDING STANDARDS</b>			
722.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
No.	Zoning Category	§ References	North Beach Controls by Story

...					
<b>RETAIL SALES AND SERVICE</b>					
...	Other Retail Sales and Services [Not Listed Below]	<u>§ 790.102</u>	<u>P# P</u>	<u>P# P</u>	
722.40					
...					
722.54	Massage Establishment	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>C#</u>		
...					
722.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>			
...					

...  
**SPECIFIC PROVISIONS FOR NORTH BEACH**  
**NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
...		NORTH BEACH SPECIAL USE DISTRICT
§ 722.43 § 722.44	§ 780.3	<b>Boundaries:</b> North Beach NCD. <b>Controls:</b> Restaurants and Limited-Restaurants as defined in Sections 790.90 and 790.91 of this Code and Bars as defined in Section <del>780.22</del> <u>790.22</u> 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.
...  <u>§ 722.54</u>  ...	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>

## SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

### ZONING CONTROL TABLE

No.	Zoning Category	§ References	Polk Street Controls
<b>BUILDING STANDARDS</b>			
...			
723.13	Street Frontage	§ <u>145.1</u>	Required <del>§ 145.1</del>

...			
			Polk Street
No.	Zoning Category	§ References	Controls by Story
...			
<b>RETAIL SALES AND SERVICE</b>			
...			C#
723.54	Massage Establishment	§ 790.60, § 1900 Health Code	
...			
723.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>	
...			

**SPECIFIC PROVISIONS FOR POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
...		
<u>§ 723.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<p><u><b>MASSAGE ESTABLISHMENT</b></u></p> <p><u><b>Controls.</b> 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).</u></p>

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## SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

### ZONING CONTROL TABLE

			Sacramento Street
No.	Zoning Category	§ References	Controls

#### BUILDING STANDARDS

...			
724.13	Street Frontage	§ <u>145.1</u>	Required § <del>145.1</del>
...			

No.	Zoning Category	§ References	Union Street
			Controls by Story

#### RETAIL SALES AND SERVICE

...					
724.69B	Amusement Game	§ <del>790.04</del>			
	Arcade (Mechanical	§ <u>790.4</u>			
...	Amusement Devices)				

## SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

### ZONING CONTROL TABLE

			Union Street
--	--	--	--------------

No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
...			
725.13	Street Frontage	§ <u>145.1</u>	Required
...			§ <u>145.1</u>
No.	Zoning Category	§ References	Union Street
			Controls by Story
<b>RETAIL SALES AND SERVICE</b>			
...			
725.69B	Amusement Game	§ <u>790.04</u>	
...	Arcade (Mechanical Amusement Devices)	§ <u>790.4</u>	

**SPECIFIC PROVISIONS FOR THE UNION STREET  
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 725.44	§ 790.91	<p><b>UNION STREET RESTAURANTS</b></p> <p><b>Boundaries:</b> Applicable to the Union Street Neighborhood Commercial District</p> <p><b>Applicability:</b> 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.</p> <p><b>Controls:</b> The Planning Commission may approve a Restaurant</p>

...		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 <i>Full Service</i> Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.
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**SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Valencia Street Controls
<b>BUILDING STANDARDS</b>			
...			
726.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>
726.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § <u>145.1</u>
726.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	<i>Requirements apply. See Portions of Valencia Street, 16th Street, and 22nd Street § 145.4</i>
726.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. <i>See § 155(r)</i>



...			
No.	Zoning Category	§ References	Valencia Street Transit Controls by Story
...			
<b>RETAIL SALES AND SERVICE</b>			
...			
726.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#      C#
...			
726.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>	
...			

**SPECIFIC PROVISIONS FOR VALENCIA STREET TRANSIT**

**NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 726.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>Controls. Massage shall generally be subject to Conditional</u> <u>Use authorization. Certain exceptions to the Conditional Use</u> <u>requirement for massage are described in §790.60(c). When considering</u>

1			<i>an application for a conditional use permit pursuant to this subsection,</i>
2			<i>the Planning Commission shall consider, in addition to the criteria</i>
3			<i>listed in Section 303(c), the additional criteria described in §303(o).</i>
4	...		

5  
6 **SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT**  
7 **DISTRICT ZONING CONTROL TABLE**

8				24th Street – Mission Transit
9	No.	Zoning Category	§ References	Controls

10 **BUILDING STANDARDS**

11	...			
12	<del>731.13</del> <del>727.13</del>	Street Frontage	§ <del>145.1</del>	Required § <del>145.1</del>
13				
14				
15	727.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § <del>145.1</del>
16				
17	727.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply See § <del>145.4</del>
18				
19	727.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. See § <del>155(r)</del>
20	...			

21				24 <sup>th</sup> Street Mission Transit
22	No.	Zoning Category	§ References	Controls by Story

23  
24 **RETAIL SALES AND SERVICE**  
25

...					
727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
...					
727.69B	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>			
...					

...

**SPECIFIC PROVISIONS FOR 24<sup>th</sup> STREET MISSION TRANSIT  
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 727.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>
...		

**SEC. 728.1. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

1 The 24th Street – Noe Valley Neighborhood Commercial District is situated along 24th  
2 Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San  
3 Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of  
4 convenience and comparison shopping goods and services to a predominantly local market  
5 area. It contains primarily retail sales and personal services at the street level, some office  
6 uses on the second story, and residential use almost exclusively on the third and upper  
7 stories.

8 The 24th Street – Noe Valley District controls are designed to allow for development that is  
9 compatible with the existing small-scale, mixed-use neighborhood commercial character and  
10 surrounding residential area. The small scale of new buildings and neighborhood-serving uses  
11 is encouraged and rear yard open space corridors at all levels are protected. Most commercial  
12 uses are directed to the ground story and limited at the second story of new buildings. In order  
13 to maintain the variety and mix of retail sales and services along the commercial strip and to  
14 control the problems of traffic, congestion, noise and late-night activity, certain potentially  
15 troublesome commercial uses are regulated. ~~Additional large fast food restaurants are prohibited,~~  
16 ~~other eating~~ Eating and drinking establishments require conditional use authorization, and  
17 ground-story entertainment and financial service uses are restricted to and at the ground  
18 story. Prohibitions on drive-up and most automobile uses help prevent additional traffic and  
19 parking congestion.

20 Housing development in new buildings is encouraged above the ground story. Existing  
21 housing units are protected by prohibitions on upper-story conversions and limitations on  
22 demolitions.

23  
24 **SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**

25 **ZONING CONTROL TABLE**

			24th Street Noe Valley		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
.... 728.13 ....	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>		
No.	Zoning Category	§ References	24 <sup>TH</sup> Street Noe Valley		
			Controls by Story		
....					
RETAIL SALES AND SERVICE					
728.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 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)	§ <u>790.04</u>  § <u>790.4</u>			

## SPECIFIC PROVISIONS FOR 24<sup>TH</sup> STREET NOE VALLEY

## NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 728.40 <u>§728.43</u> ...	§ 703.2(b)(1)(C); <u>§ 703.3</u> ; § 790.102(b) and (n)	<b>24TH STREET – NOE VALLEY SPECIALTY RETAIL USES</b> <b>Boundaries:</b> 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. <b>Controls:</b> Formula Retail Limited-Restaurants are NP.
§ 728.54 ...	<u>§ 790.60.</u> <u>§ 1900</u> <u>Health Code</u>	<u><b>MASSAGE ESTABLISHMENT</b></u>  <u><i>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).</i></u>

### 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

1 interrupted at several locations by large-scale financial institutions which take up a large  
2 amount of commercial ground-story frontage. More than half of the number of medical,  
3 professional and business offices are located at the ground level. Except for one three-movie  
4 theater complex, West Portal offers no entertainment uses and its restaurants are mainly  
5 family-oriented.

6 The West Portal Avenue District controls are designed to preserve the existing family-  
7 oriented, village character of West Portal Avenue. The building standards limit building heights  
8 to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level  
9 and above. The height, bulk and design of new development, especially on large lots, should  
10 respect the small-scale character of the district and its surrounding residential neighborhoods.  
11 Lot mergers creating large lots are discouraged. Individual nonresidential uses require  
12 conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an  
13 absolute limit to conform with the existing small use sizes in the district.

14 Special controls on commercial uses are designed to protect the existing mix of  
15 ground-story retail uses and prevent further intensification and congestion in the district. No  
16 new financial services are permitted. Because the district and surrounding neighborhoods are  
17 well served by the existing number of eating and drinking establishments, new bars,  
18 restaurants and take-out food generally are discouraged: any proposed new establishment  
19 should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented,  
20 and will not involve high-volume take-out food or generate traffic, parking, or litter problems.  
21 ~~Large fast food restaurants and small self service restaurants are prohibited.~~ Medical, business or  
22 professional services are permitted at the first two stories, but additional ground-story  
23 locations are to be closely monitored to ensure that the current balance between retail and  
24 office uses is maintained. Existing service stations are encouraged to continue operating, but  
25 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	§ <u>145.1</u>	Required		
...			<del>§ 145.1</del>		
			West Portal Avenue		
No.	Zoning Category	§ References	Controls by Story		
...					
RETAIL SALES AND SERVICE					
...					
729.69B	Amusement Game Arcade	<del>§ 790.04</del>			
...	(Mechanical Amusement	<u>§ 790.4</u>			



	Devices)				
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### SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT

#### ZONING CONTROL TABLE

No.	Zoning Category	§ References	Inner Sunset Controls
<del>730.1</del> <u>730.10</u> ...	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	§ <u>145.1</u>	Required <u>§ 145.1</u>

#### COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

<del>730.2</del> <u>730.20</u> ...	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 <u>§ 124(a)(b)</u>
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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)	<del>§ 790.04</del> <u>§ 790.4</u>			
....					

**SPECIFIC PROVISIONS FOR INNER SUNSET  
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 730.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>
§ 730.68	§ 249.35	<del>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).</del>

		<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Inner Sunset Neighborhood Commercial District.</u></p> <p><u>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).</u></p>
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## SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

### NCT-3 ZONING CONTROL TABLE

No.	Zoning Category	§ References	NCT-3 Controls
<b>BUILDING STANDARDS</b>			
731.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>
731.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ <u>145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above § <u>145.1(c), (e)</u>
731.13b	Street Frontage, Required Ground Floor Commercial	§ <u>145.4</u>	Market Street, Church Street § <u>145.1(d)</u>
731.13c	Street Frontage, Parking and Loading access restrictions	§ <u>155(r)</u>	§ <u>155(r)</u> NP: Market Street, Church Street, Mission Street C: Duboce Street, Haight Street

No.	Zoning Category	§ References	NCT- 3		
			Controls by Story		
...					
<b>RETAIL SALES AND SERVICE</b>					
...					
731.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
...					
731.68	<u>Fringe Financial Services</u>	<u>§ 790.11- § 790.111</u>	P#	P#	P#
...					
731.69B	<u>Amusement Game Arcade</u> <u>(Mechanical Amusement</u> <u>Devices)</u>	<u>§ 790.04- § 790.4</u>			
...					

**SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
...		
<u>§ 731.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>Controls: Massage shall generally be subject to Conditional</u> <u>Use authorization. Certain exceptions to the Conditional Use</u> <u>requirement for massage are described in §790.60(c). When considering</u> <u>an application for a conditional use permit pursuant to this subsection,</u>

1		<i>the Planning Commission shall consider, in addition to the criteria</i>
2	...	<i>listed in Section 303(c), the additional criteria described in §303(o).</i>
3		

**SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

			Pacific Avenue		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
.... 732.13 ....	Street Frontage	§ <u>145.1</u>	Required <del>§ 145.1</del>		
RETAIL SALES AND SERVICES					
.... 732.68 ....	Fringe Financial Services	§ 790.111	P#		
732.69B ....	Amusement Game Arcade (Mechanical Amusement Devices)	<del>§ 790.04</del> <u>§ 790.4</u>			

# **SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

## **DISTRICT ZONING CONTROL TABLE**

Upper Market NCT			
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
...			
733.13	Street Frontage	<u>– § 145.1</u>	Required <u>§ 145.1</u>
733.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above <u>§ 145.1(e), (e)</u>
733.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Market Street; Church Street <u>§ 145.4(d)</u>
733.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	<u>§ 155(r)</u> NP: Market Street, Church Street
...			

## **COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES**

...			
733.23	Off-Street <del>Frigh</del> Freight Loading	§§ 150, 153 - 155, 204.5, <u>§§ 152, 161(b)</u>	Generally, none required if gross floor area is less than 10,000 sq. ft. <u>§§ 152.161(b)</u>
...			
Upper Market NCT			
No.	Zoning Category	§ References	Controls by Story
...			
<b>RETAIL SALES AND SERVICE</b>			
...			
	Restaurant	§ 790.91	C#

733.44					
...					
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)	<del>§ 790.04</del> § 790.4			
...					

...  
**SPECIFIC PROVISIONS FOR UPPER MARKET NEIGHBORHOOD  
COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
...		
<u>§ 733.54</u>	<u>§ 790.60, § 1900 Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><u>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).</u></p>
...		

# SEC. 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1

## ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
733A.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
<del>733.13a</del> 733A.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above <u>§ 145.1</u>
733A.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	<u>Portions of</u> Geneva Avenue, <u>§ 145.4</u>
733A.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	<u>§ 155(r)</u> NP: Geneva Avenue
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
<del>733.26</del> 733A.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed <u>§ 145.2(b)</u>



No.	Zoning Category	§ References	NCT-1
			Controls by Story
		§ 790.118	1st 2nd 3rd+
<u>Non-Retail Sales and Services</u>			
<u>Retail Sales and Services</u>			
...			
733A.69B	Amusement Game	§ 790.04 § 790.4	
...	Arcade (Mechanical		
	Amusement Devices)		

...  
SPECIFIC PROVISIONS FOR NCT-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
...		
§ 733A.68	§ 249.35	<p align="center"><i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i></p> <p><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-1 Neighborhood Commercial District.</i></p> <p><i>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and</i></p>

...		<i>its 1/4 mile buffer, fringe financial services are P-subject to the restrictions set forth in Subsection 249.35(c)(3).</i>
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**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, <del>145.4</del>	Required §§ 145.1, <del>145.4</del>		
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	<del>Requirements apply</del> <u>Portions of Geneva Avenue; Portions of 22nd Street §145.4</u>		
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply <del>NP: Geneva Avenue- § 155(r)</del> <u>NP: Portions of Geneva Avenue; Portions of 22nd Street.</u>		
....					
No.	Zoning Category	§ References	NCT-2		
			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
<u>Non-Retail Sales and Services</u>					
<u>Retail Sales and Services</u>					
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)	<del>§ 790.04</del> § 790.4			

#### SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 734.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><u>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</u></p>

		<i>listed in Section 303(c), the additional criteria described in §303(o).</i>
§ 734.68	<u>§ 249.35</u>	<p><b>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</b></p> <p><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-2 Neighborhood Commercial District.</i></p> <p><i>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).</i></p>

## SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

### ZONING CONTROL TABLE

No.	Zoning Category	§ References	SoMa-NCT Controls
<b>BUILDING STANDARDS</b>			
...			
735.13	Street Frontage	<del>§§ 145.1, 145.4</del>	Required <del>§§ 145.1, 145.4</del>
735.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<del>§ 145.1</del>	Minimum 25 feet on ground floor, 15 feet on floors above <del>§ 145.1</del>
735.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	<del>Requirements apply Sixth Street</del>
735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
...			
No.	Zoning Category	§ References	SoMa NCT

			Controls by Story		
RETAIL SALES AND SERVICE					
...		\$ 790.60, \$ 1900 Health Code	C#		
735.54	Massage Establishment				
...	Amusement Game Arcade (Mechanical Amusement Devices)				
735.69B		<del>\$ 790.04</del> <u>\$ 790.4</u>			

### SPECIFIC PROVISIONS FOR SOMA NCT DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 735.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><u>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).</u></p>
<u>§ 735.68</u>	<u>§ 249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the SoMa Neighborhood Commercial District.</u></p> <p><u>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</u></p>

		<i>restrictions set forth in Subsection 249.35(c)(3).</i>
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# **SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

No.	Zoning Category	§ References	Mission Street NCT Controls
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## **BUILDING STANDARDS**

...			
736.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
736.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floor above <u>§ 145.1(e), (e)</u>
736.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	<i>Required along Mission St. <u>§ 145.4 (d) Mission Street; Portions of 16th Street; Portions of 22nd Street</u></i>
736.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	NP along Mission St. <u>§ 155(r)</u>
...			

No.	Zoning Category	§ References	Mission Street NCT Controls by Story
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## **RETAIL SALES AND SERVICE**

...		§ 790.60, § 1900 Health Code	C#	C#	
736.54	Massage Establishment				
736.69B	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04 § 790.4</u>	C		
...					

## **SPECIFIC PROVISIONS FOR MISSION NCT DISTRICT**

Article 7 Code	Other Code	Zoning Controls
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Section	Section	
<u>§ 736.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>
		<u><i>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).</i></u>

#### **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

1 built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards  
2 for residential uses, including open space and exposure, and urban design guidelines. Access  
3 (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on  
4 Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit  
5 function of the street. Residential and commercial parking are not required.

6 The Ocean Avenue NCT District is intended to provide convenience goods and  
7 services to the surrounding neighborhoods as well as limited comparison shopping goods for  
8 a wider market. The range of comparison goods and services offered is varied and often  
9 includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may  
10 range in height, with height limits generally allowing up to four or five stories. Lots are  
11 generally small to medium in size and lot consolidation is prohibited to preserve the fine grain  
12 character of the district, unless the consolidation creates a corner parcel that enables off-  
13 street parking to be accessed from a side street.

14 Rear yard requirements above the ground story and at residential levels preserve open  
15 space corridors of interior blocks.

16 Commercial uses are required at the ground level and permitted at the second story.  
17 ~~Large Fast Food uses are not permitted.~~

18 Housing development in new buildings is encouraged above the ground story. Existing  
19 residential units are protected by limitations on demolition and upper-story conversions.  
20

## 21 SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

22 ZONING CONTROL TABLE

			Ocean Avenue NCT
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			



...					
737.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>		
737.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor; 15 feet on floors above <u>§ 145.1(e)</u>		
737.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Portions of Ocean Avenue <u>§ 145.4</u>		
737.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	<u>§ 155(r)</u> 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
<b><i>Non-Retail Sales and Services</i></b>					
<b><i>Retail Sales and Services</i></b>					
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)	<del>§ 790.04</del> § 790.4			
...					

## SPECIFIC PROVISIONS FOR OCEAN AVENUE NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 737.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>
<u>§ 737.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u>  <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Ocean Avenue NCT Neighborhood Commercial District.</u> <u>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(e)(3).</u>

## SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

### ZONING CONTROL TABLE

No.	Zoning Category	§ References	Glen Park NCT Controls
<b>BUILDING STANDARDS</b>			

738.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	<del>45-X &amp; 35-X 30-X &amp; 40-X; additional 5' height allowed for ground floor active uses in 30-X and 40-X; See Zoning Map</del>
738.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
738.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above <u>§ 145.1(e)</u>
738.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	<del>Glen Park § 145.4 Required along Diamond Street; Chenery Street</del>
738.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	<del>§ 155(r) NP: Required along Diamond Street, Chenery Street</del>

No.	Zoning Category	§ References	Glen Park NCT		
			Controls by Story		
RETAIL SALES AND SERVICE					
738.42	<i>Full-Service Restaurant</i>	<del>§ 790.92</del>	<u>P</u>		
738.43	<del><i>Large-Fast Food-Limited</i></del> Restaurant	§ 790.90	<u>P</u>		

738.44	<i>Small Self-Service Restaurant</i>	§ 790.91	P		
...	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
738.54					
...					
<del>738.67</del>	<del>Video Store</del>	<del>§ 790.135</del>	<del>C</del>	<del>C</del>	
<del>738.69A</del>	<del>Self-Service Specialty Food</del>	<del>§ 790.93</del>	<del>P</del>		
738.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			

**SPECIFIC PROVISIONS FOR GLEN PARK NCT DISTRICT**

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 738.54</u>	<u>§ 790.60, § 1900 Health Code</u>	<p><b><u>MASSAGE ESTABLISHMENT</u></b></p> <p><i><u>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).</u></i></p>

**SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

...

**SPECIFIC 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.
<del>§ 740.43</del> <del>§ 740.44</del> ...	<del>§ 781.2</del> <del>§ 703.3</del>	<del>IRVING STREET RESTAURANT SUBDISTRICT</del>  <del>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.</del>  <del>Controls: Restaurants are PC; Formula Retail restaurants and Limited Restaurant are NP.</del>

### 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:

1 (a) Restaurants as defined in Section 790.91 of this Code and Bars as defined in  
2 Section ~~780.22- 790.22~~ of this Code may be permitted as a conditional use on the ground level  
3 if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the  
4 Restaurant or Bar does not occupy:

5 (1) a space that is currently or was last occupied by a Basic Neighborhood Sale  
6 or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722  
7 (North Beach Controls); or

8 (2) a vacant space last occupied by a nonconforming use or a permitted  
9 conditional use under Section 722 (North Beach Controls) that has been discontinued or  
10 abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

11 ...

12 **SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT.**

13 In order to preserve the mix and variety of goods and services provided to the Sunset  
14 and Parkside neighborhoods and City residents, prevent further proliferation of restaurant  
15 uses and prevent further aggravation of parking and traffic congestion in this district, there  
16 shall be a Taraval Street Restaurant Subdistrict, generally applicable for the NC-1-zoned  
17 portion of Taraval Street located between 40th and 41st Avenues and between 45th and 47th  
18 Avenues, and for the NC-2-zoned portion of Taraval Street located between 12th and 36th  
19 Avenues, as designated on Sectional Maps ~~SSU and GSU~~ SU05 and SU06 of the Zoning Map.  
20 The following provisions shall apply within such subdistrict:

21 (a) Restaurants and Limited-Restaurants, as defined in Sections 790.90 and 790.91 of  
22 this Code, are permitted as conditional uses on the first story and below.

23 (b) Restaurants and Limited-Restaurants also defined as formula retail, as defined in  
24 Section 703.3 of this Code, shall not be permitted in this subdistrict.

1 (c) The provisions of Sections 180 through 186.1 of this Code shall govern Restaurants  
2 and Limited-Restaurants also defined as formula retail, which existed lawfully at the effective  
3 date of this Code in this subdistrict.  
4

5 ~~SEC. 781.2. IRVING STREET RESTAURANT SUBDISTRICT.~~

6 ~~In order to preserve the mix and variety of goods and services provided to the Sunset neighborhoods~~  
7 ~~and City residents, prevent further proliferation of restaurant uses and prevent further aggravation of~~  
8 ~~parking and traffic congestion in this district, there shall be an Irving Street Restaurant Subdistrict,~~  
9 ~~generally applicable for the NC-2-zoned portion of Irving Street located between 19th and 27th~~  
10 ~~Avenues, as designated on Sectional Maps 5SU and 6SU of the Zoning Map. The following provisions~~  
11 ~~shall apply within such subdistrict: Restaurants, as defined in Section 790.91 of this Code, are~~  
12 ~~permitted as conditional uses on the first story and below.~~  
13

14 **SEC. 781.5. MISSION STREET FORMULA RETAIL RESTAURANT SUBDISTRICT.**

15 In order to preserve the mix and variety of goods and services provided to the Mission  
16 neighborhood and City residents and prevent further proliferation of formula retail restaurant  
17 uses, there shall be a Mission Street Formula Retail Restaurant Subdistrict, generally  
18 applicable for the NC-3-zoned portion of Mission Street between 14th and Randall Streets, as  
19 designated on Sectional Map 7SU of the Zoning Map. The following provisions shall apply  
20 within such subdistrict:

21 (a) A Limited-Restaurant use, as defined by Planning Code Section 790.90, and a  
22 Restaurant Use, as defined by Planning Code Section 790.91, that are also Formula Retail  
23 Uses, as defined in Planning Code Section 703.3, shall not be permitted in this subdistrict.  
24  
25

1 (b) The provisions of Sections 180 through 186.1 of this Code shall govern Formula  
2 Retail Limited-Restaurants and Restaurants which existed lawfully at the effective date of this  
3 Code in this subdistrict.

4  
5 **SEC. 790.22. BAR.**

6 A retail use which provides on-site alcoholic beverage sales for drinking on the  
7 premises, including bars serving beer, wine and/or liquor to the customer where no person  
8 under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 42,  
9 48, or 61) and drinking establishments serving liquor (with ABC licenses 42 or 60) in  
10 conjunction with other uses which admit minors, such as restaurants, movie theaters, and  
11 other entertainment. This use must comply with the controls set forth in Section 703.5.

12  
13 **SEC. 790.55. LIQUOR STORE.**

14 A retail use which sells beer, wine, or distilled spirits to a customer in an open or closed  
15 container for consumption off the premises and which needs a State of California Alcoholic  
16 Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general)  
17 This classification shall not include retail uses that:

18 (~~a 1~~) are ~~both~~ (1 a) classified as a general grocery store use as set forth in Section  
19 790.102(a), or a specialty grocery store use as set forth in Section 790.102(b), and (2 b) have  
20 a gross floor area devoted to alcoholic beverages that is within the accessory use limits set  
21 forth in Section 703.2(b)(1)(C)(vi); or

22 (b 2) have ~~both~~ (1 a) a use size as defined in Section 790.130 of this Code of greater  
23 than 10,000 gross square feet and (2 b) a gross floor area devoted to alcoholic beverages  
24 that is within accessory use limits as set forth in Section 204.2 or 703.2(b)(1)(c) of this Code,  
25 depending on the zoning district in which the use is located.



1 (c) For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784,  
2 the retail uses explicitly exempted from this definition as set forth above shall only apply to  
3 general grocery and specialty grocery stores that exceed 5,000s/f in size, ~~shall that do~~ not:

4 (1 ~~a~~) sell any malt beverage with an alcohol content greater than 5.7% by  
5 volume; any wine with an alcohol content of greater than 15% by volume, except for "dinner  
6 wines" that have been aged two years or more and maintained in a corked bottle; or any  
7 distilled spirits in container sizes smaller than 600 ml;

8 (2 ~~b~~) devote more than 15% of the gross square footage of the establishment to  
9 the display and sale of alcoholic beverages; and

10 (3 ~~e~~) sell single servings of beer in container sizes 24 oz. or smaller.

11  
12 **SEC. 790.60. MASSAGE ESTABLISHMENT.**

13 ~~A retail use as defined in Section 1900 of the Health Code, except a use that is a sole~~  
14 ~~proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where~~  
15 ~~the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600~~  
16 ~~et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization,~~  
17 ~~pursuant to the California Business and Professions Code Section 4600 et seq., provided that the~~  
18 ~~massage establishment has first obtained a permit from the Department of Public Health pursuant to~~  
19 ~~Section 1908 of the San Francisco Health Code, and provided that:~~

20 ~~(a) The massage use is accessory to a principal use, if the massage use is accessed by the~~  
21 ~~principal use and: (1) the principal use is a dwelling unit and the massage use conforms to the~~  
22 ~~requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the~~  
23 ~~principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more~~  
24  
25

1 rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as  
2 defined in Section 790.44 of this Code, or

3 ~~(b) the only massage service provided is chair massage, such service is visible to the public, and~~  
4 ~~customers are fully clothed at all times.~~

5 ~~(c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use~~  
6 ~~shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this~~  
7 ~~Code. When considering an application for a conditional use permit pursuant to this subsection, the~~  
8 ~~Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following~~  
9 ~~criteria:~~

10  
11 ~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a~~  
12 ~~Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San~~  
13 ~~Francisco Health Code;~~

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

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

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

5       ~~(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive~~  
6 ~~provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the~~  
7 ~~City.~~

8       (a) Definition. Massage establishments are defined by Section 1900 of the San Francisco  
9 Health Code. The massage establishment shall first obtain a permit from the Department of Public  
10 Health pursuant to Section 1908 of the San Francisco Health Code.

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

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

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

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

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

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

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

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

7  
8 (3) California State Certification. A State certified massage establishment, as defined  
9 by Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in  
10 California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is  
11 certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that  
12 employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the  
13 California Business and Professions Code Section 4600 et seq., shall be regulated as a "Medical  
14 Service" use as defined by Section 790.114 or 890.114 provided that the massage establishment has  
15 first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San  
16 Francisco Health Code.

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

22 **SEC. 790.90. LIMITED-RESTAURANT.**

23 (a) A retail eating and/or drinking use which serves ~~ready-to-eat~~ foods and/or drinks to  
24 customers for consumption on or off the premises, that may or may not have seating. It may  
25

1 include wholesaling, manufacturing, or processing of foods, goods, or commodities on the  
2 premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v).

3 (b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens,  
4 and confectioneries meeting the above characteristics but is distinct from a Restaurant, as  
5 defined in Section 790.91, and a Bar, as defined in Section 790.22. It may also operate as a  
6 Take-Out Food use as defined in Section 790.122.

7 (c) It shall not provide on-site beer and/or wine sales for consumption on the premises,  
8 but may provide off-site beer and/or wine sales for consumption off the premises with a  
9 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within  
10 the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi). This use must comply with the  
11 controls set forth in Section 703.5.

### 12 13 **SEC. 790.91. RESTAURANT.**

14 A retail eating or eating and drinking use which serves ~~prepared, ready to eat cooked~~ foods to  
15 customers for consumption on or off the premises and which has seating. It may have a  
16 Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental  
17 use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with  
18 ABC licenses 41, 47, 59, or 75); however, if it does so it shall be required to operate as a  
19 Bona Fide Eating Place as defined in Section 790.142. It is distinct and separate from the  
20 Limited-Restaurant definition, as defined in Sections 790.90 of this Code. This use must comply  
21 with the controls set forth in section 703.5.

22 It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1)  
23 so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated  
24 outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set  
25 forth elsewhere in this Code.

1       **SEC. 790.123. TOBACCO PARAPHERNALIA ESTABLISHMENT**

2       A Tobacco Paraphernalia Establishment shall be, as established in Section 227(v) of this  
3       code, a retail use where more than 10% of the square footage of occupied floor area, as  
4       defined in Section 102.10, or more than 10 linear feet of display area projected to the floor,  
5       whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of  
6       Tobacco Paraphernalia from one person to another. For purposes of Sections 719, 719.1,  
7       786, 723 and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail  
8       uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished or marketed from  
9       one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or  
10      instruments that are designed or manufactured for the smoking, ingesting, inhaling, or  
11      otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled  
12      substances as defined in California Health and Safety Code Sections 11054 et seq. "Tobacco  
13      Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store  
14      or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of  
15      tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in  
16      Section ~~3201(f)~~ 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia  
17      Establishments.

18      **SEC. 802.2. SPECIAL USE DISTRICTS.**

19      Portions of the area covered by this Article are also subject to the provisions of Section 235  
20      ~~236~~ of this Code.

21  
22      **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

23      ...

24      (b) **Use Limitations.** Uses in Chinatown Mixed Use Districts are either permitted,  
25      conditional, accessory, temporary, or are not permitted.

1           **(1) Permitted Uses.** All permitted uses in Chinatown Mixed Use Districts shall  
2 be conducted within an enclosed building, unless otherwise specifically allowed in this Code.  
3 Exceptions from this requirement are: accessory off-street parking and loading; uses which,  
4 when located outside of a building, qualify as an outdoor activity area, as defined in Section  
5 890.71 of this Code; as Neighborhood Agriculture, as defined in Section 102.35; and uses  
6 which by their nature, are to be conducted in an open lot or outside a building, as described in  
7 Sections 890 through 890.140 of this Code. If there are two or more uses in a structure and  
8 none is classified under Section 803.2(b)(1)(C) of this Code as accessory, then each of these  
9 uses will be considered separately as an independent permitted, conditional, temporary or not  
10 permitted use.

11           **(A) Principal Uses.** Principal uses are permitted as of right in a  
12 Chinatown Mixed Use District, when so indicated in Sections 810.1 through 812.96 of this  
13 Code for each district class.

14           **(B) Conditional Uses.** Conditional uses are permitted in a Chinatown  
15 Mixed Use District when authorized by the Planning Commission; whether a use is conditional  
16 in a given district is indicated in Sections 810 through 812. Conditional uses are subject to the  
17 provisions set forth in Section 303 of this Code. In the case of formula retail uses, the  
18 provisions of Planning Code Section 303(i) shall apply.

19                   (i) An establishment which sells beer and wine with motor vehicle  
20 fuel is a conditional use; and shall be governed by Section 229.

21                   (ii) Any use or feature which lawfully existed and was permitted as  
22 a principal or conditional use on the effective date of these controls which is not otherwise  
23 nonconforming or noncomplying as defined in Section 180 of this Code, and which use or  
24 feature is not permitted under this Article is deemed to be a permitted conditional use subject  
25 to the provisions of this Code.

1 (iii) Notwithstanding any other provision of this Article, a change in  
2 use or demolition of a movie theater use, as set forth in Section 890.64, shall require  
3 conditional use authorization. This Subsection shall not authorize a change in use if the new  
4 use or uses are otherwise prohibited.

5 (iv) Notwithstanding any other provision of this Article, a change in  
6 use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as  
7 further defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall  
8 require conditional use authorization. This Subsection shall not authorize a change in use if  
9 the new use or uses are otherwise prohibited.

10 (v) Installing a garage in an existing residential building of four or  
11 more units requires a mandatory discretionary review hearing by the Planning Commission;  
12 Section 311 notice is required for a building of less than four units. In approving installation of  
13 the garage, the Planning Commission shall find that:

14 ~~(a. 1)~~ the proposed garage opening/addition of off-street  
15 parking will not cause the "removal" or "conversion of residential unit," as those terms are  
16 defined in Section 317 of this Code;

17 ~~(b. 2)~~ the proposed garage opening/addition of off-street  
18 parking will not substantially decrease the livability of a dwelling unit without increasing the  
19 floor area in a commensurate amount;

20 ~~(c. 3)~~ the building has not had two or more "no-fault"  
21 evictions, as defined in Section 37.9(a)(7) - (13) of the San Francisco Administrative Code,  
22 with each eviction associated with a separate unit(s) within the past ten years, and

23 ~~(d. 4)~~ the proposed garage/addition of off-street parking  
24 installation is consistent with the Priority Policies of Section 101.1 of this Code.  
25



1 Prior to the Planning Commission hearing, or prior to issuance of notification under Section  
2 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project  
3 sponsor attesting to a., b., ~~(1)~~, ~~(2)~~, and c. ~~(3)~~ above, which the Department shall independently  
4 verify. The Department shall also have made a determination that the project complies with d.  
5 ~~(4)~~ above.

6 ~~(vi)(v)~~ Large-Scale Urban Agriculture, as defined in Section  
7 102.35(b), shall require conditional use authorization.

8 (C) **Accessory Uses.** Subject to the limitations set forth below and in  
9 Sections 204.1 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and  
10 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the  
11 operation or enjoyment of a lawful principal use or conditional use or is appropriate, incidental  
12 and subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an  
13 accessory use when located on the same lot. Any use not qualified as an accessory use shall  
14 only be allowed as a principal or conditional use, unless it qualifies as a temporary use under  
15 Sections 205 through 205.2 of this Code.

16 No use in a Chinatown Mixed Use District will be considered accessory to a principal use  
17 which involves or requires any of the following:

18 (i) The use of more than 1/3 of the total floor area occupied by both  
19 the accessory use and the principal use to which it is accessory, combined, except in the case  
20 of accessory off-street parking;

21 (ii) Any bar or restaurant, or any other retail establishment which  
22 serves liquor for consumption on-site;

23 (iii) Any take-out food use, except for a take-out food use which  
24 occupies 100 square feet or less (including the area devoted to food preparation and service  
25 and excluding storage and waiting areas) in a retail grocery or specialty food store;

1 (iv) The wholesaling, manufacturing or processing of foods, goods,  
2 or commodities on the premises of an establishment which does not also provide for primarily  
3 retail sale of such foods, goods or commodities at the same location where such wholesaling,  
4 manufacturing or processing takes place.

5 (v) Medical Cannabis Dispensaries as defined in 890.133.

6 ~~(vi)(+)~~ Any other entertainment use, as defined in Section 890.37,  
7 except for one that involves a Limited Live Performance Permit as set forth in Police Code  
8 Section 1060 et seq.

9 No part of this subsection (C) shall prohibit take-out food activity which  
10 operates in conjunction with a fast-food restaurant. A fast-food restaurant, by definition,  
11 includes take-out food as an accessory and necessary part of its operation.

12 (D) **Temporary Uses.** Uses not otherwise permitted are permitted in  
13 Chinatown Mixed Use Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this  
14 Code.

15 (2) **Not Permitted Uses.**

16 (A) Uses which are not listed in this Article are not permitted in a  
17 Chinatown Mixed Use District unless determined by the Zoning Administrator to be permitted  
18 uses in accordance with Section 307(a) of this Code.

19 (B) No use, even though listed as a permitted use or otherwise allowed,  
20 shall be permitted in a Chinatown Mixed Use District which, by reason of its nature or manner  
21 of operation, creates conditions that are hazardous, noxious, or offensive through the  
22 emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried  
23 waste, or excessive noise.

1 (C) The establishment of a use that sells alcoholic beverages, other than  
2 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by  
3 Section 229.

4 (D) No off-street parking garage installations or new curb cuts are  
5 permitted on the alleyways in the Chinatown Mixed-Use Districts.  
6

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

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

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

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

20 (A) **Principal Uses.** Principal uses are permitted as of right in an Eastern  
21 Neighborhood Mixed Use District and South of Market Mixed Use District, when so indicated  
22 in Sections 813 through 818 and 840 through 843 of this Code for the district. Additional  
23 requirements and conditions may be placed on particular uses as provided pursuant to  
24 Section 803.5 through 803.9 and other applicable provisions of this Code.  
25

1 (B) **Conditional Uses.** Conditional uses are permitted in an Eastern  
2 Neighborhood Mixed Use District and South of Market Mixed Use District, when authorized by  
3 the Planning Commission; whether a use is conditional in a given district is generally indicated  
4 in Sections 813 through 818 and 840 through 843 of this Code. Conditional uses are subject  
5 to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316, and 803.5  
6 through 803.9 of this Code.

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

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

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

18 (iv) Large-Scale Urban Agriculture, as defined in Section  
19 102.35(b), shall require conditional use authorization.

20 (C) **Accessory Uses.** Subject to the limitations set forth below and in  
21 Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory  
22 Uses for Uses Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other  
23 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is  
24 a related minor use which is either necessary to the operation or enjoyment of a lawful  
25 principal use or conditional use, or is appropriate, incidental and subordinate to any such use,

1 and shall be permitted as an accessory use in an Eastern Neighborhoods Mixed Use District  
2 and South of Market Mixed Use District. In order to accommodate a principal use which is  
3 carried out by one business in multiple locations within the same general area, such  
4 accessory use need not be located in the same structure or lot as its principal use provided  
5 that (1) the accessory use is located within 1,000 feet of the principal use; and (2) the multiple  
6 locations existed on April 6, 1990 (the effective date of this amendment). Accessory uses to  
7 non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or  
8 on a different story as the principal use so long as the accessory use is located in the same  
9 building as the principal use and complies with all other restrictions applicable to such  
10 accessory uses. Any use which does not qualify as an accessory use shall be classified as a  
11 principal use.

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

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

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

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

1 (iv) Any sign not conforming to the limitations of Section  
2 607.2(f)(3).

3 (v) Medical Cannabis Dispensaries as defined in 890.133.

4 ~~(vi)(v)~~ Any nighttime entertainment use, as defined in Section  
5 102.17; provided, however, that a Limited Live Performance Permit as set forth in Police Code  
6 Section 1060 et seq. is allowed in any District except for (a) an SLI District that is included in  
7 the Western SoMa Planning Area Special Use District or (b) an RED, RSD, SLR, MUR, or  
8 MUG District.

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

12  
13 **SEC. 803.6. FORMULA RETAIL USES IN THE *MUG DISTRICT*, *UMU DISTRICT*,**  
14 **CHINATOWN MIXED USE DISTRICTS, AND IN THE WESTERN SOMA PLANNING AREA**  
15 **SPECIAL USE DISTRICT.**

16 (a) **Findings.**

17 (1) San Francisco is a city of diverse and distinct neighborhoods identified in  
18 large part by the character of their commercial areas.

19 (2) San Francisco needs to protect its vibrant small business sector and create a  
20 supportive environment for new small business innovations. One of the eight Priority Policies  
21 of the City's General Plan resolves that "existing neighborhood-serving retail uses be  
22 preserved and enhanced and future opportunities for resident employment in and ownership  
23 of such businesses enhanced."

24 (3) Retail uses are the land uses most critical to the success of the City's  
25 commercial districts.

1 (4) Formula retail businesses are increasing in number in San Francisco, as  
2 they are in cities and towns across the country.

3 (5) Money earned by independent businesses is more likely to circulate within  
4 the local neighborhood and City economy than the money earned by formula retail businesses  
5 which often have corporate offices and vendors located outside of San Francisco.

6 (6) Formula retail businesses can have a competitive advantage over  
7 independent operators because they are typically better capitalized and can absorb larger  
8 startup costs, pay more for lease space, and commit to longer lease contracts. This can put  
9 pressure on existing businesses and potentially price out new startup independent  
10 businesses.

11 (7) San Francisco is one of a very few major urban centers in the state in which  
12 housing, shops, work places, schools, parks and civic facilities intimately co-exist to create  
13 strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and  
14 the City's mix of architecture contributes to a strong sense of neighborhood community within  
15 the larger City community.

16 (8) Notwithstanding the marketability of a retailer's goods or services or the  
17 visual attractiveness of the storefront, the standardized architecture, color schemes, decor  
18 and signage of many formula retail businesses can detract from the distinctive character of  
19 certain neighborhood commercial and mixed use districts.

20 (9) The increase of formula retail businesses in the City's neighborhood  
21 commercial and mixed use areas, if not monitored and regulated, will hamper the City's goal  
22 of a diverse retail base with distinct neighborhood retailing personalities comprised of a mix of  
23 businesses. Specifically, the unregulated and unmonitored establishment of additional formula  
24 retail uses may unduly limit or eliminate business establishment opportunities for smaller or  
25 medium-sized businesses, many of which tend to be non-traditional or unique, and unduly

1 skew the mix of businesses towards national retailers in lieu of local or regional retailers,  
2 thereby decreasing the diversity of merchandise available to residents and visitors and the  
3 diversity of purveyors of merchandise.

4 (b) **Formula Retail Uses.**

5 (1) **Formula Retail Uses Permitted as a Conditional Use.** Formula retail uses  
6 are permitted in the MUG District, UMU District, Western SoMA Planning Area Special Use  
7 District, the Chinatown Community Business District and the Chinatown Residential  
8 Neighborhood Commercial District only as a conditional use. When considering an application  
9 for a conditional use permit under this Section, the Planning Commission shall consider the  
10 criteria defined in Section 303(i) of this Code.

11 (2) **Formula Retail Uses Prohibited.** The establishment of new formula retail  
12 uses in the Chinatown Visitor Retail District is prohibited. The establishment of new  
13 Restaurant or Limited-Restaurant uses that are also defined as formula retail in any  
14 Chinatown Mixed Use Districts is prohibited.

15 ....  
16 **SEC. 803.7. PERMIT REVIEW PROCEDURES IN THE WESTERN SOMA PLANNING**  
17 **AREA SPECIAL USE DISTRICT ESTABLISHED PURSUANT TO SECTION 823 OF THIS**  
18 **CODE.**

19 All building permit applications for demolition, new construction, alterations which expand the  
20 exterior dimensions of a building, or changes in use to a formula retail use as defined in  
21 Section 803.6 of this Code, a bar as defined in Section ~~890.22~~ 790.22, a walk-up facility as  
22 defined in Section 890.140, other institution as defined in Section 890.50, ~~a full service~~  
23 ~~restaurant as defined in Section 890.92, a large fast food restaurant as defined in Section 890.91, a~~  
24 ~~small fast food restaurant as defined in Section 890.90, a limited restaurant as defined in Section~~  
25 ~~790.90, a restaurant as defined in Section 790.91,~~ a massage establishment as defined in Section



1 890.60, an outdoor activity area as defined in Section 890.71, or an adult or other  
2 entertainment use as defined in Sections 890.36 and 890.37, respectively, shall be subject to  
3 the notification and review procedures required by Section 312 of this Code.  
4

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

6 ...

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

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

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

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

15 **(4) Controls.**

16 (A) **Designated Office Story or Stories.** Office uses are not permitted  
17 on the ground floor, except as specified in Sections 840.65A and 843.65A. Office uses may  
18 be permitted on stories above the ground floor if they are designated as office stories. On any  
19 designated office story, office uses are permitted, subject to any applicable use size  
20 limitations. On any story not designated as an office story, office uses are not permitted.  
21 When an office use is permitted on the ground floor per Sections ~~840.065A~~ 840.65A and  
22 843.65A, it shall not be considered a designated office story for the purposes of Subsection ~~D~~  
23 (h)(4)(D) below.

24 (B) **Timing of designation.** In the case of new construction, any  
25 designated office story or stories shall be established prior to the issuance of a first building

1 permit or along with any associated Planning Commission action, whichever occurs first. In  
2 the case of buildings that were constructed prior to the effective date of this Section, any such  
3 story or stories shall be designated prior to the issuance of any building permit for new or  
4 expanded office uses or along with any associated Planning Commission action, whichever  
5 occurs first.

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

12 (D) **Maximum Number of Designated Stories.** The maximum number of  
13 designated office stories shall correspond to the total number of stories in a given building, as  
14 set forth in the table below. The designation of a particular story shall apply to the total floor  
15 area of that story and no partial designation, split designation, or other such subdivision of  
16 designated floors shall be permitted. For the purposes of the following table, the total number  
17 of stories in a given building shall be counted from grade level at curb and shall exclude any  
18 basements or below-grade stories.

19 **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.**

			<b>Chinatown Community Business District</b>		
No.	Zoning Category	§ References	1st	2nd	3rd+
<b>Retail Sales and Service</b>					
...					
.54	Massage Establishment	§ 890.60 § 1900 Health Code	C#	C#	C#
...					

**SPECIFIC PROVISIONS FOR  
CHINATOWN COMMUNITY BUSINESS DISTRICT**

<b>Section</b>		<b>Zoning Controls</b>
...		
<u>§ 810.54</u>	<u>§ 890.60,</u> <u>§ 1900</u>	

	<u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>
		<u>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).</u>

TABLE 811. CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE.

			Chinatown Visitor Retail District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
<b>Retail Sales and Service</b>					
...					
.54	Massage Establishment	§ 890.60 § 1900 Health Code	C#	C#	C#
...					

**SPECIFIC PROVISIONS FOR  
CHINATOWN VISITOR RETAIL DISTRICT**

Section		Zoning Controls
...		
<u>§ 811.54</u>	<u>§ 890.60.</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>
...		

**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+
<b>Retail Sales and Service</b>					
...					
.45	Take-Out Food	§ <del>890.122</del> 790.122	C		
...					

.54	Massage Establishment	§ 890.60 § 1900 Health Code	C#		
...					

SPECIFIC PROVISIONS FOR  
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

Section		Zoning Controls
...		
<u>§ 812.54</u>	<u>§ 890.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>  <u>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).</u>
...		

TABLE 815. RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT

ZONING CONTROL TABLE.

No.	Zoning Category	§ References	Residential/Service Mixed Use Districts
			Controls
Retail Sales and Service			

...			
815.34A	Massage Establishment	§ 890.60 § 1900 Health <del>Care</del> <u>Code</u>	C#
...			

...  
**SPECIFIC PROVISIONS FOR  
 RESIDENTIAL/SERVICE MIXED USE DISTRICTS**

<u>Section</u>		<u>Zoning Controls</u>
...		
§ 815.34A	§ 890.60, § 1900 Health Code	<p><del>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</del></p> <p><u>MASSAGE ESTABLISHMENT</u></p> <p><u>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.</u></p> <p><u>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</u></p>

		Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §303(o) and 890.60(b).
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### **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 ~~by~~ by Sections ~~803.6~~ 803.6 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.*

#### **(I) 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*



1 given district is indicated in the Section of this Code governing the individual DTR District.

2 Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303,  
3 316, and 803.5 of this Code.

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

8 (C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1,  
9 and elsewhere in this Code, an accessory use is a related minor use which is either necessary to the  
10 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and  
11 subordinate to any such use, and shall be permitted as an accessory use in a Downtown Residential  
12 district. In order to accommodate a principal use which is carried out by one business in multiple  
13 locations within the same general area, such accessory use need not be located in the same structure or  
14 lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal  
15 use, (2) the multiple locations existed on the effective date of this amendment; and (3) the existence of  
16 the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the  
17 effective date of this amendment. Any use, which does not qualify as an accessory use, shall be  
18 classified as a principal use. No use will be considered accessory to a principal use, which involves or  
19 requires any of the following:

20 (i) The use of more than one-third of the total occupied floor area which  
21 is occupied by both the accessory use and principal use to which it is accessory, combined, except in  
22 the case of accessory off-street parking or loading which shall be subject to the provisions of Sections  
23 151, 151.1, 156 and 157 of this Code;

24 (ii) Nighttime entertainment, massage establishment, or movie theater  
25 use;

1                    (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

2                    (D) Temporary Uses. Temporary uses not otherwise permitted are permitted in  
3 Downtown Residential districts to the extent authorized by Sections 205 through 205.4 of this Code.

4                    (E) Prohibited Uses.

5                    (i) Uses which are specifically listed as Not Permitted (NP) in any  
6 Section governing an individual DTR District are not permitted. The use provisions of an individual  
7 DTR District shall apply in case of conflict with use limitations in Section 825. Signs not specifically  
8 permitted in Article 6 are not permitted.

9                    (ii) No use, even though listed as a permitted use or otherwise allowed,  
10 shall be permitted in a Downtown Residential district which, by reason of its nature or manner of  
11 operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor,  
12 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

13                    (iii) The establishment of a use that sells alcoholic beverages, other than  
14 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

15                    (2) Residential Use Controls.

16                    Unless otherwise specified in a Section governing an individual DTR district, the following residential  
17 use controls shall apply:

18                    (A) Required Residential to Non-Residential Use Ratio. For newly constructed  
19 buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, at  
20 least six occupiable square feet of residential use shall be provided for each occupiable square foot of  
21 non-residential use, excluding accessory parking, on any lot legally existing. Hotels, inns, or hostels as  
22 defined under Section 209.2(d) and (e), time-share or fractional-ownership condominiums, and  
23 lawfully existing live/work units shall be considered as non-residential uses for the purpose of this  
24 section, and do not satisfy the residential requirement. Exemption from the required use ratio for  
25 building additions of less than 20 percent may not be granted for any single lot if such an exemption

1 would increase the total square footage of the building to an amount 20 percent greater than existed on  
2 the lot since the adoption of this Section.

3 (B) For newly constructed buildings or additions, which exceed 20 percent or  
4 more of an existing structure's gross floor area, all building area above 85 feet in height shall be  
5 devoted to residential use.

6 (C) Residential Density. There shall be no density limit for residential uses in  
7 Downtown Residential districts. The provisions of Sections 207 through 208 related to residential  
8 density shall not apply.

9 (d) Reduction of Ground Level Wind Currents.

10 (1) Requirement. New buildings and additions to existing buildings shall be shaped, or  
11 other wind-baffling measures shall be adopted, so that the developments will not cause ground-level  
12 wind currents to exceed, more than 10 percent of the time year-round, between 7:00 a.m. and 6:00  
13 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and  
14 seven m.p.h. equivalent wind speed in public seating areas. The term "equivalent wind speed" shall  
15 mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on  
16 pedestrians.

17 (2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed  
18 building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be  
19 designed to reduce the ambient wind speeds to meet the requirements.

20 (3) Exception. The Zoning Administrator may allow the building or addition to add to  
21 the amount of time the comfort level is exceeded by the least practical amount if (i) it can be shown that  
22 a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet  
23 the foregoing requirements without creating an unattractive and ungainly building form and without  
24 unduly restricting the development potential of the building site in question, and (ii) the Zoning  
25 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**

<u>Section</u>		<u>Zoning Controls</u>
<u>§ 827.35</u>	<u>§ 890.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>

		<p><i><u>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).</u></i></p>
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...

**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 <u>Article 29 § 1900</u>	C#
...		Health Code	

...

**SPECIFIC PROVISIONS FOR  
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT**

<u>Section</u>		<u>Zoning Controls</u>
§ 829.35	§ 890.60, § 1900 Health Code	<u>MESSAGE ESTABLISHMENT</u>  <u>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).</u>

#### **SEC. 890.60. MESSAGE 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~~

1 *Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following*  
2 *criteria:*

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

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

13 ~~—— (3) Whether the use includes pedestrian oriented lighting. Well lit establishments where~~  
14 ~~lighting is installed and maintained along all public rights of way adjacent to the building with the~~  
15 ~~massage use during the post sunset hours of the massage use are encouraged;~~

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

20  
21 ~~—— (d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive~~  
22 ~~provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the~~  
23 ~~City.~~

1           (a) Definition. Massage establishments are defined by Section 1900 of the San Francisco  
2           Health Code; provided that the massage establishment has first obtained a permit from the Department  
3           of Public Health pursuant to Section 1908 of the San Francisco Health Code.

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

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

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

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

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

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

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

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



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

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

#### 15                   **SEC. 890.123. TOBACCO PARAPHERNALIA ESTABLISHMENT**

16                   A Tobacco Paraphernalia Establishment shall be, as established in Section 227(v) of this  
17 Code, a retail use where more than 10% of the square footage of occupied floor area, as  
18 defined in Section 102.10, or more than 10 linear feet of display area projected to the floor,  
19 whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of  
20 Tobacco Paraphernalia from one person to another. "Tobacco Paraphernalia" means  
21 paraphernalia, devices, or instruments that are designed or manufactured for the smoking,  
22 ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from  
23 tobacco, or controlled substances as defined in California Health and Safety Code Sections  
24 11054 et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders,  
25

1 any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or  
2 any other preparation of tobacco that is permitted by existing law. Medical Cannabis  
3 Dispensaries, as defined in Section ~~3201(f)~~ 3301(f) of the San Francisco Health Code, are not  
4 Tobacco Paraphernalia Establishments.

5  
6 **SEC. 890.124. TRADE SHOP.**

7 A retail service use which provides custom-crafted goods and/or services for sale directly  
8 to the consumer, reserving some storefront space for display and retail service; if conducted  
9 within an enclosed building having no openings other than fixed windows or exits required by  
10 law located within 50 feet of any R District. A trade shop includes, but is not limited to:

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

13 (b) Upholstery services;

14 (c) Carpentry;

15 (d) Printing of a minor processing nature, including multicopy and blueprinting  
16 services and printing of pamphlets, brochures, resumes and small reports, but excluding  
17 printing of books, magazines or newspapers;

18 (e) Tailoring; and

19 (f) Other artisan craft uses, including fine arts uses.

20 (g) Within the South of Market Districts, arts activities falling within Section 102.2  
21 shall not be considered trade shops.

22 (g) (h) Within South of Market and Eastern Neighborhoods Mixed Use Districts, this use  
23 shall include the offices of building, plumbing, electrical, painting, masonry, roofing, furnace or  
24 pest control contractors and storage of incidental equipment and supplies used by them, if  
25 located entirely within an enclosed building having no openings other than fixed windows or

1 exits required by law within 50 feet of an R District. No processing of building materials, such  
2 as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking,  
3 loading and unloading of all vehicles used by the contractor shall be located entirely within the  
4 building containing the use.

5 (i) Within the Chinatown Mixed Use Districts, it does not include any shop which uses a  
6 single machine of more than five horsepower capacity, or a shop in which the mechanical  
7 equipment, together with related floor space used primarily by the operators of such  
8 equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use. A  
9 trade shop is distinct from light manufacturing, as defined in Section 890.54(a) of this Code.

10  
11 **SEC. 911. MISSION BAY NEIGHBORHOOD COMMERCIAL SHOPPING CENTER**  
12 **DISTRICT (MB-CN-S).**

13 The MB-CN-S Districts are located at the northwest corner of 3rd and 16th Street and the  
14 northeast corner of 3rd and Mariposa Streets. They are intended to provide retail goods and  
15 services for car-oriented shoppers from a wide market area as well as from Mission Bay.  
16 Although nonresidential uses are not limited as to story, the districts are expected to contain  
17 one story to two story buildings (one being a supermarket) with a substantial amount of off-  
18 street parking above or adjacent to the building. Residential use is permitted in both locations.  
19 Light industrial uses are permitted in the 3rd and Mariposa location as a conditional use.  
20 Live/work units are permitted in the 3rd and 16th Streets location.

21 TABLES 909, 910, 911  
22 MISSION BAY NEIGHBORHOOD COMMERCIAL DISTRICTS  
23 (MB-NC-2, MB-NC-3 and MB-CN-S) CONTROL TABLES  
24 ...

25 **NONRESIDENTIAL USES**

No.	Zoning Category	§ References	§ 909 MB-NC-2	§ 910 MB-NC-3	§ 911 MB-NC-S
...					
.52	<i>Full Service Restaurant</i>	§ 790.92	P	P	
.53	<i>Large Fast Food Limited Restaurant</i>	§ 790.90	CP	P	P
.54	<i>Small Self-Service Restaurant</i>	§ 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
	<i>Full Service, Small Self-Service Restaurant Limited Restaurant, Restaurant</i>	§ 790.92 790.90, 790.91	P
...			

## TEMPORARY LAND USE CONTROLS

*In order of expiration date*

*Status as of August 1, 2002*

<i>Expiration</i>	<i>Subject</i>	<i>File Number</i>	<i>Legislation</i>
<i>12/2/2002</i>	<i>Interim controls regulating certain uses in the Mission District in the area bounded by Guerrero Street, Cesar 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</i>	<i>011363</i>	<i>Res. 841-01</i>
<i>2/1/2003</i>	<i>Interim controls regulating certain industrially-zoned properties on Third Street between Islais Creek and Paul Street</i>	<i>011373</i>	<i>Res. 63-02</i>
<i>3/9/2003</i>	<i>Visitacion Valley interim controls extension</i>	<i>020207</i>	<i>Res. 101-02</i>
<i>7/7/2003</i>	<i>Interim controls regulating, amending, and extending certain uses in the Mission District.</i>	<i>020916</i>	<i>Res. 500-02</i>

*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.

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

3           ....

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

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

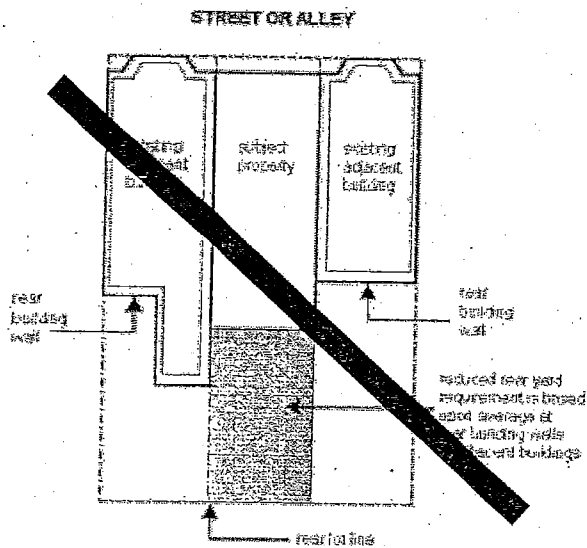
23          (2) Alternative Method of Averaging. If, under the rule stated in Paragraph  
24          (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively  
25          be averaged in an irregular manner; provided that the area of the resulting reduction shall be

1 no more than the product of the width of the subject lot along the line established by  
2 Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph  
3 (c)(1); and provided further that all portions of the open area on the part of the lot to which the  
4 rear yard reduction applies shall be directly exposed laterally to the open area behind the  
5 adjacent building having the lesser depth of its rear building wall.

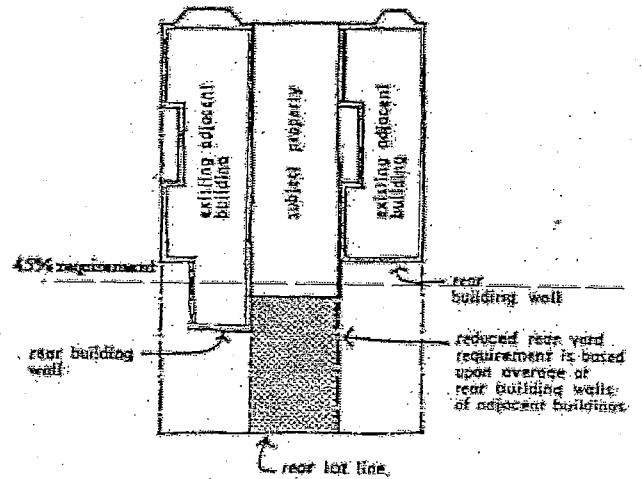
6 (3) Method of Measurement. For purposes of this Subsection (c), an "adjacent  
7 building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all  
8 cases the location of the rear building wall of an adjacent building shall be taken as the line of  
9 greatest depth of any portion of the adjacent building which occupies at least  $\frac{1}{2}$  the width  
10 between the side lot lines of the lot on which such adjacent building is located, and which has  
11 a height of at least 20 feet above grade, or two stories, whichever is less, excluding all  
12 permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining  
13 the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an  
14 RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P  
15 District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be  
16 considered to have an adjacent building upon it whose rear building wall is at a depth equal to  
17 75 percent of the total depth of the subject lot.

18 (4) Applicability to Special Lot Situations. In the following special lot situations,  
19 the general rule stated in Paragraph (c)(1) above shall be applied as provided in this  
20 Paragraph (c)(4), and the required rear yard shall be reduced if conditions on the adjacent lot  
21 or lots so indicate and if all other requirements of this Section 134 are met.  
22  
23  
24  
25

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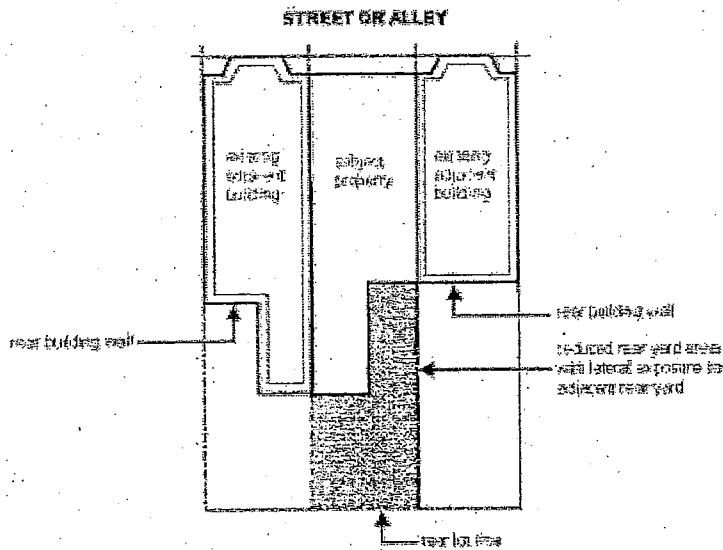
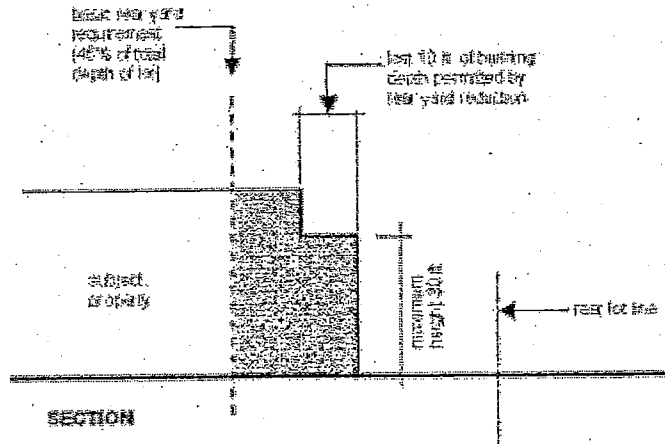


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(A) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject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

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

10                   **(C) Through Lots Abutting Properties that Contain Two Buildings.**  
11 Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a  
12 street and an alley, and both adjoining lots are also through lots, each containing two  
13 dwellings or group housing structures that front at opposite ends of the lot, the subject through  
14 lot may also have two buildings according to such established pattern, each fronting at one  
15 end of the lot, provided all the other requirements of this Code are met. In such cases the rear  
16 yard required by this Section 134 for the subject lot shall be located in the central portion of  
17 the lot, between the two buildings on such lot, and the depth of the rear wall of each building  
18 from the street or alley on which it fronts shall be established by the average of the depths of  
19 the rear building walls of the adjacent buildings fronting on that street or alley. In no case,  
20 however, shall the total minimum rear yard for the subject lot be thus reduced to less than a  
21 depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet,  
22 whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is  
23 applied, the requirements of Section 132 of this Code for front setback areas shall be  
24 applicable along both street or alley frontages of the subject through lot.

25                   *[Note to publisher: Existing graphics are omitted here and remain unchanged.]*

1           **SEC. 144. STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.**

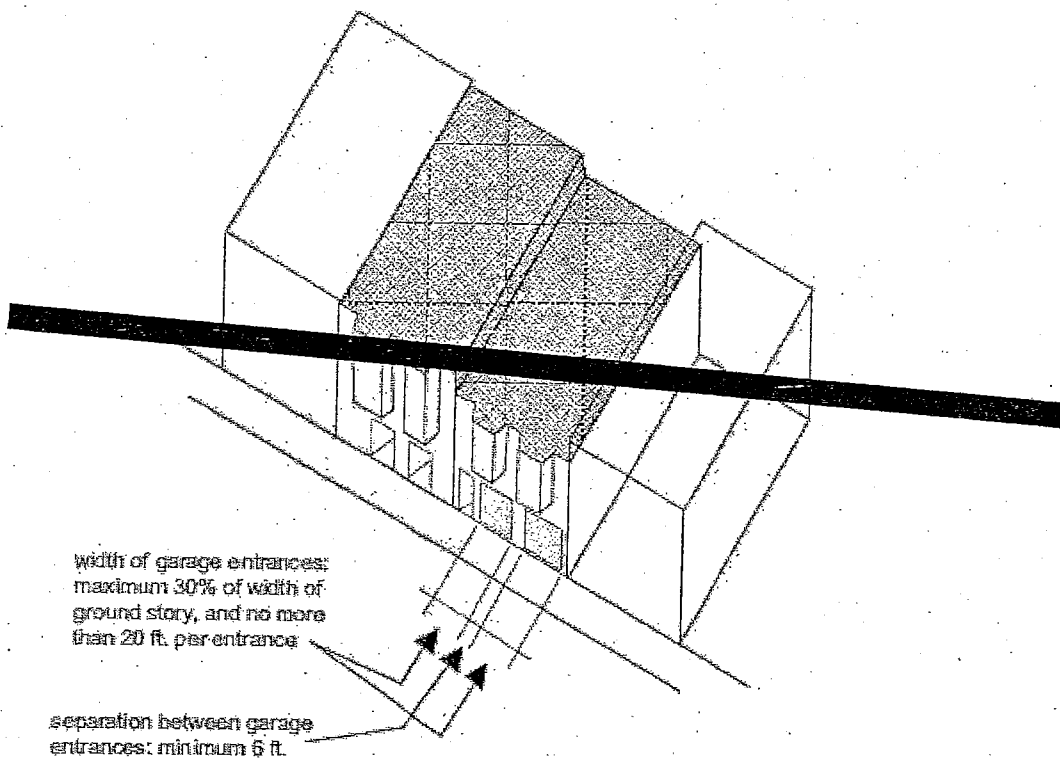
2           (a) Purpose. This Section is enacted to assure that in RH, RM, RTO and RTO-M  
3 Districts the ground story of dwellings as viewed from the street is compatible with the scale  
4 and character of the existing street frontage, visually interesting and attractive in relation to  
5 the pattern of the neighborhood, and so designed that adequate areas are provided for front  
6 landscaping, street trees and on-street parking between driveways. The design of ground  
7 story frontages subject to this Section shall also be reviewed for consistency with applicable  
8 design guidelines, including the Ground Floor Residential Design Guidelines.

9           (b) Controls.

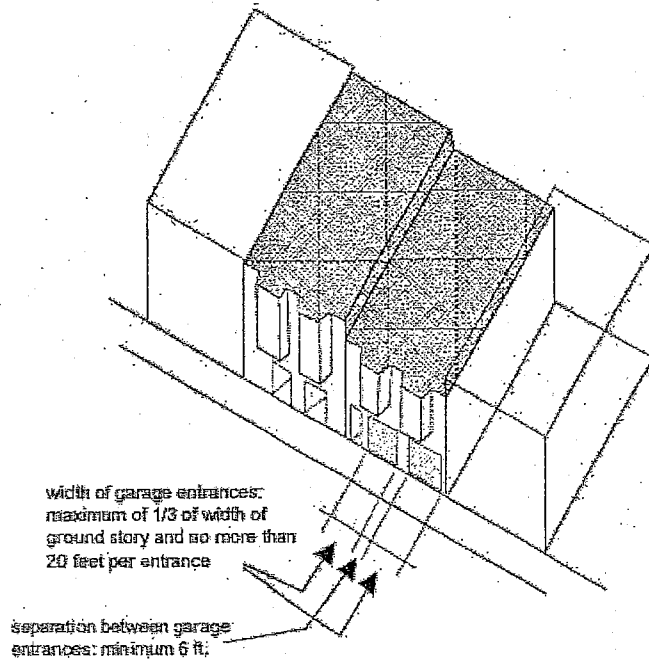
10           (1) Entrances to Off-Street Parking. Except as otherwise provided herein, in  
11 the case of every dwelling in such districts no more than one-third of the width of the ground  
12 story along the front lot line, or along a street side lot line, or along a building wall that is set  
13 back from any such lot line, shall be devoted to entrances to off-street parking, except that in  
14 no event shall a lot be limited by this requirement to a single such entrance of less than ten  
15 feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In  
16 addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where  
17 two or more separate entrances are provided there shall be a minimum separation between  
18 such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per  
19 block frontage devoted to entrances to off-street parking. Street-facing garage structures and  
20 garage doors may not extend closer to the street than a primary building facade unless the  
21 garage structure and garage door are consistent with the features listed in Section 136 of this  
22 Code. Entrances to off-street parking shall be located at least six feet from a lot corner located  
23 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.**

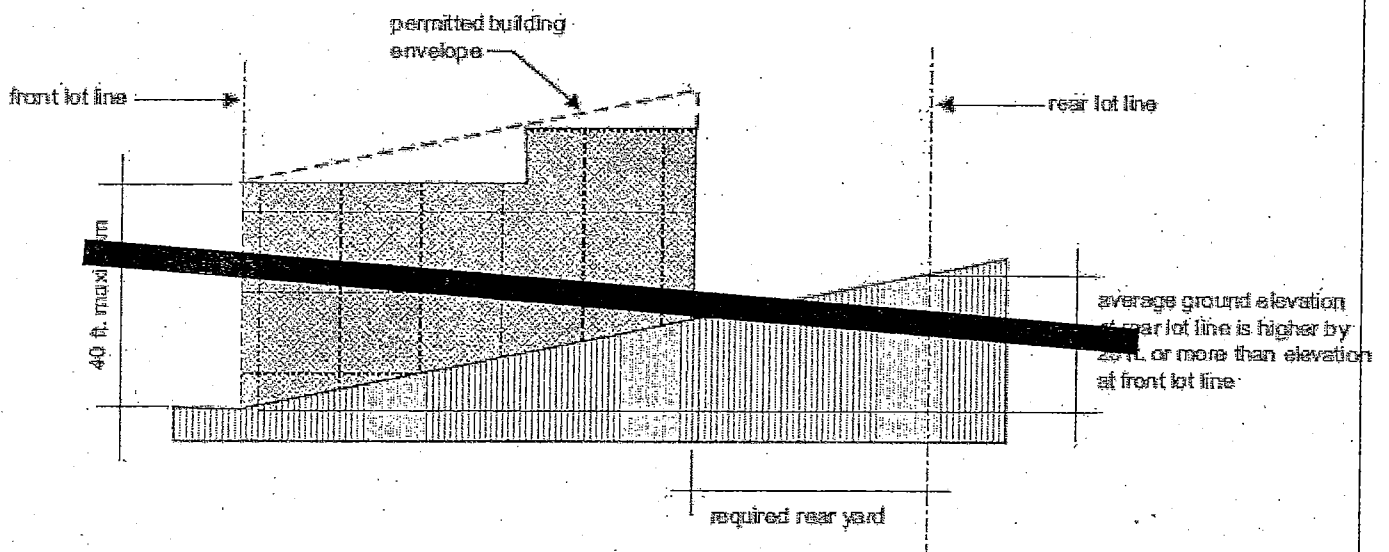
(a) **General.** Notwithstanding any other height limit established by this Article 2.5 to the contrary, the height of dwellings in certain use districts established by Article 2 of this Code shall be further limited by this Section 261. The measurement of such height shall be as prescribed by Section 260.

(b) **Height Limits Applicable to the Entire Property.**

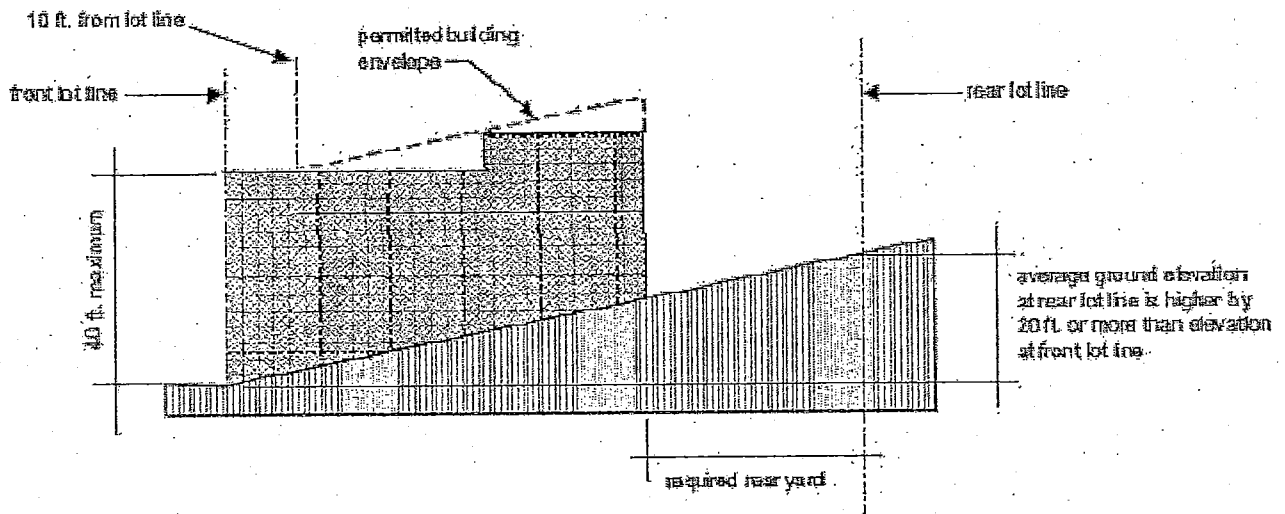
(1) No portion of a dwelling in any RH-1(D), RH-1 or RH-1(S) District shall exceed a height of 35 feet, except that:

(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;

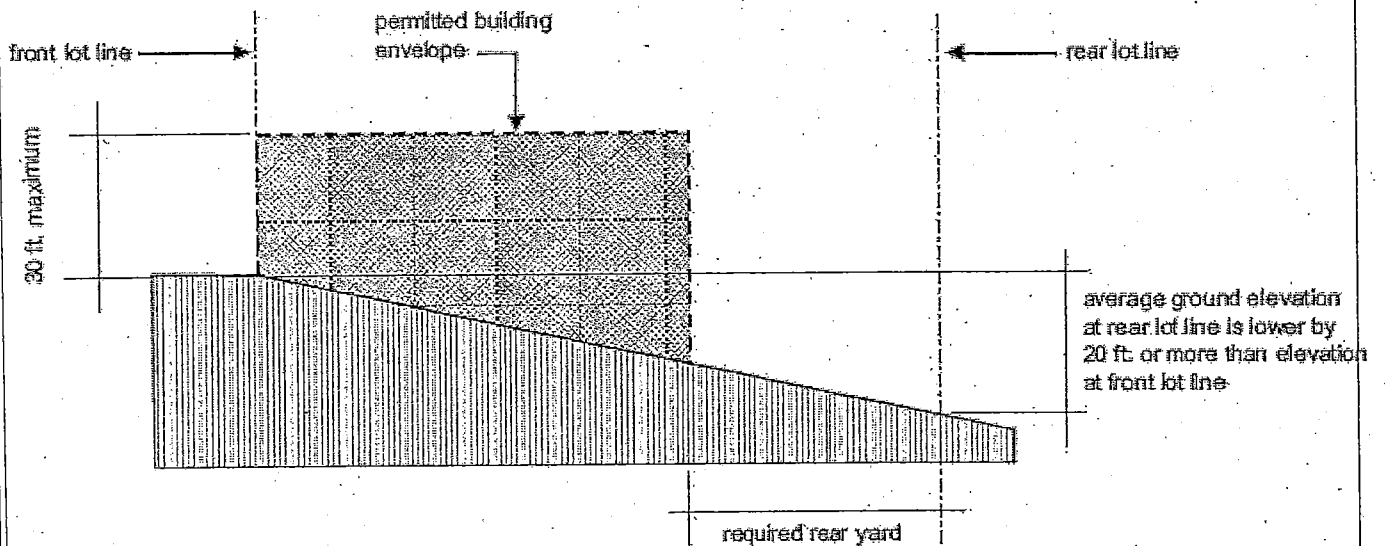
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(B) The permitted height shall be reduced to 30 feet where the average ground elevation at the rear line of the lot is lower by 20 or more feet than at the front line thereof; and



1 (C) The permitted height shall be reduced to 25 feet where the average  
2 ground elevation at the rear line of the lot is lower by 40 or more feet than at the front line  
3 thereof.

4 (2) No portion of a dwelling in any RH-2 District shall exceed a height of 40  
5 feet, except that the permitted height shall be reduced to 35 feet where the average ground  
6 elevation at the rear line of the lot is lower by 20 or more feet than at the front line thereof.  
7

8 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**  
9 **GROUND FLOOR USES IN NCT 30-X, 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN**  
10 **NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER**  
11 **AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED**  
12 **PARCELS AND IN SPECIFIED NC DISTRICTS.**

13 (a) **Intent.** In order to encourage generous ground floor ceiling heights for  
14 commercial and other active uses, encourage additional light and air into ground floor spaces,  
15 allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for  
16 privacy and usability of front stoops, and create better building frontage on the public street,  
17 up to an additional 5' of height is allowed along major streets in NCT districts, or in specific  
18 NC-3, NC-2, or NC-1 districts listed below, for buildings that feature either higher ground floor  
19 ceilings for non-residential uses or ground floor residential units (that have direct walk-up  
20 access from the sidewalk) raised up from sidewalk level.

21 (b) **Applicability.** The special height exception described in this section shall only  
22 apply to projects that meet all of the following criteria:

23 (1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as  
24 designated on the Zoning Map;

25 (2) project is located:



- 1 (A) in an NCT district as designated on the Zoning Map;
- 2 (B) in the Upper Market Street NCD;
- 3 (C) a NC-2 or NC-3 designated parcel fronting Mission Street, from
- 4 Silver Avenue to the Daly City border;
- 5 (D) on a NC-1 designated parcel within the boundaries of Sargent
- 6 Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San
- 7 Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street
- 8 and back to Sargent Street; or
- 9 (E) on a NC-1 designated parcel within the boundaries of Sargent Street
- 10 to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose
- 11 Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and
- 12 back to Sargent Street; or
- 13 (F) on a NC-3 designated parcel fronting on Geary Boulevard from
- 14 Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard
- 15 between Palm Avenue and Parker Avenue;
- 16 (G) on a parcel zoned NC-1 or NC-2 with a commercial use on the
- 17 ground floor on Noriega Street west of 19th Avenue;
- 18 (H) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground
- 19 floor on Irving Street west of 19th Avenue;
- 20 (I) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground
- 21 floor on Taraval Street west of 19th Avenue;
- 22 (J) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground
- 23 floor on Judah Street west of 19th Avenue;
- 24 (3) project features ground floor commercial space or other active use as
- 25 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;

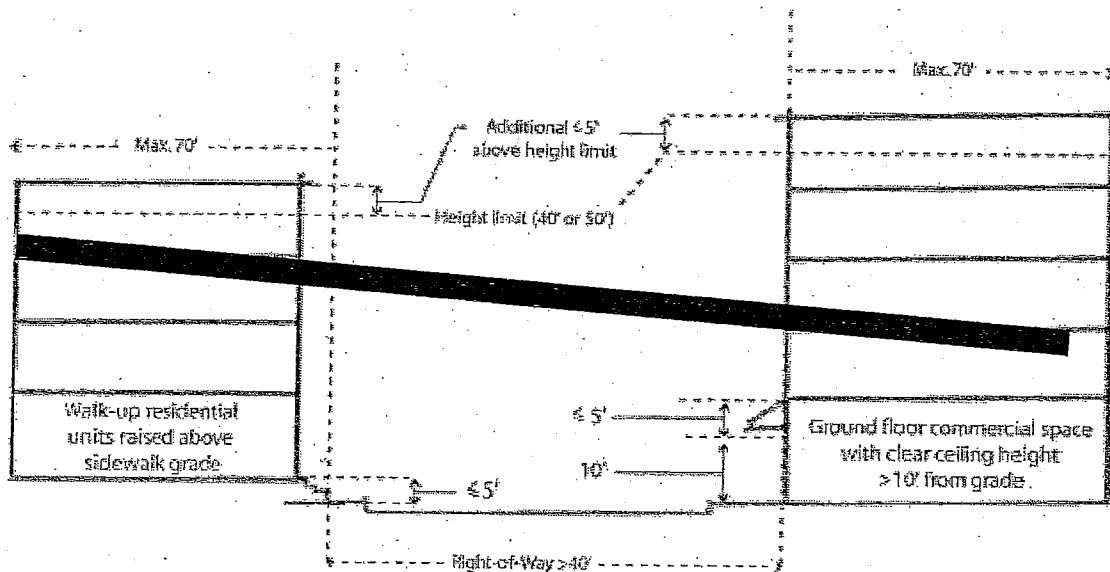
(4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented along a right-of-way wider than 40 feet;

(5) said ground floor commercial space or active use occupies at least 50% of the project's ground floor area; and

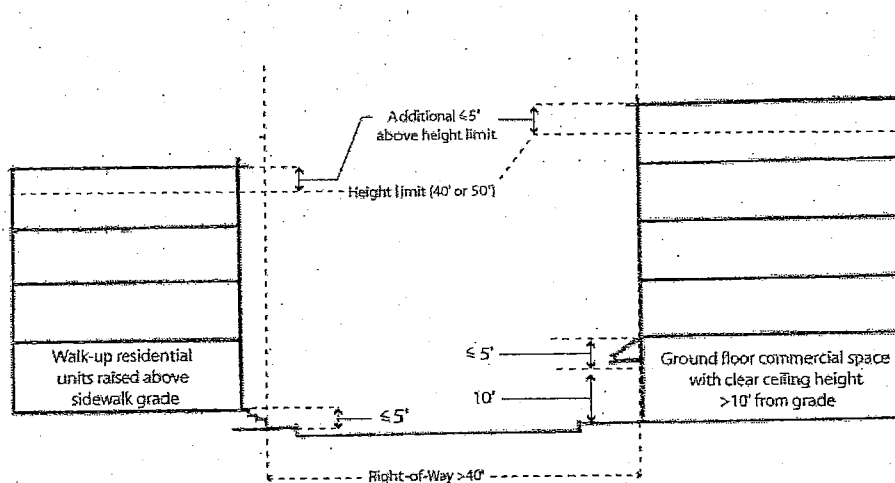
(6) except for projects located in NCT districts, the project sponsor has conclusively demonstrated that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

(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.

<b>TABLE 270</b>			
<b>BULK LIMITS</b>			
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 <del>249.46.1</del> <u>249.64</u> 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 ~~less~~ gross square feet.

1 (D) Buildings between 351 and 550 feet in height may not exceed a  
2 plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a  
3 maximum average floor area of 10,000 gross square feet.

4 (E) To allow variety in the articulation of towers, the floor plates of  
5 individual floors may exceed the maximums described above by as much as 5 percent,  
6 provided the maximum average floor plate is met.

7 (F) To encourage tower sculpting, the gross floor area of the top one-  
8 third of the tower shall be reduced by 10 percent from the maximum floor plates described in  
9 (A) - (D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

10 (G) In order to provide adequate sunlight and air to streets and open  
11 spaces, a minimum distance of 115 feet must be preserved between all structures above 110  
12 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally  
13 from the outside surface of the exterior wall of the subject building to the nearest point on the  
14 closest structure above 110 feet in height. Any project that is permitted pursuant to the  
15 exception described in Section 270(e)(3) shall not be considered for the purposes of  
16 measuring tower spacing pursuant to this Section.

17 (H) The procedures for granting special exceptions to bulk limits  
18 described in Section 271 shall not apply; exceptions may be granted pursuant to Sections  
19 270(e)(3) and 270(e)(4).

20 (I) Additional setback, lot coverage, and design requirements for the  
21 DTR Districts are described in Sections 825 and 827.

22 (3) Exceptions to tower spacing and upper tower sculpting requirements in  
23 Rincon Hill DTR. An exception to the 115 feet tower spacing requirement and the upper tower  
24 sculpting requirement described in (e)(2) (F) and (G) above may be granted to a project only  
25 on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006,

1 pursuant to the procedures described in 309.1 of this Code provided that projects meet the  
2 following criteria:

3           ~~(i)~~ (A) Applications for environmental review and conditional use  
4 related to a building above 85 feet in height on the subject lot have been filed with the  
5 Department prior to March 1, 2003 and February 1, 2005, respectively;

6           ~~(ii)~~ (B) Given the 115 tower spacing requirement described in (F)  
7 above, the existence of an adjacent building greater than 85 feet in height precludes the  
8 development of a tower on the subject lot;

9           ~~(iii)~~ (C) The subject lot has a total area of no less than 35,000 square  
10 feet;

11           ~~(iv)~~ (D) The proposed project is primarily residential and has an area of  
12 no more than 528,000 gross square feet;

13           ~~(v)~~ (E) The proposed project conforms to all other controls described or  
14 referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR  
15 District.

16           ~~(vi)~~ (F) For the purposes of subsection (iv) above, the term "gross  
17 square feet" shall be the sum of the gross areas of all floors of a building or buildings above  
18 street grade measured from the exterior faces of exterior walls or from the center lines of walls  
19 separating two buildings, excluding area below street grade. Where columns are outside and  
20 separated from an exterior wall (curtain wall) which encloses the building space or are  
21 otherwise so arranged that the curtain wall is clearly separated from the structural members,  
22 the exterior face of the curtain wall shall be the line of measurement, and the area of the  
23 columns themselves at each floor shall also be counted.

24           (4) **Allowance for limited reduction in spacing from existing towers in**  
25 **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

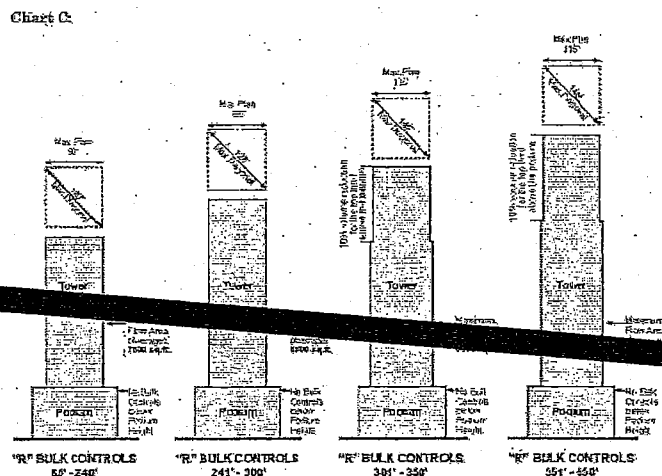
(iiiiv) all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in (e)(2)(G) above. A project may average the tower separation of all floors below 180 feet so long as the requirements of (ii i) and (iii v) herein are satisfied.

Note to

Publisher: Delete This

Graphic

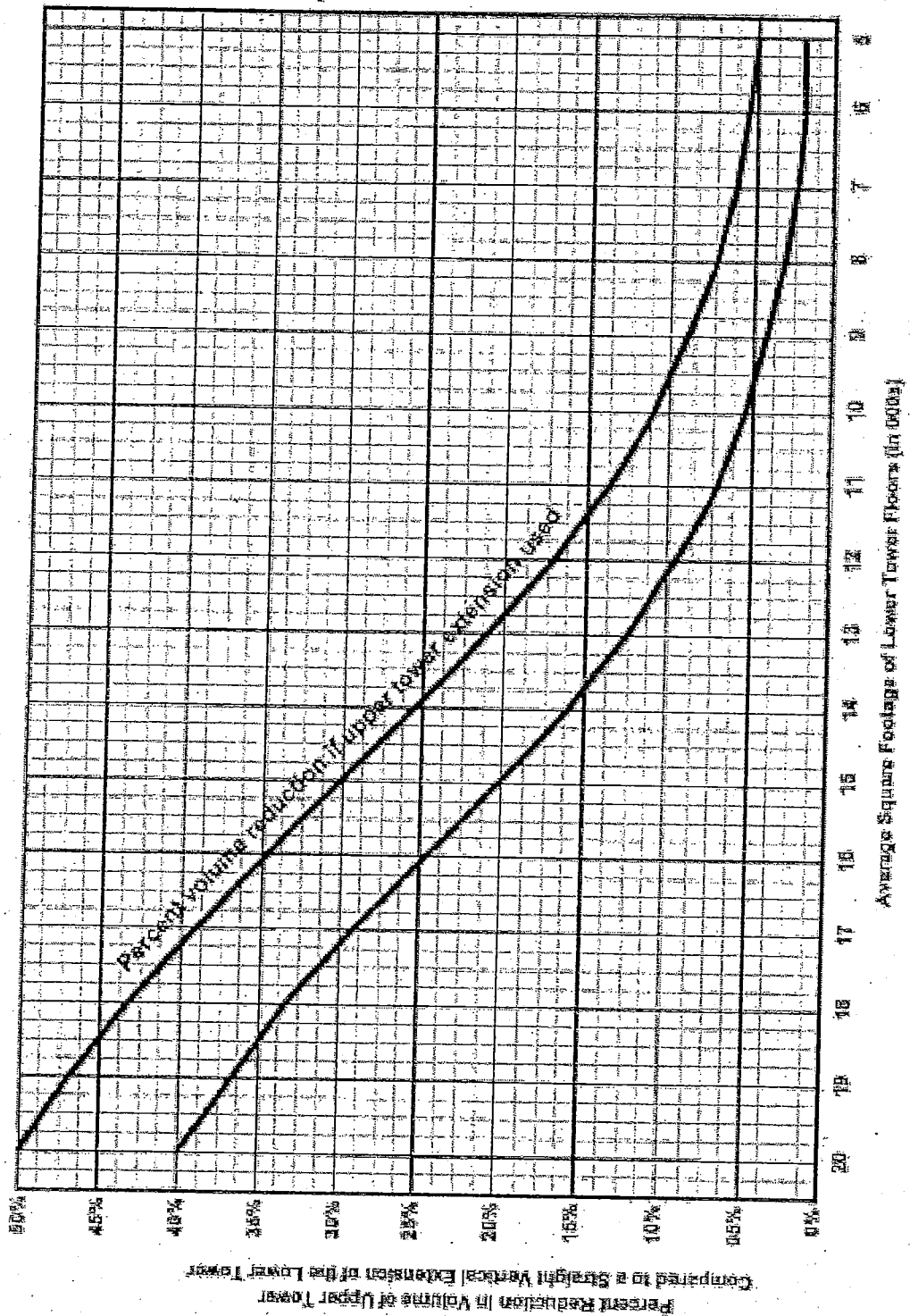
Chart C:



Supervisor Tang  
BOARD OF SUPERVISOR

[Note to Publisher: Insert This Chart.]

**CHART C  
BULK CONTROL  
UPPER TOWER VOLUME REDUCTION**



Supervisor Tang  
BOARD OF SUPERVISORS

(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 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 Planning Code is hereby amended by amending Sectional Map ZN01 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property	Use District to be Removed	Use District Hereby Approved
835 and 845 Jackson Street, Assessor's Block 0192, Lot 041	Chinese Hospital Special Use District	Chinatown Residential Neighborhood Commercial District ("CRNC")

1  
2  
3 Section 5. The San Francisco Administrative Code is hereby amended by amending Sub-  
4 section 31.22 to read as follows:

5 **SEC. 31.22. BASIC FEES.**

6 (a) The Planning Department shall charge the following basic fees to applicants for  
7 projects located outside of recently adopted Plan Areas (adopted after July 1, 2005) that do  
8 not require one or more of the following, which will be initiated through the adoption of an Area  
9 Plan: Code amendments for the height or bulk district and General Plan amendments, as  
10 specified in Section 31.21 above:

11  
12 (1) For an initial study of a project excluding use of special expertise or technical  
13 assistance, as described in Section 31.23 below, the initial fee shall be:

14 Where the total estimated construction cost as defined by the San Francisco Building Code is  
15 between \$0 and \$9,999: \$1,092;

16  
17 Where said total estimated construction cost is \$10,000 or more, but less than \$200,000:  
18 \$4,249 PLUS 2.066% of the cost over \$10,000;

19  
20 Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000:  
21 \$8,251 PLUS 1.562% of the cost over \$200,000;

22  
23 Where said total estimated construction cost is \$1,000,000 or more, but less than  
24 \$10,000,000: \$20,987 PLUS 1.311% of the cost over \$1,000,000;  
25

1 Where said total estimated construction cost is \$10,000,000 or more, but less than  
2 \$30,000,000: \$141,220 PLUS 0.404% of the cost over \$10,000,000;

3 Where said total estimated construction cost is \$30,000,000 or more, but less than  
4 \$50,000,000: \$ 223,531 PLUS 0.152% of the cost over \$30,000,000;

5  
6 Where said total estimated construction cost is \$50,000,000 or more, but less than  
7 \$100,000,000: \$254,453 PLUS 0.037% of the cost over \$50,000,000;

8  
9 Where said total estimated construction cost is \$100,000,000 or more: \$272,962 PLUS  
10 0.016% of the cost over \$100,000,000.

11 An applicant proposing major revisions to a project application that has been inactive for more  
12 than six months and is assigned shall submit a new application. An applicant proposing  
13 significant revisions to a project which has not been assigned and for which an application is  
14 on file with the Planning Department shall be charged time and materials to cover the full  
15 costs in excess of the initial fee paid. A \$111 surcharge shall be added to this fee to compensate  
16 the City for the costs of appeals to the Board of Supervisors.

17  
18 (2) For preparation of an environmental impact report excluding use of special  
19 expertise or technical assistance, as described in Section 31.23 below, the initial fee shall be:

20 Where the total estimated construction cost as defined in the San Francisco Building Code is  
21 between \$0 to \$199,999: \$24,255;

22  
23 Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000:  
24 \$24,255 PLUS 0.596% of the cost over \$200,000;

1 Where said total estimated construction cost is \$1,000,000 or more, but less than  
2 \$10,000,000: \$29,248 PLUS 0.404% of the cost over \$1,000,000;

3  
4 Where said total estimated construction cost is \$10,000,000 or more, but less than  
5 \$30,000,000: \$66,289 PLUS 0.165% of the cost over \$10,000,000;

6  
7 Where said total estimated construction cost is \$30,000,000 or more, but less than  
8 \$50,000,000: \$100,041 PLUS 0.045% of the cost over \$30,000,000;

9  
10 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;

11  
12 Where said total estimated construction cost is \$100,000,000 or more: \$132,433 PLUS  
13 0.016% of the cost over \$100,000,000.

14 An applicant proposing major revisions to a project application that has been inactive for more  
15 than six months and is assigned shall submit a new application. An applicant proposing  
16 significant revisions to a project which has not been assigned and for which an application is  
17 on file with the Planning Department shall be charged time and materials to cover the full  
18 costs in excess of the initial fee paid.

19  
20 (3) For an appeal to the Planning Commission: The fee shall be ~~\$500~~\$271.00 to  
21 the appellant; provided, however, that the fee shall be waived if the appeal is filed by a  
22 neighborhood organization that: (a) has been in existence for 24 months prior to the appeal  
23 filing date, (b) is on the Planning Department's neighborhood organization notification list, and  
24 (c) can demonstrate to the Planning Director or his/her designee that the organization is  
25 affected by the proposed project. An exemption from paying this appeal fee may be granted

1 when the requestor's income is not enough to pay for the fee without affecting their abilities to  
2 pay for the necessities of life, provided that the person seeking the exemption demonstrates  
3 to the Planning Director or his/her designee that they are substantially affected by the  
4 proposed project.

5 (4) For an appeal to the Board of Supervisors of environmental determinations,  
6 including the certification of an EIR, a negative declaration, or determination of a categorical  
7 exemption, the fee shall be ~~\$500~~\$521.00 to the appellant; provided, however, that the fee shall  
8 be waived if the appeal is filed by a neighborhood organization that: (a) has been in existence  
9 for 24 months prior to the appeal filing date, (b) is on the Planning Department's neighborhood  
10 organization notification list, and (c) can demonstrate to the Planning Director or his/her  
11 designee that the organization is affected by the proposed project. Fees shall be used to  
12 defray the cost of appeal for the Planning Department. Such fee shall be refunded to the  
13 appellant in the event the Planning Department rescinds its determination or the Board of  
14 Supervisors remands or rejects the environmental impact report, negative declaration, or  
15 determination of a categorical exemption to the Planning Commission for revisions based on  
16 issues related to the adequacy and accuracy of the environmental determination. An  
17 exemption from paying this appeal fee may be granted when the requestor's income is not  
18 enough to pay for the fee without affecting their ability to pay for the necessities of life,  
19 provided that the person seeking the exemption demonstrates to the Clerk of the Board of  
20 Supervisors or his/her designee that they are substantially affected by the proposed project.

21 (5) For preparation of an addendum to an environmental impact report that has  
22 previously been certified, pursuant to Section 15164 of the State CEQA Guidelines; or  
23 reevaluation of a modified project for which a negative declaration has been prepared:  
24 \$22,844 plus time and materials as set forth in Subsection (b)(2).

1 (6) For preparation of a supplement to a draft or certified final environmental  
2 impact report: One-half of the fee that would be required for a full environmental impact report  
3 on the same project, as set forth in Paragraph (2) above, plus time and materials as set forth  
4 in Subsection (b)(2). A \$111 surcharge shall be added to this fee to compensate the City for the costs  
5 of appeals to the Board of Supervisors.

6 (7) (~~A~~) For preparation of a Certificate of Exemption from Environmental  
7 Review determining that a project is categorically exempt, statutorily exempt,  
8 ministerial/nonphysical, an emergency, or a planning and feasibility study: \$291 for  
9 applications that require only a stamp, \$5,697 as an initial fee for applications that require an  
10 Exemption Certificate, plus time and materials as set forth in Subsection (b)(2). A \$111  
11 surcharge shall be added to this fee to compensate the City for the costs of appeals to the Board of  
12 Supervisors.

13 (~~B~~) For preparation of a Class 32 Certificate of Exemption from  
14 Environmental Review determining that a project is categorically exempt, the initial fee shall  
15 be:

16 Where the total estimated construction cost as defined by the San Francisco Building Code is  
17 between \$0 and \$9,999: \$10,476;

18 Where said total estimated construction cost is \$10,000 or more, but less than \$200,000:  
19 \$10,476 PLUS 0.182% of the cost over \$10,000;

20  
21 Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000:  
22 \$10,822 PLUS 0.172% of the cost over \$200,000;

23  
24 Where said total estimated construction cost is \$1,000,000 or more, but less than  
25 \$10,000,000: \$12,201 PLUS 0.053% of the cost over \$1,000,000;



1 Where said total estimated construction cost is \$10,000,000 or more: \$16,978 PLUS 0.386%  
2 of the cost over \$10,000,000.

3 A \$111 surcharge shall be added to this fee to compensate the City for the costs of appeals to the Board  
4 of Supervisors.

5  
6 (8) For preparation of an exemption that requires review of historical resource  
7 issues only, the following fees apply. For a determination of whether a property is an historical  
8 resource under CEQA, the fee is \$2,387. For a determination of whether a project would  
9 result in a substantial adverse change in the significance of an historical resource, the fee is  
10 \$3,310. A \$111 surcharge shall be added to this fee to compensate the City for the costs of appeals to  
11 the Board of Supervisors.

12 (9) For preparation of a letter of exemption from environmental review: \$291,  
13 plus time and materials as set forth in Subsection (b)(2).

14 (10) For review of a categorical exemption prepared by another City Agency,  
15 such as the Municipal Transportation Agency or the Public Utilities Commission: \$245, plus  
16 time and materials as set forth in Subsection (b)(2).

17 (11) For reactivating an application that the Environmental Review Officer has  
18 deemed withdrawn due to inactivity and the passage of time, subject to the approval of the  
19 Environmental Review Officer and within six months of the date the application was deemed  
20 withdrawn: \$237 plus time and materials to cover any additional staff costs.

21 (12) Monitoring Conditions of Approval and Mitigation Monitoring: Upon adoption  
22 of conditions of approval and/or mitigation measures which the Environmental Review Officer  
23 determines require active monitoring, the fee shall be \$1,153, as an initial fee, plus time and  
24 materials as set forth in Section 31.22(b).  
25

1           **(b) Payment.**

2           (1) The fee specified in Subsection (a)(1) shall be paid to the Planning  
3 Department at the time of the filing of the environmental evaluation application, and where an  
4 environmental impact report is determined to be required, the fee specified in Subsection  
5 (a)(2) shall be paid at the time the Notice of Preparation is prepared, except as specified  
6 below. However, the Director of Planning or his/her designee may authorize phased collection  
7 of the fee for a project whose work is projected to span more than one fiscal year. A  
8 nonrefundable processing fee of \$53 is required to set-up any installment payment plan for all  
9 application fees. The balance of phased payments must be paid in full one week in advance  
10 of the first scheduled public hearing before the Planning Commission in consider the project  
11 or before any Environmental Impact Report is published.

12           (2) The Planning Department shall charge the applicant for any time and  
13 material costs incurred in excess of the initial fee charged if required to recover the  
14 Department's costs for providing services. Provided, however, that where a different limitation  
15 on time and materials is set forth elsewhere in this section, then that limitation shall prevail.

16           (3) Fee Adjustments. The Controller will annually adjust the project application  
17 fee amounts specified in Section 31.22(a)(1), (2), (5), (7), (8), (9), (10), (11), and (12), Section  
18 ~~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  
19 two-year average consumer price index (CPI) change for the San Francisco/San Jose Primary  
20 Metropolitan Statistical Area (PMSA). For a listing of the Department's current fees inclusive of  
21 annual indexing for inflation, reference the Schedule of Application Fees available on the Planning  
22 Department website.

23           (4) Any fraternal, charitable, benevolent or any other nonprofit organization,  
24 that is exempt from taxation under the Internal Revenue laws of the United States and the  
25 Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable,

1 benevolent or other nonprofit organization, or public entity that submits an application for the  
2 development of residential units or dwellings all of which are affordable to low and moderate  
3 income households, as defined by the United State Housing and Urban Development  
4 Department, for a time period that is consistent with the policy of the Mayor's Office of  
5 Housing and the San Francisco Redevelopment Agency may defer payment of the fees  
6 specified herein, with the exception of the fees payable pursuant to Section 31.22(a)(3) and  
7 (4) and Section 31.22(a)(11) herein, until the time of issuance of the building permit, before  
8 the building permit is released to the applicant; or (2) within one year of the date of completion  
9 of the environmental review document, whichever is sooner. This exemption shall apply  
10 notwithstanding the inclusion in the development of other nonprofit ancillary or accessory  
11 uses.

12 (5) An exemption from paying the full fees set forth in Section 31.22(a) (3) and  
13 (4) herein may be granted when the requestor's income is not enough to pay the fee without  
14 affecting his or her ability to pay for the necessities of life, provided that the person seeking  
15 the exemption demonstrates to the Director of Planning or his/her designee that he or she is  
16 substantially affected by the proposed project.

17 (6) Exceptions to the payment provisions noted above may be made when the  
18 Director of Planning or his/her designee has authorized phased collection of the fee for a  
19 project whose work is projected to span more than one fiscal year. A nonrefundable  
20 processing fee of \$53 is required to set-up any installment payment plan for all application  
21 fees. The balance of phased payments must be paid in full one week in advance of the first  
22 scheduled public hearing before the Planning Commission to consider the project or before  
23 any Environmental Impact Report is published.


24 ...

1 Section 6. Effective Date. This ordinance shall become effective 30 days from the date of  
2 passage.

3  
4 Section 7. This section is uncodified. In enacting this Ordinance, the Board intends to amend  
5 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation,  
6 charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown  
7 in this legislation as additions, deletions, Board amendment additions, and Board amendment  
8 deletions in accordance with the "Note" that appears under the official title of the legislation.  
9

10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12  
13 By:

  
14 KATE HERRMANN STACY  
15 Deputy City Attorney  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**REVISED LEGISLATIVE DIGEST**

(3/11/2013, Amended in Committee)

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

**Ordinance amending the Planning and Administrative Codes to correct errors; 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; amend the Zoning Map to remove the incorrect Chinese Hospital Special Use District designation from Assessor's Block No. 0192, Lot No. 041; 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.**

Existing Law

The Planning Code, including the Zoning Map, and the Administrative Code contain clerical and typographical errors. The Codes also contain provisions that are not entirely clear as to their meaning, and the Zoning Administrator has interpreted the Code provisions so as to clarify their meaning.

Amendments to Current Law

The Ordinance contains many different kinds of corrections to the Planning and Administrative Codes, which arise out of errors in other ordinances already enacted, including:

- spelling corrections
- corrections to cross-references
- proper numbering of sub-sections
- updates to various Code sections to reflect recent amendments to the Codes
- additions of new zoning districts that need to be referenced in various charts and general provisions
- grammatical corrections
- re-naming of City departments to reflect changed names or to correctly identify the department with authority
- cross-references to new Code sections
- correct and update illustrations that help to explain provisions of the Planning Code

Other Revisions:

The Ordinance contains a revised definition of "massage establishment" to clarify its intended meaning and to streamline and simplify references to the definition.

The Ordinance contains a revision to allow restoration of a use contained in a damaged or destroyed building within 18 months, rather than 12 months as currently permitted in Planning Code Section 178(f), to make Section 178(f) consistent with other Planning Code provisions.

The Ordinance sets forth a clarification about relocation of existing signs to reflect an interpretation of existing Planning Code Section 303(l) to permit the square footage of one or more existing signs to be disaggregated in order to erect multiple smaller signs with lesser total square footage.

The Ordinance includes a \$111 surcharge to be added to certain fees to compensate the City for the costs of appeals to the Board of Supervisors and increases a \$500 fee to \$521 for appeals to the Board of Supervisors, to reflect the adjustments permitted and the current charge for such appeals.

The Ordinance contains an amendment to the San Francisco Zoning Map to correct an error and reinstate the correct zoning district for 835 and 845 Jackson Street, Assessor's Block 0192, Lot 041, to remain part of the Chinatown Residential Neighborhood Commercial District.



## SAN FRANCISCO PLANNING DEPARTMENT

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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

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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).

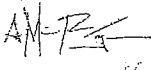
At the November 29, hearing, the Commission voted to recommend approval with modifications of the proposed Ordinance. I have contacted the City Attorney's office to request that the Ordinance be modified per the Commission's request. Please find attached documents relating to the Commission's action. The original documents have been sent via inter-office mail.

Transmittal Materials  
Hearing Date: November 29, 2012

Case No. No 2012.0543T  
Planning Code Corrections

If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Digitally signed by anmarie rodgers  
DN: dc=org, dc=sfgov,  
dc=cityplanning, ou=CityPlanning,  
ou=Directors Office, cn=anmarie  
rodgers,  
email=anmarie.rodgers@sfgov.org  
Date: 2012.12.03 11:47:02 -08'00'

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	<u>C-3</u>	C-3	C-3	C-3	C-M	M-1	M-2	P-D	P-D	P-D	P-D	
		O	<u>O</u>	R	G	S				R-1	R-1	R-1	R-2	
			<u>(S</u>							G	D	B		
P*	P*					P	P	P	P	P	P	P	P	(a) Greenhouse.
P*	P*	P	<u>P</u>	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	<u>P</u>	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	<u>C</u>	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	<u>C</u>	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

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															eters. (See also Section 204.3.)
C	C	C	<u>C</u>	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	<u>P</u>	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	<u>P</u>	P	P	P	P	P	P					(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P *	P*	P	<u>P</u>	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.
																		(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)
P	P	P	<u>P</u>	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	<u>C</u>	C	C	C	C	C	C	C	C	C	C	(r) Internet Services Exchange as defined in Section 209.6(c).
P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	(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.

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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.
N A	N A	N A	<u>NA</u>	N A	N A	NA	NA	N A	NA	P. su bj ec t to co ntr ols in Se c. 89	P. su bj ec t to co ntr ols in Se c. 89	N P	N P	(u) Integrated PDR, as defined in Sec. 890.49.

										0. 49	c. 89 0. 49			
C	C	C	<u>C</u>	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. <i>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</i>



~~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)~~

[illegible]

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
<del>Ocean Avenue Fast Food Subdistrict</del>	<del>§ 781.3</del>
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

<i>Fringe Financial Service Restricted Use District</i>	<u>§ 249.35</u>
<i>Mission Alcohol Restricted Use District</i>	<u>§ 249.60 (formerly 781.8)</u>
<i>Third Street Alcohol Restricted Use District</i>	<u>§ 249.62 (formerly 782)</u>

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.

## SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

### ZONING CONTROL TABLE

SPECIFIC PROVISIONS FOR IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

<i>Article 7</i>	<i>Other</i>	<i>Zoning Controls</i>
<i>Code</i>	<i>Code</i>	
<i>Section</i>	<i>Section</i>	

<p><del>§ 740.43</del></p> <p><del>§ 740.44</del></p>	<p><del>§ 703.3</del></p>	<p><del>Restaurants and Limited Restaurants are P; Formula Retail Restaurants and Formula Retail Limited Restaurants are NP.</del></p>
<p>§ 740.43</p> <p>§ 740.44</p>	<p>§ 781.2</p> <p><u>§ 703.3</u></p>	<p>IRVING STREET RESTAURANT SUBDISTRICT</p> <p><b>Boundaries:</b> Applicable <u>to only for the portion of the</u> Irving Street <u>NC-2 Neighborhood Commercial</u> District <u>between 19th and 27th Avenues</u> as mapped on Sectional Map SU05.</p> <p><b>Controls:</b> Restaurants are <u>PC</u>; Formula Retail restaurants and Limited-Restaurant are NP.</p>

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(1)(2) allows the ZA to modify "additional landscaping 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 calculations 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 be 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 <i>only</i> 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	disaggregation of general advertising signs through CU	303(i)(3)	This codifies a 2010 Zoning Administrator interpretation which clarified that a single general advertising sign may be 'disaggregated' 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(i). 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 omissions. 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 appealed 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 East-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 vaguely.
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)	PC Sec. 249.33(b)(6)(B) states "described below in subsection (b)(7)" which doesn't exist. 249.33(b)(6)(B) 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)	<p>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).</p> <p>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.</p> <p>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).</p>
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)	<p>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."</p> <p>In subsequent fee change legislation, this language was somehow removed from the code.</p> <p>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."</p> <p>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."</p>
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 729.69(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 catalog 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.



## SAN FRANCISCO PLANNING DEPARTMENT

### 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

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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 inadvertently 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.*

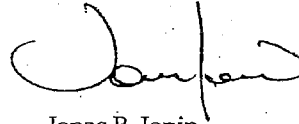
- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The proposed Ordinance will not impact the City's parks and open space.*

PC Resolution No. 18750  
Hearing Date: November 29, 2012

Case No. No 2012.0543T  
Planning Code Corrections

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

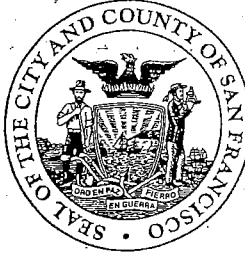
NOES: —

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.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

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**

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: **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

Miller, Alisa

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From: glenda\_sobrique@dailyjournal.com  
Sent: Thursday, February 14, 2013 12:33 PM  
To: Miller, Alisa  
Subject: Confirmation of Order 2446838 for AM - 3.4.13 Land Use - File 130062 Fee Ad

Dear Customer:

The order listed below has been received and processed. If you have any questions regarding this order, please contact your ad coordinator or the phone number listed below.

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Our Order Number : 2446838  
Newspaper : SAN FRANCISCO CHRONICLE-CITY&CO. 10%  
Publication Date(s) : 02/18/2013,02/25/2013

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Alisa Miller  
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description AM - 3.4.13 Land Use - File 130062 Fee Ad

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

02/18/2013 , 02/25/2013

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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



\* A 0 0 0 0 0 2 9 7 8 7 9 0 \*



PC 3/11/13 - Planning Department Amendments

Item No.	Item title	Section amended	Changes Since PC Recommendation	Additional Changes Requested Today
1	Removing a list of districts which frequently becomes out dated.	102.5	This Section no longer needed to be amended as Ord. 176-12 amended this section by deleting references to specific districts.	After Ord. 176-12 amended this section by deleting references to specific districts, Ord. 182-12 purported to amend the section by adding a new reference to a specific district ("C-3-O(SD)"). Therefore the ordinance before the Committee today needs to add in an amendment to 102.5 to again strike out a reference to the specific district C-3-O(SD).
2	Reference correction	249.33	Correct an out-of-date reference to Section 315, which is now Section 415.	Page 93, line 24: strike 315 and insert 415.
3	Fee indexing	350(g)	Added a universal note to accommodate fees that are index periodically by the Controller. Previously, the list had been specific and had not been updated when new fees were added. Also, added a note to inform the public of the current complete fee list that is published every year.	None.
4	Ensure moving signs are not allowed in Union Square area.	607(d)(2)	Planning Commission recommended striking an exception. On review, the Zoning Administrator believes the section currently allows "moving or otherwise physically animated parts" for general advertising signs in C-2, C-3, C-M, M-1, M-2 and PDR Districts. However, it currently exempts "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." Under his reading, the proposed text would allow moving or animated general advertising signs in Union Square— this is not the intent.	Page 153: line 10, 11 should be amended to restore Code to current text. The intent was to ensure that moving signs would be prohibited in the Union Square area. The Zoning Administrator advises that to best accomplish this the text proposed for deletion should remain.

Item No.	Item title	Section amended	Changes Since PC Recommendation	Additional Changes Requested Today
5	Irving Street Restaurant Subdistrict	781.2	There were two sections that sought to control formula retail restaurants and formula retail limited restaurants on Irving Street. The subdistrict is no longer needed as the NCD can address both issues through the existing text in the "specific provisions" table.	None.
6	Lower Haight Street Tobacco Paraphernalia RUD	784	This district expired three years after adoption. Former Sec. 786 ("Lower Haight Street Tobacco Paraphernalia Restricted Use District") was repealed by operation of its sunset provision three years after its initial effective date. Therefore, this Section has already been removed from the Code.	None.

**Miller, Alisa**

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**From:** Rodgers, AnMarie  
**Sent:** Monday, December 03, 2012 3:42 PM  
**To:** Calvillo, Angela  
**Cc:** bos-legislation@sfgov.org; Caldeira, Rick; Miller, Alisa; Stacy, Kate; Givner, Jon; Elliott, Jason  
**Subject:** BF Pending: Code Corrections Ordinance from the Planning Commission for Board Introduction  
**Attachments:** BF Pending Code Corrections Ordinance 2012.pdf; Code Corrections Draft 10 10 2012.doc

Dear Clerk Calvillo,

Please find the attached materials for introduction at the Board of Supervisors:

1. Transmittal Letter from Department
2. Exhibit A: Proposed changes to the Draft Ordinance\* since the Commission Initiation
3. Exhibit B: Draft Ordinance as reviewed by the Commission (also attached is the MSWord version which was signed to form by the City Attorney)
4. Exhibit C: Guide to the Draft Ordinance
5. Exhibit D: Commission Resolution

The original, red-lined ordinance will be delivered by the City Attorney and hardcopies of the other documents have been sent via inter-office mail with a printed copy of the materials above. Once all of the materials have been received by your office, we believe the Ordinance would be ready for introduction.

**AnMarie Rodgers**  
Manager of Legislative Affairs  
SF Planning Department  
1650 Mission Street, #400  
San Francisco, CA 94103  
415-558-6395

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# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- ☐ 2. Request for next printed agenda without reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor"  inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No.  from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No.  130062
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission    ☐ Youth Commission    ☐ Ethics Commission
- ☐ Planning Commission    ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

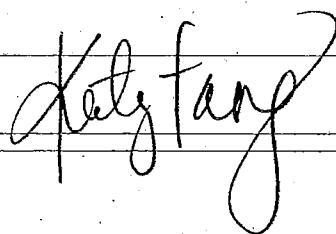
Katy Tang

**Subject:**

Planning Code, Zoning Map and Administrative Code – Miscellaneous Technical Amendments, Fee Changes, Clarifications and Corrections

**The text is listed below or attached:**

attached

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**