[Planning Code - Child Care Facilities]

Ordinance amending the Planning Code to allow residential uses and Child Care Facility uses to share required open space; make Child Care Facilities principally permitted in all zoning districts except the Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B), Production, Distribution, and Repair (General) (PDR-1-G) and Industrial (Light Industrial) (M-1) zoning districts, where they would be conditionally permitted, and in the Production, Distribution, and Repair (Core Production, Distribution, and Repair) (PDR-2) and Industrial (Heavy Industrial) (M-2) zoning districts, where they would not be permitted; remove certain notice requirements for Child Care Facilities; and make other conforming changes to references to the definition of Child Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

NOTE:

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in single-underline italics Times New Roman font.

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings

- (a) The Planning Department has determined that the actions contemplated in this ordinance comply 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. <u>170693</u> and is incorporated herein by reference. The Board affirms this determination.
- (b) On May 18, 2017, the Planning Commission, in Resolution No. 19920, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 170693, and is incorporated herein by reference.
- (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19920, and the Board incorporates such reasons herein by reference.

Section 2. On June 30, 2017 and on July 27, 2017, this Board passed Ordinance No. 129-17 and Ordinance No. 166-17 (Board File Nos. 170203 and 170820, respectively), which substantially amended several Planning Code sections that are also amended by this Ordinance. Because this ordinance was introduced prior to the effective date of Ordinance Nos 129-17 and 166-17, as introduced this ordinance did not reflect these later amendments as part of the existing Planning Code. Accordingly, this ordinance has been revised on September 5, 2017, to reflect the current Planning Code as amended by Ordinance Nos. 129-17 and 166-17. Only new amendments proposed that differ from the currently effective Planning Code are shown here as additions, deletions, Board amendment additions, or Board amendment deletions.

Section 23. The Planning Code is hereby amended by revising Sections 135, 209.1, 209.2, 209.3, 209.4, 210.2, 210.3, 211.2, 311, 312, 710, 711, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 728, 729, 730, 731, 732, 733, 734, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 813, 814, 815, 816, 817, 818, 827, 829, 840, 841, 842, 843, 844, 845, 846, 847, and 890.50, to read as follows:

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

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

- (c) **Permitted Obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open space shall be permitted. <u>Additionally, required common useable open space may be partially used for the provision of open space associated with an on-site Child Care Facility as follows:</u>
  - (1) The open space shall meet all state licensing requirements;
- (2) Not more than 50% of a single common open space may be used by the Child Care Facility; and
- (3) The hours of use of the common open space by the Child Care Facility are limited to Monday through Friday, 9 am to 6 pm.

#### **Table 209.1**

**Zoning Control Table for RH Districts** 

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *						
Institutional Use Ca	tegory				<b>.</b>	<b></b>
Institutional Uses*	§ 102	NP	NP	NP	NP	NP
Child Care Facility	§ 102	P <del>(2)</del>				
* * * *						

(2) C required for 15 or more children. [Note Deleted]

**Table 209.2** 

**Zoning Control Table for RM Districts** 

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
· * * *	<u> </u>	<u> </u>			
Institutional Use Ca	itegory				
Institutional Uses*	§ 102	NP	NP	NP	NP
Child Care Facility	§ 102	P <del>(2)</del>	P (2)	P <del>(2)</del>	P <del>(2)</del>
* * *					

(2) C required for 15 or more children. [Note Deleted]

**Table 209.3** 

**Zoning Control Table for Residential-Commercial Districts** 

Zoning Category	§ References	RC-3	RC-4	
* * * *				
Institutional Use Ca	ategory			
Institutional Uses*	§ 102	С	С	
Child Care Facility	§ 102	P <del>(2)</del>	P <del>(2)</del>	
* * * *				

(2) C required for 15 or more children [Note Deleted]

Table 209.4

**Zoning Control Table for RTO Districts** 

Zoning Category	§ References	RTO	RTO-M	
* * * *				
Institutional Use Ca	tegory			
Institutional Uses*	§ 102	NP	NP	
Child Care Facility	§ 102	P <del>(2)</del>	P <del>(2)</del>	
* * * *				

(2) C required for 15 or more children [Note Deleted]

\* \* \* \*

**Table 210.2** 

**Zoning Control Table for C-3 Districts** 

Zoning Category	§ References	C-3-O	C-3-O (SD)	C-3-R	C-3-G	C-3-S
* * * *						
Institutional Use Ca	tegory					
Institutional Uses*	§§ 102, 202.2(e)	Р	Р	Р	Р	Р
Child Care Facility	<del>§ 102</del>	₽	P	P	₽	e
* * * *						

**Table 210.3** 

**Zoning Control Table for PDR Districts** 

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2			
* * *								
Institutional Use Ca	ategory							
Child Care Facility	§ 102	NP-C	Р	NP_C	NP			
* * * *								

**Table 210.4** 

**Zoning Control Table for PDR Districts** 

Zoning Category	§ References	M-1	M-2	
* * * *				
Institutional Use Ca	ategory			

Child Care Facility	§ 102	P <u>C</u>	NP
* * * *			

SEC. 211.2. CONDITIONAL USES, P DISTRICTS.

The following uses shall require Conditional Use authorization from the Planning Commission, as provided in Section 303 of this Code, unless otherwise permitted under Section 211.1 of this Code:

(a) For any P District, Social Service and Philanthropic Facility, *Child Care Facility*, School, Post-Secondary Educational Institution, Religious Institution, Community Facility, Open Recreation Area, Passive Outdoor Recreation and Neighborhood Agriculture as defined in Section 102 of this Code. Additionally, Neighborhood Agriculture, as defined in Section 102 of this Code, if it does not comply with the performance and operational standards contained in Section 202.2(c), and a Wireless Telecommunications Services Facility, as defined in Section 102 of this Code, if used for commercial communication systems.

## SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO DISTRICTS.

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

- (b) Applicability. Except as indicated herein, all building permit applications for demolition and/or new construction, and/or alteration of residential buildings, including the removal of an authorized or unauthorized residential unit, in RH, RM, and RTO Districts shall be subject to the notification and review procedures required by this Section. Subsection 311(e) regarding demolition permits and approval of replacement structures shall apply to all R Districts.
- (1) For the purposes of this Section, an alteration in RH and RM Districts shall be defined as any change in use, removal of more than 75 percent of a residential building's existing interior wall framing or the removal of more than 75 percent of the area of the existing framing, or an increase to the exterior dimensions of a residential building except those features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26). Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the notification requirements of this Section 311.
- (2) For the purposes of this Section, an alteration in RTO Districts shall be defined as a change of use described in Section 312(c), removal of more than 75 percent of a building's existing interior wall framing or the removal of more than 75 percent of the area of the existing framing, or an increase to the exterior dimensions of a building except those features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26). Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the notification requirements of this Section 311.

## SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

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

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

- (b) **Applicability.** Except as indicated herein, all building permit applications for demolition, new construction, the removal of an authorized or unauthorized Dwelling Unit, changes in use to a Formula Retail use as defined in Section 303.1 of this Code or alterations which expand the exterior dimensions of a building shall be subject to the notification and review procedures required by subsection 312(d). Subsection 312(f) regarding demolition permits and approval of replacement structures shall apply to all NC and Eastern Neighborhoods Mixed Use Districts. For the purposes of this Section, addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under this Section.
- (c) Changes of Use. In NC Districts, all building permit applications for a change of use to or the establishment of an Adult Business, Bar, Child-Care Facility, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Restaurant, Massage Establishment, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution, Private Community Facility, Public Community Facility, Religious Institution, Residential Care Facility, School, Tobacco Paraphernalia Establishment, or Trade School shall be subject to the provisions of subsection 312(d); provided, however, that a change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of subsection 312(d). In addition, any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the provisions of subsection 312(d). Notwithstanding the foregoing or any other requirement of this Section 312, a change

of use to a Child Care Facility, as defined in Section 102, shall not be subject to the notification requirements of this Section 312.

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

* * * *				
NON-RESIDENTIAL USES	Controls by Story			
		1st	2nd	3rd+
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	NP
Child Care Facility	§102	P	P <del>(3)</del>	P <del>(3)</del>
* * * *				

<sup>\*</sup> Not listed below

\* \* \* \*

(3) C required for 13 or more children. [Note deleted.]

7 || \* \* \*

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

ZONING CONTROL TABLE

NON-RESIDENTIAL USES	Co	ontrols by Sto	ory
	1st	2nd	3rd+
* * * *			

Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	P	P <del>(2)</del>	P <del>(2)</del>
* * * *				

\* Not listed below

\* \* \* \*

(2) C required for 13 or more children. [Note deleted.]

\* \* \*

# Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S ZONING CONTROL TABLE

* * * *							
NON-RESIDENTIAL USES			Controls by Story				
		1st	2nd	3rd+			
* * *							
Institutional Use Category	1						
Institutional Uses*	§102	P(1)	P(1)	NP(1)			
Child Care Facility	§102	P(1)	P(1)	P(1) <del>(2)</del>			
* * * *							

\* Not listed below

\* \* \*

(2) NP for 13 or more children. [Note deleted.]

21 \* \* \*

# Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

* * * *				
	Controls by St			itory
Agricultural Use Category	<u>.</u>	1st	2nd	3rd+
<u>Agricultural Use Category</u>	1 =	2777		
* * * * .				
* * * * Institutional Use Category	1			
	§102	Р	С	С

\* Not listed below

\* \* \* \*

(2) C required for 13 or more children [Note deleted.]

\* \* \*

## Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *			
NON-RESIDENTIAL STANDARDS AND	USES		
* * * *			
	С	ontrols by St	ory
Agricultural Use Category	1st	2nd	3rd+
Agricultural Use Category			
* * * *			
Institutional Use Category			

Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(2)</del>	P <del>(2)</del>
* * * *				

<sup>\*</sup> Not listed below

\* \* \* \*

(2) C required for 13 or more children [Note deleted.]

\* \* \* \*

# Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *				
NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *			:	
			Controls by	Story
Agricultural Use Category	<i>ŧ</i>	1st	2nd	3rd+
Agricultural Use Category	<u>L</u>			
* * * *				
Institutional Use Category				
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>
* * * *			-	

## \* Not listed below

(1) C required for 13 or more children. [Note deleted.]

\* \* \* \*

### Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

* * * *				
NON-RESIDENTIAL STAND	ARDS AND USE	S		
* * *				
			Controls by	Story
Agricultural Use Category		1st	2nd	3rd+
Agricultural Use Category				
* * * *				
Institutional Use Category				
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>
* * * *				

<sup>\*</sup> Not listed below

\* \* \* \*

(1) C required for 13 or more children. [Note deleted.]

# Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

# NON-RESIDENTIAL STANDARDS AND USES \* \* \* \* Controls by Story Agricultural Use Category 1st 2nd 3rd+ Agricultural Use Category

Institutional Use Category				
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	P	P <del>(1)</del>	P <del>(1)</del>

<sup>\*</sup> Not listed below

(1) C required for 13 or more children. [Note deleted.]

\* \* \* \*

# Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

	ZOMING COM	THOL IADLE		
* * * *				
NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *				
·			Controls by	Story
Agricultural Use Category	<i>ŧ</i>	1st	2nd	3rd+
Agricultural Use Category	<u>L</u>			
* * * *				
Institutional Use Category	/			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>
* * * *				

<sup>\*</sup> Not listed below

(1) C required for 13 or more children. [Note deleted.]

\* \* \* \*

NON-RESIDENTIAL STANDARDS AND	USES		
* * * *			
	C	ontrols by St	ory
Agricultural Use Category	1st	2nd	3rd+
Agricultural Use Category			

<sup>\*</sup> Not listed below

16

17

18

19

20

21

22

23

24

25

## Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT **ZONING CONTROL TABLE**

\* \* \* \*

			Controls by S	Story
Agricultural Use Category	r.	1st	2nd	3rd+
Agricultural Use Category	1			
* * * *				
Institutional Use Category				<del></del>
Institutional Use Category Institutional Uses*	§102	Р	С	С

\* Not listed below

\* \* \* \*

(3) C required for 13 or more children. [Note deleted.]

\* \* \*

### Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE*	: * * *			
NON-RESIDENTIAL STAND	ARDS AND USE	S		
* * * *				
			Controls by S	tory
Agricultural Use Category		1st	2nd	3rd+
Agricultural Use Category				
* * * *				
Institutional Use Category				
Institutional Uses*	§102	Р	С	С

* * * *				
			Controls by S	Story
Agricultural Use Category	·	1st	2nd	3rd+
<u>Agricultural Use Category</u>	, =	* ********		
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	P	P <del>(1)</del>	P <del>(1)</del>

<sup>\*</sup> Not listed below

(1) C required for 13 or more children [Note deleted.]

\* \* \* \*

# Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND I	USES		
* * * *			
	Controls by Story		
Agricultural Use Category	1st	2nd	3rd+
Agricultural Use Category			
* * * *			
Institutional Use Category		•	Software

Institutional Uses*	§102,	NP	NP	NP
	202.2(e)			
Child Care Facility	§102	C(1)P	₩P	₩P
* * * *		1		

<sup>\*</sup> Not listed below

(1) NP for 13 or more children [Note deleted.]

\* \* \* \*

# Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *				
NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *				
			Controls by	Story
Agricultural Use Category	ı	1st	2nd	3rd+
Agricultural Use Category	<u></u>			
* * * *		,		
Institutional Use Category				
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>
* * * *		1	1	1

<sup>\*</sup> Not listed below

(1) C required for 13 or more children [Note deleted.]

# Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *				
NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * *				
			Controls by	Story
Agricultural Use Category		1st	2nd	3rd+
Agricultural Use Category				
* * * *				
Institutional Use Category				
Institutional Uses*	§102	С	С	NP
Child Care Facility	§102	P <del>(1)</del>	P <del>(1)</del>	₩P
* * * *				

<sup>\*</sup> Not listed below

(1) C required for 13 or more children. [Note deleted.]

\* \* \* \*

# Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * *			
NON-RESIDENTIAL STANDARDS AND	USES		
* * * *			
	С	ontrols by St	ory
Agricultural Use Category	1st	2nd	3rd+

Agricultural Use Category  * * * *				
Institutional Use Category	1			
Institutional Uses*	§102	P	С	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>

<sup>\*</sup> Not listed below

(1) C required for 13 or more children. [Note deleted.]

Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STAN	IDARDS AND USE	S		
* * * *				
			Controls by	Story
Agricultural Use Category	<i>†</i>	1st	2nd	3rd+
<u>Agricultural Use Category</u>	<u>L</u>			
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>

<sup>\*</sup> Not listed below

(1) C required for 13 or more children [Note deleted.]

\* \* \* \*

# Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STAN	DARDS AND USE	S	**************************************	
* * * *				
			Controls by	Story
Agricultural Use Category	ļ.	1st	2nd	3rd+
Agricultural Use Category	Z			
* * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	P	P <del>(1)</del>	P <del>(1)</del>

<sup>\*</sup> Not listed below

(1) C required for 13 or more children [Note deleted.]

\* \* \* \*

# Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

ION-RESIDENTIAL STANDARDS AND	USES		
* * * *			
	C	ontrols by St	ory
Agricultural Use Category	1st	2nd	3rd+

Agricultural Use Category				
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>

<sup>\*</sup> Not listed below

(1) C required for 13 or more children-[Note deleted.]

\* \* \* \*

# Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2 ZONING CONTROL TABLE

* * * *				
NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *				
•			Controls by S	Story
Agricultural Use Category	<i>f</i>	1st	2nd	3rd+
Agricultural Use Category	<u>L</u>			
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	C ,	С
Child Care Facility	§102	Р	P <del>(1)</del>	P <del>(1)</del>
* * * *		<u> </u>	1	

<sup>\*</sup> Not listed below

(1) C required for 13 or more children[Note deleted.]

\* \* \* \*

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

- A-14-4-1				
NON-RESIDENTIAL STAN	IDARDS AND USE	S		
* * * *				
			Controls by S	Story
Agricultural Use Category	<del>/</del>	1st	2nd	3rd+
Agricultural Use Category	<u>L</u>			
* * * *				
Institutional Use Category	<i>y</i>			-
Institutional Uses*	§102	Р	С	NP
Child Care Facility	§102	Р	P <del>(2)</del>	P <del>(2)</del>
	*		1	

<sup>\*</sup> Not listed below

\* \* \* \*

(1) C required for 13 or more children; NP on 3rd floor for 13 or more children. [Note deleted.]

# Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE

# NON-RESIDENTIAL STANDARDS AND USES \* \* \* \* Controls by Story Agricultural Use Category 1st 2nd 3rd+

* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(2)</del>	P <del>(2)</del>

<sup>\*</sup> Not listed below

\* \* \* \*

(2) C required for 13 or more children[Note deleted.]

0 | \* \* \*

Table 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT NCT-3 ZONING CONTROL TABLE

NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *				
	. Address		Controls by S	Story
Agricultural Use Category		1st	2nd	3rd+
Agricultural Use Category				
* * * *				
Institutional Use Category				
Institutional Uses*	§102	Р	Р	Р
Child Care Facility	<del>§102</del>	₽	P	P

<sup>\*</sup> Not listed below

Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

NON-INECIDENTIAL OTAN	DARDS AND USE	S		
* * * *				
			Controls by	Story
Agricultural Use Category	<i>t</i>	1st	2nd	3rd+
<u>Agricultural Use Category</u>	<u>L</u>			
* * * *				
Institutional Use Category	/			
Institutional Uses*	§102	С	С	С
Child Care Facility	<u>§102</u>	<u>P(2)</u>	<u>P(2)</u>	<u>P(2)</u>
* * * *				
Not listed below				
* * *				
	e children[Note dele	eted.]		
2) <del>C required for 13 or more</del>	e children[Note dele	eted.]		
2) <del>C required for 13 or more</del>		-	RCIAL TRANS	SIT DISTRIC
2) <del>C required for 13 or more</del>		IOOD COMMER	RCIAL TRANS	SIT DISTRIC
2) <del>C required for 13 or more</del> * * *  Table 754. MISSION STR	REET NEIGHBORH	IOOD COMMER	RCIAL TRANS	SIT DISTRIC
2) <del>C required for 13 or more</del> * * *  Table 754. MISSION STR  * * * *	REET NEIGHBORH ZONING CONT	IOOD COMMER	RCIAL TRANS	SIT DISTRIC
2) C required for 13 or more	REET NEIGHBORH ZONING CONT	IOOD COMMER	RCIAL TRANS	SIT DISTRIC

Agricultural Use Category	<u>,                                      </u>	1st	2nd	3rd+
<u>Agricultural Use Category</u>				
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	Р	Р
Child Care Facility	§102	₽	P	P
* * * *				

<sup>\*</sup> Not listed below

Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *				
NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *				
			Controls by S	Story
Agricultural Use Category		1st	2nd	3rd+
<u>Agricultural Use Category</u>				
* * * *				
Institutional Use Category				
Institutional Uses*	§102	Р	С	С
Child Care Facility	<u>§102</u>	<u>P</u>	<u>P(2)</u>	<u>P(2)</u>
* * * *				

<sup>\*</sup> Not listed below

24 | \* \* \* \*

(2) C required for 13 or more children[Note deleted.]

Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING
CONTROL TABLE

NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *				
			Controls by S	Story
Agricultural Use Category	r.	1st	2nd	3rd+
Agricultural Use Category	<u></u>			
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	P	<u>P(2)</u>	<u>P(2)</u>

<sup>\*</sup> Not listed below

(2) C required for 13 or more children[Note deleted.]

Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE\

\* \* \* \*

NON-RESIDENTIAL STANDARDS AND USES

\* \* \* \*

			Controls by Story		
	1st	2nd	3rd+		
§102	NP	NP	NP		
§102	Р	Р	N <u>P</u>		
		§102 NP	§102 NP NP		

<sup>\*</sup> Not listed below

) | \* \* \* \*

# Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STAN	IDARDS AND USES			
* * * *				
			Controls by S	Story
Agricultural Use Category	<i>t</i>	1st	2nd	3rd+
Agricultural Use Category	<u>L</u>			
* * * *				
Institutional Use Category	/			
Institutional Uses*	§102,	NP	NP	NP
	202.2(e)			
Child Care Facility	§102	P <del>(3)</del>	P <del>(3)</del>	NP

§102

§102

Р

Р

С

P<del>(2)</del>

L	******		
*	Not	listed	below

Institutional Uses\*

Child Care Facility

**Institutional Use Category** 

(2) C required for 13 or more children[Note deleted.]

24

17

18

19

20

21

22

23

25

3rd+

3rd+

C

P(2)

## Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STAN	DARDS AND USE	S		
* * * *				
	Controls by Story			
Agricultural Use Category	+	1st	2nd	3rd+
Agricultural Use Category	<u></u>			
* * * *	,			
Institutional Use Category	<i>I</i>			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(2)</del>	P <del>(2)</del>
			1	

\* Not listed below

\* \* \* \*

(2) C required for 13 or more children[Note deleted.]

7 || \* \*

# Table 763. 24TH STREET - MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND	USES		
* * * *			
	C	ontrols by St	ory
Agricultural Use Category	1st	2nd	3rd+

Agricultural Use Category  * * * *					
Institutional Uses*	§102	Р	С	С	
Child Care Facility	§102	Р	P <del>(2)</del>	P <del>(2)</del>	
* * * *					

<sup>\*</sup> Not listed below

(2) C required for 13 or more children[Note deleted.]

Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *				
NON-RESIDENTIAL STAN	DARDS AND USE	:S		
* * *				
			Controls by	Story
Agricultural Use Category	<i>t</i>	1st	2nd	3rd+
Agricultural Use Category	<u></u>			
* * * *				
Institutional Use Category	1			
Institutional Uses*	§102	Р	С	С
Child Care Facility	§102	Р	P <del>(2)</del>	P <del>(2)</del>
* * * *		<u> </u>		

<sup>\*</sup> Not listed below

(2) C required for 13 or more children[Note deleted.]

Table 813

### **RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential Enclave Controls
* * * *			
Institutio	ns		
* * * *			
813.22	Child Care <u>Facility</u>	§ 102 § 890.50 (b)	P <sup>,</sup>
* * * *			

Table 814

## SPD - SOUTH PARK DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	South Park District Controls
* * * *			
Institutio	ns		
* * * *			
814.22	Child Care Facility	§ 102 § 890.50 (b)	Р
* * * *			

Table 815

RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
* * * *			
Institutio	าร		
* * * *			
815.22	Child Care Facility	§ 102 § 890.50 (b)	Р
* * * *			

# SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential/Service Mixed Use
			District Controls
* * * *			
Institutio	ns		
* * * *			
816.22	Child Care <u>Facility</u>	§ 102 § 890.50 (b)	Р
* * * *			

## Table 817

## SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Light Industrial District
			Controls
* * * *			

Institutions			
* * * *			
817.22	Child Care <u>Facility</u>	§ 102 § 890.50 (b)	Р
* * * *			

## SSO - SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Secondary Office
			District Controls
* * * *			
Institutio	ns		
* * * *			
818.22	Child Care <u>Facility</u>	§ 102 § 890.50 (b)	Р
* * * *			

Table 827

## RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL

### **TABLE**

No.	Zoning Category	§ References	Rincon Hill Downtown  Residential Mixed Use District
			Zoning Controls
* * * *			
Non-Re	esidential Standards an	d Uses	
* * * *			

<u>.45b</u>	Child Care Facility	<u>§ 102</u>	<u>P</u>
* * * *			

## SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	South Beach Downtown Residential District Zoning Controls
* * * * Non-Res	idential Standards ar	nd Uses	
* * * *			
.45a * * * *	Child Care Facility	§ 102	<u>P</u>

Table 840

## MUG - MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Mixed Use-General District
			Controls
* * * *			
Institution	าร		
. * * *			
840.35	Child Care Facility	§ 102 <del>§</del> 890.50 (b)	Р
* * * *			

Supervisors Yee; Tang, Ronen, Farrell, Safai, Kim, Sheehy, Cohen, Breed, Fewer, Peskin **BOARD OF SUPERVISORS** 

Table 841

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Mixed Use-Residential District
			Controls
* * * *			
Institutio	ns		
* * * *			
841.35	Child Care Facility	§ 102 § 890.50 (b)	Р
* * * *			

\* \* \* \*

Table 842

MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Mixed Use-Office District
			Controls
* * * *			
Institutio	ons		
* * * *			
842.35	Child Care Facility	§ 102 § 890.50 (b)	Р
* * * *			

Table 843

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Urban Mixed Use District
			Controls
* * * *			
Institutio	ns		
* * * *			
843.35	Child Care Facility	§ 102 § 890.50 (b)	Р
* * * *			

Table 844

WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	WSoMa Mixed Use-General
			District Controls

* * *				
Institutions				
* * * *				
844.35	Child Care <u>Facility</u>	§ 102 § 890.50 (b)	Р	
* * * *				

## WMUO - WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	WSoMa Mixed Use-Office
			District Controls
* * * *			
Institutio	ons		
* * * *			
845.35	Child Care <u>Facility</u>	§ 102 § 890.50 (b)	Р
* * * *			

\* \* \* \*

## Table 846

## SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	SALI District Controls
* * * *			
Institutio	ons		
* * * *			
846.35	Child Care Facility	§ 102 § 890.50 (b)	<u>P</u> C
* * * *			

Table 847

## RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential Enclave-Mixed District Controls
* * * *			Diotriot controls
Institutio	ns		
* * * *			
847.22	Child Care <u>Facility</u>	§ 102 § 890.50 (b)	Р
* * * *			

SEC. 890.50. INSTITUTIONS, OTHER.

A public or private, nonprofit or profit-making use, excluding hospitals and medical centers, which provides services to the community, and meets the applicable provisions of Section 304.5 of this Code concerning institutional master plans, including but not limited to the following:

- (a) **Assembly and Social Service.** A use which provides social, fraternal, counseling or recreational gathering services to the community. It includes a private noncommercial clubhouse, lodge, meeting hall, family or district association, recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area.
- (b) Child Care. A use which provides less than 24-hour care for children by licensed personnel and which meets the requirements of the State of California and other authorities. [Definition Deleted]
- (c) **Educational Service.** A use certified by the Western Association of Schools and Colleges which provides educational services such as a school, college or university. It may

include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution.

Section 34. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4<u>5</u>. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney

By:

MARLENA BYRNE Deputy City Attorney

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## City and County of San Francisco Tails

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

#### **Ordinance**

File Number: 170693

Date Passed: September 12, 2017

Ordinance amending the Planning Code to allow residential uses and Child Care Facility uses to share required open space; make Child Care Facilities principally permitted in all zoning districts except the Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B), Production, Distribution, and Repair (General) (PDR-1-G), and Industrial (Light Industrial) (M-1) zoning districts where they would be conditionally permitted, and in the Production, Distribution, and Repair (Core Production, Distribution, and Repair) (PDR-2), and Industrial (Heavy Industrial) (M-2) zoning districts where they would not be permitted; remove certain notice requirements for Child Care Facilities; make other conforming changes to references to the definition of Child Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

July 10, 2017 Land Use and Transportation Committee - RECOMMENDED

July 18, 2017 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

July 25, 2017 Board of Supervisors - CONTINUED ON FINAL PASSAGE

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

September 05, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

September 05, 2017 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

September 12, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/12/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved