



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: AUGUST 13, 2015

Project Name: **2015 Code Corrections Ordinance**
Case Number: **2015-005859PCA [Board File No. TBD]**
Initiated by: Planning Commission / Initiated July 16, 2015
Staff Contact: Aaron Starr, Manager of Legislative Affairs
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Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENT

Ordinance amending the Planning Code to correct errors, reenact previously-existing language that was repealed in error as part of the Article 2 Reorganization Ordinance, update the Code, and make nonsubstantive language revisions to simplify and clarify text.

The Way It Is Now:

The Planning Code contains various errors, improper and outdated cross-references, lack of clarity, grammar mistakes, and incorrect illustrations.

The Way It Would Be:

The proposed ordinance seeks to correct these errors.

BACKGROUND

The Planning Code is amended approximately 30-40 times a year. While each ordinance is reviewed by Planning Staff and the City Attorney's office for consistency and accuracy, the number of changes that occur and the complexity of the Planning Code mean that not all errors are caught before final adoption. Further, even though these are typically minor errors, they cannot be fixed without a legislative change. From time to time, the Planning Department collects all of the reported Planning Code errors and compiles them into a Code Corrections Ordinance. The last time this was done was in November 2012. On July 18, 2015 the Planning Commission initiated this Code Corrections Ordinance.

ISSUES AND CONSIDERATIONS

Updating Out-Of-Date Language

A significant portion of the 2015 Code Corrections Ordinance is updating out-of-date language. Three of the most common corrections are changing "Master Plan" to "General Plan", "Department of City Planning" to "Planning Department," and "City Planning Commission" to "Planning Commission."

When San Francisco first started comprehensive planning for the City in 1945, the resulting document was called the Master Plan. In 1976, the California State Legislature mandated that cities prepare General Plans. It's believed that the City changed the name of the Master Plan to General Plan around this time; however the term Master Plan still persists in several areas of the Planning Code. This Code Corrections

Ordinance seeks to eliminate all references to the Master Plan and replace it with references to the General Plan.

San Francisco is a unique place in many ways, but one of its lesser known claims to fame is that it is the only municipality in California that is both a city and a county. There are a lot of places in the Planning Code that refer to the “Department of City Planning” or “City Planning Commission;” however since the Planning Department and Planning Commission serve both the city and the county of San Francisco, limiting these entities to just the city is inaccurate. The Department has been changing these inaccurate references over the past couple of years whenever they come up in a proposed ordinance. This Code Corrections Ordinance may have gotten just about all of them.

Misspellings and Incorrect Planning Code References

Perhaps the next most common occurrences in the 2015 Code Correction Ordinance are fixes to misspelling and incorrect section references. Misspellings run the gamut between formula vs formal, principal vs. principle, plague vs plaque, etc. Incorrect section references are all over the Planning Code, mostly caused by past ordinances that moved certain section of the Code, but did not also change pertinent references. A significant number of these in the 2015 Code Correction’s Ordinance were caused when Planning Department fees were moved from Article 3 to Article 4 of the Planning Code. Most of the incorrect references in the Article 2 zoning controls tables were a result of the Article 2 Reorganization Ordinance (hereinafter Article 2 Ordinance).

Article 2 Ordinance Corrections

On July 24, 2012, the Planning Commission initiated the Article 2 Ordinance, a 560 page ordinance that consolidate definitions into Section 102 of the Planning Code, reorganized Article 2 to create Zoning Control Tables, and made other non-substantive changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify, and simplify Code language. On November 20, 2014, the Planning Commission recommended approval of this ordinance to the Full Board of Supervisors, and on March 22 of this year the Article 2 Ordinance became effective. This Ordinance includes clean-up pieces from the Article 2 Ordinance, such as omission and incorrect references. Some errors are very minor, like incorrect references (see above) and minor typos, others were more significant; both are included in the 2015 Code Corrections Ordinance. The following is a list of the significant corrections that are a result of the Article 2 Reorganization:

Page 5, Line 15

Proposed Correction: Change “inpatient and outpatient medical care” to “inpatient or outpatient medical care.”

The change from an “or” to an “and” was mistakenly made as part of the Article 2 Ordinance and incorrectly limited what a Hospital could be. This change will fix that mistake.

Pages 9-11, Line 7

Proposed Correction: Add Table 124, Basic Floor Area Ratio (FAR) Limits, back to the Planning Code.

One of the main changes in the Article 2 Ordinance was the creation of Zoning Control Tables for all zoning districts in Article 2. Table 124 was deleted as part of the Article 2 Ordinance because it repeats FAR information that was already promulgated in the zoning control tables. The deletion was intended to remove duplicative information that often does not get revised when FAR limits are changed. However, it was discovered after Article 2 Ordinance became effective that zoning control tables for several zoning district in Article 8 do not include FAR limits. For now, the Department is proposing that

Table 124 be put back in the Planning Code until Zoning Control Tables in Article 8 can be reformatted and amended to include FAR limits.

Page 52, Line 18-19

Proposed Correction: Amend the height controls in Table 209.1 as follows, "No portion of a Dwelling Buildings may ~~not~~ be taller than 35 feet."

Proposed for further modifications, see Recommendation #1 below.

Page 53, Line 9

Proposed Correction: Removal of Parking Lot controls under Street Frontage and Public Realm Section in Table 209.1

These uses controls were placed under the wrong section of the Table 209.1, and they are also the wrong controls for parking lots in RH Districts.

Page 53, Line 18

Proposed Correction: Add conditional use requirement for Private Parking Lots in RH districts.

Table 209.1 incorrectly prohibits private parking lots in RH districts. Prior to the Article 2 Ordinance, private parking lots were permitted with conditional use authorization in all RH zoning Districts.

Page 55, Lines 8-9

Proposed Correction: Add conditional use requirement for Private Parking Lots in RM districts.

Table 209.2 incorrectly prohibits private parking lots in RM districts. Prior to the Article 2 Ordinance private parking lots were permitted with conditional use authorization in all RM zoning Districts.

Page 55, Lines 12-14

Proposed Correction: Count 500 sq. ft. units as three-quarters of a unit in RM-4 districts

Prior to the Article 2 Ordinance, units that were less than 500 sq. ft. were counted as three-quarters of a unit in RM-4 Zoning Districts. This change will add this provision back to the Planning Code.

Page 56, Line 20

Proposed Correction: Add conditional use requirement for Private Parking Lots in RC districts.

Table 209.3 incorrectly prohibits private parking lots in RC districts. Prior to the Article 2 Ordinance private parking lots were permitted with conditional use authorization in all RC zoning districts.

Page 57, Line 4

Proposed Correction: Prohibit Massage establishment in RC districts

Prior to the Article 2 Ordinance, Massage Establishments were not permitted in RC districts. This Ordinance will add this provision back to the Planning Code.

Page 57, Lines 7-10

Proposed Correction: Count 500 sq. ft. units as three-quarters of a unit in RC-4 districts

Prior to the Article 2 Ordinance, units that were less than 500 sq. ft. were counted as three-quarters of a unit in RC-4 zoning districts. This change will add this provision back to the Planning Code.

Page 59, Lines 24-25

Proposed Correction: Delete the following text – “Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.”

Section 186.3 only applies to RH and RM Districts; it does not apply to RTO Districts. This text is being removed because it is inaccurate.

Page 60, Lines 8-9

Proposed Correction: Add conditional use requirement for Private Parking Lots in RTO districts.

Table 209.4 incorrectly prohibits private parking lots in RTO districts. Prior to the Article 2 Ordinance private parking lots were permitted with conditional use authorization in all RTO zoning districts.

Page 60, Lines 13-17

Proposed Correction: Count 500 sq. ft. units as three-quarters of a unit in RTO districts

Prior to the Article 2 Ordinance, units that were less than 500 sq. ft. were counted as three-quarters of a unit in RTO zoning districts. This change will add this provision back to the Planning Code.

Page 62, Lines 2-6

Proposed Change: Amend Table 210.1 to require CU for Parking Garages and Parking Lots in C-2 zoning districts.

One part of the NE Ordinance (BF 120881, Enactment #232-14) amended the Planning Code to require CU authorization for parking lots and parking garages in C-2 districts. Because of some overlap in the drafting of the Article 2 Ordinance and the effective date of the NE Ordinance, this change was not included in the final draft of the Article 2 Ordinance. This amendment will require CU authorization for Private Parking Lots and Garages, and Public Parking Lots in C-2 districts. Public Parking Garages already require CU authorization.

Page 62, Lines 22-24

Proposed Correction: Amend the residential parking controls for C-3 Districts in Table 210.2.

This amendment amends the Table 210.2 to be consistent with the residential parking controls for C-3 districts in Section 151.1. A portion of the NE Ordinance (BF 120881, Enactment #232-14) amended the Planning Code by increasing the number of parking spaces that were permitted as of right, and capped the number of parking spaces allowed with CU authorization in C-3 Districts. Because of some overlap in the drafting of the Article 2 Ordinance and the effective date of the NE Ordinance, this change was not included in the final draft of the Article 2 Ordinance.

Page 63, Lines 21-24

Proposed Correction: Amend Table 210.2 “C-3 Zoning Districts” to make Public and Private Parking Lots in C-3-S Districts not permitted.

A portion of the NE Ordinance (BF 120881, Enactment #232-14) amended the Planning Code by prohibiting Public and Private Parking Lots in the C-3-S District. Because of some overlap in the drafting of the Article 2 Ordinance and the effective date of the NE Ordinance, this change was not included in the final draft of the Article 2 Ordinance.

Page 65, Lines 3-5

Proposed Correction: Amend Table 210.3 to require CU for Offices in Landmark Buildings

Board File 140876 (Enactment #26-15) amended the Planning Code to require CU for Offices in Landmark Buildings. Prior to this they were principally permitted. Due to overlap, Board File 140876 and the Article 2 Ordinance were never reconciled to integrate the changes in PDR controls to the new Zoning Control Table.

Page 65, Line 24

Proposed Correction: Amend the Non-Retail Sales and Service Use controls for PDR district to be clearer.

The controls for Non-Retail Sales and Service Uses are being changed from Permitted (P) to Not Permitted (NP). This control also has an existing footnote that clarifies that these uses are not permitted unless in a designated landmark. Since the default control is actually NP and not P, this control is being amended to be more accurate and clearer.

Page 73, Line 11

Proposed Correction: Add “except for Motels and Hotels” to what is permitted in the Bayshore Boulevard Home Improvement Special Use District.

Prior to the Article 2 ordinance, Hotels and Motels were categorized as “Other Housing.” Now they are categorized as Retail Sales and Service uses. As part of the Article 2 reorganization, Section 249.65 was amended to allow Retail Sales and Services as defined in Section 102, which includes Hotels and Motels. Since Hotels and Motels were not previously permitted, this language is being added to clarify the controls.

Page 80, Line 8

Proposed Correction: Add General Entertainment to Section 303 CU findings for Entertain Use CUs.

The Article 2 Ordinance moved the CU criteria for Adult Business and Other Entertainment to Section 303 (Conditional Use Procedures and Criteria). General Entertainment is a new use that is derived from the Other Entertainment Use category, and will take the place of Other Entertainment once Articles 7 and 8 are reorganized and simplified; therefore General Entertainment uses that require CU authorization should be evaluated under the same controls as Other Entertainment is today.

Page 81, Line 2

Proposed Correction: Put back the criteria for large lots developments in RTO and RTO-M Districts.

The Article 2 Ordinance kept the CU requirement for large lot developments in RTO and RTO-M Districts, but inadvertently deleted the CU criteria for large lots developments in these districts. This correction will put these criteria back in the Code under Section 303 (CU Procedures and Criteria).

Other Proposed Corrections

The following is a summary of other proposed corrections in the ordinance that aren’t simply an incorrect section number, or misspelling. The changes include among other things, clarifications, removal of outdated or contradictory text, and deletion of erroneously placed graphics.

Page 12, Lines 12-24

Proposed Correction: Delete list of zoning districts where the subject controls apply.

Section 134 lists all of the zoning districts that are covered under this section in the title, the introduction paragraph, and when the requirements are described. The proposed change will delete the list of zoning

districts in the introduction because they are unnecessary, complicate this section of the Code, and are often not updated when new districts or controls are added to this section.

Page 13, Lines 5-6 and Page 14 Lines 2-3

Proposed Correction: Correct the Pacific Avenue Rear Yard Controls in Section 134.

According to Table 732, the rear yard requirement for the Pacific Avenue NCD is actually 45 percent of the rear yard depth and not 25 percent, as implied in this Section. The proposed change seeks to clarify this requirement and make Section 134 consistent with Section 732.

Page 13, Lines 9-10, Page 14, Lines 11-12 and 22

Proposed Correction: Deleting the provision that makes required rear yard exceptions only apply to SROs in the SoMa Mixed Use Districts and Eastern Neighborhoods Mixed Use Districts.

See Recommendation 3 below

Page 17, Lines 17-18

Proposed Correction: Add "Driveway" to Table 1, Pedestrian and Streetscape Elements.

Driveways are a physical element discussed in the Better Streets Plan, but was left out of this chart. This change seeks to correct that error.

Page 25-36

Proposed Correction: Amendments to the Table 155.2 Bicycle Parking Spaces Required

This proposed correction seeks to make the uses listed in Table 155.2 (bike parking requirements) consistent with the uses listed in Section 102 in order to make implementing these requirements easier. A similar effort is underway for Section 151, and 151.1 (parking requirements and maximums), but those changes require more substantive and thorough policy discussion, so they have been folded into a separate ordinance that will be considered at a later date.

Pages 37 and 38

Proposed Correction: Amendments to the Table 155.4 Requirements for Shower Facilities and Lockers

Similar to the changes to Table 155.2, this proposed correction seeks to make the uses listed in Section 155.4 consistent with the uses listed in Section 102 to make implementing these requirements easier.

Page 44, Line 8-20

Proposed Change: Reword and reorganize existing text in Section 186.1

The existing language is confusing. The proposed amends clarify this section, but make no substantive changes.

Page 48, Lines 4-18

Proposed Change: Clarify location and operational conditions for Medical Cannabis Dispensaries.

The language proposed for deletion address MCDs that were in operation before 2005 and located within 1000 feet of a School or Recreational Facility. These uses were grandfathered in by this language. All of the MCDs affected by this Section have gone through the permitting process, making this confusing and overly wordy language unnecessary.

Page 51, Lines 5-6

Proposed Change: Eliminate contradictory language from Section 207(b)(1)

The language proposed for deletion contradicts the statement in the following sentence. A recent ordinance (BF140036, Ordinance Num. 152-14) amended how we calculate density by allowing fractions of one half or more to be rounded up, allowing one additional unit.

Page 76, Lines 1-20

Proposed Correction: Delete Chart C

Chart C appears in and pertains to Section 270. For some reason it was also included in Section 271, where it is not relevant. The proposed change will correct this error by deleting it.

Page 88, line 4

Proposed Correction: Make the Planning Code's controls consistent with the City Charter.

The City Charter states that Planning Commission interim controls can be over turned by the Board of Supervisor's with a majority vote. The Planning Code states that the Board needs a unanimous vote to overturn Commission interim controls. In all cases, the City's Charter overrides the Planning Code. This change will make the Planning Code consistent with the City's Charter.

Page 110, Line 16 and 17

Proposed Correction: Delete text related for Planning Code Violations

This fee is no longer applicable for code violations so it is being removed. This fee was removed from the September 2, 2014 fee schedule.

Page 117 and 118, Lines 24-24, and 1-4

Proposed Correction: Delete of Subsection (a)(1)-(a)(3) for Section 415.3 Application

Subsection (a)(1) and subsection (a)(2) are proposed for deletion because they negate each other and are unnecessary. Subsection (a)(3) is proposed for deletion because Live Work Lofts are no longer permitted.

Page 118, Lines 18 and 20-21

Proposed Correction: Deleted reference to the Building Code and add language establishing a reasonable time for refund.

"Building Code" is proposed for deletion because it doesn't require fees. If a permit requires review by the Planning Department, that fee is promulgated in the Planning Code. The reference to the Building Code is unnecessary and inaccurate. Staff is proposing that the proposed language on lines 20-21 be further refined as part of Recommendation #4 below.

Page 122, Line 12

Proposed Correction: Add "received no height increase" to this Section.

This is clarifying language. Tier 1 is supposed to include projects that did not benefit or only benefited slightly from the height increases in the Eastern Neighborhoods rezoning, including projects that received an eight foot height increase and a decrease in height. Implied in that statement are projects that did not receive a height increase at all. This change will make that explicit.

Page 125, Lines 18-19

Proposed Correction: Correct the title of Table 424.5A.

This chart is an exact copy of the Market and Octavia Community Improvement Fee in Section 421. When the table was added to the Code it was likely cut and pasted into the proposed ordinance without correcting the title. This change will make sure the title of the table match the title of the Code section.

Page 126, Lines 23-25

Proposed Correction: Delete Text in Subsection (c)(3)

This subsection is being deleted because it contains a reference that does not exist. The referenced provision, 123(e)(1), was incorporated into the adopted TCDP Planning Code ordinance as an uncodified provision.

Page 127, Lines 4-20

Proposed Correction: Delete text from Subsection (c)

Board File 130549 (Ordinance #263-13) supersedes this section on Controller's responsibilities to file the required report.

Page 128, Lines 13-15

Proposed Correction: Delete Text in Subsection (c)(5)

This subsection is being deleted because it contains a reference that does not exist. The text from the referenced provision, 123(e)(1), was incorporated into the adopted TCDP Planning Code ordinance as an uncodified provision.

Pages 128 and 129, Lines 20-25 and 1-11

Proposed Correction: Delete subsection (c) of Section 424.7.4

Board File 130549 (Ordinance #263-13) supersedes this section on Controller's responsibilities to file the required report.

Page 129, Line 13

Proposed Correction: Delete "In C-3 Districts" from the Section 429 title.

The public art requirement in Section 429 applies to more districts than just C-3 districts. This change is proposed to make the title more accurate.

Page 131, Lines 18-21

Proposed Correction: Delete language in Section 604(c)

The language proposed for deletion is confusing, and circular. The proposed correction will replace it with clearer, more straightforward language.

Page 132, Line 16

Proposed Correction: Add "one nonilluminated or directly illuminated" to nameplate controls in Section 607.2.

All other signs in these districts are permitted to be nonilluminated or directly illuminated. This change is clarifying that nameplate signs can also be.

Page 132, Line 25

Proposed Correction: Strike “or signs combined when there are multiple signs” from Section 607.2(f)(1)(C) This language contradicts the previous sentence. If there can only be one sign per business then there cannot be multiple signs.

Page 133-134, Lines 7, 10-12, 21-24, and 1-4

Proposed Correction: Add references to Special Use Districts within Article 6, Sign Controls. Some Special Use Districts (SUDs) also have sign controls; the purpose behind this added language is to provide a reference to these SUDs in Article 6 of the Code.

Page 136, Line 7

Proposed Correction: Delete language, “and shall be set back three feet from the front property line.” The Formula Retail Ordinance (Board File 140844, Ordinance # 235-14) removed the three foot setback rule for ATM machines throughout the City; however the ordinance missed this one reference. Striking this language is intended to fix this omission.

Page 137, Line 19

Proposed Correction: Delete “movie theaters” from the description of what is not permitted in SALI zoning Districts. The zoning control table for SALI districts allows movie theaters with up to three screens. This proposed change seeks to make the description of the zoning district consistent with the actual land use controls in the district.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

The Department’s proposed recommendations are as follows:

Recommendation 1: Add clarifying language to the height and bulk limits in table 209.1

Page 52, Line 18: Amend text in Height and Bulk Limits for RH Districts to say the following (proposed modification in double underlined text):

No portion of a Dwelling Buildings may ~~not~~ be taller than 35 feet; Structures with uses other than Dwellings may be constructed to the prescribed height limit, which is generally 40 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot.

Recommendation 2: Add reference to Planning Code Section 260 to Section 261

Page 74, Line 13-15: Amend the text of Section 261(b)(1)(A) as follows (proposed modification in double underlined text):

The permitted ~~#~~Height of a Building, as defined in Section 102, shall be increased to 40 feet, as measured at curb per Section ~~102.12~~ 260, 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;

Recommendation #3: Remove proposed changes to how rear yards for building with SROs are treated in Section 134.

Page 13, Lines 9-10 (keep double underlined language) – For buildings containing only SRO ~~#~~Units *in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts*,

Page 14 Lines 11-12 (keep double underlined language) - SRO buildings *located in either the South of Market Mixed Use or Eastern Neighborhoods Mixed Use Districts* not exceeding a height of 65 feet...

Page 14 Lines 21-24 (keep double underlined language) – Except for ~~single room occupancy~~ SRO buildings *in the South of Market Mixed Use Districts*...

Recommendation #4: Refine proposed language in Section 415.5, “On-Site Affordable Housing Alternative”

Page 118, Lines 18 and 20-21 – Amend the proposed language as follows - “An application for a refund must be made within ~~a reasonable amount of time~~ six months from the issuance of the first certificate of occupancy.”

Recommendation #5: Allow the City Attorney’s Office to add additional non-substantive amendments to this Code Corrections Ordinance as it moves through the Board of Supervisors should any further corrections be identified.

BASIS FOR RECOMMENDATION

The Planning Department recommends approval of the proposed ordinance because it will help the readability, usability and accuracy of the Planning Code. The Planning Code is amended approximately 30-40 times a year. While each ordinance is reviewed by Planning Staff and the City Attorney’s office for consistency and accuracy, the number of changes that occur and the complexity of the Planning Code mean that not all errors are caught before final adoption. This ordinance will fix a substantial number of the identified errors in the Planning Code.

Recommendation 1: Add clarifying language to the height and bulk limits in table 209.1

Staff met with the Coalition for San Francisco Neighborhoods (CSFN) after this Ordinance was initiated by the Planning Commission. As a result of that meeting, staff agreed to add this language, which further clarifies the height requirements in RH-1 Districts.

Recommendation 2: Add reference to Planning Code Section 260 to Section 261

Staff met with CSFN after this proposed ordinance was initiated by the Planning Commission. As a result of that meeting, staff agreed to add this language, which clarifies how height is measured in RH Districts.

Recommendation #3: Remove proposed changes to how rear yards for building with SRO are treated in Section 134.

Member of CSFN correctly pointed out that deleting this text would allow SROs in RH districts the ability to reduce their rear yard requirement, where currently this provision is only limited to SROs in the South of Market area. SROs are limited to 350 square feet, and the density and group housing controls in RH districts make them a less financially feasible than regular sized units in RH Districts; however the proposed change not a correction and does not need to be deleted to clarify or correct any other issue. Therefore, staff is recommending that it be kept in the Code and not deleted.

Recommendation #4: Refine proposed language in Section 415.5, “On-Site Affordable Housing Alternative”

This language is being proposed because there is currently no deadline for when a refund requested under this Section of the Code needs to be filed, opening up the possibility that developers could seek the refund several years after the certificate of occupancy was issued. Staff is proposing to further refine the language in order to make it less ambiguous. Six months was chosen because that is the same amount of time that the Administrative Codes and other section of the Planning Code give for when refunds can be processed for applications.

Recommendation #5: Allow the City Attorney’s Office to add additional non-substantive amendments to this Code Corrections Ordinance as it moves through the Board of Supervisors should any further corrections be identified.

Other needed corrections may be discovered in the process of bringing this ordinance to the Board. Rather than waiting for another Code Corrections Ordinance to make those corrections, staff is requesting that the Commission include this recommendation in their motion.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because it does not result in a physical change in the environment.

PUBLIC COMMENT

The Department received feedback from the Coalition of San Francisco neighborhoods, and some modifications to this Ordinance are being recommended as a result of that feedback.

RECOMMENDATION: Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Initiated Code Corrections Ordinance



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution Planning Code Text Changes

HEARING DATE: NOVEMBER 29, 2012

Project Name: 2015 Code Corrections Ordinance
Case Number: 2015-005859PCA [Board File No. TBD]
Initiated by: Planning Commission / Initiated July 18, 2015
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
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 PLANNING CODE TO CORRECT ERRORS, REENACT PREVIOUSLY-EXISTING LANGUAGE THAT WAS REPEALED IN ERROR AS PART OF THE ARTICLE 2 REORGANIZATION ORDINANCE, UPDATE THE CODE, AND MAKE NONSUBSTANTIVE LANGUAGE REVISIONS TO SIMPLIFY AND CLARIFY TEXT; 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.

PREAMBLE

WHEREAS, on July 16, 2015, the Planning Director requested that amendments be made to the Planning Code under Case Number 2015-005859PCA; and

WHEREAS, the proposed Planning Code text changes would amend several sections of the Code as outlined in Exhibit A; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on July 16, 2015; and

WHEREAS the Planning Commission adopted Resolution No. 19420 initiating amendments to the Planning Code on July 16, 2015; and

WHEREAS, the proposed Ordinance is not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because it does not result in a physical change in the environment; 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. Add clarifying language to the height and bulk limits in table 209.1

Page 52, Line 18: Amend text in Height and Bulk Limits for RH Districts to say the following (proposed modification in double underlined text):

No portion of a Dwelling Buildings may ~~not~~ be taller than 35 feet; Structures with uses other than Dwellings may be constructed to the prescribed height limit, which is generally 40 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot.

2. Add reference to Planning Code Section 260 to Section 261

Page 74, Line 13-15: Amend the text of Section 261(b)(1)(A) as follows (proposed modification in double underlined text):

The permitted ~~#~~Height of a Building, as defined in Section 102, shall be increased to 40 feet, as measured at curb per Section ~~102.12~~ 260, 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;

3. Remove proposed changes to how rear yards for building with SROs are treated in Section 134.

Page 13, Lines 9-10 (keep double underlined language) – For buildings containing only SRO ~~#~~Units in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts.

Page 14 Lines 11-12 (keep double underlined language) - SRO buildings located in either the South of Market Mixed Use or Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet...

Page 14 Lines 21-24 (keep double underlined language) – Except for ~~single room occupancy~~ SRO buildings in the South of Market Mixed Use Districts...

4. Refine proposed language in Section 415.5, “On-Site Affordable Housing Alternative”

Page 118, Lines 18 and 20-21 – Amend the proposed language as follows - “An application for a refund must be made within ~~a reasonable amount of time~~ six months from the issuance of the first certificate of occupancy.”

5. Allow the City Attorney's Office to add additional non-substantive amendments to this Code Corrections Ordinance as it moves through the Board of Supervisors should any further corrections be identified.

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 Commission recommends approval of the proposed ordinance because it will help the readability, usability and accuracy of the Planning Code.
2. The Planning Code is amended approximately 30-40 times a year. While each ordinance is reviewed by Planning Staff and the City Attorney's office for consistency and accuracy, the number of changes that occur and the complexity of the Planning Code mean that not all errors are caught before final adoption.
3. This ordinance will fix a substantial amount of the identified errors in the Planning Code.
4. **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.

5. 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 affect 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 affect existing housing and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not affect 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 not affect the City's landmark or historic buildings.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not affect the City's parks and open space.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on August 13, 2015.

Jonas P. Ionin
Commission Secretary

Resolution No. XXXXX
Hearing Date: August 13, 2015

Case No. No 2015-005859PCA
2015 Code Corrections Ord.

AYES:

NOES:

ABSENT:

ADOPTED: August 13, 2015

1 [Planning Code - Technical Amendments and Corrections]

2

3 **Ordinance amending the Planning Code to correct errors, reenact previously-existing**
4 **language for large lots and dwelling unit density calculation that was repealed in error,**
5 **update the Code, and make nonsubstantive language revisions to simplify and clarify**
6 **text; affirming the Planning Department’s determination under the California**
7 **Environmental Quality Act; and making findings of consistency with the General Plan**
8 **and the eight priority policies of Planning Code Section 101.1.**

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

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

17 Section 1. Findings.

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

23 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the
25 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. _____, and is incorporated herein by reference.

1 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
2 amendments will serve the public necessity, convenience, and welfare for the reasons set
3 forth in Planning Commission Resolution No. _____ and the Board incorporates such reasons
4 herein by reference.

5
6 Section 2. The Planning Code is hereby amended by revising Sections 101, 101.1,
7 102, 103, 121, 121.2, 121.7, 124, 132, 134, 136, 137, 138, 138.1, 140, 145.4, 148, 152.2,
8 154, 155.2, 155.4, 164, 165, 172, 175, 175.5, 175.6, 179.1, 186.1, 201, 202.2, 202.3, 204.5,
9 207, 208, 209.1, 209.2, 209.3, 209.4, 210.1, 210.2, 210.3, 211, 211.2, 219.1, 219.2, 243, 244,
10 244.1, 249.52, 249.60, 249.65, 251, 261, 270.2, 271, 290, 295, 301, 303, 304, 304.5, 306.7,
11 306.8, 312, 316, 317, 320, 321, 321.1, 322, 323, 329, 330.1, 330.2, 330.5, 330.5.2, 330.5.3,
12 330.5.4, 330.6, 330.8, 330.9, 330.12, 330.15, 352, 401, 401A, 409, 411.3, 412.4, 415.3,
13 415.6, 419.1, 419.6, 421.5, 422.5, 423.2, 423.5, 424.5, 424.6.2, 424.6.4, 424.7.2, 424.7.4,
14 429, 429.2, 429.3, 601, 604, 606, 607.2, 608, 608.8, 703.2, 803.9, 845, 846, and Appendix A
15 to Article 10, to read as follows:

16 **SEC. 101. PURPOSES.**

17 This ~~City~~ Planning Code is adopted to promote and protect the public health, safety,
18 peace, morals, comfort, convenience and general welfare, and for the following more
19 particularly specified purposes:

20 (a) To guide, control and regulate future growth and development in accordance with
21 the General Master Plan of the City and County of San Francisco;

22 * * * *

23 **SEC. 101.1. GENERAL MASTER PLAN CONSISTENCY AND IMPLEMENTATION.**

24 (a) The General Master Plan shall be an integrated, internally consistent and compatible
25 statement of policies for San Francisco. To fulfill this requirement, after extensive public

1 participation and hearings, the ~~City~~ Planning Commission shall in one action amend the
2 General Master Plan by January 1, 1988.

3 (b) The following Priority Policies are hereby established. They shall be included in the
4 preamble to the General Master Plan and shall be the basis upon which inconsistencies in the
5 General Master Plan are resolved:

6 * * * *

7 (d) The City may not adopt any zoning ordinance or development agreement
8 authorized pursuant to Government Code Section 65865 after January 1, 1988, unless prior to
9 that adoption it has specifically found that the ordinance or development agreement is
10 consistent with the ~~City's~~ General Master Plan.

11 (e) Prior to issuing a permit for any project or adopting any legislation which requires an
12 initial study under the California Environmental Quality Act, and prior to issuing a permit for
13 any demolition, conversion or change of use, and prior to taking any action which requires a
14 finding of consistency with the General Master Plan, the City shall find that the proposed
15 project or legislation is consistent with the Priority Policies established above. For any such
16 permit issued or legislation adopted after January 1, 1988 the City shall also find that the
17 project is consistent with the ~~City's~~ General Master Plan.

18 **SEC. 102. DEFINITIONS.**

19 * * * *

20 **Automotive Service.** A subgrouping of Retail Automotive Uses providing services for motor
21 vehicles that includes ~~Automotive~~ Gas Station, Automotive Service Station, Automotive Repair,
22 and Automotive Wash.

23 **Automotive Service Station.** A Retail Automotive Use that provides motor fuels and
24 lubricating oils directly into motor vehicles and minor auto repairs (excluding engine repair,
25 rebuilding, or installation of power train components, reconditioning of badly worn or damaged

1 motor vehicles, collision service, or full body paint spraying) and services that remain
2 incidental to the principal sale of motor fuel. Repairs shall be conducted within no more than
3 three enclosed service bays in buildings having no openings, other than fixed windows or
4 exits required by law, located within 50 feet of any R District. It may include other incidental
5 services for automobiles including, but not limited to, accessory towing, if the number of
6 towing vehicles does not exceed one, and all towed vehicles stored on the premises are
7 limited to those vehicles that are to be repaired on the premises. This use is subject to the
8 controls in Sections 187.1, 202.2(b), and 202.5.

9 * * * *

10 **Bar.** A Retail Sales and Service Use that provides on-site alcoholic beverage sales for
11 drinking on the premises, including bars serving beer, wine and/or liquor to the customer
12 where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC]
13 license types 23, 42, 48, or 61) and drinking establishments serving beer where minors are
14 present (with ABC license types ~~42~~ 40 or 60) in conjunction with other uses such as Movie
15 Theaters and General Entertainment. Such businesses shall operate with the specified
16 conditions in Section 202.2(a).

17 * * * *

18 **Gas Station.** A Retail Automotive Use that provides motor fuels, lubricating oils, air, and
19 water directly into motor vehicles and without providing ~~a~~Automotive ~~r~~Repair services, and
20 which also includes self-service operations that sell motor fuel only. This use is subject to the
21 controls in Sections 202.2(b); and 187.1; ~~and 228.~~

22 * * * *

23 **Grocery, General.** A Retail Sales and Services Use that:

24 * * * *

25

1 (e) May have a Limited Restaurant use within the accessory use limits as set forth in
2 Section 703.2(b)(1)(C)(iii).

3 ~~(f)~~ Such businesses shall operate with the specified conditions in Section 202.2(a)(1)
4 ~~703.5~~.

5 (f) Requires Conditional Use authorization for conversion of a General Grocery use greater
6 than 5,000 square feet, pursuant to Section 202.3.

7 **Grocery, Specialty.** A Retail Sales and Services Use that:

8 * * * *

9 (e) May provide Limited Restaurant services within the accessory use limits as set forth
10 in Section 703.2(b)(1)(C)(iii).

11 ~~(f)~~ Such businesses shall operate with the specified conditions in Section 202.2(a)(1)
12 ~~703.5~~.

13 * * * *

14 **Hospital.** An Institutional Healthcare Use that includes a hospital, medical center, or other
15 medical institution that provides facilities for inpatient ~~and~~ or outpatient medical care and may
16 also include medical offices, clinics, laboratories, and employee or student dormitories and
17 other housing, operated by and affiliated with the institution, which institution has met the
18 applicable provisions of Section 304.5 of this Code concerning ~~i~~Institutional ~~m~~Master ~~p~~Plans.

19 * * * *

20 **Restaurant.** A Retail Sales and Service ~~U~~use that serves prepared, ready-to-eat cooked
21 foods to customers for consumption on or off the premises and which has seating. It may
22 have a Take-Out Food use ~~as defined by Planning Code Section 790.122~~ as a minor and
23 incidental use. It may provide on-site beer, wine, and/or liquor sales for drinking on the
24 premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so, it shall be
25 required to operate as a Bona Fide Eating Place ~~as defined in Section 790.142~~. It is distinct and

1 separate from a Limited-Restaurant. Such businesses shall operate with the specified
2 conditions in Section 202.2(a)(1).

3 It shall not be required to operate within an enclosed building ~~pursuant to Section~~
4 ~~703.2(b)(1)~~ so long as it is also a Mobile Food Facility ~~as defined in Section 102.34~~. Any
5 associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity
6 Area as set forth elsewhere in this Code.

7 * * * *

8 SRO. Single Room Occupancy.

9 * * * *

10 **SEC. 103. HOUSING BALANCE MONITORING AND REPORTING.**

11 * * * *

12 (b) **Findings.**

13 * * * *

14 (6) In 2012, the City enacted Ordinance 237-12, the "Housing Preservation and
15 Production Ordinance," codified in Administrative Code Section Chapter 10E.4, to require
16 Planning Department staff to regularly report data on progress toward meeting San
17 Francisco's quantified production goals for different household income levels as provided in
18 the General Plan's Housing Element. That Ordinance requires data on the number of units in
19 all stages ~~of the~~ of the housing production process at various affordability levels to be included
20 in staff reports on all proposed projects of five ~~#~~Residential ~~#~~Units or more and in quarterly
21 housing production reports to the Planning Commission. The Planning Department has long
22 tracked the number of affordable housing units and total number of housing units built
23 throughout the City and in specific areas and should be able to track the ratio called for in this
24 Section

25

1 (7) As the private market has embarked upon, and government officials have
2 urged, an ambitious program to produce significant amounts of new housing in the City, the
3 limited remaining available land makes it essential to assess the impact ~~of the~~ of the approval
4 of new market rate housing developments on the availability of land for affordable housing
5 and to encourage the deployment of resources to provide such housing. * * * *

6 (d) **Bi-annual Housing Balance Reports.** By June 1, 2015, the Planning Department
7 shall calculate the Cumulative and Projected Housing Balance for the most recent two
8 quarters City-wide, by Supervisorial District, Plan Area, and by neighborhood Planning
9 Districts, as defined in the annual Housing Inventory, and publish it as an easily visible and
10 accessible page devoted to Housing Balance and Monitoring and Reporting on the Planning
11 Department's website. By September 1st and March 1st of each year, the Planning
12 Department shall publish and update the Housing Balance Report, and present this report at
13 an informational hearing to the Planning Commission and Board of Supervisors, as well as to
14 any relevant body with geographic purview over a plan area upon request, along with the
15 other quarterly reporting requirements of Administrative Code Section Chapter 10E.4. The
16 annual report to the Board of Supervisors shall be accepted by resolution of the Board, which
17 resolution shall be introduced by the Planning Department. The Housing Balance Report shall
18 also be incorporated into the Annual Planning Commission Housing Hearing and Annual
19 Report to the Board of Supervisors required in Administrative Code Section Chapter 10E.4.

20 * * * *

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

22 * * * *

23 (b) **Subdivisions and Lot Splits.** Subdivisions and lot splits shall be governed by the
24 Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of
25 California. In all such cases the procedures and requirements of said Code and said Act shall

1 be followed, including the requirement for consistency with the General Master Plan of the City
2 and County of San Francisco. Where the predominant pattern of residential development in
3 the immediate vicinity exceeds the minimum standard for lot width or area, or the minimum
4 standards for both lot width and area, set forth below in this Section, any new lot created by a
5 subdivision or lot split under the Subdivision Code shall conform to the greater established
6 standards, provided that in no case shall the required lot width be more than 33 feet or the
7 required lot area be more than 4,000 square feet.

8 * * * *

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

11 (a) In order to protect and maintain a scale of development appropriate to each district,
12 ~~Non-Residential~~ Uses of the same size or larger than the square footage stated in the table
13 below may be permitted only as conditional uses subject to the provisions set forth in Sections
14 316 through 316.86 of this Code. The use area shall be measured as the ~~Gross~~ Floor ~~Area~~
15 for each individual ~~Non-Residential~~ Use.

16 * * * *

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

19 In order to promote, protect, and maintain a fine-grain scale of development in
20 residential districts and on important pedestrian-oriented commercial streets which is
21 appropriate to each district, compatible with adjacent buildings; provide for a diverse
22 streetscape; ensure the maintenance and creation of multiple unique buildings and building
23 frontages rather than large single structures superficially treated; promote diversity and
24 multiplicity of land ownership and discourage consolidation of property under single
25 ownership, merger of lots ~~are~~ is regulated as follows:

1 * * * *

2 **SEC. 124. BASIC FLOOR AREA RATIO.**

3 (a) Except as provided in Subsections (b), (c), (d), (e) and (l) of this Section, the basic
4 ~~f~~loor ~~a~~rea ~~r~~atio limits specified in the Zoning Control Table for the district in which the lot is
5 located, or in Table 124 below, shall apply to each building or development in the districts
6 indicated.

7 **TABLE 124**

8 **BASIC FLOOR AREA RATIO LIMITS**

<u><i>District</i></u>	<u><i>Basic Floor Area Ratio Limit</i></u>	
<u><i>RED, RED-MX</i></u>	<u><i>1.0 to 1</i></u>	
<u><i>Pacific</i></u>	<u><i>1.5 to 1</i></u>	
<u><i>RSD, SPD, NC-1, NCT-1, NC-S</i></u>		
<u><i>Haight</i></u>		
<u><i>Inner Clement</i></u>		
<u><i>Inner Sunset</i></u>		
<u><i>North Beach</i></u>		<u><i>1.8 to 1</i></u>
<u><i>Outer Clement</i></u>		
<u><i>Sacramento</i></u>		
<u><i>24th Street - Noe Valley</i></u>		
<u><i>West Portal</i></u>		
<u><i>NC-2, NCT-2, RCD</i></u>		
<u><i>Broadway</i></u>	<u><i>2.5 to 1</i></u>	
<u><i>Folsom Street</i></u>		
<u><i>Glen Park</i></u>		

1	<u>Noriega</u>	
2	<u>Ocean Avenue</u>	
3	<u>Irving</u>	
4	<u>Judah</u>	
5	<u>Polk</u>	
6	<u>SoMa</u>	
7	<u>Taraval</u>	
8	<u>24th Street-Mission</u>	
9	<u>Upper Fillmore</u>	
10	<u>Valencia</u>	
11	<u>Castro</u>	
12	<u>Hayes-Gough</u>	
13	<u>Union</u>	<u>3.0 to 1</u>
14	<u>Upper Market</u>	
15	<u>NC-3, NCT-3</u>	<u>3.6 to 1</u>
16	<u>Excelsior-Outer Mission</u>	
17	<u>Fillmore</u>	
18	<u>Mission Street</u>	
19	<u>Chinatown R/NC</u>	<u>1.0 to 1</u>
20	<u>Chinatown VR</u>	<u>2.0 to 1</u>
21	<u>Chinatown CB</u>	<u>2.8 to 1</u>
22	<u>SLR, SLI</u>	<u>2.5 to 1</u>
23	<u>SSO and in a 40 or 50 foot height district</u>	<u>3.0 to 1</u>
24	<u>SSO and in a 65 or 80 foot height district</u>	<u>4.0 to 1</u>
25		

1	<i>SSO and in a 130 foot height district</i>	<i>4.5 to 1</i>
2	<i>MUG, MUO, MUR, UMU, WMUG, WMUO,</i>	<i>3.0 to 1</i>
3	<i>SALI in a 40, 45, or 48 foot height district</i>	
4	<i>MUG, MUO, MUR, UMU, WMUG, WMUO,</i>	<i>4.0 to 1</i>
5	<i>SALI in a 50, 55, or 58 foot height district</i>	
6	<i>MUG, MUO, MUR, UMU, WMUG, WMUO,</i>	<i>5.0 to 1</i>
7	<i>SALI in a 65 or 68 foot height district</i>	
8	<i>MUG, MUO, MUR, UMU, WMUG, WMUO,</i>	<i>6.0 to 1</i>
9	<i>SALI in a 85 foot height district</i>	
10	<i>MUG, MUO, MUR, UMU, WMUG, WMUO, in a</i>	<i>7.5 to 1</i>
11	<i>height district over 85 feet</i>	

12 * * * *

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

15 * * * *

16 (g) **Landscaping and Permeable Surfaces.** The landscaping and permeable surface
 17 requirements of this Section and Section (h) below shall be met by the permittee in the case
 18 of construction of a new building; the addition of a new ~~d~~ Dwelling ~~#~~ Unit, a garage, or
 19 additional parking; or paving or repaving more than 200 square feet of the front setback. All
 20 front setback areas required by this Section 132 shall be appropriately landscaped, meet any
 21 applicable water use requirements of Administrative Code Chapter 63, and in every case not
 22 less than 20 percent of the required setback area shall be and remain unpaved and devoted
 23 to plant material, including the use of climate appropriate plant material as defined in Public
 24 Works Code Section 802.1. For the purposes of this Section, permitted obstructions as
 25 defined by Section 136(c)(6) chimneys, 136(c)(14) stairs, and 136(c)(~~26~~ 27) underground

1 garages shall be excluded from the front setback area used to calculate the required
2 landscape and permeable surface area. If the required setback area is entirely taken up by
3 one or more permitted obstructions, the Zoning Administrator may allow the installation of
4 sidewalk landscaping that is compliant with applicable water use requirements of Chapter 63
5 of the Administrative Code to satisfy the requirements of this ~~s~~Section, subject to permit
6 approval from the Department of Public Works in accordance with Public Works Code Section
7 810B.

8 * * * *

9 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, RED-**
10 **MX, RSD, SLR, SLI AND SSO DISTRICTS.**

11 The rear yard requirements established by this Section 134 shall apply to every
12 building in ~~an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in~~
13 ~~Subsection (a), except those buildings which contain only single room occupancy (SRO) or live/work~~
14 ~~units and except in the Bernal Heights Special Use District, Western SoMa Special Use District, and~~
15 ~~Residential Character Districts to the extent these provisions are inconsistent with the requirements set~~
16 ~~forth in Sections 242 and 823 of this Code. With the exception of dwellings in the South of Market~~
17 ~~Mixed Use and Eastern Neighborhoods Mixed Use Districts containing only SRO units, the rear yard~~
18 ~~requirements of this Section 134 shall also apply to every dwelling in a(n) MUG, WMUG, MUO, MUR,~~
19 ~~UMU, SPD, RED, RED-MX, RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual~~
20 ~~Area Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as~~
21 ~~noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. the~~
22 ~~districts listed below. To the extent that these provisions are inconsistent with any Special Use District~~
23 ~~or Residential Character District, the provisions of the Special Use District or Residential Character~~
24 ~~District shall apply.~~ These requirements are intended to assure the protection and continuation
25

1 of established midblock, landscaped open spaces, and maintenance of a scale of
2 development appropriate to each district, consistent with the location of adjacent buildings.

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

5 (1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC Districts**
6 **other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, MUR, UMU, RED, RED-**
7 **MX, SPD, RSD, SLR, SLI and SSO Districts.** The minimum rear yard depth shall be equal to
8 25 percent of the total depth of the lot on which the building is situated, but in no case less
9 than 15 feet. For buildings containing only SRO ~~units in the South of Market Mixed Use and~~
10 ~~Eastern Neighborhoods Mixed Use Districts~~, the minimum rear yard depth shall be equal to 25
11 percent of the total depth of the lot on which the building is situated, but the required rear yard
12 of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as
13 described in Subsection (c) below.

14 * * * *

15 (C) **RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough NCT,**
16 **~~Upper Market Street, Upper Market Street NCT,~~ SoMa NCT, Mission Street NCT, Polk Street,**
17 **Pacific Avenue, C, M, SPD, RSD, SLR, SLI, SSO, MUR, MUG, MUO, and UMU Districts.**

18 Rear yards shall be provided at the lowest story containing a ~~d~~ Dwelling ~~u~~ Unit, and at each
19 succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side
20 of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N,
21 R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided
22 that the project fully meets the usable open space requirement for ~~d~~ Dwelling ~~u~~ Units per
23 Section 135 of this Code, the exposure requirements of Section 140, and gives adequate
24 architectural consideration to the light and air needs of adjacent buildings given the
25 constraints of the project site.

1 * * * *

2 (2) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue**
3 **NC District.** The minimum rear yard depth shall be equal to 45 percent of the total depth of the
4 lot on which the building is situated, except to the extent that a reduction in this requirement is
5 permitted by Subsection (c) below. Rear yards shall be provided at grade level and at each
6 succeeding level or story of the building.

7 * * * *

8 (c) **Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2**
9 **Districts.** The rear yard requirement stated in Paragraph (a)(2) above, ~~for RH-2, RH-3, RTO,~~
10 ~~RTO-M, RM-1 and RM-2 Districts,~~ and as stated in Paragraph (a)(1) above, ~~for single-room~~
11 ~~occupancy SRO buildings located in either the South of Market Mixed Use or Eastern Neighborhoods~~
12 ~~Mixed Use Districts~~ not exceeding a height of 65 feet, shall be reduced in specific situations as
13 described in this Subsection (c), based upon conditions on adjacent lots. Except for those
14 SRO buildings referenced above in this paragraph whose rear yard can be reduced in the
15 circumstances described in Subsection (c) to a 15-foot minimum, under no circumstances,
16 shall the minimum rear yard be thus reduced to less than a depth equal to 25 percent of the
17 total depth of the lot on which the building is situated, or to less than 15 feet, whichever is
18 greater.

19 (1) **General Rule.** In such districts, the forward edge of the required rear yard
20 shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an
21 average between the depths of the rear building walls of the two adjacent buildings. Except for
22 ~~single-room occupancy SRO buildings in the South of Market Mixed Use Districts,~~ in any case in
23 which a rear yard requirement is thus reduced, the last 10 feet of building depth thus
24 permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by
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1 Section 260 of this Code, or to such lesser height as may be established by Section 261 of
 2 this Code.

3 * * * *

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

Streets and Alleys	Set-backs	Yards	Usable Open Space	
****	****	****	****	****
				(c) The permitted obstructions shall be as follows:
****	****	****	****	****
x	x			(12) Awnings, Canopies, and m Marquees and for Limited Commercial Uses in Residential and RTO Districts, as defined in Section 102 and regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;
****	****	****	****	****

18
 19 **SEC. 137. MODIFICATION OF CERTAIN PLAZAS, ARCADES, AND SIDEWALKS.**

20 In C-3 Districts, modifications and improvements of plazas, arcades, and/or sidewalks
 21 designed to make the spaces more attractive and useful may be approved, in accordance with
 22 the provisions of Section 309, by application of the standards contained in and the guidelines
 23 adopted pursuant to Section 138 and Section 138.1 of this Code and the objectives and
 24 policies of the Downtown Plan, a component of the General Master Plan, or any amendment
 25

1 thereto, notwithstanding the fact that such modifications and improvements would not have
 2 been permitted under former Sections 126(b)(5) and (b)(7) of this Code.

3 **SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE REQUIREMENTS IN C-3**
 4 **DISTRICTS.**

5 (a) **Requirement.** An applicant for a permit to construct a new building or an addition of
 6 ~~g~~Gross ~~f~~Floor ~~a~~Area equal to 20 percent or more of an existing building (hereinafter "building")
 7 in C-3 Districts shall provide open space in the amount and in accordance with the standards
 8 set forth in this Section. All determinations concerning the adequacy of the amount of open
 9 space to be provided and its compliance with the requirements of this Section shall be made
 10 in accordance with the provisions of Section 309.

11 (b) **Amount Required.** Except in the C-3-O(SD) District, open space shall be provided
 12 in the amounts specified below for all uses except (i) ~~r~~Residential ~~u~~Uses, which shall be
 13 governed by Section 135 of this Code and (ii) ~~i~~Institutional ~~u~~Uses.

Minimum Amount of Open Space Required	
Use District	Ratio of Square Feet of Open Space to Gross F loor A rea S quare Feet of U ses with Open Space Requirement
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50

24 * * * *

1 **SEC. 138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.**

2 * * * *

3 (b) **Better Streets Plan.**

4 (1) The Better Streets Plan, as defined in Administrative Code Section 98.1(e),
 5 shall govern the design, location, and dimensions of all pedestrian and streetscape items in
 6 the public right-of-way, including but not limited to those items shown in Table 1. Development
 7 projects that propose or are required through this ~~s~~Section to make pedestrian and
 8 streetscape improvements to the public right-of-way shall conform with the principles and
 9 guidelines for those elements as set forth in the Better Streets Plan to the maximum extent
 10 feasible.

11 (2) Proposed improvements also shall be subject to approval by other ~~e~~City
 12 bodies with permitting jurisdiction over such streetscape improvements.

13 **Table 1: Pedestrian and Streetscape Elements per the Better Streets Plan**

#	PHYSICAL ELEMENT	BETTER STREETS PLAN SECTION
****	* * * *	* * * *
<u>37</u>	<u>Driveways</u>	<u>6.6</u>
Standard streetscape elements marked with a *. (Requirement varies by street type: see the Better Streets Plan)		

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21 **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN**
 22 **AREA.**

23 (a) **Requirements.** With the exception of ~~d~~Dwelling ~~#~~Units in ~~single room occupancy~~ SRO
 24 buildings in the South of Market Mixed Use Districts, in each ~~d~~Dwelling ~~#~~Unit in any use
 25

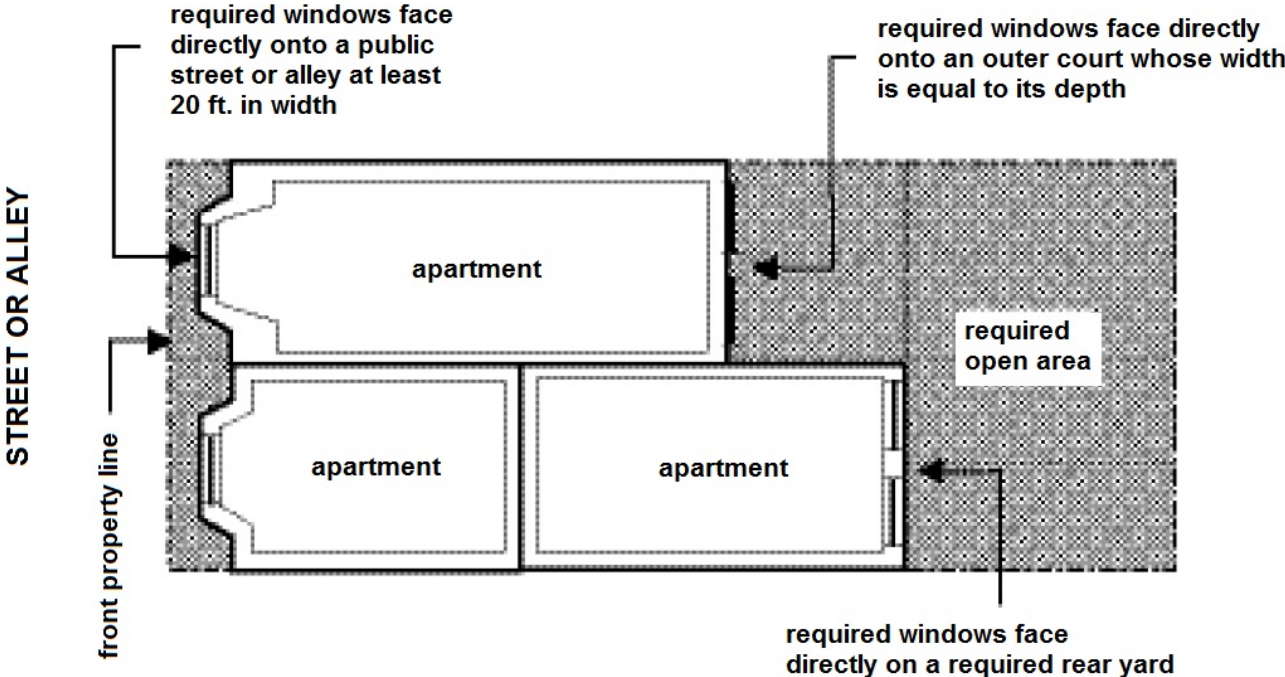
1 district, the required windows (as defined by Section 504 of the San Francisco Housing Code)
2 of at least one room that meets the 120-square-foot minimum superficial floor area
3 requirement of Section 503 of the Housing Code shall face directly on an open area of one of
4 the following types:

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

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

18 (b) **Exceptions.** For historic buildings identified in Section 307(h), and for the
19 conversion of a nonconforming use in an existing building to a ~~#R~~esidential ~~#U~~se in a district
20 where the ~~#R~~esidential ~~#U~~se is principally permitted, the requirements of this Section 140 may
21 be modified or waived pursuant to the procedures and criteria set forth in Sections 307(h) and
22 329. This administrative exception does not apply to new additions to historic buildings.

1 [NOTE: The dimension in the upper left-hand corner of the following graph has been revised
2 from 25 feet to 20 feet to conform with the text in subsection (a)(1) above.]



1 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.**

2 * * * *

3 **Table 145.4**

Reference for Commercial and Residential-Commercial Districts	Reference for Neighborhood Commercial Districts	Reference for Mixed Use Districts	Use
102 <u>N/A</u>	790.4	890.4	Amusement Game Arcade
102	790.6	890.6	Animal Hospital
102	790.12	890.13	Automobile Sale or Rental (see qualification, above)
102	790.22	790.22	Bar
<u>N/A</u>	N/A	890.23	Business Goods and Equipment Sales and Repair Service
* * * *	* * * *	* * * *	* * * *
<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Entertainment, General</u>
102 <u>N/A</u>	790.38	890.37	Entertainment, Other
* * * *	* * * *	* * * *	* * * *
<u>102</u>	<u>790.91</u>	<u>790.91</u>	<u>Restaurant</u>
102	790.90	790.90	Limited Restaurant, <u>Limited</u>
102	790.91	790.91	Restaurant
* * * *	* * * *	* * * *	* * * *
102	790.110	890.110	Service, Financial
<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Service, Health</u>
102	790.112	890.112	Service, Limited Financial

N/A	790.114	890.114	Service, Medical
102	N/A	N/A	Service, Health
* * * *	* * * *	* * * *	* * * *

* * * *

SEC. 148. REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS.

* * * *

(c) **Guidelines.** Procedures and Methodologies for implementing this ~~s~~Section shall be specified by the Office of Environmental Review of the Planning Department ~~of City Planning~~.

SEC. 152.2. ALLOWED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN DOWNTOWN RESIDENTIAL (DTR) DISTRICTS.

In DTR districts, off-street freight loading spaces shall be provided in the maximum quantities specified in the following Table 152.2, except as otherwise provided in Sections 153(a)(6) and 161 of this Code. The measurement of ~~g~~Gross ~~f~~Floor ~~a~~Area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

**Table 152.2
OFF-STREET FREIGHT LOADING SPACES PERMITTED**

Use or Activity	Size of Use	Number of Off-Street Freight Loading Spaces Permitted
Non-Residential Uses	0 - 50,000 square feet g Gross f Floor a Area	1
	over 50,000 square feet	1 space per 50,000 sq. ft. of

	<u>g</u> Gross <u>f</u> Floor <u>a</u> Area	<u>g</u> Gross <u>f</u> Floor <u>a</u> Area
All Residential Uses,	0 - 100 units	1
including <u>d</u> Dwelling <u>u</u> Units, <u>g</u> Group <u>h</u> Housing, and SRO <u>u</u> Units	101 units or more	1, plus 1 additional loading space for every 200 units over 100
Total Number of Loading Spaces Allowed for Any Single Project (all uses)		4

SEC. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.

(a) **Parking Spaces.** Required parking spaces may be either independently accessible or space-efficient as described in 154(a)(4) and 154(a)(5), except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. Space-efficient parking is encouraged.

(1) Each independently accessible off-street parking space shall have a minimum area of 144 square feet (8 feet by 18 feet) for a standard space and 112.5 square feet for a compact space (7.5 feet by 15 feet), except for the types of parking spaces authorized by Paragraph (a)(4) below and spaces specifically designated for persons with physical disabilities, the requirements for which are set forth in the Building Code. Every required space shall be of usable shape. The area of any such space shall be exclusive of driveways, aisles and maneuvering areas. The parking space requirements for the Bernal Heights Special Use District are set forth in Section 242.

* * * *

1 **SEC. 155.2. BICYCLE PARKING: APPLICABILITY AND REQUIREMENTS FOR SPECIFIC**
2 **USES.**

3 Bicycle parking spaces are required in at least the minimum quantities specified in
4 Table 155.2. Bicycle parking shall meet the standards in Section 155.1.

5 (a) **Applicability.** The requirements of this Section apply in all the following cases
6 regardless of whether off-street automobile parking is available except if indicated:

7 (1) New Building; or

8 (2) addition of a ~~d~~Dwelling ~~u~~Unit to an existing building where off-street vehicle
9 parking exists; or

10 (3) addition to a building or lot that increases the building's ~~g~~Gross ~~f~~Floor ~~a~~Area
11 by more than 20 percent; or

12 (4) change of occupancy or increase in intensity of use which would increase the
13 number of total required bicycle parking spaces (inclusive of Class 1 and 2 spaces in
14 aggregate) by 15 percent; or

15 (5) where DBI determines that an addition or alteration meets the bicycle parking
16 thresholds set in Section 5.106.4 of the 2013 California Green Building Standards Code (CalGreen)
17 ~~State Law~~ (California Title 24, Part 11), as amended from time to time Sec. 5.710.6.2; or

18 (6) addition or creation of new ~~g~~Gross Floor Area square footage or an increase
19 in the capacity of off-street vehicle parking spaces for an existing building or lot, regardless of
20 whether such vehicle parking is considered accessory or a principally or conditionally
21 permitted use.

22 (b) **Rules for Calculating Bicycle Parking Requirements.**

23 (1) Under no circumstances may total bicycle parking provided for any use,
24 building, or lot constitute less than five percent of the automobile parking spaces for the
25

1 subject building, as required by ~~the~~ Section 5.106.4 of the 2013 California Green Building
2 Standards Code (CalGreen) State Law (California Title 24, Part 11), as amended from time to time
3 Sec. 5.710.6.2 ; State Law California Title 24, Part 11, Sec. 5.710.6.2.

4 (2) Calculations of bicycle parking requirements shall follow the rules of Section
5 153(a) of this Code.

6 (3) Where bicycle parking is required per subsection (a)(2) above, bicycle
7 parking shall be provided for all ~~d~~Dwelling ~~u~~Units at the same ratio as existing off-street
8 vehicle parking is provided relative to the amount of off-street vehicle parking that is required
9 by this Code.

10 (4) Where bicycle parking is required due to addition, conversion, or renovation
11 of an existing building, per subsection (a)(3) above, the bicycle parking shall be calculated
12 based on the total square footage of the building or lot for all uses after the addition,
13 conversion, renovation or parking expansion.

14 (5) Where bicycle parking is required due to change of use, per subsection
15 (a)(4) above, the bicycle parking shall be calculated based on the occupied area of uses
16 changed.

17 (6) Where a project proposes to construct new ~~n~~Non-~~r~~Residential ~~u~~Uses or
18 increase the area of existing ~~n~~Non-~~r~~Residential ~~u~~Uses, for which the project has not identified
19 specific uses at the time of project approval by the Planning Department or Planning
20 Commission, the project shall provide the amount of non-residential bicycle parking required
21 for Retail Sales per Table 155.2 .

Table 155.2

BICYCLE PARKING SPACES REQUIRED

	Use	Minimum Number of Class 1 Spaces Required	Minimum Number of Class 2 Spaces Required
<u>RESIDENTIAL USES</u>			
155.2.10	Dwelling Units (on lots with 3 units or less)	No racks required. Provide secure, weather protected space meeting dimensions set in Zoning Administrator Bulletin No. 9, one per unit, easily accessible to residents and not otherwise used for automobile parking or other purposes.	None.
11	Dwelling #Units (including SRO #Units and #Student #Housing that are #Dwelling #Units)	One Class 1 space for every #Dwelling Unit. For buildings containing more than 100 #Dwelling #Units, 100 Class 1 spaces plus one Class 1 space for every four #Dwelling #Units over 100. Dwelling #Units that are also considered	One per 20 units. Dwelling #Units that are also considered Student Housing per Section 102.36 shall provide 50 percent more spaces than would otherwise be required.

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		Student Housing per Section 102.36 shall provide 50 percent more spaces than would otherwise be required.	
12	Group h Housing (including SRO u Units and s Student h Housing that are g Group h Housing; Homeless Shelters are exempt)	One Class space for every four beds. For buildings containing over 100 beds, 25 Class 1 spaces plus one Class 1 space for every five beds over 100.	Minimum two spaces. Two Class 2 spaces for every 100 beds. Group h Housing that is also considered Student Housing per Section 102.36 shall provide 50 percent more spaces than would otherwise be required.
13	Senior Housing or Dwelling u Units dedicated to senior citizens or persons with physical disabilities; Residential Care Facility facilities	One Class 1 space for every 10 units or beds, whichever is applicable.	Minimum two spaces. Two Class 2 spaces for every 50 units or beds, whichever is applicable.

NON-RESIDENTIAL USES

Agricultural Uses Category

<u>Agricultural Uses</u>	<u>One Class 1 space for every 40,000 square feet.</u>	<u>None.</u>
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Automotive Uses Category

<u>Automotive Uses not listed below</u>	<u>One Class 1 space for every 12,000 square feet of Occupied Floor Area, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.</u>	<u>Minimum of two spaces. Four Class 2 spaces for any use larger than 50,000 occupied square feet.</u>
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<u>Private Parking Garage or Lot, Public Parking Garage or Lot, Vehicle Storage Garage or Lot</u>	<u>None are required. However, if Class 1 spaces that can be rented on an hourly basis are provided, they may count toward the garage's requirement for Class 2 spaces.</u>	<u>One Class 2 space for every 20 car spaces, except in no case less than six Class 2 spaces.</u>
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Entertainment, Arts and Recreation Uses Category

<u>Entertainment, Arts and Recreation Uses not listed</u>	<u>Five Class 1 spaces for facilities with a capacity of</u>	<u>One Class 2 space for every 500 seats or for every portion of</u>
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1	<u>below</u>	<u>less than 500 guests; 10</u>	<u>each 50 person capacity</u>
2		<u>Class 1 spaces for facilities</u>	
3		<u>with capacity of greater</u>	
4		<u>than 500 guests.</u>	
5		<u>Minimum two spaces or one</u>	<u>Minimum two spaces or one</u>
6	<u>Arts Activities</u>	<u>Class 1 space for every</u>	<u>Class 2 space for every 2,500</u>
7		<u>5,000 square feet of</u>	<u>square feet of publicly-</u>
8		<u>Occupied Floor Area.</u>	<u>accessible or exhibition space.</u>
9			
10	<u>Sports Stadium, Arena,</u>	<u>One Class 1 space for every</u>	<u>Five percent of venue capacity</u>
11	<u>Amphitheater, or other venue</u>	<u>20 Employees during</u>	<u>excluding Employees. A portion</u>
12	<u>of public gathering with a</u>	<u>events.</u>	<u>of these must be provided in</u>
13	<u>capacity of greater than</u>		<u>Attended Facilities as described</u>
14	<u>2,000 people</u>		<u>in Section 155.1(b)(3).</u>
15	<u>Industrial Uses Category</u>		
16		<u>One Class 1 space for every</u>	
17		<u>12,000 square feet of</u>	
18		<u>Occupied Floor Area,</u>	<u>Minimum of two spaces. Four</u>
19	<u>Industrial Uses</u>	<u>except not less than two</u>	<u>Class 2 spaces for any use</u>
20		<u>Class 1 spaces for any use</u>	<u>larger than 50,000 occupied</u>
21		<u>larger than 5,000 occupied</u>	<u>square feet.</u>
22		<u>square feet.</u>	
23	<u>Institutional Uses Category</u>		
24			
25	<u>Child Care Facility</u>	<u>Minimum two spaces or one</u>	<u>One Class 2 space for every 20</u>

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		<u>space for every 20 children.</u>	<u>children.</u>
	<u>Community Facility, Private</u> <u>Community Facility, Public</u> <u>Facility</u>	<u>Minimum two spaces or one</u> <u>Class 1 space for every</u> <u>5,000 square feet of</u> <u>Occupied Floor Area.</u>	<u>Minimum two spaces or one</u> <u>Class 2 space for every 2,500</u> <u>occupied square feet of</u> <u>publicly-accessible or</u> <u>exhibition area.</u>
	<u>Hospital</u>	<u>One Class 1 space for every</u> <u>15,000 square feet of</u> <u>Occupied Floor Area.</u>	<u>One Class 2 space for every</u> <u>30,000 square feet of Occupied</u> <u>Floor Area, but no less than</u> <u>four located near each public</u> <u>pedestrian entrance.</u>
	<u>Medical Cannabis</u> <u>Dispensary</u>	<u>One Class 1 space for every</u> <u>7,500 square feet of</u> <u>Occupied Floor Area.</u>	<u>Minimum two spaces. One</u> <u>Class 2 space for every 2,500</u> <u>square feet of Occupied Floor</u> <u>Area. For uses larger than</u> <u>50,000 occupied gross square</u> <u>feet, 10 Class 2 spaces plus one</u> <u>Class 2 space for every</u> <u>additional 10,000 occupied</u> <u>square feet.</u>
	<u>Philanthropic Administrative</u> <u>Service, Social Service or</u> <u>Philanthropic Facility</u>	<u>One Class 1 space for every</u> <u>5,000 square feet of</u> <u>Occupied Floor Area</u>	<u>Minimum two spaces for any</u> <u>use greater than 5,000 square</u> <u>feet of Occupied Floor Area,</u>

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		<i>and one Class 2 space for each additional 50,000 occupied square feet.</i>
<i><u>Post-Secondary Educational Institution or Trade School</u></i>	<i><u>One Class 1 space for every 20,000 square feet of Occupied Floor Area.</u></i>	<i><u>Minimum two spaces. One Class 2 space for every 10,000 square feet of Occupied Floor Area.</u></i>
<i><u>Religious Facility</u></i>	<i><u>Five Class 1 spaces for facilities with a capacity of less than 500 guests; 10 Class 1 spaces for facilities with a capacity of greater than 500 guests.</u></i>	<i><u>One Class 2 space for every 500 seats or for every portion of each 50 person capacity.</u></i>
<i><u>Residential Care Facility</u></i>	<i><u>None required.</u></i>	<i><u>Minimum two spaces. Two Class 2 spaces for every 50 units or beds, whichever is applicable.</u></i>
<i><u>School</u></i>	<i><u>Four Class 1 spaces for every classroom.</u></i>	<i><u>One Class 2 space for every classroom.</u></i>

Sales and Services Use Category

.14	<u>Offices</u>	<u>One Class 1 space for every 5,000 occupied square feet.</u>	<u>Minimum two spaces for any office use greater than 5,000 gross square feet, one Class 2 space for each additional 50,000 occupied square feet.</u>
.15	<u>Retail Sales and Services Uses not listed below, including grocery stores</u>	<u>One Class 1 space for every 7,500 square feet of Occupied Floor Area.</u>	<u>Minimum two spaces. One Class 2 space for every 2,500 sq. ft. of Occupied Floor Area. For uses larger than 50,000 occupied gross square feet, 10 Class 2 spaces plus one Class 2 space for every additional 10,000 occupied square feet.</u>
.16	<u>Eating and Drinking Uses, Personal Services, Financial Services, Restaurants, Limited Restaurants and Bars</u>	<u>One Class 1 space for every 7,500 square feet of Occupied Floor Area.</u>	<u>Minimum two spaces. One Class 2 space for every 750 square feet of Occupied Floor Area.</u>
	<u>Health Service</u>	<u>One Class 1 space for every 5,000 square feet of</u>	<u>One Class 2 space for every 15,000 square feet of Occupied</u>

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		<u>Occupied Floor Area.</u>	<u>Floor Area, but no less than four located near each public pedestrian entrance.</u>
	<u>Hotel, Motel</u>	<u>One Class 1 space for every 30 rooms.</u>	<u>Minimum two spaces. One Class 2 space for every 30 rooms</u> <u>- plus -</u> <u>One Class 2 space for every 5,000 square feet of Occupied Floor Area of conference, meeting or function rooms.</u>
	<u>Mortuary</u>	<u>None.</u>	<u>None.</u>
	Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture, excluding grocery stores	Minimum two spaces. One Class 1 space for every 15,000 square feet of o Occupied f Floor a Area.	Minimum two spaces. One Class 2 space for every 10,000 square feet of o Occupied f Floor a Area.
	<u>Self-Storage</u>	<u>One Class 1 space for every 40,000 square feet.</u>	<u>None.</u>
	<u>Trade Shop, Retail Greenhouse or Nursery</u>	<u>One Class 1 space for every 12,000 square feet of</u>	<u>Minimum of two spaces. Four Class 2 spaces for any use</u>

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		<i>Occupied Floor Area, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.</i>	<i>larger than 50,000 occupied square feet.</i>
<i>.18</i>	<i>Post-secondary educational institution, including trade school</i>	<i>One Class 1 space for every 20,000 square feet of occupied floor area.</i>	<i>Minimum two spaces. One Class 2 space for every 10,000 square feet of occupied floor area.</i>
<i>.19</i>	<i>Elementary School</i>	<i>Two Class 1 spaces for every classroom.</i>	<i>One Class 2 space for every classroom.</i>
<i>.20</i>	<i>Secondary School (Middle School and High School)</i>	<i>Four Class 1 spaces for every classroom.</i>	<i>One Class 2 space for every classroom.</i>
<i>.21</i>	<i>Hospitals or In-patient Clinic</i>	<i>One Class 1 space for every 15,000 square feet of occupied floor area.</i>	<i>One Class 2 space for every 30,000 square feet of occupied floor area, but no less than four located near each public pedestrian entrance.</i>
<i>.22</i>	<i>Medical Offices or Out-patient Clinic</i>	<i>One Class 1 space for every 5,000 square feet of occupied floor area.</i>	<i>One Class 2 space for every 15,000 square feet of occupied floor area, but no less than four located near each public pedestrian entrance.</i>

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.23	<i>Theaters, Assembly and Entertainment, Amusement Arcade, Bowling Alley, Religious Facility</i>	<i>Five Class 1 spaces for facilities with a capacity of less than 500 guests; 10 Class 1 spaces for facilities with capacity of greater than 500 guests.</i>	<i>One Class 2 space for every 500 seats or for every portion of each 50 person capacity.</i>
.24	<i>Stadium, Arena, Amphitheater or other venue of public gathering with a capacity of greater than 2,000 people</i>	<i>One Class 1 space for every 20 Employees during events.</i>	<i>Five percent of venue capacity, excluding Employees. A portion of these must be provided in Attended Facilities as described in Section 155.1(b)(3).</i>
.25	<i>Hotel, Motel, Hostel</i>	<i>One Class 1 space for every 30 rooms.</i>	<i>Minimum two spaces. One Class 2 space for every 30 rooms, —plus— One Class 2 space for every 5,000 square feet of occupied floor area of conference, meeting or function rooms.</i>
.26	<i>Self Storage, Warehouse, Greenhouse or Nursery (Non-Retail)</i>	<i>One Class 1 space for every 40,000 sq. ft.</i>	<i>None.</i>
.27	<i>Non-Retail Sales and</i>	<i>One Class 1 space for</i>	<i>Minimum of two spaces.</i>

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<p><i>Services not listed below</i> <i>Light Manufacturing,</i> <i>Wholesale Sales, Trade</i> <i>Shop, Catering Service,</i> <i>Business Goods and</i> <i>Equipment Repair,</i> <i>Business Service,</i> <i>Laboratory, Integrated</i> <i>PDR, Small Enterprise</i> <i>Workspace, Greenhouse</i> <i>or Nursery (Retail)</i></p>	<p>every 12,000 square feet of oOccupied fFloor aArea, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.</p>	<p>Four Class 2 spaces for any use larger than 50,000 gross square feet.</p>
<p><i>Commercial Storage,</i> <i>Wholesale Storage</i></p>	<p><u>One Class 1 space for every</u> <u>40,000 square feet of</u> <u>Occupied Floor Area.</u></p>	<p><u>None.</u></p>
<p><i>Office</i></p>	<p><u>One Class 1 space for every</u> <u>5,000 square feet of</u> <u>Occupied Floor Area.</u></p>	<p><u>Minimum two spaces for any</u> <u>Office Use greater than 5,000</u> <u>square feet of Occupied Floor</u> <u>Area, and one Class 2 space for</u> <u>each additional 50,000</u> <u>occupied square feet.</u></p>
<p><u>Utility and Infrastructure Uses Category</u></p>		
<p><i>Utility and Infrastructure</i> <i>Uses not listed below</i></p>	<p><u>None required.</u></p>	<p><u>None required.</u></p>

1 2 3 4 5 6	<i>Public Uses including Museum, Library, Community Center, and Arts Activities</i>	<i>Minimum two spaces or One Class 1 space for every 5,000 square feet.</i>	<i>Minimum two spaces or One Class 2 space for every 2,500 occupied square feet of publicly accessible or exhibition area.</i>
7 8 9 10 11 12	<i>Non accessory automobile garage or lot, whether publicly or privately accessible</i>	<i>None are required. However, if Class 1 spaces that can be rented on an hourly basis are provided, they may count toward the garage's requirement for Class 2 spaces.</i>	<i>One Class 2 space for every 20 auto spaces, except in no case less than six Class 2 spaces.</i>
13 14 15	<i>.30 Child Care</i>	<i>Minimum two spaces or 1 space for every 20 children.</i>	<i>One Class 2 space for every 20 children.</i>
16 17	<i>.31 Mortuary</i>	<i>None.</i>	<i>None.</i>

18 * * * *

19 **SEC. 155.4. REQUIREMENTS FOR SHOWER FACILITIES AND LOCKERS.**

20 (a) **Applicability.** Requirements for shower facilities and lockers are applicable under
21 the provisions of Section 155.2(a)(1) through (a)(4) for uses defined under subsection (c)
22 below. Subject uses shall provide shower and clothes locker facilities for short-term use of the
23 tenants or Employees in that building. When shower facilities and lockers are required due to
24 additions to, conversion, or renovation of uses, facilities shall be calculated based on the total
25 square footage of the building or lot after the addition, conversion or renovations.

(b) **Effective Date.** The effective date of the requirements of this Section, shall be either November 19, 1998, which is the date that the requirements originally became effective by Ordinance 343-98, or the date a subsequent modification, if any, became effective.

(c) **Requirements.**

Uses	Minimum Shower Facility and Lockers Required
<p><i>Entertainment, Arts and Recreation Uses; Industrial Uses; Institutional Uses; Non-Retail Sales and Services Uses; Utility and Infrastructure Uses; Offices; Post-Secondary educational institution, including trade school; Elementary and Secondary School; Child Care; Hospitals and In-Patient Clinic, Medical Offices or Out-Patient Clinic; Public Uses including Museum, Library, Community Center, and Art Services; Light Manufacturing; Wholesale sales, Trade Shop, Catering Services, Business Goods and Equipment Repair, Business Service, Laboratory, Integrated PDR, Small Enterprise Workspace; and Trade Shop</i></p>	<ul style="list-style-type: none"> - One shower and six clothes lockers where the Occupied Floor Area exceeds 10,000 square feet but is no greater than 20,000 square feet, - Two showers and 12 clothes lockers where the Occupied Floor Area exceeds 20,000 square feet but is no greater than 50,000 square feet, - Four showers and 24 clothes lockers are required where the Occupied Floor Area exceeds 50,000 square feet.
<p>Retail Sales <i>and Services Uses, except as listed above</i> <i>Restaurant, Limited</i></p>	<ul style="list-style-type: none"> - One shower and six clothes lockers where the Occupied Floor Area exceeds 25,000 square

<p>1 <i>Restaurants, Bars, Personal Services</i></p> <p>2</p> <p>3</p> <p>4</p>	<p>feet but is no greater than 50,000 square feet,</p> <p>- Two showers and 12 clothes lockers where the</p> <p>oOccupied fFloor aArea exceeds 50,000 square</p> <p>feet.</p>
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6 (d) **Exemptions.** An owner of an existing building subject to the requirements of this

7 Section 155.4 shall be exempt from ~~s~~Subsection (c) upon submitting proof to the Zoning

8 Administrator that the owner has made arrangements with a *Gym health club* or other facility,

9 located within three blocks of the building, to provide showers and lockers at no cost to the

10 Employees who work in the owner's building.

11 **SEC. 164. SAN FRANCISCO RESIDENT PLACEMENT AND TRAINING PROGRAM.**

12 (a) The City has determined in its certification of the Downtown Plan Environmental

13 Impact Report and in its findings and studies leading to the adoption of Section ~~313~~ 413 of ~~the~~

14 ~~Planning~~ this Code that San Francisco and regional traffic and transit problems will become

15 more intolerable as the number of nonresident employees increases in San Francisco as a

16 result of new office development. In order to mitigate those adverse traffic and transit impacts,

17 while protecting the City's residential areas from unwanted increases in density, the people

18 determine that a policy of maximizing resident employment training and placement

19 opportunities is needed.

20 (b) **Requirement.** For any new building or additions to or conversion of an existing

21 building in C-3 Districts where the gross square feet of new, converted or added floor area for

22 ~~o~~Office ~~u~~Use equals at least 100,000 square feet, the project sponsor shall be required to

23 provide employment brokerage services for the actual lifetime of the project, as provided in

24 this Subsection. Prior to the issuance of the first permit of occupancy (for this purpose Section

25 149(d) shall apply), the project sponsor shall: (1) prepare a local employment program to be

1 approved by the Director of Planning, or his or her designee, and to be implemented by the
2 provider of employment ~~broker-age~~ brokerage services; and (2) execute an agreement with the
3 Planning Department ~~of City Planning~~, or its designee, for the provision of employment
4 brokerage services and implementation of the local employment program. The local
5 employment program shall be designed:

6 * * * *

7 (5) To carry out other activities determined by the Planning Department ~~of City~~
8 Planning, or its designee, to be reasonable and appropriate in meeting the purpose of this
9 requirement.

10 * * * *

11 **SEC. 165. CHILD-CARE PLANS AND CHILD-CARE BROKERAGE SERVICES IN C-3**
12 **DISTRICTS.**

13 (a) **Purpose.** This Section is intended to assure that adequate measures are
14 undertaken and maintained to minimize the child-care impacts created by additional office
15 employment in the downtown, in a manner consistent with the objectives and policies of the
16 General Master Plan, by facilitating the development, expansion and maintenance of
17 affordable, quality child-care programs and auxiliary services, the latter including, but not
18 limited to, resource and referral services.

19 (b) **Requirement.** For any new building or additions to or conversion of an existing
20 building in the C-3 District where the gross square feet of new, converted or added floor area
21 for ~~o~~Office ~~#~~Use equals at least 100,000 square feet, the project sponsor shall be required to
22 provide on-site child-care brokerage services for the actual lifetime of the project. For any new
23 building or additions to or conversion of an existing building in the C-3 District where the gross
24 square feet of new, converted or added floor area for ~~o~~Office ~~#~~Use equals at least 50,000
25 square feet, the project sponsor shall be required to provide child-care brokerage services for

1 the lifetime of the project, by either: (1) providing such services on-site or, (2) providing such
2 services through a consortium of like- sized sponsors, where such services are made
3 available within a radius of two city blocks from the sponsor's project or (3) subcontracting
4 with a child-care brokerage service already serving a project within a radius of two city blocks
5 from the sponsor's project. Prior to the issuance of the first certificate of occupancy, the
6 project sponsor shall execute an agreement with the Planning Department ~~of City Planning~~ for
7 the provision of child-care brokerage services as provided in this Section 165 and preparation
8 of a child-care plan to be approved by the Director of Planning and implemented by the
9 provider of child-care brokerage services. The procedure set forth in Section 149(b) governing
10 notice to the Zoning Administrator and issuance of the first certificate of occupancy shall also
11 be applicable with respect to the requirements of this Section. The child_care plan and child_
12 care brokerage services shall be designed:

13 * * * *

14 (8) To carry out other activities determined by the Planning Department ~~of City~~
15 ~~Planning~~ to be appropriate to meeting the purpose of this requirement.

16 * * * *

17 **SEC. 172. COMPLIANCE OF STRUCTURES, OPEN SPACES AND OFF-STREET**
18 **PARKING AND LOADING REQUIRED.**

19 * * * *

20 (d) Existing ~~Live/Work~~ Live/Work ~~Units~~ Units, or those newly created or expanded within the existing
21 exterior walls of a structure, so long as they conform to all Building Code requirements, shall
22 not be considered an enlargement, construction, reconstruction, alteration or relocation for
23 purposes of this Section.

1 (e) Any structure containing one or more live/ work units on the effective date of
2 Ordinance No. 412-88 (effective October 10, 1988) must provide off-street parking for
3 ~~Live/Work Units, but only to the extent of:~~

- 4 (1) ~~any off-street parking which existed on the lot on said effective date, and, in addition,~~
- 5 (2) ~~the amount of off-street parking which would be required for any increase in the~~
6 ~~number of live/work units within the structure since the effective date.~~

7 **SEC. 175. APPROVAL OF PERMITS.**

8 (a) No application for a building permit or other permit or license, or for a permit of
9 Occupancy, shall be approved by the Planning Department ~~of City Planning~~, and no permit or
10 license shall be issued by any City department, which would authorize a new use, a change of
11 use or maintenance of an existing use of any land or structure contrary to the provisions of
12 this Code.

13 * * * *

14 **SEC. 175.5. APPLICABILITY OF WESTERN SOMA CONTROLS TO PENDING**
15 **PROJECTS IN THE SALI DISTRICT.**

16 * * * *

17 **(c) Definitions.** The following definitions shall apply to this Section:

18 * * * *

19 (6) "Western SoMa Controls" shall mean all Ordinances adopted in furtherance
20 of the Western SoMa Area Plan Process, ~~including but not limited to Ordinance Numbers _____,~~
21 ~~_____, and _____,~~ and associated amendments to the Planning Code, Zoning Map, and
22 Administrative Code.

23 **SEC. 175.6. EFFECTIVE DATE OF THE EASTERN NEIGHBORHOODS ZONING**
24 **CONTROLS.**

25 * * * *

1 (b) **Applicability.** This Section applies only to the specific types of development
2 projects identified herein and that are subject to changed regulations or procedures as a result
3 of the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods Mixed
4 Use District, an SLI District, or any PDR, R, or NC District located within the boundaries of the
5 Eastern Neighborhoods Project Area pursuant to Section ~~423.327.2(t)~~. This Section shall not
6 apply to any other project.

7 * * * *

8 (e) **Effect of Amendments on Projects for Which No Project Approval Has**
9 **Occurred.** A Code Conforming Project for which a Development Application first was filed
10 with the Planning Department during any of the time periods identified in this Subsection and
11 that did not obtain Project Approval prior to the effective date of the Eastern Neighborhoods
12 Controls shall be governed by Subsection (d), above, except as specifically modified below:

13 * * * *

14 (2) For Non-Residential Code Conforming projects that filed a first Development
15 Application with the Planning Department between January 19, 2007 and August 29, 2007:

16 (A) Subsection (e)(1), above, shall apply;

17 (B) The impact fees set forth in Section ~~423.327~~ of the Eastern
18 Neighborhoods Controls shall apply, except that the fees set forth in Tables ~~423.3A and 423.3B~~
19 ~~327.3~~, regardless of fee tier, shall be reduced to \$3 per gross square foot of ~~Non-Residential~~
20 ~~Use~~; and

21 (3) For Non-Residential Code Conforming projects that filed a first Development
22 Application with the Planning Department between August 30, 2007 and April 17, 2008 and
23 for Residential Code Conforming Projects that filed a first Development Application with the
24 Planning Department between April 1, 2006 and April 17, 2008.

25 (A) Subsection (e)(1), above, shall apply:

1 (B) The impact fees set forth in Section ~~423~~ ~~327~~ of the Eastern
2 Neighborhoods Controls shall apply; and

3 (C) The housing requirements for residential projects as set forth in
4 Section ~~419~~ ~~319~~ of the Eastern Neighborhoods Controls shall apply.

5 **SEC. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN**
6 **NEIGHBORHOODS.**

7 * * * *

8 (g) **Fee Amount.** Any use authorized under Subsection (f) above shall, in addition to
9 any applicable application fees, pay for the area being legitimized the following impact fees:

10 (1) If the use is legitimizing as ~~o~~Office, (as defined in Sec. 102)

11 (A) If the project is subject to the Transit Impact Development Fee (as
12 defined in Section 411), a \$2.00/gross square foot Transit Impact Development Fee.

13 (B) If the project is subject to the Jobs-Housing Linkage Fee (as defined
14 in Section 413), an \$8.50/gross square foot Jobs-Housing Linkage Fee.

15 (C) No Eastern Neighborhoods Impact Fees shall be charged.

16 (2) If the use is legitimizing as Retail or Entertainment (as defined in Section
17 401)

18 (A) If the project is subject to the Transit Impact Development Fee (as
19 defined in Section 411), a \$2.00/gross square foot Transit Impact Development Fee.

20 (B) If the project is subject to the Jobs-Housing Linkage Fee (as
21 described in Sec. 413), a \$7.20/gross square foot Jobs-Housing Linkage Fee.

22 (C) No Eastern Neighborhoods Impact Fees shall be charged.

23 ~~(4)~~ (3) If the use is legitimized as any other use authorized under Subsection (f)
24 above, the use shall pay the Jobs-Housing Linkage Fee and Transit Impact Development Fee
25 in the amount applicable as of January 18, 2009.

1 * * * *

2 **SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD**
3 **COMMERCIAL DISTRICTS.**

4 * * * *

5 (d) **Discontinuance.** A nonconforming use ~~which~~ that is discontinued for a period of
6 three years, or otherwise abandoned or changed to another use ~~which~~ that is listed in Article 7
7 of this Code as a principal or conditional use for the district in which the use is located shall
8 not be reestablished, except for in the following instances:—For purposes of this Subsection, the
9 period of nonuse for a nonconforming use to be deemed discontinued

10 (1) ~~i~~In the North Beach, and Castro Street Neighborhood Commercial Districts, and
11 ~~in the~~ Haight Street Neighborhood Commercial District, ~~the Lower Haight Street Tobacco~~
12 ~~Paraphernalia Restricted Use Subdistrict, and the Polk Street Neighborhood Commercial District for~~
13 ~~Tobacco Paraphernalia Establishments, as defined in Sections 227(v) 102 and 790.123 of this Code,~~
14 ~~only, the period of non-use for a nonconforming use to be deemed discontinued~~ shall be ~~eighteen~~ (18)
15 months, except in the North Beach Neighborhood Commercial District, the period of non-use
16 for a Restaurant use, as defined in Section 790.91, to be deemed discontinued shall be three
17 years.

18 (2) In the Polk Street Neighborhood Commercial Districts for Tobacco Paraphernalia
19 Establishments, as defined in Sections 102 and 790.123 of this Code, only, the period of non-use for a
20 nonconforming use to be deemed discontinued shall be eighteen (18) months.

21 (3) For Formula Retail uses in any ~~D~~district that prohibits or requires Conditional
22 Use authorization for Formula Retail uses, the period of non-use to be deemed discontinued
23 is 18 months.

24 * * * *

25 **SEC. 201. CLASSES OF USE DISTRICTS.**

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

<u>Public Use Districts (P)</u> <i>(Defined in Sec. 234 211-211.2)</i>	
<u>P</u>	<i>Public Use District (Defined in Sec. 211-211.2)</i>

Residential Districts (Defined in Sec. 209.1-209.4) <i>(NOTE TO PUBLISHER, center text in this box)</i>	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings) (Defined in Sec. 209.1)
RH-1	Residential, House Districts, One-Family (Defined in Sec. 209.1)
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit (Defined in Sec. 209.1)
RH-2	Residential, House Districts, Two-Family (Defined in Sec. 209.1)
RH-3	Residential, House Districts, Three-Family (Defined in Sec. 209.1)
RM-1	Residential, Mixed Districts, Low Density (Defined in Sec. 209.2)
RM-2	Residential, Mixed Districts, Moderate Density (Defined in Sec. 209.2)
RM-3	Residential, Mixed Districts, Medium Density (Defined in Sec. 209.2)
RM-4	Residential, Mixed Districts, High Density (Defined in Sec. 209.2)
RTO	Residential, Transit-Oriented Neighborhood Districts (Defined in Sec. 209.4)
RTO-M	Residential, Transit-Oriented – Mission Neighborhood Districts (Defined in Sec. 209.4)

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Residential-Commercial Districts (RC) (Defined in Sec. 209.3)	
RC-3	Residential-Commercial Districts, Medium Density (Defined in Sec. 209.3)
RC-4	Residential-Commercial Districts, High Density (Defined in Sec. 209.3)

* * * *

Neighborhood Commercial Restricted Use Districts and Subdistricts (Defined in Sec. <u>249, 781 and 784</u>)	
Taraval Street Restaurant Subdistrict (Defined in Sec. 781.1)	
Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict (Defined in Sec. 781.4)	
Mission Street Formula Retail Restaurant Subdistrict (Defined in Sec. 781.5)	
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict (Defined in Sec. 781.6)	
Chestnut Street Financial Subdistrict (Defined in Sec. 781.7)	
Mission Alcoholic Beverage Special Use District (Defined in Sec. <u>249.60 781.8</u>)	
Haight Street Alcohol Special Use District (Defined in Sec. 781.9)	
17th and Rhode Island Street Grocery Store Special Use District (Defined in Sec. <u>249.61 781.10</u>)	
Third Street Alcohol Restricted Use District (Defined in Sec. <u>249.62 782</u>)	
<i>Divisadero Street Alcohol Restricted Use District (Defined in Sec. 783)</i>	
Lower Haight Street Alcohol Restricted Use District (Defined in Sec. 784)	
<i>Lower Haight Street Tobacco Paraphernalia Restricted Use District (Defined in Sec. 786)</i>	

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

2

3 **Commercial Districts (C)**
(Defined in Sec. 210.1 and 210.2)

4 C-2	Community Business Districts (Defined in Sec. 210.1)
5 C-3-O	Downtown Office District (Defined in Sec. 210.2)
6 C-3-O(SD)	Downtown Office Special Development District (Defined in Sec. 210.2 3)
7 C-3-R	Downtown Retail District (Defined in Sec. 210.2)
8 C-3-G	Downtown General Commercial District (Defined in Sec. 210.2)
9 C-3-S	Downtown Support District (Defined in Sec. 210.2)

10 **Industrial Districts**
(Defined in Sec. 210.4 and ~~Sec. 802.4~~)

11 M-1	Light Industrial Districts (Defined in Sec. 210.4 5)
12 M-2	Heavy Industrial Districts (Defined in Sec. 210.4 6)

13 **Production Distribution Repair (PDR) Districts Category**
(Defined in Sec. 210.3~~7~~)

14 PDR-1-B	Production Distribution and Repair - Light Industrial Buffer (Defined in Sec. 210.3 8)
15 PDR-1-D	Production Distribution and Repair - Design (Defined in Sec. 210.3 9)
16 PDR-1-G	Production Distribution and Repair - General (Defined in Sec. 210.3 10)
17 PDR-2	Core Production Distribution and Repair - Bayview (Defined in Sec. 210.3 11)

18 * * * *

19 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

20 * * * *

21 (e) **Institutional Uses.** The Institutional Uses listed below shall be subject to the
22 corresponding conditions:

23 (1) **Medical Cannabis Dispensaries.** Medical Cannabis Dispensaries are
24 required to meet all of the following conditions:
25

1 (A) Medical Cannabis Dispensary shall apply for a permit from the
2 Department of Public Health pursuant to Section 3304 of the San Francisco Health Code prior
3 to submitting an application to the Planning Department;

4 (B) ~~If medical cannabis is smoked on the premises, the~~ parcel containing the
5 ~~m~~Medical ~~e~~Cannabis ~~d~~Dispensary shall not be located less than 1,000 feet from ~~the a~~ parcel
6 containing the grounds of ~~an elementary or secondary~~ School, public or private, or a Public
7 Facility, Community Facility, or Private Community Facility that primarily serves persons under
8 18 years of age, ~~unless not required by State law and, regardless of whether medical cannabis is~~
9 ~~smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in~~
10 ~~Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an~~
11 ~~elementary or secondary school, public or private, if the dispensary was not in operation as of April 1,~~
12 ~~2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the~~
13 ~~grounds of an elementary or secondary school, public or private, or a community clubhouse that~~
14 ~~primarily serves persons under 18 years of age, or a Public Facility or Community Facility that~~
15 ~~primarily serves persons under 18 years of age; Smoking on the premises of a Medical Cannabis~~
16 ~~Dispensary located within 1000 feet of a School, public or private, or a Public Facility, Community~~
17 ~~Facility, or Private Community Facility that primarily serves persons under 18 years of age is not~~
18 ~~permitted.~~

19 * * * * (D) Regardless of whether medical cannabis is smoked on the premises,
20 the parcel containing the ~~m~~Medical ~~e~~Cannabis ~~d~~Dispensary shall not be located on the same
21 parcel as a facility providing substance abuse services that is licensed or certified by the State
22 of California or funded by the Department of Public Health;

23 * * * *
24 (F) Upon acceptance of a complete application for a building permit for a
25 ~~m~~Medical ~~e~~Cannabis ~~d~~Dispensary, the Planning Department shall cause a notice to be posted

1 on the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and
2 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on
3 the block face across from the subject lot as well as to all individuals or groups that have
4 made a written request for notification regarding specific medical cannabis dispensaries;

5 * * * *

6 (H) After this 30-day period, the Planning Commission shall schedule a
7 hearing to consider whether to exercise its discretionary review powers over the building
8 permit application for a *m*Medical *e*Cannabis *d*Dispensary. The scheduling and the mailed
9 notice for this hearing shall be processed in accordance with Section 312(e) of this Code; and

10 (I) Any permit issued for a *m*Medical *e*Cannabis *d*Dispensary shall contain
11 the following statement in boldface type: "Issuance of this permit by the City and County of
12 San Francisco is not intended to and does not authorize the violation of State or Federal law."

13 * * * *

14 **SEC. 202.3. LIMITATION ON CHANGE IN USE OR DEMOLITION OF GENERAL**
15 **GROCERY *STORE* USE.**

16 Notwithstanding any other provision of this Article, a change in use or demolition of a
17 General Grocery *Store* use, as set forth in Section 102 and as further defined in Section
18 790.102, which use exceeds 5,000 gross square feet shall require Conditional Use
19 authorization pursuant to Section 303 of this Code. This Section shall not authorize a change
20 in use if the new use or uses are otherwise prohibited.

21 **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

22 In order to be classified as an accessory use, off-street parking and loading shall meet
23 all of the following conditions:

1 (a) **Location.** Such parking or loading facilities shall be located on the same lot as the
2 structure or use served by them. (For provisions concerning required parking on a separate lot
3 as a principal or conditional use, see Sections 156, 159, 160 and 161 of this Code.)

4 (b) **Parking Accessory to Dwellings.** Unless rented on a monthly basis to serve a
5 ~~a~~Dwelling ~~#~~Unit pursuant to Section 204.5(b)(1), below, accessory parking facilities for any
6 dwelling in any R District shall be limited, further, to storage of private passenger automobiles,
7 private automobile trailers and boats, and trucks of a rated capacity not exceeding three-
8 quarters of a ton. Notwithstanding any provision of this Code to the contrary, the following
9 shall be permitted as an accessory use:

10 (1) Lease of lawfully existing off-street residential parking spaces by the property
11 owner or manager, for a term of no less than one month, is permitted as follows:

12 (A) for use by any resident of a ~~a~~Dwelling ~~#~~Unit located on a different lot
13 within 1,250 feet of such parking space or

14 (B) for use by any resident of a ~~a~~Dwelling ~~#~~Unit located on a different lot
15 within the City and County of San Francisco so long as no more than five (5) spaces are
16 rented to those who live beyond 1,250 feet of such parking space.

17 (c) **Parking Exceeding Accessory Amounts.** Accessory parking facilities shall include only
18 those facilities which do not exceed the amounts permitted by Section 151(c) or Table 151.1.
19 Off-street parking facilities which exceed the accessory amounts ~~stated in Section 151(e)~~ shall be
20 classified as a separate use either a principal or a conditional use, and may be principally or
21 conditionally permitted as indicated in the zoning control table for ~~depending upon the use provisions~~
22 ~~applicable to~~ the district in which such facilities are located. ~~This subsection (c) does not apply to~~
23 ~~districts subject to Section 151.1, which establishes maximum amounts of accessory parking for all uses~~
24 ~~in those districts.~~

25 **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

1 * * * *

2 **(b) Rules for Calculating Dwelling Unit Density.** In districts that establish a
3 maximum dwelling unit density, the following rules shall apply in the calculation of dwelling
4 unit density under this Code:

5 (1) ~~The entire amount of lot area per Dwelling Unit specified by the Code shall be~~
6 ~~required for each Dwelling Unit on the lot.~~ A remaining fraction of one-half or more of the
7 minimum of lot area per Dwelling Unit shall be adjusted upward to the next higher whole
8 number of Dwelling Units.

9 * * * *

10 (6) In Neighborhood Commercial Districts, the dwelling unit density shall be at a
11 density ratio not exceeding the number of Dwelling Units permitted in the nearest R Residential
12 District, provided that the maximum density ratio shall in no case be less than the amount set
13 forth in the Zoning Control Table for the district in which the lot is located. The distance to
14 each R Residential District shall be measured either from the midpoint of the front lot line or
15 from a point directly across the street therefrom, whichever permits the greater density.

16 * * * *

17 **SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING OR HOMELESS SHELTERS.**

18 Except for ~~s~~Single ~~r~~Room ~~o~~Occupancy ~~u~~Units in the South of Market Mixed Use
19 Districts, the density limitations for Group Housing or Homeless Shelters, as described in
20 Sections 102, 790.88(b) and (c) and 890.88(b) and (c) of this Code, shall be as follows:

21 (a) For Group Housing, the maximum number of Bedrooms on each Lot shall be as
22 specified in the Zoning Control Table ~~table~~ for the District in which the Lot is located, except
23 that in RTO, RTO-M, RCD, UMU, MUG, WMUG, MUR, MUO, WMUO, RED, RED-MX, SPD,
24 DTR, and all NCT Districts the density of Group Housing shall not be limited by lot area, and
25 except that for Lots in NC Districts, the group housing density shall not exceed the number of

1 Bedrooms permitted in the nearest *Residential* District provided that the maximum density not
 2 be less than the amount permitted by the ratio specified for the NC District in which the lot is
 3 located. For Homeless Shelters, the maximum number of beds on each lot shall be regulated
 4 per the requirements of the Standards of Care for City Shelters contained in Administrative
 5 Code, Chapter 20, Article XIII, in addition to the applicable requirements of the Building Code
 6 and Fire Code.

7 * * * *

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

9 * * * *

10 **Table 209.1**

11 **ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
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15 **BUILDING STANDARDS**

16 **Massing and Setbacks**

Height and Bulk Limits	§§ 102, 105, 106, 250-252, 253, 260, 261, 270, 271. See also Height and Bulk District	<i>No portion of a Dwelling Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot.</i>	Buildings may not be taller than 40 feet. Per § 261 the height limit may be	Varies, but generally 40 feet
------------------------	--	---	---	-------------------------------

	Maps.				decreased based on the slope of the lot.	
	****	****	****	****	****	****

Street Frontage and Public Realm

****	****	****	****	****	****	****
<i>Parking Lot</i>	<i>§ 156</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

NON-RESIDENTIAL STANDARDS AND USES

Automotive Use Category

Automotive Uses*	§ 102	NP	NP	NP	NP	NP
Parking Garage, Private	§ 102	C	C	C	C	C
<i>Parking Lot, Private</i>	<i>§ 102</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>

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

**Table 209.2
ZONING CONTROL TABLE FOR RM DISTRICTS**

1	Zoning	§				
2	Category	References	RM-1	RM-2	RM-3	RM-4

4 **BUILDING STANDARDS**

5 **Massing and Setbacks**

6	Height and Bulk Limits	§§ 102,	Varies, See Height and Bulk Map and referenced sections.			
7		105, 106,				
8		250-252,				
9		253, 260,				
10		261 , 270,				
11		271				
12						
13	****	****	****			

14 ****

15 **RESIDENTIAL STANDARDS AND USES**

16 ****

17 **Residential Uses**

18	Residential Density, Dwelling Units	§ 207	Up to one unit per 800 square feet of lot area.	Up to one unit per 600 square feet of lot area.	Up to one unit per 400 square feet of lot area.	Up to one unit per 200 square feet of lot area
19						(8)
20						
21						
22						
23	****	****	****	****	****	****

24 **NON-RESIDENTIAL STANDARDS AND USES**

25 ****

Automotive Use Category					
Automotive Uses*	§ 102	NP	NP	NP	NP
Parking Garage, Private	§ 102	C	C	C	C
<u>Parking Lot, Private</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

(8) For purposes of this calculation, a Dwelling Unit in this district containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to three-quarters of a Dwelling Unit.

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

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
BUILDING STANDARDS			
Massing and Setbacks			
Height and Bulk Limits	§§ 102, 105, 106,	Varied. See also Height and Bulk District	

	250-252, 260, 261 , 270, 271	Maps.
*****	*****	*****

RESIDENTIAL STANDARDS AND USES

Residential Uses

Residential Density, Dwelling Units	§ 207	Up to one unit per 400 square feet of lot area.	Up to one unit per 200 square feet of lot area. No density limits in the Van Ness SUD (§ 243). <i>(7)</i>
*****	*****	*****	*****

NON-RESIDENTIAL STANDARDS AND USES

Automotive Use Category

Automotive Uses*	§ 102, 202.2(b)	C	C
Parking Garage, Private	§ 102	NP	NP
<i>Parking Lot, Public</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>
*****	*****	*****	*****

Sales and Service Category

1	Retail Sales and Service Uses*	§§ 102, 202.2(a)	P (4)	P (4)
2	****	****	****	****
3	<u>Massage Establishment</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
4	****	****	****	****

5
6

7
8 *(7) For purposes of this calculation, a Dwelling Unit in this district containing no more than*
9 *500 square feet of net floor area and consisting of not more than one habitable room in addition to a*
10 *kitchen and a bathroom may be counted as equal to three-quarters of a Dwelling Unit.*

11 **SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.**

12
13

14 **Table 209.4**

15 **ZONING CONTROL TABLE FOR RTO DISTRICTS**

Zoning Category	§ References	RTO	RTO-M
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16 **BUILDING STANDARDS**

17 **Massing and Setbacks**

18	19	20	21	22	23	24	25
	Height and Bulk Limits	§§ 102, 105, 106, 250-252, 260, 261.1,	Varies. See Height and Bulk Map and referenced sections.				

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	270, 271		
****	****	****	
Street Frontage and Public Realm			
****	****	****	
Street Frontage, Parking and Loading Access Restrictions	§ 155(r)	As specified in § 155(r) certain streets and districts are required to have "active commercial uses." In RTO Districts curb cuts are restricted on <u>certain specified streets and on</u> Transit Preferential, Citywide Pedestrian Network, Neighborhood Commercial Streets or official City bicycle routes or bicycle lanes.	
Miscellaneous			
Large Project Review	§§ 121.5, 303(r)	New buildings or significant enlargement of existing buildings on lots of 10,000 sq. ft. or larger requires C. New public rights-of-way may be required for sites larger than 1/2 acre.	
****	****	****	
Awning	§§ 136, 136.1	P (16)	P (16)
****	****	****	****
RESIDENTIAL STANDARDS AND USES			
Development Standards			
****	****	****	

1		§§	
2	Parking Requirements	150,	None required. Maximum permitted per § 151.1.
3		151. 1,	
4		161	
5	****	****	
6	Residential Uses		
7			
8	Residential Density,	§ 207	P up to one unit
9	Dwelling Units		C above, per
10			per 600 square
11			feet of lot area <u>(7)</u> .
12			criteria of §
13			207(a).
14	****	****	****
15	NON-RESIDENTIAL STANDARDS AND USES		
16	Development Standards		
17	****	****	****
18			
19	Off-Street Parking	§§ 150,	None required. Maximum permitted per § 151.1.
20		151. 1,	
21		161	
22	****	****	****
23	Limited Commercial Uses	§§ 186,	Continuing nonconforming uses are permitted, subject
24		209	
25			<i>may be conditionally permitted in historic buildings subject</i>

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		<i>to § 186.3.</i>	
****	****	****	
Automotive Use Category			
Automotive Uses*	§ 102	NP	NP
Parking Garage, Private	§ 102	C	C
<i>Parking Lot, Private</i>	§§ 102, 144, 155(r), 158.1	<u>C</u>	<u>C</u>

(7) With Conditional Use authorization, for purposes of this calculation, a Dwelling Unit in this district containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to three-quarters of a Dwelling Unit.

1 **SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.**

2 * * * *

3 **Table 210.1**

4 **ZONING CONTROL TABLE FOR C-2 DISTRICTS**

Zoning Category	§ References	C-2
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6 * * * *

7 **RESIDENTIAL STANDARDS AND USES**

8 **Development Standards**

* * * *	* * * *	* * * *
Residential Parking Requirements	§ 151, 161	Generally one space per d Dwelling # Unit. Exceptions permitted in the Waterfront Special Use Districts per § 161. None required in the Washington-Broadway Special Use District.
* * * *	* * * *	* * * *

17 **NON-RESIDENTIAL STANDARDS AND USES**

18 * * * *

19 **Automotive Use Category**

* * * *	* * * *	* * * *
Automotive Service Station	§§ 102, 202.2(b), <u>202.5</u>	P (2)
Automotive Wash	§§ 102, 202.2(b)	C (2)
Gas Station	§§ 102, 187.1,	P

	202.2(b), 228	
Parking Garage, Private	§ 102	<u>C</u> <u>P</u>
Parking Garage, Public	§ 102	C
Parking Lot, Private	§ 102, 142, 156	<u>C</u> <u>P</u> (2)
Parking Lot, Public	§ 102, 142, 156	<u>C</u> <u>P</u> (2)
* * * *	* * * *	* * * *

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

Downtown San Francisco, a center for City, regional, national and international commerce, is composed of ~~four~~ five separate districts, as follows:

* * * *

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
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* * * *

RESIDENTIAL STANDARDS AND USES

Development Standards

* * * *	* * * *	* * * *
Residential Parking Requirements	§§ 150, 151.1, 161	None required. <u>P up to one car for each two Dwelling Units; C up to three cars for each four Dwelling Units. P up to one space for every four units. C for .75 per unit, subject to the criteria of § 151.1(f). NP above.</u>

* * * *	* * * *	* * * *
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NON-RESIDENTIAL STANDARDS AND USES

Development Standards

Off-Street Parking	§§ 150, 151.1, 161	None Required. Maximums set in Planning Code § 151.1
* * * *	* * * *	* * * *

Automotive Use Category

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Automotive Service Station	§§ 102, 202.2(b), 202.5	NP	NP	NP	P	P
Automotive Wash	§§ 102, 202.2(b)	NP	NP	NP	C	C
Gas Station	§§ 102, 187.1, 202.2(b), 228	NP	NP	NP	P	P
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Parking Lot, Private	§ 102, 142, 156	NP	NP	NP	NP	C NP
Parking Lot, Public	§ 102, 142, 156	NP	NP	NP	NP	C NP

****	****	****	****	****	****	****
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SEC. 210.3. PDR DISTRICTS.

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
BUILDING STANDARDS					

NON-RESIDENTIAL STANDARDS AND USES

Development Standards

****	****	****	****	****
Use Size Limits for Retail Sales and Service Uses	§ 210.3(a) A	See <u>Table Chart</u> 210.3A.	5,000 gross square feet per lot, see reference (10) below.	2,500 gross square feet per lot, see reference (9) below
Use Size Limits for Non-Retail Sales and Service Uses	§ 210.3(a) A	See <u>Table Chart</u> 210.3A.	N/A	N/A
				See <u>Table Chart</u> 210.3A.

1	<u>Office Uses in designated landmark buildings</u>	<u>§ 102, 210.3B</u>	<u>NA</u>	<u>C, subject to the conditions and criteria of Section 210.3B.</u>	<u>C, subject to the conditions and criteria of Section 210.3B.</u>	<u>NA</u>
2						
3						
4						
5						
6						
7						
8	PDR Building Replacement	<u>§ 230 202.7</u>	Demolition of buildings housing PDR Uses requires replacement PDR buildings as specified in Section <u>230 202.7.</u>			

11 * * * *

Automotive Use Category					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Automotive Service Station	§§ 102, 202.2(b), 202.5	P	P	P	P
Automotive Wash	§§ 102, 202.2(b)	P	P	P	P
Gas Station	§§ 102, 187.1, 202.2(b), 228	P	P	P	P
* * * *	* * * *	* * * *	* * * *	* * *	* * * *
Sales and Service Category					
Non-Retail Sales and Service*	§ 102	P (2)	<u>NP</u> (14)	<u>NP</u> (14)	P (2)

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) See ~~Table Chart~~ 210.3A.

(2) See ~~Table Chart~~ 210.3A.

* * * *

(14) ~~NP unless in a designated landmark; P C if~~ in a designated landmark per Section 210.3B.

* * * *

SEC. 210.3A. NON-ACCESSORY USE SIZE LIMITS FOR RETAIL AND OFFICE USES IN PDR-1-B AND PDR-2 DISTRICTS.

In order to preserve land and building space for light industrial activities, non-accessory ~~R~~etail and ~~O~~ffice ~~U~~ses that exceed the square footage stated in the table below shall not be permitted in PDR-1-B and PDR-2 Districts. The use area shall be measured as the ~~O~~ccupied ~~f~~loor ~~a~~rea of all retail or offices activities on a lot that have a (1) or (2) in the respective zoning district's use control column in Table 210.3 (Zoning Control Table for PDR Districts). Additionally, a cumulative use size maximum applies in PDR-1-B and PDR-2 Districts, such that the combined floor area of any and all uses permitted by Table 210.3 with a (1) or (2) in the respective zoning district's use control column may not exceed the limits stated in the table below for any given lot.

These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3 of this Code.

* * * *

SEC. ~~210.3B~~ 219.2. OFFICE USES IN LANDMARK BUILDINGS IN THE PDR-1-D AND PDR-1-G DISTRICTS.

1 In order for a proposed project to receive a Conditional Use ~~A~~authorization for the
2 provision of office space in landmark buildings in the PDR-1-D and PDR-1-G Districts:

3 * * * *

4 (e) Vertical Controls. Office Uses approved under this Section shall comply with the Vertical
5 Controls for Office Uses in Section 803.9.

6 **SEC. 210.3C ~~219.1~~. ALLOWANCE FOR USES TO SUPPORT THE DEVELOPMENT OF**
7 **NEW PDR SPACE IN THE PDR-1-D AND PDR-1-G DISTRICTS.**

8 * * * *

9 (c) **Controls.** The Planning Commission may permit, per the procedures described
10 below in Subsection (d), non-PDR uses on the subject lot pursuant to the following provisions:

11 (1) At least 1/3 of the total ~~g~~Gross ~~f~~Floor ~~a~~Area developed on the parcel shall
12 contain PDR ~~u~~Uses, as defined in Section 102 401.

13 (2) For purposes of this Subsection, every square foot of Small Enterprise
14 Workspace, as defined in Section 102, shall count as 0.5 square feet of PDR space and 0.5
15 square feet of non-PDR space as specified in Subsection (3) below.

16 (3) The non-PDR space may contain one or both of the following uses:

17 (A) Office Uses, as defined in Section 102 890.70; and/or

18 (B) Institutional Uses ~~Institutions, Other~~, as defined in Section 102, except for
19 Hospitals 890.50.

20 * * * *

21 (d) **Referral to OEWD.** Upon receiving an application for a project under this Section,
22 the Planning Department shall inform the Director of the Office of Economic and Workforce
23 Development (OEWD) or successor agency, so that OEWD may inform the project sponsor of
24 existing programs and requirements relevant to PDR businesses, including any ~~any~~ existing
25 economic incentive and hiring programs.

1 (e) **Approvals.**

2 (1) All projects seeking entitlement pursuant to this Section 210.3C ~~219.1~~ shall be
3 required to receive a Conditional Use authorization, per Section 303 of the Planning Code. In
4 evaluating a proposed authorization under this Section, the Planning Commission shall
5 consider:

6 * * * *

7 (g) **Uses Established Under This Section.** Notwithstanding any contrary provision of
8 this Code, ~~Office~~ ~~Uses~~ established pursuant to this Section 210.3C ~~219.1~~ shall be deemed
9 Code-conforming uses after the expiration of this Section and such uses shall not constitute
10 nonconforming uses under the provisions of Article 1.7.

11 **SEC. 211. P (PUBLIC) DISTRICTS.**

12 * * * *

13 (b) The purpose of designating such land as a P District on the Zoning Map is to relate
14 the Zoning Map to actual land use and to the ~~Master~~ General Plan with respect to such land.
15 Any lot in a P District may be occupied by a principal use listed in Section 211.1, or by a
16 conditional use listed in Section 211.2, subject to applicable regulations of this Code. Principal
17 ~~Principle~~ uses not identified under Sections 211.1 or 211.2 of this Code are not permitted in
18 any P District.

19 **SEC. 211.2. CONDITIONAL USES, P DISTRICTS.**

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

23 * * * *

24 (c) Additionally, on property with a P District designation that the City and County of
25 San Francisco owns, any use not otherwise principally permitted in a P district as set forth in

1 Section ~~211.1 234.1~~ of this Code shall be permitted with ~~e~~Conditional ~~#~~Use authorization,
2 except for:

- 3 (1) Residential uses;
- 4 (2) Any use first permitted in a M-2 District; and
- 5 (3) Formula ~~Formal~~ Retail uses where the subject P zoned lot is within ¼ of a
6 mile of a zoning district that prohibits Formula Retail.

7 **SEC. 243. VAN NESS SPECIAL USE DISTRICT.**

8 * * * *

9 (c) **Controls.** All provisions of the Planning Code applicable to an RC-4 District shall
10 apply except as otherwise provided in this Section.

11 * * * *

12 (8) **Limitation of Nonresidential Uses.**

13 * * * *

14 (B) **Reduction of Ratio of Residential Uses for Affordable Housing.** The
15 Planning Commission may modify the Van Ness Special Use District residential to
16 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional
17 use in one of the following ways:

18 * * * *

19 (iii) **Annual Reporting, Evaluation, and Adjustments to Affordability**
20 **and Fee Calculations.** The Department shall report annually to the Planning Commission on
21 the activity and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the
22 Planning Commission may initiate a modification or deletion of Section 243(c)(8)(B). The
23 dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall be
24 subject to annual adjustments in accord with Section ~~413.6(1)~~ 409 of this Code. Affordability
25

1 shall be defined by rents or sale prices affordable by households with no more than 80
2 percent of median income standards developed by HUD.

3 * * * *

4 **SEC. 244. RESIDENTIAL CHARACTER DISTRICTS.**

5 In order to provide for certain areas with special building forms and natural
6 characteristics, there shall be ~~R~~Residential ~~C~~Character ~~D~~Districts as designated on Special Use
7 Districts Sectional Maps of the Zoning Map. In these ~~R~~Residential ~~C~~Character ~~D~~Districts, all
8 provisions of the ~~C~~ity Planning Code applicable to the underlying R (Residential) District shall
9 continue to apply to ~~R~~Residential ~~C~~Character ~~D~~Districts except as otherwise provided in the
10 sections for the specific districts which follow or as shown on the Zoning Map. A ~~R~~Residential
11 ~~C~~Character ~~D~~District may include residential design guidelines for that district, to supplement
12 the "~~1989~~ Residential Design Guidelines" published by the ~~Planning~~ Department ~~of C~~ity
13 ~~Planning~~, as amended from time to time.

14 **SEC. 244.1. WESTWOOD PARK RESIDENTIAL CHARACTER DISTRICT.**

15 The following provisions shall apply within the Westwood Park Residential Character
16 District:

17 ~~(a)~~ **Residential Design Guidelines.** The construction of new residential buildings and
18 alterations of existing residential buildings in the Westwood Park Residential Character
19 District shall be consistent with the design policies and guidelines of the ~~General Master~~ Plan
20 and with the previously adopted "Residential Design Guidelines" as amended by portions of
21 "The Westwood Park Association Residential Design Guidelines," adopted by ~~C~~ity Planning
22 Commission Resolution Number 13992. The Zoning Administrator may require modifications
23 to the exterior of a proposed new residential building or proposed alteration of an existing
24 residential building in order to bring it into conformity with the ~~General Master~~ Plan and with the
25 "Residential Design Guidelines" as amended. These modifications may include, but are not

1 limited to, changes in siting, building envelope, scale, texture and detailing, openings, and
2 landscaping.

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

4 (a) **Purpose and Boundaries.** In order to give effect to the Treasure Island/Yerba
5 Buena Island Project as approved by the Board of Supervisors (File Nos. 110226 and
6 110291), there shall be a Treasure Island/Yerba Buena Island Special Use District as
7 designated on Sectional Map SU14 of the Zoning Maps of the City and County of San
8 Francisco. The boundaries of the Treasure Island/Yerba Buena Island Special Use District
9 include all areas of Treasure Island and Yerba Buena Island as shown on Zoning Sectional
10 Map ZN14. Any property within the Special Use District owned by the United States
11 Department of Labor, United States Coast Guard, Federal Highway Administration or
12 California Department of Transportation is hereby declared to be in a P (Public Use) District
13 unless reclassified in accordance with the provisions of this Code. The purpose of this Special
14 Use District is to facilitate the City's long-term goal of implementing the creation of a new City
15 neighborhood on Treasure Island and Yerba Buena Island, which will provide benefits to the
16 City such as significant amounts of new affordable housing, increased public access and open
17 space, transportation improvements, extensive infrastructure improvements, and recreational
18 and entertainment opportunities, while creating jobs and a vibrant, sustainable community.
19 This Special Use District shall supersede, in its entirety, all other provisions of this Planning
20 Code that would otherwise be applicable to Treasure Island and Yerba Buena Island except
21 with respect to (1) Planning Code sections adopted by ballot proposition prior the effective
22 date of the Ordinance adopting this Special Use District, which consist of the sections of the
23 Planning Code adopted or amended by Proposition M (1986) (Section~~s~~-101.1 [General Master
24 Plan Consistency and Implementation], Section 164, and Sections 320-325); Proposition K
25 (1984) (Shadow Ban) (Section 295); Proposition G (2002) (General Advertising Signs

1 Prohibited) (Sections 602.7 and 611); and Proposition G (2006) (Limitation on Formula Retail
2 in NC Districts) (Section 703.4); (2) any Planning Code sections adopted or amended in
3 connection with this Special Use District, including Sections ~~102.5 (District)~~; 105 (Zoning Map);
4 201 (Use Districts); 263.26 (Treasure Island/Yerba Buena Island Height and Bulk District) and
5 249.52 (Treasure Island/Yerba Buena Island Special Use District), and (3) any other section
6 of the Planning Code referenced herein (but only to the extent and for the purposes stated
7 herein).

8 * * * *

9 (g) **Review and Approval of Vertical Development.**

10 * * * *

11 (4) **Schematic Design Document Applications under Planning Commission**
12 **Jurisdiction.**

13 * * * *

14 (E) **Public Hearing for Large Projects.** Prior to decision by the *Director*
15 *of Planning Director* pursuant to ~~s~~Subsection (g)(4)(C) above, each project subject to the below
16 criteria shall be presented at a regularly scheduled hearing of the Planning Commission. Such
17 hearing shall be calendared within 30 days after the application is complete or deemed
18 complete. If a public hearing is required under subsection (g)(4)(D) and this ~~s~~Subsection, the
19 Planning Commission shall ~~hear~~ jointly calendar *and hear* both items, to take action on the
20 Major Modification and to provide comment only on the project design. The *Director of*
21 *Planning Director* shall consider all comments from the public and the Planning Commission in
22 making his or her decision to approve, conditionally approve, or disapprove the project design.
23 Criteria necessitating public hearing are as follows:

24 * * * *

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

1 * * * *

2 (a) **Prohibition of New Liquor Stores.** No new Liquor Store, as defined in Section 102
3 and 790.55 of this Code, shall be permitted in the SUD, except that an existing Liquor Store
4 may relocate pursuant to subsection (c) ~~(d)~~ below.

5 * * * *

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

7 * * * *

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

10 (1) A Retail Sales and ~~Personal~~ Services use as defined in Section 102 of this
11 Code, except for Motels and Hotels, shall be permitted regardless of the use size limitations in
12 the PDR Zoning Control Table, however the use size controls set forth in Section 121.6 and
13 ~~121.8~~ Table 210.3A shall continue to apply.

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

16 (A) a Formula Retail use as defined in Section ~~102~~ 303.1 of this Code that
17 is 10,000 square feet or larger;

18 * * * *

1 **SEC. 251. HEIGHT AND BULK DISTRICTS: PURPOSES.**

2 In addition to the purposes of this Code as stated in Section 101, these height and bulk
3 districts are established for further purposes of implementing the Urban Design element and
4 other elements of the General Master Plan, according to the objectives, principles and policies
5 stated therein. Among these purposes are the following:

6 * * * *

7 **SEC. 261. ADDITIONAL HEIGHT LIMITS APPLICABLE TO CERTAIN RH USE**
8 **DISTRICTS.**

9 * * * *

10 **(b) Height Limits Applicable to the Entire Property.**

11 (1) No portion of a dwelling in any RH-1(D), RH-1 or RH-1(S) District shall
12 exceed a height of 35 feet, except that:

13 (A) The permitted ~~Height of a Building, as defined in Section 102,~~ shall be
14 increased to 40 feet, ~~as measured at curb per Section 102.12,~~ where the average ground
15 elevation at the rear line of the lot is higher by 20 or more feet than at the front line thereof;

16 * * * *

17 **SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS**
18 **IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE,**
19 **SOUTH OF MARKET MIXED USE, C-3, C-M, AND DTR DISTRICTS.**

20 * * * *

21 **(g) Informational Plaque.** Prior to issuance of a permit of occupancy, a plaque shall
22 be placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the
23 right of the public to pass through the alley and stating the name and address of the owner or
24 owner's agent responsible for maintenance. The ~~plaque~~ plaque shall be of no less than 24
25 inches by 36 inches in size.

1 * * * *

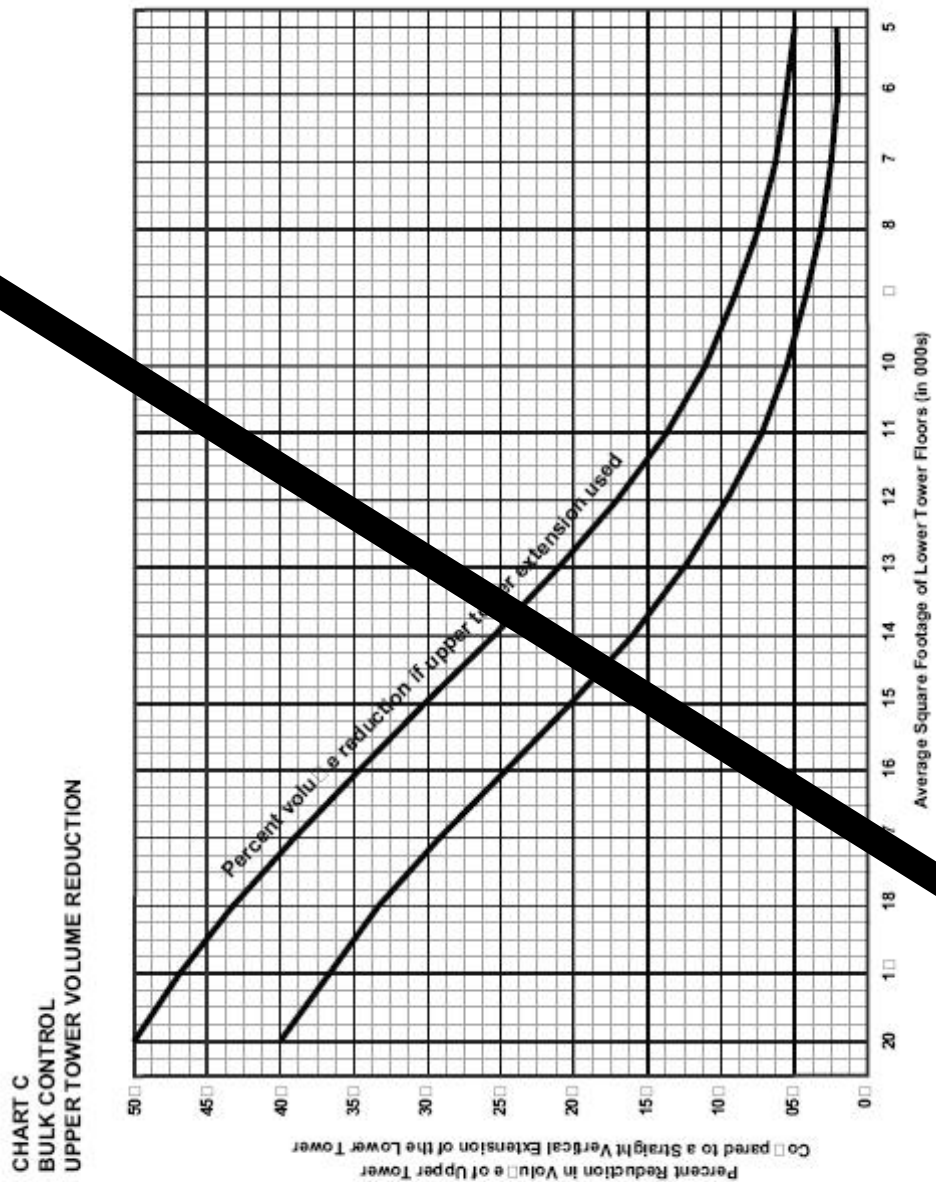
2 **SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS, IN DISTRICTS OTHER THAN C-3.**

3 (a) **General.** The bulk limits prescribed by Section 270 have been carefully considered
4 in relation to objectives and policies for conservation and change in districts other than C-3.
5 There may be some exceptional cases in which these limits may properly be permitted to be
6 exceeded to a certain degree; however, following public review and exploration of
7 alternatives, provided there are adequate compensating factors. Such deviation might occur,
8 when the criteria of this Section are met, for one or both of the following positive reasons:

9 (1) Achievement of a distinctly better design, in both a public and a private
10 sense, than would be possible with strict adherence to the bulk limits, avoiding an
11 unnecessary prescription of building form while carrying out the intent of the bulk limits and
12 the principles and policies of the *General Master* Plan.

13 *Note to Publisher: Delete The Following Graphic.*

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(2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

* * * *

1 **SEC. 290. HEIGHT AND BULK LIMITS FOR OPEN SPACE DISTRICTS.**

2 In the Open Space Districts designated by the symbol "OS" on Sectional Maps Nos.
3 ~~HT01 1H~~ through ~~HT13 13H~~ of the Zoning Map, the height and bulk of buildings and structures
4 shall be determined in accordance with the objectives, principles and policies of the General
5 ~~Master~~ Plan, and no building or structure or addition thereto shall be permitted unless in
6 conformity with the General Master Plan. The inclusion of land in Open Space Districts is
7 intended to indicate its principal or exclusive purpose as open space, with future development
8 of any character strictly limited. The exemptions from height and bulk limitations set forth in
9 Section 260(b) of this Code shall not be applicable to Open Space Districts unless in
10 conformity with the General Master Plan.

11 **SEC. 295. HEIGHT RESTRICTIONS ON STRUCTURES SHADOWING PROPERTY**
12 **UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION.**

13 (a) No building permit authorizing the construction of any structure that will cast any
14 shade or shadow upon any property under the jurisdiction of, or designated for acquisition by,
15 the Recreation and Park Commission may be issued except upon prior action of the ~~City~~
16 Planning Commission pursuant to the provisions of this Section; provided, however, that the
17 provisions of this Section shall not apply to building permits authorizing:

18 * * * *

19 (5) Projects for which a building permit application has been filed and either
20 (i) a public hearing has been held prior to March 5, 1984 on a draft
21 environmental impact report published by the Planning Department ~~of City Planning~~, or
22 (ii) a Negative Declaration has been published by the Planning
23 Department ~~of City Planning~~ prior to July 3, 1984;

24 * * * *

1 (b) The ~~City~~ Planning Commission shall conduct a hearing and shall disapprove the
2 issuance of any building permit governed by the provisions of this Section if it finds that the
3 proposed project will have any adverse impact on the use of the property under the
4 jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because
5 of the shading or shadowing that it will cause, unless it is determined that the impact would be
6 insignificant. The ~~City~~ Planning Commission shall not make the determination required by the
7 provisions of this Subsection until the general manager of the Recreation and Park
8 Department in consultation with the Recreation and Park Commission has had an opportunity
9 to review and comment to the ~~City~~ Planning Commission upon the proposed project.

10 (c) The ~~City~~ Planning Commission and the Recreation and Park Commission, after a
11 joint meeting, shall adopt criteria for the implementation of the provisions of this Section.

12 (d) The Zoning Administrator shall determine which applications for building permits
13 propose structures which will cast a shade or shadow upon property under the jurisdiction of,
14 or designated for acquisition by, the Recreation and Park Commission. As used in this
15 Section, "property designated for acquisition by the Recreation and Park Commission" shall
16 mean property which a majority of each of the Recreation and Park Commission and the ~~City~~
17 Planning Commission, meeting jointly, with the concurrence of the Board of Supervisors, have
18 recommended for acquisition from the Open Space Acquisition and Park Renovation Fund,
19 which property is to be placed under the jurisdiction of the Recreation and Park Commission.

20 **SEC. 301. GENERAL DESCRIPTION OF ZONING PROCEDURES.**

21 This Section is a summary of provisions more fully described in the remainder of this
22 Article.

23 The final legislative authority for enactment and amendment of the zoning provisions
24 contained in this Code resides in the Board of Supervisors. However, all proposals for
25

1 reclassifications of property or other amendments are considered first by the ~~City~~ Planning
2 Commission, and its disapprovals are final unless overruled by the Board of Supervisors.

3 The provisions of this Code are administered by the Zoning Administrator and other
4 staff members of the Planning Department ~~of City Planning~~, by means of public information,
5 review of permit applications, keeping of records, interpretation of the meaning and intent of
6 the Code, and enforcement actions against violations. The Zoning Administrator is also
7 responsible for reviewing the effectiveness of the Code and recommending appropriate
8 changes to the legislative authorities.

9 Certain specified uses and features in various zoning districts require approval by the
10 ~~City~~ Planning Commission through conditional use procedures, in which the Commission
11 determines whether the provisions of the Code are met.

12 The decisions of the Commission in these cases may be appealed to the Board of
13 Supervisors.

14 In some cases, provisions of the Code may be relaxed by means of variances or
15 administrative review granted by the Zoning Administrator; provided, for a variance, that
16 certain specified findings can be made, and for administrative review, that the conditions of
17 the section authorizing such review are satisfied. Decisions in these cases may be appealed
18 to the Board of ~~Permit~~ Appeals.

19 The responsibilities of each of these persons and agencies are derived from the San
20 Francisco Charter.

21 **SEC. 303. CONDITIONAL USES.**

22 * * * *

23 (n) **Message Establishments.**

1 (1) With respect to Massage Establishments that are subject to Conditional Use
2 authorization, as defined in Sections 102, 790.60, and 890.60 of this Code, in addition to the
3 criteria set forth in Subsection (c) above, the Commission shall make the following findings:

4 (A) Whether the applicant has obtained, and maintains in good standing,
5 a permit for a Massage Establishment from the Department of Public Health pursuant to
6 Section ~~29.2510~~ of the San Francisco Health Code;

7 * * * *

8 (p) **Adult Business, General Entertainment and Other Entertainment Uses.**

9 (1) With respect to ~~e~~Conditional ~~u~~Use authorization applications for Adult
10 Business, General Entertainment and Other Entertainment uses, such use or feature shall:

11 (A) If the use is an Adult Business, it shall not be located within 1,000 feet
12 of another such use; and/or

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

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

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

19 (2) Notwithstanding the above, the Planning Commission may authorize a
20 conditional use which does not satisfy the criteria set forth in ~~(q2)~~(1)(B) and/or ~~(q2)~~(1)(C)2
21 above, if facts presented are such to establish that the use will be operated in such a way as
22 to minimize disruption to residences in and around the district with respect to noise and crowd
23 control.

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

1 * * * *

2 **(r) Development of Large Lots in RTO and RTO-M Districts.**

3 *In order to promote, protect, and maintain a scale of development that is appropriate to each*
4 *district and compatible with adjacent buildings, new construction or significant enlargement of existing*
5 *buildings on lots of the same size or larger than the square footage stated in Table 209.4 under Large*
6 *Project Review shall be permitted only as conditional uses subject to the provisions set forth in this*
7 *Section of this Code.*

8 *In addition to the criteria of Section 303(c)(1) of this Code, the Planning Commission shall*
9 *consider the extent to which the following criteria are met:*

10 *(1) The mass and articulation of the proposed structures are compatible with the*
11 *intended scale of the district.*

12 *(2) For development sites greater than ½-acre, the extension of adjacent alleys or streets*
13 *onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the*
14 *site as appropriate, in order to break down the scale of the site, continue the surrounding existing*
15 *pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.*

16 *(3) The site plan, including the introduction of new streets and alleys, the provision of*
17 *open space and landscaping, and the articulation and massing of buildings, is compatible with the*
18 *goals and policies of the applicable Area Plan in the General Plan.*

19 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

20 * * * *

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

24 * * * *

1 (5) In R Districts, include ~~e~~Commercial ~~#~~Uses only to the extent that such uses
2 are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1
3 Districts under this Code, and in RTO Districts include ~~e~~Commercial ~~#~~Uses only according to
4 the provisions of Section ~~230~~ 231 of this Code;

5 * * * *

6 **SEC. 304.5. INSTITUTIONAL MASTER PLANS.**

7 * * * *

8 (b) **When Required.** Each Hospital and each Post-Secondary Educational Institution in
9 the City and County of San Francisco (for the purposes of this Section collectively referred to
10 as "institution(s)"), including Group Housing affiliated with and operated by any such institution
11 shall have on file with the Planning Department a current ~~i~~Institutional ~~m~~Master ~~p~~Plan
12 describing the existing and anticipated future development of that institution as provided in
13 Subsection (c) below. ~~Medical and educational i~~Institutions of less than 50,000 square feet or
14 ~~medical and educational institutions~~ of less than 100,000 square feet in the C-3 district may
15 submit an Abbreviated Institutional Master Plan as described in Subsection (d) below.

16 Thereafter, at intervals of two years, each such institution shall file an Update with the
17 Planning Department describing the current status of its ~~i~~Institutional ~~m~~Master ~~p~~Plan. The
18 requirements for an ~~#~~Uppdate are provided in Subsection (f) below.

19 The Zoning Administrator shall be notified whenever the following occur to determine
20 whether a new Institutional Master Plan or an Update shall be required: there are significant
21 revisions to the information contained in the Institutional Master Plan; or 10 years have
22 passed since the last Institutional Master Plan was submitted and heard by the Planning
23 Commission (as described by Subsection (e) below). Significant revisions may include plans
24 to construct new facilities that were not previously discussed in the Institutional Master Plan,
25 plans to demolish existing facilities that were not discussed in the Institutional Master Plan,

1 closure of an existing unit, opening of a new unit, change in use of an existing unit or inpatient
2 facility, an increase in the ~~institutions~~ institution's size by 10,000 square feet or 25% of total
3 square footage (whichever is less), or significant changes in use of existing facilities that were
4 not discussed in the Institutional Master Plan.

5 (c) **Format and Substance of the Institutional Master Plan.** In the case of an
6 institution occupying a site area of 50,000 or more square feet (100,000 or more square feet
7 in the C-3 District), or occupying a site area of less than 50,000 square feet (100,000 or more
8 square feet in the C-3 District) but anticipating future expansion over 50,000 square feet
9 (100,000 or more square feet in the C-3 District), the plan submitted shall be a full Institutional
10 Master Plan and shall at a minimum contain textual and graphic descriptions of:

11 * * * *

12 (3) The development plans of the institution for a future period of not less than
13 10 years, and the physical changes in the institution projected to be needed to achieve those
14 plans. Any plans for physical development during the first five years shall include the site
15 area, ground coverage, building bulk, approximate floor area by function, off-street parking,
16 circulation patterns, areas for land acquisition, and timing for the proposed construction. In
17 addition, with respect to plans of any duration, the submission shall contain a description and
18 analysis of each of the following:

19 (A) The conformity of proposed development plans to the General
20 Comprehensive Plan (~~Master Plan~~) of the City and County of San Francisco, and to any
21 neighborhood plans on file with the Planning Department,

22 * * * *

1 **SEC. 306.7. INTERIM ZONING CONTROLS.**

2 Interim zoning controls may be imposed by resolution of the ~~City~~ Planning Commission
3 or the Board of Supervisors through the exercise of a legislative rule-making power subject to
4 the procedures and standards and for the purposes set forth in this Section.

5 (a) **Purposes.** This interim zoning controls process is found and declared to be
6 necessary to fulfill the purposes of this Code as stated in Section 101 herein. The Board of
7 Supervisors and the ~~City~~ Planning Commission are hereby authorized to impose interim
8 zoning controls to suspend temporarily the processing of certain applications for demolition
9 permits, building permits and other land use authorizations which may be in conflict with a
10 contemplated zoning proposal which the Board of Supervisors, the ~~City~~ Planning Commission
11 or the Planning Department ~~of City Planning~~ is considering or studying or intends to study
12 within a reasonable time. The provisions of this Section will allow time for the orderly
13 completion of a planning study and for the adoption of appropriate legislation. Interim zoning
14 controls are necessary to ensure that the legislative scheme which may be ultimately adopted
15 is not undermined during the planning and legislative process by the approval or issuance of
16 permits authorizing the alteration, construction or demolition of buildings or the establishment
17 or change of uses which will conflict with that scheme. In determining whether to impose
18 interim zoning controls, the body imposing the controls shall consider the impact on the public
19 health, safety, peace and general welfare if the proposed controls are not imposed, including,
20 but not limited to, the public interest in the following objectives:

21 * * * *

22 (b) **Effect of Interim Zoning Controls Upon Permit Applications.** A resolution of the
23 Board of Supervisors or of the ~~City~~ Planning Commission imposing interim zoning controls
24 shall set forth the duration of the interim zoning controls. Once interim zoning controls are
25 imposed pursuant to this Section, and for the duration of the controls and any extension

1 permitted by this Section, no department of the City and County of San Francisco, including
2 the Board of *Permit* Appeals, may approve any application for a demolition permit, a building
3 or site permit or for any other permit or license authorizing the demolition, alteration or
4 construction of any building or the establishment of any use unless the action proposed would
5 conform both to the existing provisions of the *City* Planning Code and also to the provisions of
6 the resolution imposing the controls. Failure of the Board of Supervisors or the *City* Planning
7 Commission to act on a proposed interim control within 120 days of its initiation shall be
8 deemed to constitute disapproval. At any time after the first noticed hearing, in order to insure
9 that the purpose for imposing interim controls is not undermined during the period when their
10 adoption is being considered, the body considering the proposed controls may by resolution
11 issue an order directing the Zoning Administrator, the Director Superintendent of the Department
12 Bureau of Building Inspection, the Board of *Permit* Appeals, and other permit-issuing and
13 permit-approving agencies to suspend action on applications which propose a use prohibited
14 by the proposed interim controls pending final action on the controls; provided, however, that
15 such order shall not apply to applications filed more than 60 days before the first noticed
16 hearing and shall not prohibit action on applications which would otherwise be deemed
17 approved during the period of such suspension pursuant to Government Code Sections
18 65950 - 65957.1.

19 * * * *

20 (d) **Environmental Review.** The provisions of this Section shall govern the
21 environmental review process conducted by the Director of Planning upon initiation of the
22 interim zoning controls process by the Board of Supervisors.

23 * * * *

24 (3) If a preliminary negative declaration is published and an appeal is filed within
25 10 days, the Planning Commission shall, within 40 days of the date that the appeal of the

1 preliminary negative declaration is filed, either affirm the preliminary negative declaration or
2 overrule the preliminary negative declaration and order the preparation of an environmental
3 impact report. The Director of Planning shall transmit to the Clerk of the Board of Supervisors
4 the resolution of the ~~City~~ Planning Commission affirming or overruling the preliminary negative
5 declaration within two business days following its adoption.

6 (4) If the Planning Department ~~of City Planning~~ or on appeal the ~~City~~ Planning
7 Commission determines that an environmental impact report must be prepared before the
8 imposition of the proposed interim controls, no work need be commenced for preparation of
9 that document unless the Board of Supervisors adopts a motion by majority vote, authorizing
10 the preparation of that document. The Clerk of the Board of Supervisors shall transmit a copy
11 of that motion to the Director of Planning, who shall prepare or cause to be prepared the
12 environmental impact report. A final environmental impact report shall be prepared within 18
13 months after the transmittal of the motion authorizing preparation of that document by the
14 Board to the Director of Planning. The Director shall complete the environmental impact report
15 notwithstanding the fact that the proposed controls have been deemed disapproved after the
16 expiration of 120 days as set forth in Subsection (b), unless directed otherwise by the Board.
17 Upon completion of that document, the same interim controls may be initiated and thereafter
18 adopted within 120 days of their initiation. If the Board votes on a motion authorizing the
19 preparation of an environmental impact report and the motion fails, the interim zoning controls
20 process shall terminate on that date. If the Board does not vote on a motion authorizing the
21 preparation of an environmental impact report within 30 days of the date of receipt of
22 notification that an environmental impact report is required and of the proposed Board motion
23 which would authorize its preparation, the interim zoning controls process shall terminate on
24 the 30th day after receipt of such notification.

25 * * * *

1 **(e) Interim Zoning Controls Imposed by the ~~City~~ Planning Commission.** The
2 procedure set forth in this Section shall govern the imposition of interim zoning controls by the
3 ~~City~~ Planning Commission. The procedure may be initiated upon application pursuant to
4 Section 306 of the Code by an interested property owner, resident, or commercial lessee as
5 defined by Section 302(b) herein or by adoption of a resolution proposing imposition of the
6 interim zoning controls by the ~~City~~ Planning Commission. A resolution proposing imposition of
7 the interim zoning controls shall either contain the text of the proposed controls or refer to and
8 incorporate by reference an exhibit which does so. The resolution and any exhibit text shall be
9 approved as to form by the City Attorney. Upon adoption of that resolution or receipt of the
10 application, the Zoning Administrator shall provide the notice required by Subsection (g) within
11 20 days. Within 30 days after the required notice has been provided, the Commission shall
12 hold a hearing on the proposed interim controls. Upon completion of environmental review as
13 required by applicable provisions of CEQA and the ~~San Francisco~~ Administrative Code, the
14 Commission may adopt a resolution imposing the interim zoning controls by a majority vote.
15 Matters relating to environmental review which require a hearing may be considered at the
16 same Commission meeting at which the Commission considers and acts upon the proposed
17 controls, so long as environmental review is completed first. Any hearing to consider the
18 imposition of interim zoning controls may be continued for further consideration to another
19 date pursuant to the regular notice requirements applicable to the Commission.

20 **(f) Ratification or Disapproval of Commission Action.** Each proposed interim
21 control voted on by the ~~City~~ Planning Commission and failing of passage and each interim
22 control imposed by the ~~City~~ Planning Commission shall be forwarded within two business
23 days of the Commission action to the Board of Supervisors, which may ratify or disapprove
24 the action taken by the ~~City~~ Planning Commission. The interim controls imposed by the ~~City~~
25 Planning Commission shall remain in effect and be deemed ratified unless and until the Board

1 of Supervisors disapproves the controls within 90 days of the date that they are received by
2 the Clerk of the Board. If disapproved, the interim zoning controls shall be of no further force
3 and effect. The Board of Supervisors may disapprove the action of the ~~City~~ Planning
4 Commission ~~only~~ by a majority vote ~~of not less than of all the members of the Board, except that in~~
5 ~~the event that one or more of the full membership of the Board is disqualified or excused from voting~~
6 ~~because of an interest prohibited by general law or the San Francisco Charter, any such disapproval~~
7 ~~shall be by a vote of not less than of all members of the Board that are not disqualified or excused;~~
8 ~~provided, however, that in the event that a quorum of all members of the Board is disqualified or~~
9 ~~excused from voting because of an interest prohibited by general law or the Charter, the action of the~~
10 ~~City Planning Commission shall be deemed approved.~~ In the event the Board disapproves the
11 action of the Commission when the Commission has disapproved a proposed interim control,
12 the Board shall, not later than its next regularly scheduled meeting, adopt the proposed
13 interim control. In considering whether to ratify or disapprove Commission action, the Board
14 shall consider the purposes and objectives set forth in Subsection (a).

15 (g) **Notice.** Notice of the time and place of a public hearing on interim zoning controls
16 before the Planning Commission if the Planning Commission initiates the controls, or before
17 the Board of Supervisors or a committee of the Board if a member of the Board initiates the
18 controls, shall be as follows:

19 * * * *

20 (2) By posting at the office of the Board of Supervisors and the Planning
21 Department ~~of City Planning~~ nine days prior to the date of hearing; and

22 * * * *

23 Notice of a public hearing by the Board of Supervisors or a committee of the Board for
24 the ratification or disapproval of interim controls imposed by the ~~City~~ Planning Commission
25 shall be given pursuant to Subsections (1), (2), (3) and (5) of this Subsection.

1 * * * *

2 (i) **Planning Study.** Upon the imposition of interim zoning controls by either the Board
3 of Supervisors or the ~~City~~ Planning Commission, the Planning Department ~~of City Planning~~
4 shall conduct a study of the contemplated zoning proposal and shall propose permanent
5 legislation. As to any controls which are placed in effect for more than six months, the staff of
6 the ~~City~~ Planning Department shall report to the entity imposing the controls six months from
7 the date of the imposition of the controls and at least every six months thereafter. The report
8 shall inform that body of (1) the status of the planning study, (2) the findings and
9 recommendations to date, and (3) the estimated time of completion of such study and
10 proposed permanent legislation. These reports shall be considered in a public hearing duly
11 noticed in accordance with the basic rules of the body that imposed the interim zoning
12 controls.

13 **SEC. 306.8. POSTING OF SIGNS REQUIRED.**

14 (a) **Hearings for Which Notice Required.** In addition to the requirements for notice
15 provided elsewhere in this Code, the requirements for notice set forth in this Section shall
16 apply to hearings before the ~~City~~ Planning Commission or the Zoning Administrator (1) on an
17 application for a conditional use or variance, (2) for every amendment to reclassify property
18 initiated by application as permitted in Section 302(b) where the area sought to be reclassified
19 is ½ acre or less (exclusive of streets, alleys and other public property) and where the
20 applicant owns all or a portion of the property to be reclassified or is a resident or commercial
21 lessee thereof, (3) for any permit application or project authorization application reviewed
22 pursuant to Sections 309 or 322, and (4) for any application for a building or site permit
23 authorizing a new building the consideration or approval of which is scheduled before the ~~City~~
24 Planning Commission. This ~~s~~Section shall not apply to variance applications involving a less
25

1 than 10 percent deviation as described in Section 305(c) or to hearings or actions relating to
2 environmental review.

3 * * * *

4 (c) **Contents and Size of Signs.** The sign shall be at least 30 inches by 30 inches,
5 unless the application relates to a vacant site or vacant building, in which case the Zoning
6 Administrator may require a sign up to eight feet wide and four feet high upon a determination
7 that the larger sign will provide better public notice. The sign shall be entitled NOTICE OF
8 ZONING HEARING. The lettering shall be at least 1¼-inch capital letters for the title. All other
9 letters shall be at least ¾-inch uppercase and ½-inch lower-case. The sign shall provide
10 notice of the case number, the time, date, location and purpose of the public hearing, a
11 description of the proposed project, and the procedure for obtaining additional information.

12 Every person subject to the requirements of this Section shall obtain from the *Planning*
13 Department ~~of City Planning~~ the sign on submission of application which is to be posted, and
14 shall provide such additional information on the sign as required by this Section and any
15 written directions provided by the Zoning Administrator; provided, however, that where the
16 Zoning Administrator requires a sign larger than 30 by 30 inches, the applicant shall provide
17 the sign. The Department shall charge a fee to applicants in an amount determined
18 appropriate to cover the cost of providing the sign.

19 * * * *

20 (e) **Declaration Required; Failure to Comply.** The applicant, other than an applicant
21 for a reclassification, shall submit at the time of the hearing a declaration signed under penalty
22 of perjury stating that the applicant has complied with the provisions of this Section. If any
23 person challenges the applicant's compliance with this Section, the Commission or, as to
24 variance hearings the Zoning Administrator, shall determine whether the applicant has
25 substantially complied and, if not, shall continue the hearing for that purpose. A challenge may

1 be raised regarding compliance with the provisions of this Section by any person after the
2 hearing by filing a written statement with the Zoning Administrator, or such challenge may be
3 raised by the Zoning Administrator, but no challenge may be filed or raised later than 30 days
4 following Commission action, or as to variance hearings 10 days following the decision. If no
5 challenge is filed within the time required, it shall be deemed conclusive that the applicant
6 complied with the provisions of this Section. If it is determined, after a hearing for which at
7 least five days' notice has been given to the person filing the challenge and the applicant, that
8 the applicant has not substantially complied with the provisions of this Section, the action of
9 the ~~City~~ Planning Commission or the Zoning Administrator shall be deemed invalid and the
10 matter shall be rescheduled for hearing after the required notice has been given.

11 Notwithstanding any other provision of this Section, an application may be denied if
12 continuance or delay of action on the application would result in an application being deemed
13 approved pursuant to Government Code Sections 65920 et seq.

14 * * * *

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

17 * * * *

18 (c) **Changes of Use.** In NC Districts, all building permit applications for a change of
19 use to a ~~b~~Bar, as defined in Section s 102 and 790.22, a ~~l~~Liquor ~~s~~Store, as defined in Section s
20 102 and 790.55, a ~~walkup facility, as defined in Section 790.140~~, ~~o~~Other ~~l~~Large ~~i~~Institutions, as
21 defined in Section 790.50, ~~o~~Other ~~s~~Small ~~i~~Institutions, as defined in Section 790.51, a Limited
22 Restaurant, as defined in Section s 102 and 790.90, a Restaurant, as defined in Section s 102
23 and 790.91, a ~~m~~Massage ~~e~~Establishment, as defined in Section s 102 and 790.60, an ~~o~~Outdoor
24 ~~a~~Activity ~~A~~rea, as defined in Section 790.70, an ~~a~~Adult or ~~o~~Other ~~e~~Entertainment use, as
25 defined in Sections 790.36 and 790.38, a ~~f~~Fringe ~~f~~Financial ~~s~~Service use, as defined in

1 Section 102 and 790.111, Tobacco Paraphernalia Establishments as defined in Sections 102 and
2 790.123, or Group Housing as defined in Sections 102 and 790.88(b) shall be subject to the
3 provisions of Subsection 312(d); provided, however, that a change of use from a Restaurant
4 to a Limited-Restaurant shall not be subject to the provisions of Subsection 312(d). In all RED
5 and Eastern Neighborhoods Mixed Use Districts all building permit applications for a change
6 of use from any one anyone land use category to another land use category shall be subject to
7 the provisions of Subsection 312(d). In addition, any accessory massage use in the Ocean
8 Avenue Neighborhood Commercial Transit District shall be subject to the provisions of
9 Subsection 312(d).

10 For the purposes of this Subsection, "land use category" shall mean those categories
11 used to organize the individual land uses which appear in the use tables in Article 8,
12 immediately preceding a group of individual land uses, and include the following: ~~R~~Residential
13 ~~U~~se, ~~I~~Institutional ~~U~~se, ~~R~~Retail ~~S~~Sales and ~~S~~Service ~~U~~se, assembly, ~~R~~Recreation and
14 ~~E~~Entertainment ~~U~~se, ~~O~~Office ~~U~~se, motor vehicle services use, ~~I~~Industrial home and business
15 service ~~U~~se, or other use.

16 * * * *

17 **SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION IN**
18 **NEIGHBORHOOD COMMERCIAL, EASTERN NEIGHBORHOODS MIXED USE**
19 **DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS ~~AND FOR LIVE/WORK~~**
20 **~~UNITS IN RH AND RM DISTRICTS.~~**

21 In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this Code, the
22 following procedures set forth in this and the following sections shall govern applications for
23 ~~e~~Conditional ~~U~~se authorization where this authorization is required pursuant to Sections 178,
24 179, 181(f) or (g), ~~209.9(f), 209.9(h),~~ 260(b)(2)(P) or 263.11 of this Code; zoning categories .10,
25 .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 of this Code for

1 each Neighborhood Commercial District; Sections 813 through 818 for the South of Market
2 Mixed Use Districts; Section 840 through 843 for the Eastern Neighborhoods Mixed Use
3 Districts; or Section 823 for the Western SoMa Special Use District. The criteria for
4 determinations on such applications are set forth in Section 303(c) of this Code. Additional
5 criteria for determinations on applications pursuant to zoning categories .10, .11, and .21 of
6 Article 7 are set forth in the Section of this Code containing the control. Additional criteria for
7 determinations on certain applications within Mixed Use Districts are set forth in Sections
8 263.11 and 803.5 through 803.9 of this Code. Additional criteria for determination on certain
9 applications within the Western SoMa Special Use District are set forth in Section 823 of this
10 Code.

11 **SEC. 317. LOSS OF DWELLING UNITS THROUGH DEMOLITION, MERGER AND**
12 **CONVERSION.**

13 * * * *

14 (g) **Exemptions.** This Section 317 shall not apply to property:

15 * * * *

16 (3) Under the jurisdiction of the Port of San Francisco or the Successor Agency
17 to the Redevelopment Agency of the City and County of San Francisco where the application of
18 this Section is prohibited by State or local law; or

19 * * * *

20 **SEC. 320. OFFICE DEVELOPMENT: DEFINITIONS.**

21 When used in Sections 320, 321, 322 and 323, the following terms shall each have the
22 meaning indicated. See also Section 102.

23 * * * *

24

25

1 (c) "Approve" shall mean to approve issuance of a project authorization and shall
2 include actions of the ~~City~~ Planning Commission, Board of ~~Permit~~ Appeals and Board of
3 Supervisors.

4 * * * *

5 (h) "Project authorization" shall mean the authorization issued by the Planning
6 Department ~~of City Planning~~ pursuant to Sections 321 and 322 of this Code.

7 (j) "Retail ~~u~~se" shall mean supply of commodities on the premises including, but not
8 limited to, stores, shops, ~~r~~estaurants, ~~b~~ars, eating and drinking businesses, and Retail Sales
9 and Services ~~the~~ uses defined in Planning Code Sections 102, except for Hotels and Motels 218
10 and 220 through 225.

11 * * * *

12 **SEC. 321. OFFICE DEVELOPMENT: ANNUAL LIMIT.**

13 (a) **Limit.**

14 * * * *

15 (2) The following amounts of additional office space shall count against the
16 maximum set in Subsection (a)(1):

17 * * * *

18 (D) All additional office space in structures exempt under Section
19 320(g)(4) or 320(g)(6) or the last sentence of Section 175.1(b), or which satisfy the
20 substantive terms of either of said exemptions but for which the first building or site permit is
21 authorized or conditional use or variance approved by the ~~City~~ Planning Commission after
22 June 15, 1985 but before the effective date of this ordinance.

23 The additional office space described in Subsection (a)(2)(A) shall be taken into
24 account with respect to all proposed office developments which are considered after the first
25 site or building permit is approved for issuance for the described project. The additional office

1 space described in Subsections (a)(2)(B) and (a)(2)(D) shall be taken into account with
2 respect to all proposed office developments which are considered during the approval period
3 and after the project or the added additional office space is first authorized or a conditional
4 use or variance approved by the ~~City~~ Planning Commission. The additional office space
5 described in Subsection (a)(2)(C) shall be taken into account with respect to all proposed
6 office developments which are considered during the approval period and after
7 commencement of construction of the described structures. Modification, appeal or
8 disapproval of a project described in this Section shall affect the amount of office space
9 counted under this Section in the time and manner set forth for office developments in Section
10 321(c).

11 (3) The Planning Department ~~of City Planning~~ shall maintain and shall make
12 available for reasonable public inspection a list showing:

13 * * * *

14 (4) Not less than six months before the last date of the approval period, the
15 Planning Department ~~of City Planning~~ shall submit to the Board of Supervisors a written report,
16 which report shall contain the ~~City~~ Planning Commission's recommendation with respect to
17 whether, based on the effects of the limitation imposed by this Section on economic growth
18 and job opportunities in the City, the availability of housing and transportation services to
19 support additional office development in the City, office vacancy and rental rates, and such
20 other factors as the Commission shall deem relevant, there should continue to be a
21 quantitative limit on additional office space after the approval period, and as to what amount of
22 additional office space should be permitted under any such limit.

23 (5) Every holder of a site permit issued on or after July 1, 1982 for any office
24 development, as defined in Section 320(g) without regard to Subsections (g)(2) through (g)(5),
25

1 shall provide to the ~~City~~ Planning Commission reports containing data and information with
2 respect to the following:

3 (A) Number of persons hired for employment either in construction of the
4 development or, to the extent such information is available to the permittee, by users of the
5 completed building;

6 (B) The age, sex, race and residence, by City, of each such person;

7 (C) Compensation of such persons, classified in \$5,000 increments,
8 commencing with annualized compensation of \$10,000;

9 (D) The means by which each such person most frequently travels to and
10 from the place of employment.

11 Such reports shall commence on October 1, 1985 and continue quarterly thereafter
12 during the approved period. A report containing information by quarter for the period between
13 July 1, 1982 and the effective date of the ordinance shall be submitted not later than
14 December 31, 1985. The ~~City~~ Planning Commission shall have full access to all books,
15 records and documents utilized by any project sponsor in preparation of the written reports
16 referred to above, and shall inspect such books, records and documents from time to time for
17 purposes of authenticating information contained in such reports.

18 (b) **Guidelines.**

19 (1) During the approval period, the ~~City~~ Planning Commission, and the Board of
20 Supervisors and Board of ~~Permit~~ Appeals on appeal from the ~~City~~ Planning Commission shall
21 approve, within the allowable limit, subject to Subsection (b)(2) of this Section, only those
22 office developments which they shall determine in particular promote the public welfare,
23 convenience and necessity, and shall be empowered under this Section to disapprove the
24 remainder. The Planning Department ~~of City Planning~~ shall issue to office developments so
25 approved, in accord with Sections 320 through 323 of this Code, a project authorization.

1 (2) The following proposed office developments, subject to all other applicable
2 sections of this Code and other applicable law, shall be approved under this Section in
3 preference to all others:

4 (A) All proposed developments to the extent approval is required by court
5 order; and, thereafter,

6 (B) Subject to Subsection (a)(1) of this Section, all proposed office
7 developments which were approved by the ~~City~~ Planning Commission during the approval
8 period, but subsequently disapproved by any administrative appellate body or court, if and
9 when said disapproval is later reversed.

10 (3) In determining which office developments best promote the public welfare,
11 convenience and necessity, the Board of Supervisors, Board of ~~Permit~~ Appeals and ~~City~~
12 Planning Commission shall consider:

13 (A) Apportionment of office space over the course of the approval period
14 in order to maintain a balance between economic growth, on the one hand, and housing,
15 transportation and public services, on the other;

16 (B) The contribution of the office development to, and its effects on, the
17 objectives and policies of the General Master Plan;

18 * * * *

19 (5) With respect to any office development which shall come before the Board of
20 Supervisors for conditional use review, that Board shall consider, in addition to those criteria
21 made applicable by other provisions of law, the criteria specified in Subsection (b)(3). As to
22 any such office development, the decision of the Board of Supervisors with respect to the
23 criteria specified in Subsection (b)(3) shall be a final administrative determination and shall not
24 be reconsidered by the ~~City~~ Planning Commission or Board of ~~Permit~~ Appeals.
25

1 (6) The ~~City~~ Planning Commission shall establish procedures for coordinating
2 review of project authorization applications under Section 322 with review under Section 309
3 of this Code. The Commission may hold hearings under Sections 309 and 322 in such
4 sequence as it may deem appropriate, but may not issue any project authorization until the
5 requirements of Section 309 have been satisfied.

6 (c) **Appeal and Modification.**

7 * * * *

8 (2) The amount of additional office space of any development shall not count
9 against the maximum for the approval period, beginning from the time the office development
10 loses its approved status on the Planning Department ~~of City Planning~~ list under Subsection
11 (c)(1); provided, however, that if a decision disapproving an office development permits
12 construction of a part of the project, the permitted additional office space only shall continue to
13 count against the maximum, unless and until all building or site permits for the development
14 expire or are cancelled, revoked or withdrawn.

15 * * * *

16 (d) **Unbuilt Projects; Progress Requirement.**

17 * * * *

18 (2) Construction of an office development shall commence within 18 months of
19 the date the project is first approved, or, in the case of development in the C-3-O(SD) District
20 the development shall commence within three (3) years. Notwithstanding the above provision,
21 office projects larger than 500,000 gross square feet in the C-3-O(SD) District shall
22 commence construction within five (5) years. Failure to begin work within that period, or
23 thereafter to carry the development diligently to completion, shall be grounds to revoke
24 approval of the office development. Neither the Department of Building Inspection ~~Public Works~~
25

1 nor the Board of *Permit* Appeals shall grant any extension of time inconsistent with the
2 requirements of this Subsection (d)(2).

3 (3) The ~~Bureau~~ Department of Building Inspection shall notify the Planning
4 Department ~~of City Planning~~ in writing of its approval for issuance and issuance of a site or
5 building permit for any office development, and for any development under the jurisdiction of
6 the Successor Agency to the Redevelopment Agency of the City and County of San Francisco
7 ~~Redevelopment Agency~~ or the Port Commission subject to Section 321(a)(2), and of the
8 revocation, cancellation, or expiration of any such permit.

9 (e) **Rules and Regulations.** The ~~City~~ Planning Commission shall have authority to
10 adopt such rules and regulations as it may determine are appropriate to carry out the
11 purposes and provisions of this Section and Sections 320, 322 and 323.

12 **SEC. 321.1. ANNUAL LIMIT ADJUSTMENT.**

13 (a) It is the intention of the people of San Francisco that the annual limit on office
14 development be reduced to account for the square footage resulting from the excessive
15 number of building, alteration and site permits that were issued after November 29, 1984, the
16 date the ~~City~~ Planning Commission amended the General Master Plan to include the
17 Downtown Plan.

18 (b) Not later than January 1, 1987 and January 1st of each subsequent year, the
19 Planning Department ~~of City Planning~~ shall survey the records of the Central Permit Bureau
20 and any other necessary records to develop a list of the square footage of all office
21 development projects for which building, alteration or site permits were issued after November
22 29, 1984 that have not lapsed or otherwise been revoked, and all office development projects
23 reapproved by the City, the Successor Agency to the Redevelopment Agency of the City and County
24 of San Francisco Redevelopment Agency or the San Francisco Port Commission after November
25 29, 1984. Reapproval specifically includes any project reconsidered by any agency pursuant

1 to a Court decision. This process shall continue until the Department is able to certify that all
2 projects with approval dates on or before November 4, 1986 have received permits, have
3 been abandoned or are no longer subject to litigation challenging their approval.
4 Notwithstanding any other provision of the ~~City~~ Planning Code or the former provisions of
5 Subsection 320(g), all projects in excess of 24,999 square feet of additional office space shall
6 be included in the survey. The list shall not include permits for projects authorized pursuant to
7 the office development competition set out in Subsection 321(b) and Section 322.

8 (c) Not later than February 1, 1987 and February 1st of each subsequent year as set
9 out above, the Department shall certify in writing to the ~~City~~ Planning Commission at a public
10 hearing the list of all projects enumerated in Subsection (b) above, including the square
11 footage of each project and the total of all such projects.

12 * * * *

13 **SEC. 322. PROCEDURE FOR ADMINISTRATION OF OFFICE DEVELOPMENT LIMIT.**

14 (a) **Project Authorization Required.** During the approval period, every site or building
15 permit application for an office development must, before final action on the permit, include a
16 copy of a project authorization for such office development, certified as accurate by the
17 Planning Department of City Planning. No such application shall be considered complete and
18 the Department of ~~Public Works~~ Building Inspection shall not issue any such site or building
19 permit unless such a certified copy is submitted. No site or building permit shall be issued for
20 an office development except in accordance with the terms of the project authorization for
21 such office development. Any such site or building permit which is inconsistent with the project
22 authorization shall be invalid.

23 (b) **Application for Project Authorization.** During the approval period, an applicant
24 for approval of an office development shall file an application for a project authorization with
25 the Planning Department of City Planning contemporaneously with the filing of an application

1 for environmental evaluation for such development. Such application shall state such
2 information as the Planning Department ~~of City Planning~~ shall require; provided, however, that
3 an application for a project authorization for each office development for which an
4 environmental evaluation application has been filed prior to the effective date of this Section,
5 shall be deemed to have been filed effective as of the date such environmental evaluation
6 application was filed.

7 (c) **Processing of Applications.**

8 (1) The approval period shall be divided into such review periods as the
9 Planning Commission shall provide by rule. The first review period shall commence on the
10 effective date.

11 (2) Applications for project authorizations shall be considered by the ~~City~~
12 Planning Commission during a specific review period in accordance with the following
13 procedures:

14 (A) During a specific review period the ~~City~~ Planning Commission shall
15 consider all project authorization applications for which, prior to the first day of such review
16 period, a final Environmental Impact Report has been certified, or a final Negative Declaration
17 has been issued, or other appropriate environmental review has been completed; provided,
18 however, that during the first review period, the ~~City~~ Planning Commission shall consider only
19 those office developments for which (i) an environmental evaluation application and a site or
20 building permit application were submitted prior to June 1, 1985, or (ii) a draft environmental
21 impact report or a preliminary negative declaration was published prior to the effective date.

22 (B) The ~~City~~ Planning Commission may hold hearings on all project
23 authorization applications assigned to a specific review period before acting on any such
24 application.

1 (C) In reviewing project authorization applications, the *City* Planning
2 Commission shall apply the criteria set forth in Section 321, and shall, prior to the end of such
3 a review period, approve, deny, or, with the consent of the applicant, continue to the next
4 subsequent review period each such application based on said criteria.

5 (D) Notwithstanding any other provisions of this Section or Section 321,
6 the *City* Planning Commission may at any time, after a noticed hearing, deny or take other
7 appropriate action with respect to any application for a project authorization as to which
8 environmental review, in the judgment of the Commission, has not been or will not be
9 completed in sufficient time to allow timely action under applicable law.

10 (E) Any project authorization application which is denied by the *City*
11 Planning Commission, unless such denial is reversed by the Board of *Permit* Appeals or
12 Board of Supervisors, shall not be resubmitted for a period of one year after denial.

13 (d) **Appeal of Project Authorization.** The *City* Planning Commission's determination
14 to approve or deny the issuance of a project authorization may be appealed to the Board of
15 *Permit*-Appeals within 15 days of the Commission's issuance of a dated written decision
16 pursuant to the procedural provisions of Section 308.2 of this Code, except in those instances
17 where a conditional use application was filed. In cases in which a conditional use application
18 was filed, the decision of the *City* Planning Commission may be appealed only to the Board of
19 Supervisors pursuant to Section 308.1 of this Code. The decision on the project authorization
20 by the Board of *Permit* Appeals or Board of Supervisors shall be the final administrative
21 determination as to all matters relating to the approval of the office development that is the
22 subject of the project authorization, except for matters, not considered in connection with the
23 project authorization, which arise in connection with a subsequent building or site permit
24 application for the development in question.

1 (e) **Modification of Project Authorization.** The *City* Planning Commission may
2 approve a modified project authorization, after a noticed hearing, during the review period in
3 which the initial project authorization was approved or a subsequent review period. Approval
4 or denial of a modified project authorization shall be subject to appeal in accord with
5 Subsection (d).

6 * * * *

7 **SEC. 323. OFFICE DEVELOPMENT: PREAPPLICATION PROCEDURE.**

8 The *City* Planning Commission may by rule permit such persons as elect to do so, to
9 submit a preliminary application on a proposed office development before submitting any
10 application for a project authorization. Such a preliminary application shall contain such
11 information as the Commission may require. With respect to each proposed office
12 development for which all the information required by the *Planning Department of City Planning*
13 is timely submitted to the Department, the Director of Planning or his designee shall, in
14 writing, issue an advisory opinion to the person submitting such information, as to whether he
15 or she at that time intends to recommend, based on the information submitted to him or her,
16 the proposed development for denial by the *City* Planning Commission. The advice and
17 recommendation of the Director shall neither convey, nor foreclose, any right to proceed with
18 a project authorization application or the development and shall constitute neither approval
19 nor denial of the development. The Director's recommendations under this Section shall be
20 governed by Section 321(b) of this Code.

21 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED**
22 **USE DISTRICTS.**

23 * * * *

24 (d) **Exceptions.** As a component of the review process under this Section 329, projects
25 may seek specific exceptions to the provisions of this Code as provided for below:

1 * * * *

2 (2) Exception from residential usable open space requirements. In
3 circumstances where such exception is granted, a fee shall be required pursuant to the
4 standards in Sections ~~427 135(j), pursuant to the criteria of Section 305(c).~~

5 * * * *

6 (6) Provision of the required minimum dwelling unit mix, as set forth in Section
7 207.6, ~~pursuant to the criteria of Section 305(c);~~

8 * * * *

9
10 (8) The number of Designated Office Stories for projects which are subject to
11 vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one building on
12 the project site, so long as

13 (A) an increase in the number of Designated Office Stories would result in
14 a total square footage of office space no greater than that which would otherwise be permitted
15 by the project.

16 (B) ~~Office~~ ~~Uses~~ are consolidated within a lesser number of buildings
17 than would otherwise be the case, and

18 (C) the resulting location and mix of uses increases the project's
19 consistency with nearby land uses;

20 (9) Relief from dwelling unit exposure requirements for buildings which are
21 designated landmark buildings or contributory buildings within designated historic districts
22 under Article 10 of this Code, and/or buildings recorded with the State Historic Preservation
23 Office as eligible for the California Register, when the following criteria are met:

24 (A) ~~(i)~~ literal enforcement of Section 140 would result in the material
25 impairment of the historic resource; and

1 (B) ~~(ii)~~ the project complies with the Secretary of the Interior's Standards,
2 (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this
3 Code.

4 (10) Flexible Units: Modification of the accessory use provisions of Section
5 803.3(b)(1)(c) for ~~d~~Dwelling ~~#~~Units. Dwelling ~~#~~Units modified under this Subsection shall
6 continue to be considered ~~d~~Dwelling ~~#~~Units for the purposes of this Code and shall be subject
7 to all such applicable controls and fees. Additionally, any building ~~which that~~ receives a
8 modification pursuant to this Subsection shall (i) have appropriately designed street frontages
9 to accommodate both residential and modified accessory uses and (ii) obtain comment on the
10 proposed modification from other relevant agencies prior to the Planning Commission hearing,
11 including the Fire Department and Department of Building Inspection. Modifications are
12 subject to the following:

13 (A) ~~(i)~~ A modification may only be granted for the ground floor portion of
14 ~~d~~Dwelling ~~#~~Units that front on a street with a width equal to or greater than 40 feet.

15 (B) ~~(ii)~~ The accessory use may only include those uses permitted as of
16 right at the subject property. However, uses permitted in any unit obtaining an accessory use
17 modification may be further limited by the Planning Commission.

18 (C) ~~(iii)~~ The Planning Commission may grant exceptions to the size of the
19 accessory use, type and number of employees, and signage restrictions of the applicable
20 accessory use controls.

21 * * * *

22 **SEC. 330.1. PROJECTS REQUIRING COASTAL ZONE PERMIT REVIEW.**

23 (a) All private projects, except those specifically exempt, shall be required to apply to
24 the San Francisco Planning Department ~~of City Planning~~ for a Coastal Zone Permit for
25 demolition, construction, reconstruction, alterations, change of use, change of occupancy,

1 condominium conversions or any other development on or affecting real property located
2 within the designated boundary of the Coastal Zone.

3 (b) All public projects, except those specifically exempt, shall be required to apply to
4 the ~~San Francisco~~ Planning Department ~~of City Planning~~ for a Coastal Zone Permit, including
5 any development project or change of use in the ~~e~~Coastal ~~z~~Zone area of Golden Gate Park,
6 the Zoo, or the Lake Merced area.

7 (c) A Coastal Zone Permit shall be required in addition to any other permit application
8 which may be required elsewhere by the Planning Code, Building Code, or other Municipal
9 Code.

10 **SEC. 330.2. DEFINITIONS.**

11 For the purposes of Sections 330 through 330.16, the following definitions shall apply:

12 (a) An "aggrieved person" for the purpose of appeals to the California Coastal
13 Commission shall be any person who appears at a public hearing in connection with a
14 decision or action appealed to the California Coastal Commission, or who by other
15 appropriate means informed in writing the Zoning Administrator, Planning Commission, or
16 Board of ~~Permit~~ Appeals.

17 * * * *

18 (d) The "Local Coastal Program" shall be the San Francisco Western Shoreline Plan, a
19 part of the City's General ~~Master~~ Plan, and any of its implementation programs issue papers
20 and any other documents certified by the California Coastal Commission.

21 * * * *

22 **SEC. 330.5. APPLICATION FOR A COASTAL ZONE PERMIT.**

23 A Coastal Zone Permit shall be applied for at the Planning Department ~~of City Planning~~
24 concurrent with other necessary project permit(s).

1 (a) An application for a Coastal Zone Permit where a ~~e~~Conditional ~~u~~Use authorization is
2 required shall be reviewed subject to the procedures for reviewing conditional use applications
3 in Section 303 of the ~~City~~ Planning Code.

4 (b) An application for a Coastal Zone Permit where a variance application is required
5 shall be reviewed subject to the procedures for variances in Section 305 of the ~~City~~ Planning
6 Code.

7 (c) An application for a Coastal Zone Permit where a building permit authorization is
8 required shall be reviewed subject to the procedures set forth in the Planning Code, Building
9 Code and Business and Tax Regulations Code ~~Part III of the Municipal Code~~.

10 (d) ~~City~~ Planning Code amendments and changes to the Zoning Map shall be
11 conducted according to Section 302 of the ~~City~~ Planning Code.

12 * * * *

13 **SEC. 330.5.2. FINDINGS.**

14 The Zoning Administrator or the ~~City~~ Planning Commission, or Board of ~~Permit~~ Appeals
15 in reviewing a Coastal Zone Permit Application or an appeal thereof shall adopt factual
16 findings that the project is consistent or not consistent with the Local Coastal Program. A
17 Coastal Zone Permit shall be approved only upon findings of fact establishing that the project
18 conforms to the requirements and objectives of the San Francisco Local Coastal Program.

19 **SEC. 330.5.3. DETERMINATION OF PERMIT JURISDICTION.**

20 The Zoning Administrator shall determine whether or not a project is exempt or subject
21 to a Coastal Permit Application pursuant to Sections 330.2 through 330.4 of the ~~City~~ Planning
22 Code. If the project requires a Coastal Zone Permit Application, the Zoning Administrator shall
23 determine whether the project may be appealed to the California Coastal Commission, or
24 whether the project can only be appealed locally to the Board of ~~Permit~~ Appeals.

1 **SEC. 330.5.4. PLANNING COMMISSION REVIEW OF COASTAL ZONE PERMITS.**

2 The ~~City~~ Planning Commission shall hold a public hearing on any Coastal Zone Permit
3 Application for which the Zoning Administrator has determined from the findings that the
4 project has a significant impact on the Coastal Zone. Any projects which may be appealed to
5 the California Coastal Commission shall be scheduled for review by the Planning
6 Commission. The ~~City~~ Planning Commission may schedule a public hearing on any Coastal
7 Zone Permit Application on its own motion.

8 **SEC. 330.6. COASTAL COMMISSION NOTIFICATION.**

9 The Planning Department ~~of City Planning~~ shall notify the California Coastal
10 Commission of each Coastal Zone Permit Application received as follows:

11 (a) A written notice to the California Coastal Commission shall be mailed within 10
12 calendar days of filing of a Coastal Zone Permit Application with the Planning Department ~~of~~
13 ~~City Planning~~. This notice shall include the application number, address or location, the nature
14 of the project, determination of whether the project is exempt, or appealable to the California
15 Coastal Commission, and schedule for permit review.

16 (b) A written notice to the California Coastal Commission shall be mailed within seven
17 calendar days after a final decision has been made by the Zoning Administrator or ~~City~~
18 Planning Commission. Notice of approval shall include the findings, the action taken by the
19 Zoning Administrator or ~~City~~ Planning Commission, ~~e~~Conditions of ~~a~~Approval if any, and
20 procedures for appeal.

21 (c) The Planning Department ~~of City Planning~~ shall notify in writing the California Coastal
22 Commission of any appeal of a Coastal Zone Permit Application to the Board of ~~Permit~~
23 Appeals. This notification shall take place within 10 calendar days of filing the appeal. A notice
24 of final action on the appeal shall be mailed by the Planning Department ~~of City Planning~~ to the
25 California Coastal Commission within seven calendar days of such action.

1 * * * *

2 **SEC. 330.8. EMERGENCY COASTAL ZONE AUTHORIZATION.**

3 * * * *

4 (d) The Director shall report, in writing, to the Coastal Commission and to the Planning
5 Commission, at its first scheduled meeting after authorizing the emergency work, the nature of
6 the emergency and the work involved. Copies of this report shall be available at the meeting
7 and shall be mailed to all persons who have requested such notification in writing. The report
8 of the Director shall be informational only; the decision to grant an Emergency Coastal Zone
9 Authorization is at the discretion of the Director of *City* Planning or his designee.

10 **SEC. 330.9. APPEAL PROCEDURES.**

11 (a) All Coastal Zone Permit Applications may be appealed to the Board of *Permit*
12 Appeals as described in Section 308.2 of this Code. Local appeal of a Coastal Zone Permit is
13 not subject to the aggrieved party provisions in Section 330.2(a) of this Code, but must
14 comply with the appeal review procedures of Section 330.5.1(b) and Section 330.5.2 of this
15 Code.

16 * * * *

17 (c) A Coastal Zone Permit which may be appealed to the California Coastal
18 Commission can be appealed by filing with the California Coastal Commission within 10
19 working days after the California Coastal Commission receives notice of final action from the
20 *Planning* Department *of City Planning*. Appeals to the California Coastal Commission are
21 subject to the aggrieved party provisions in Section 330.2(a).

22 * * * *

23 **SEC. 330.12. PERMIT APPROVAL BY OPERATION OF LAW.**

24 (a) If the *City* Planning Department has failed to act on a Coastal Zone Permit
25 Application within a one-year period from the date of which the application has been accepted

1 as complete, the person claiming a right to proceed shall notify in writing the Zoning
2 Administrator of his or her claim that the development has been approved by operation of law.
3 Such notice shall specify the application which is claimed to be approved.

4 * * * *

5 **SEC. 330.15. COASTAL ZONE PERMIT FEES.**

6 Before accepting any Coastal Zone Permit Application for filing, the *Planning*
7 Department ~~of City Planning~~ shall charge and collect a fee as set forth in Section 351(d) for
8 processing a Coastal Zone Permit Application. No fees shall be established for appealing any
9 Coastal Zone Permit.

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

11 * * * *

12 (c) **Downtown (C-3) District Review (Section 309) and Coastal Zone Permit**
13 **(Section 330) Applications Commission Hearing Fee Schedule.** The initial fee amount is
14 not to exceed 50% of the construction cost.

15 * * * *

16 ~~(1) Applications with Verified Violations of this Code: The Planning Department shall~~
17 ~~charge \$208.00 as an initial fee, plus time and materials as set forth in Section 350(c).~~

18 (12) Where an applicant requests two or more approvals involving a conditional
19 use, planned unit development, variance, Downtown (C-3) District Section 309 review, Large
20 Project Authorization in the Eastern Neighborhoods Mixed Use Districts, certificate of
21 appropriateness, permit to alter a significant or contributory building both within and outside of
22 Conservation Districts, or a coastal zone permit review, the amount of the second and each
23 subsequent initial fees of lesser value shall be reduced to 50 percent.

1 (23) Minor project modifications requiring a public hearing to amend ~~e~~Conditions
2 of ~~a~~Approval of a previously authorized project, not requiring a substantial reevaluation of the
3 prior authorization: \$975.00.

4 (34) The applicant shall be charged for any time and materials beyond the initial
5 fee in Section 352, as set forth in Section 350(c).

6 (45) An applicant proposing major revisions, as determined by the Zoning
7 Administrator, to a project application that has been inactive for more than six months and is
8 assigned shall submit a new application. An applicant proposing major revisions to a project
9 which has not been assigned and for which an application is on file with the Planning
10 Department shall be charged time and materials to cover the full costs in excess of the initial
11 fee paid.

12 (56) For agencies or departments of the City and County of San Francisco, the
13 initial fee for applications shall be based upon the construction cost as set forth above.

14 * * * *

15 **SEC. 401. DEFINITIONS.**

16 In addition to the specific definitions set forth elsewhere in this Article, the following
17 definitions shall govern interpretation of this Article:

18 * * * *

19 "Designated affordable housing zones." For the purposes of implementing the Eastern
20 Neighborhoods Public Benefits Fund, shall mean the Mission NCT defined in Section 736 and
21 those Mixed Use Residential District~~s~~ defined in Section 841 that are located within the
22 boundaries of either the East ~~SoMa~~ ~~Soma~~ or Western ~~Soma~~ ~~SoMa~~ Plan Areas.

23 * * * *

24 "Gross ~~f~~floor ~~a~~Area." The total area of each floor within the building's exterior walls, as
25 defined in Section 102 of this Code, except for areas devoted to off-street parking and except

1 that for the purposes of determining the applicability of the TIDF, the exclusion from this
2 definition set forth in Subsection (b)(~~12~~ 13) of the definition of Gross Floor Area shall not apply.
3 The provision for certain projects in the Van Ness Special Use District set forth in Subsection
4 Section 102(b)(20) of the definition shall apply.

5 * * * *

6
7 "Significant increase in residential development potential" shall mean, for purposes of
8 Charter Section 16.110(h) and the implementation of the Inclusionary Affordable Housing
9 Program, for areas subject to a change in zoning enacted after November 6, 2012 that affects
10 40 or more acres or greater and results in a significant increase in residential development
11 potential, where the area is not also encompassed by a Special Use District adopted after
12 November 6, 2012:

13 (a) a 20% or greater increase in developable residential gross floor area, as measured
14 by a change in height limits, Floor Area Ratio limits, or use, over prior zoning, or

15 (b) a change in use permitting ~~R~~Residential ~~U~~Uses (either as a principally permitted use
16 or with a ~~C~~Conditional ~~U~~Use authorization) where ~~R~~Residential ~~U~~Uses were not previously
17 principally permitted or permitted with a ~~C~~Conditional ~~U~~Use authorization, or

18 (c) For parcels with an existing residential development capacity of 10 units or greater,
19 the lesser of

- 20 1. a 50% or greater increase in residential densities over prior zoning, or,
21 2. an increase in density of at least 15 additional units over the number of units
22 allowed under prior zoning.

23 3. For the purposes of determining residential development capacity, the
24 Planning Department shall use unit sizes and efficiency ratios typical (or the subject area at
25 the time of the rezoning.

1 ~~(4)~~* This definition was adopted by the Board of Supervisors in Motion M13-097 and may
2 only be amended under Charter Section 16.110(h)(1)(B)(iv).

3 **SEC. 401A. FINDINGS.**

4 (a) **General Findings.** The Board makes the following findings related to the fees
5 imposed under Article ~~4~~.

6 (1) **Application.** The California Mitigation Fee Act, Government Code Section
7 66000 et seq. may apply to some or all of the fees in this Article ~~4~~. While the Mitigation Fee
8 Act may not apply to all fees, the Board has determined that general compliance with its
9 provisions is good public policy in the adoption, imposition, collection, and reporting of fees
10 collected under this Article ~~4~~. By making findings required under the Act, including the
11 findings in this ~~s~~ubsection and findings supporting a reasonable relationship between new
12 development and the fees imposed under this Article ~~4~~, the Board does not make any
13 finding or determination as to whether the Mitigation Fee Act applies to all of the Article ~~4~~
14 fees.

15 (2) **Timing of Fee Collection.** For any of the fees in this Article ~~4~~ collected
16 prior to the issuance of the certificate of occupancy, the Board of Supervisors makes the
17 following findings set forth in California Government Code Section 66007(b): the Board of
18 Supervisors finds, based on information from the Planning Department in Board File No.
19 150149, that it is appropriate to require the payment of the fees in Article ~~4~~ at the time of
20 issuance of the first construction document because the fee will be collected for public
21 improvements or facilities for which an account has been established and funds appropriated
22 and for which the City has adopted a proposed construction schedule or plan prior to the final
23 inspection or issuance of the certificate of occupancy or because the fee is to reimburse the
24 City for expenditures previously made for such public improvements or facilities.

1 (3) **Administrative Fee.** The Board finds, based on information from the
2 Planning Department in Board File No. 150149, that the City agencies administering the fee
3 will incur costs equaling 5% or more of the total amount of fees collected in administering the
4 funds established in Article ~~4 IV~~. Thus, the 5% administrative fee included in the fees in this
5 Article ~~4 IV~~ do not exceed the cost of the City to administer the funds.

6 * * * *

7 **SEC. 409. CITYWIDE DEVELOPMENT FEE REPORTING REQUIREMENTS AND COST**
8 **INFLATION FEE ADJUSTMENTS.**

9 * * * *

10 (a) **Citywide Development Fee and Development Impact Requirements Report.** In
11 coordination with the Development Fee Collection Unit at DBI and the *Director of Planning*
12 *Director*, the Controller shall issue a report within 180 days after the end of each even-
13 numbered ~~year~~-fiscal year, that provides information on all development fees established in
14 the ~~San Francisco~~ Planning Code collected during the prior two fiscal years organized by
15 development fee account and all cumulative monies collected over the life of each
16 development fee account, as well as all monies expended. The report shall include: (1) a
17 description of the type of fee in each account or fund; (2) the beginning and ending balance of
18 the accounts or funds including any bond funds held by an outside trustee; (3) the amount of
19 fees collected and interest earned; (4) an identification of each public improvement on which
20 fees or bond funds were expended and amount of each expenditure; (5) an identification of
21 the approximate date by which the construction of public improvements will commence; (6) a
22 description of any inter-fund transfer or loan and the public improvement on which the
23 transferred funds will be expended; and (7) the amount of refunds made and any allocations
24 of unexpended fees that are not refunded. The report shall also provide information on the
25 number of projects that elected to satisfy development impact requirements through the

1 provision of "in-kind" physical improvements, including on-site and off-site BMR units, instead
2 of paying development fees. The report shall also include any annual reporting information
3 otherwise required pursuant to the California Mitigation Fee Act, Government Code 66001 et
4 seq. The report shall be presented by the Director of Planning ~~Director~~ to the Planning
5 Commission and to the Land Use & Economic Development Committee of the Board of
6 Supervisors. The Report shall also contain information on the Controller's annual construction
7 cost inflation adjustments to development fees described in subsection (b) below, as well as
8 information on MOH's separate adjustment of the Jobs-Housing Linkage and Inclusionary
9 Affordable Housing fees described in Sections 413.6(b) and 415.5(b)(3).

10 * * * *

11 **SEC. 411.3. APPLICATION OF TIDF.**

12 (a) **Application.** Except as provided in Subsections (1) and (2) below, the TIDF shall
13 be payable with respect to any new development in the City for which a building or site permit
14 is issued on or after September 4, 2004. In reviewing whether a development project is
15 subject to the TIDF, the project shall be considered in its entirety. A sponsor shall not seek
16 multiple applications for building permits to evade paying the TIDF for a single development
17 project.

18 * * * *

19 (2) No TIDF shall be payable on the following types of new development.

20 (A) New development on property owned (including beneficially owned)
21 by the City, except for that portion of the new development that may be developed by a
22 private sponsor and not intended to be occupied by the City or other agency or entity
23 exempted under Section 411.1 et seq., in which case the TIDF shall apply only to such non-
24 exempted portion. New development on property owned by a private person or entity and
25 leased to the City shall be subject to the fee, unless the City is the beneficial owner of such

1 new development or unless such new development is otherwise exempted under this Section.
2 Nothing in this Section shall interfere with the exclusive jurisdiction of the City's charitable
3 trust departments under Article V of the Charter or impose the TIDF on new development by
4 private nonprofit supporting organizations, beneficiaries, tenants, or licensees of said
5 departments, on property under the exclusive jurisdiction of said departments. The exception
6 established under ~~s~~Subsection 411.3(a)(2)(A) for new development on property beneficially
7 owned by the City shall only be applicable where a project sponsor for a new development
8 has filed an application for environmental evaluation, a categorical exemption or a preliminary
9 project assessment on or before the effective date of Ordinance No. 18-14 or, for new
10 development subject to a redevelopment plan, development agreement, interagency
11 cooperation agreement, or other agreement entered into by the City, the project sponsor
12 submits proof that the sponsor has submitted to the ~~s~~Successor ~~a~~Agency to the *former*
13 Redevelopment Agency of the City and County of San Francisco documentation comparable
14 to that required for an application for environmental evaluation, a categorical exemption or a
15 preliminary project assessment for the project on or before the effective date of Ordinance No.
16 18-14.

17 (B) Any new development to the extent application of this Section 411.3
18 ~~Chapter~~ to that development would violate the terms of a redevelopment plan, development
19 agreement, interagency cooperation agreement, or other agreement entered into by the City
20 that is valid and effective on the date that TIDF payments are due under Section 411.3(b). If
21 any such redevelopment plan, development agreement, interagency cooperation agreement
22 or other agreement permits some, but not all, of the TIDF to apply to a development, then the
23 TIDF shall apply to the extent permitted.

24 * * * *

25

1 (3) The exclusions from TIDF set forth in Section 411.3(a)(2)(F)(iv) and (v)
2 (~~A~~utomotive ~~S~~ervices and Wholesale Storage) shall only apply where a project sponsor for a
3 new development has filed an application for environmental evaluation, a categorical
4 exemption or a preliminary project assessment for the project on or before the effective date
5 of Ordinance No. 18-14, or, for new development subject to a redevelopment plan,
6 development agreement, interagency cooperation agreement, or other agreement entered
7 into by the City, the project sponsor submits proof that the sponsor has submitted to the
8 ~~S~~uccessor ~~A~~gency to the former Redevelopment Agency of the City and County of San
9 Francisco documentation comparable to that required for an application for environmental
10 evaluation, a categorical exemption or a preliminary project assessment for the project, on or
11 before the effective date of Ordinance No. 18-14.

12 **SEC. 412.4. IMPOSITION OF DOWNTOWN PARK FEE REQUIREMENT.**

13 * * * *

14 (b) **Amount of Fee.** The amount of the fee shall be \$2 per square foot (*this fee amount is*
15 *increased annually per the Consumer Price Index and the currently applicable fee is listed in the Fee*
16 *Register*) of the ~~n~~Net ~~a~~Addition of ~~g~~Gross ~~f~~Floor ~~a~~Area of ~~o~~Office ~~u~~Use to be constructed as set
17 forth in the final approved building or site permit.

18 * * * *

19 **SEC. 415.3. APPLICATION.**

20 (a) Notwithstanding any other provision to the contrary in this Code, Section 415.1 et
21 seq. shall apply to any housing project that consists of ten or more units where an individual
22 project or a phased project is to be undertaken and where the total undertaking comprises a
23 project with ten or more units, even if the development is on separate but adjacent lots, ~~and~~

24 ~~(1) Does not require Commission approval as a Conditional Use Authorization or~~
25 ~~Planned Unit Development;~~

1 (2) ~~Requires Commission approval as a Conditional Use Authorization or Planned Unit~~

2 ~~Development;~~

3 (3) ~~Consists of live/work units as defined by Section 102.13 of this Code; or~~

4 (4) This provision also applies to housing projects that ~~Requires~~ Commission
5 approval of replacement housing destroyed by earthquake, fire or natural disaster only where
6 the destroyed housing included units restricted under the Inclusionary Affordable Housing
7 Program or the City's predecessor inclusionary housing policy, condominium conversion
8 requirements, or other affordable housing program.

9 * * * *

10 **SEC. 415.6. ON-SITE AFFORDABLE HOUSING ALTERNATIVE.**

11 * * * *

12 (g) **Benefits:** If the project sponsor is eligible for and elects to satisfy the affordable
13 housing requirements through the production of on-site affordable housing in this Section
14 415.6, the project sponsor shall be eligible to receive a refund for only that portion of the
15 housing project which is affordable for the following fees: a Conditional Use ~~A~~authorization or
16 other fee required by Section 352 of this Code, if applicable; an environmental review fee
17 required by Administrative Code Section 31.46B, if applicable; a building permit fee required
18 by ~~the Building Code and by~~ Section 355 of this Code for the portion of the housing project that
19 is affordable. The project sponsor shall pay the building fee for the portion of the project that is
20 market-rate. An application for a refund must be made within a reasonable amount of time from the
21 issuance of the first certificate of occupancy.

22 The Controller shall refund fees from any appropriated funds to the project sponsor on
23 application by the project sponsor. The application must include a copy of the Certificate of
24 Occupancy for all units affordable to a qualifying household required by the Inclusionary
25

1 Housing Program. It is the policy of the Board of Supervisors to appropriate money for this
2 purpose from the General Fund.

3 **SEC. 419.1. FINDINGS.**

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

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

20 * * * *

21 **SEC. 419.6. LAND DEDICATION ALTERNATIVE IN THE MISSION NCT DISTRICT.**

22 The Land Dedication alternative is available for any project within the Mission NCT
23 District under the same terms and conditions as provided for in Section 419.5 A.4(b)(a)(2)(A)-
24 (J).

25

1 **SEC. 421.5. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.**

2 * * * *

3 (b) **Use of Funds.** The Fund shall be administered by the Board of Supervisors.

4 (1) **Infrastructure.** All monies deposited in the Fund shall be used to design,
5 engineer, acquire, improve, and develop ~~and improve~~ neighborhood open spaces, pedestrian
6 and streetscape improvements, bicycle infrastructure, childcare facilities, and other
7 improvements that result in new publicly-accessible facilities and related resources within the
8 Market and Octavia Plan Area or within 250 feet of the Plan Area and within the Upper Market
9 Street Neighborhood Commercial District which is outside the plan area. Funds may be used
10 ~~to~~for childcare facilities that are not publicly owned or publicly-accessible. The
11 improvements, where applicable, shall be consistent with the Market and Octavia Civic
12 Streets and Open Space System as described in Map 4 of the Market and Octavia Area Plan
13 of the General Plan, and Market and Octavia Improvements Plan. The funds shall be
14 allocated in accordance with Table 421.5A.

15 * * * *

16 **SEC. 422.5. BALBOA PARK COMMUNITY IMPROVEMENTS FUND.**

17 * * * *

18 (b) **Use of Funds.**

19 (1) **Community Improvements.** All monies deposited in the Fund shall be used
20 to design, engineer, acquire, improve, and develop ~~and~~ pedestrian and streetscape
21 improvements, bicycle infrastructure, transit, parks, plazas and open space, as defined in the
22 Balboa Park Community Improvements Program with the Plan Area. Funds may be used for
23 childcare facilities that are not publicly owned or "publicly-accessible." The Fund shall be
24 allocated in accordance with Table 422.5.

25 * * * *

1 (2) **Program Administration.** No portion of the Fund may be used, by way of
2 loan or otherwise, to pay any administrative, general overhead, or similar expense of any
3 public entity, except for the purposes of administering this ~~f~~Fund in an amount not to exceed
4 5% of the total annual revenue. Administration of this ~~f~~Fund includes maintenance of the
5 ~~f~~Fund, time and materials associated with processing and approving fee payments and
6 expenditures from the Fund (including necessary hearings), reporting or informational
7 requests related to the Fund, and coordination between public agencies regarding
8 determining and evaluating ~~evaluation~~ appropriate expenditures of the Fund Monies from the
9 Fund may be used by the Planning Commission to commission economic analyses for the
10 purpose of revising the fee, or to complete an updated nexus study to demonstrate the
11 relationship between development and the need for public facilities if this is deemed
12 necessary. All interest earned on this account shall be credited to the Balboa Park Community
13 Improvements Fund.

14 (c) ~~(e)~~ **Acquisition of New Open Space.** A public hearing shall be held by the
15 Recreation and Parks Commission to elicit public comment on proposals for the acquisition of
16 property using monies in the Fund that will ultimately be maintained by the Department of
17 Recreation and Parks. Notice of public hearings shall be published in an official newspaper at
18 least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and
19 purpose of the hearing. The Parks Commission may vote to recommend to the Board of
20 Supervisors that it appropriate money from the Fund for acquisition and development of
21 property acquired for park use.

22 (d) ~~(e)~~ The Planning Department shall work with other City agencies and commissions,
23 specifically the Department of Recreation and Parks, DPW and MTA, to develop a proposed
24 expenditure plan and to develop agreements related to the administration of the
25 improvements to existing public facilities and development of new public facilities within public

1 rights-of-way or on any acquired public property. The proposed expenditure plan shall be
2 approved by the Board of Supervisors.

3 ~~(e)~~ (f) The Director of Planning shall have the authority to prescribe rules and
4 regulations governing the Fund, which are consistent with this Section 422 et seq. The
5 Director of Planning, as the head of the Inter-Agency Plan Implementation Committee (IPIC),
6 shall make recommendations to the Board regarding allocation of funds.

7 **SEC. 423.2. DEFINITIONS.**

8 (a) In addition to the definitions set forth in Section 401 of this Article, the following
9 definitions shall govern interpretation of Section 423.1 et seq.

10 (1) **Tier 1.**

11 (A) All development on sites which received a height increase of eight
12 feet or less, received no height increase, or received a reduction in height, as part of the Eastern
13 Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154) or
14 the Western SoMa Community Plan (on file with the Clerk of the Board of Supervisors in File
15 No. 130001);

16 * * * *

17 (2) **Tier 2.** All additions to existing structures or new construction on other sites
18 not listed in subsection (1) above which received a height increase of nine to 28 feet as part of
19 the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No.
20 081154) or the Western SoMa Community Plan (on file with the Clerk of the Board of
21 Supervisors in File No. 130001);

22 For the purposes of this Section, increase in heights in the WMUG District in
23 Assessor's Blocks 3733 and 3752 shall be measured by the base height (as defined in
24 Section 263.11) prior to the effective date of the Western SoMa Plan (Ordinance No. 42-13).

25 * * * *

SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FUND.

(a) **Purpose.** There is hereby established a separate fund set aside for a special purpose entitled the Eastern Neighborhoods Community Improvements Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 423.3(e) shall be deposited in the Fund maintained by the Controller. The receipts in the Fund shall be appropriated in accordance with the normal budgetary process to fund Community Improvements subject to the conditions of this Section. Monies collected by the Development Fee Collection Unit at DBI pursuant to Section 423.3 shall be deposited as follows:

(b) **Use of Funds.** The ~~f~~Fund shall be administered by the Board of Supervisors.

Table 423.5A BREAKDOWN OF USE OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT <u>COMMUNITY IMPROVEMENTS</u> FEE/FUND BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES		
Improvement Type	Dollars Received From Residential Development	Dollars Received From Non-Residential/Commercial Development
Affordable h Housing preservation and development	75%	n/a
Open space and recreation	10%	6%
Transit	6%	85%
Pedestrian and	4%	4%

1 Streetscape		
2 Improvements		
3 Program	5%	5%
4 administration		

5
6 (2) **Program Administration.** No portion of the Fund may be used, by way of
7 loan or otherwise, to pay any administrative, general overhead, or similar expense of any
8 public entity, except for the purposes of administering this ~~f~~Fund in an amount not to exceed
9 5% of the total annual revenue. Administration of this fund includes maintenance of the ~~f~~Fund,
10 time and materials associated with processing and approving fee payments and expenditures
11 from the Fund (including necessary hearings), reporting or informational requests related to
12 the Fund, and coordination between public agencies regarding determining and *evaluating*
13 ~~evaluation~~ appropriate expenditures of the Fund. Monies from the Fund may be used by the
14 Planning Commission to commission economic analyses for the purpose of revising the fee,
15 or to complete a nexus study to demonstrate or update the relationship between development
16 and the need for public facilities, or to commission landscape, architectural or other planning,
17 design and engineering services in support of the proposed public improvement. All interest
18 earned on this account shall be credited to the Eastern Neighborhoods Community
19 Improvements Fund.

20 (c) Funds shall be allocated to accounts by improvement type as described below:

21 (1) Funds collected from all zoning districts in the Eastern Neighborhoods
22 Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts
23 by improvement type according to Table 423.5. Funds collected from MUR Zoning Districts
24 outside of the boundaries of either the East *SoMa* ~~SoMa~~ or Western *SoMa* ~~SoMa~~ Area Plans
25 shall be allocated to accounts by improvement type according to Table 423.5.

(2) Funds collected in ~~d~~Designated ~~a~~Affordable ~~h~~Housing ~~z~~Zones (Mission NCT and MUR Use Districts within the boundaries of either the East SoMa or Western SoMa Area Plans (as defined in Section 401)), shall be allocated to accounts by improvement type as described in Table 423.5A. For funds allocated to affordable housing, MOH shall expend the funds as follows:

* * * *

SEC. 424.5. VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT INFRASTRUCTURE FUND.

(a) **Purpose.** There is hereby established a separate fund set aside for a special purpose entitled the Van Ness and Market Neighborhood Infrastructure Fund ("Fund"). That portion of ~~g~~Gross ~~f~~Floor ~~a~~Area subject to the \$15.00 per gross square foot fee referenced in Section 424.3(b)(ii) above shall be deposited into the ~~Van Ness and Market Neighborhood Infrastructure Fund deposited in the~~ Fund, maintained by the Controller. The receipts of the Fund are hereby appropriated in accordance with law through the normal budgetary process to fund public infrastructure and other allowable improvements subject to the conditions of this Section.

Table 424.5A.		
Breakdown of Use of <u>Van Ness and Market Neighborhood Infrastructure Fund</u> and <u>Octavia Community Improvement Fee</u> by <u>Infrastructure Improvement-Type</u>		
<u>Infrastructure Improvement Type</u>	Dollars Received From Residential Development	Dollars Received From Non-Residential <u>Development</u>
Complete Streets: Pedestrian and Streetscape	44%	30%

1	Improvements, Bicycle		
2	Facilities		
3	Transit	22%	45%
4	Recreation and Open		
5	Space	21%	20%
6	Childcare	8%	Not applicable
7	Program Administration	5%	5%

9 * * * *

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

12 * * * *

13 (c) **Fee Calculation for the Transit Center District Open Space Impact Fee.** For
 14 development projects for which the Transit Center District Open Space Impact Fee is
 15 applicable, the corresponding fee for net addition of gross square feet is listed in Table
 16 424.6A. Where a development project includes more than one land use, the overall proportion
 17 of each use relative to other uses on the lot shall be used to calculate the applicable fees
 18 regardless of the physical distribution or location of each use on the lot. Where a project
 19 proposes conversion of existing space to a different use, the Director shall specify the fee
 20 amount based on a Guidance Statement or other document establishing the methodology for
 21 calculating fees.

22 * * * *

23 *(3) For projects that are eligible to apply TDR units to exceed an FAR of 9:1 pursuant to*
 24 *Section 123(e)(1), the fee otherwise applicable to such square footage according to subsection (2)*
 25 *above shall be waived.*

1 * * * *

2 **SEC. 424.6.4. THE TRANSIT CENTER DISTRICT OPEN SPACE FUND.**

3 * * * *

4 ~~(c) With full participation by the Planning Department and related implementing agencies, the~~
5 ~~Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last~~
6 ~~day of the fiscal year of the effective date of Sections 424.6 et seq. that shall include the following~~
7 ~~elements:~~

8 ~~(1) a description of the type of fee in each account or fund;~~

9 ~~(2) amount of fee collected;~~

10 ~~(3) beginning and ending balance of the accounts or funds including any bond funds~~
11 ~~held by an outside trustee;~~

12 ~~(4) amount of fees collected and interest earned;~~

13 ~~(5) identification of each public improvement on which fees or bond funds were~~
14 ~~expended and amount of each expenditure;~~

15 ~~(6) an identification of the approximate date by which the construction of public~~
16 ~~improvements will commence;~~

17 ~~(7) a description of any inter-fund transfer or loan and the public improvement on which~~
18 ~~the transferred funds will be expended; and~~

19 ~~(8) amount of refunds made and any allocations of unexpended fees that are not~~
20 ~~refunded.~~

1 **SEC. 424.7.2. APPLICATION OF TRANSIT CENTER DISTRICT TRANSPORTATION AND**
2 **STREET IMPROVEMENT IMPACT FEE.**

3 * * * *

4 **(c) Fee Calculation for the Transit Center District Transportation and Street**
5 **Improvement Impact Fee.** For development projects for which the Transit Center District
6 Transportation and Street Improvement Impact Fee is applicable the corresponding fee for net
7 addition of gross square feet is listed in Table 424.7A. Where a development project includes
8 more than one land use, the overall proportion of each use relative to other uses on the lot
9 shall be used to calculate the applicable fees regardless of the physical distribution or location
10 of each use on the lot. If necessary, the Director shall issue a Guidance Statement clarifying
11 the methodology of calculating fees.

12 * * * *

13 *(5) For projects that are eligible to apply TDR units to exceed an FAR of 9:1 pursuant to*
14 *Section 123(e)(1), the fee otherwise applicable to such square footage according to subsections (3) and*
15 *(4) above shall be waived.*

16 * * * *

17 **SEC. 424.7.4. THE TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET**
18 **IMPROVEMENT FUND.**

19 * * * *

20 *(c) With full participation by the Planning Department and related implementing agencies, the*
21 *Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last*
22 *day of the fiscal year of the effective date of Sections 424.7 et seq. that shall include the following*
23 *elements:*

- 24 *(1) a description of the type of fee in each account or fund;*
- 25 *(2) amount of fee collected;*

1 (3) *beginning and ending balance of the accounts or funds including any bond funds*
2 *held by an outside trustee;*

3 (4) *amount of fees collected and interest earned;*

4 (5) *identification of each public improvement on which fees or bond funds were*
5 *expended and amount of each expenditure;*

6 (6) *an identification of the approximate date by which the construction of public*
7 *improvements will commence;*

8 (7) *a description of any interfund transfer or loan and the public improvement on which*
9 *the transferred funds will be expended; and*

10 (8) *amount of refunds made and any allocations of unexpended fees that are not*
11 *refunded.*

12 **SEC. 429. ARTWORKS, OPTIONS TO MEET PUBLIC ART FEE REQUIREMENT,**
13 **RECOGNITION OF ARCHITECT AND ARTISTS, AND REQUIREMENTS ~~IN C-3 DISTRICTS.~~**

14 (The effective date of these requirements shall be either September 17, 1985, the date
15 that they originally became effective, or the date a subsequent modification, if any, became
16 effective.)

17 **SEC. 429.2. APPLICATION**

18 * * * *

19 (b) all non-residential projects that involve construction of a new building or addition of
20 floor area in excess of 25,000 square feet and that have submitted their first complete
21 Development Application on or after January 1, 2013 on the following parcels:

22 (1) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, UMU,
23 WMUG, WMUO and SALI Districts;

24 (2) properties that are zoned MUG, MUO ~~MOU~~, or MUR and that are north of
25 Division/Duboce/13th Streets; and

1 (3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and
2 7295 (Stonestown Galleria Mall).

3 For the purposes of this Section, a "Development Application" shall mean any
4 application for a building permit, site permit, environmental review, Preliminary Project
5 Assessment (PPA), Conditional Use, or Variance.

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

7 * * * *

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

9 * * * *

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

15 * * * *

16 **(C) Option to Expend a Portion of the Public Art Fee Amount to On-**
17 **Site Public Artwork and the Remainder to the Public Artwork Trust Fund.** Effective on
18 the effective date of Ordinance No. 62-12 a project that has not received its first construction
19 document may elect to expend a portion of the Public Art Fee for the acquisition of On-Site
20 Public Artwork that shall be subject to the requirements of ~~§~~subsubsection (d)(2)(A~~α~~) above
21 regarding On-Site Public Artwork, and deposit the remaining balance of the Public Art Fee into
22 the Public Artwork Trust Fund. As provided in Section 402, the project sponsor shall pay the
23 fee to the Development Fee Collection Unit at DBI.

24 * * * *

1 **SEC. 601. SPECIAL PURPOSES.**

2 This Article 6 is adopted in recognition of the important function of signs and of the
3 need for their regulation under the Planning Code ~~Comprehensive Zoning Ordinance of the City and~~
4 ~~County~~. In addition to those purposes of the ~~City~~ Planning Code stated in Section 101, it is the
5 further purpose of this Article 6 to safeguard and enhance property values in residential,
6 commercial, mixed-use, and industrial areas; to protect public investment in and the character
7 and dignity of public buildings, open spaces and thoroughfares; to protect the distinctive
8 appearance of San Francisco which is produced by its unique geography, topography, street
9 patterns, skyline and architectural features; to provide an environment which will promote the
10 development of business in the City; to encourage sound practices and lessen the
11 objectionable effects of competition in respect to size and placement of signs; to aid in the
12 attraction of tourists and other visitors who are so important to the economy of the City and
13 County; to reduce hazards to motorists and pedestrians traveling on the public way; and
14 thereby to promote the public health, safety and welfare.

15 **SEC. 604. PERMITS AND CONFORMITY REQUIRED.**

16 * * * *

17 (c) **Sign Painted on Door or Window.** No permit shall be required under this Code for
18 a sign painted or repainted directly on a door or window except for such signs in P and Residential
19 Districts in an NC, C or M District. Permits shall be required for all other painted signs in NC, C and
20 M Districts, and for all painted signs in P and R Districts. Repainting of any painted sign that does
21 require a permit shall be deemed to be a replacement of the sign, except as provided in
22 Subsection (f) below.

23 * * * *

1 **SEC. 606. RESIDENTIAL AND RESIDENTIAL ENCLAVE DISTRICTS.**

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

4 **(a) General Provisions for All Signs.**

5 (1) No sign shall project beyond a street property line or legislated setback line,
6 or into a required front setback area.

7 (2) No sign shall have or consist of any moving, rotating or otherwise animated
8 part, or (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated
9 light.

10 (3) No roof sign, wind sign, or general advertising sign shall be permitted.

11 (4) No sign shall extend above the roofline of a building to which it is attached,
12 or above a height of 12 feet, *except as permitted below.*

13 * * * *

14 **SEC. 607.2. MIXED USE DISTRICTS.**

15 * * * *

16 **(d) Nameplate.** One *nonilluminated or directly illuminated* nameplate, as defined in
17 Section 602.~~1312~~ of this Code, not exceeding an area of two square feet, shall be permitted
18 for each noncommercial use in Mixed Use Districts.

19 * * * *

20 **(f) Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
21 all Mixed Use Districts subject to the limits set forth below.

22 **(1) Chinatown Residential Neighborhood Commercial District.**

23 * * * *

24 **(C) Projecting Signs.** The number of projecting signs shall not exceed
25 one per business. The area of such sign ~~or signs combined when there are multiple signs~~, as

1 defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not
2 exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project
3 more than 75 percent of the horizontal distance from the street property line to the curbline, or
4 six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated,
5 or during business hours, may be directly illuminated.

6 * * * *

7 **SEC. 608. SPECIAL SIGN DISTRICTS AND SIGNS IN SPECIAL USE DISTRICTS.**

8 In addition to the zoning districts that are established under other Articles of this Code,
9 there shall also be in the City such Special Sign Districts as are established in this Article 6
10 and certain Special Use Districts with sign controls established in Article 2 in order to carry out
11 further the purposes of this Code. In the event of inconsistency with any other provision of Article 6,
12 the most restrictive provision shall prevail unless this Code specifically provides otherwise.

13 (a) Special Sign Districts. The designations, locations and boundaries of these Special
14 Sign Districts shall be as provided in this Article and as shown on the Zoning Map referred to
15 in Section 105, subject to the provisions of Section 105. The original of the sectional map of
16 the Zoning Map for Special Sign Districts (numbered SSD) referred to in this Article is on file
17 with the Clerk of the Board of Supervisors under File No. 138-62. In each such Special Sign
18 District, signs, other than those signs exempted by Section 603 of this Code, shall be subject
19 to the special controls in Sections 608.1 through 608.16, respectively, in addition to all other,
20 or, if so expressly specified in those Sections, in lieu of other, applicable sign provisions of this
21 Code. ~~In the event of inconsistency with any other provision of Article 6, the most restrictive provision~~
22 ~~shall prevail unless this Code specifically provides otherwise.~~

23 (b) Signs in Special Use Districts. The following Special Use Districts have sign controls
24 specific to the district:

1 (1) Sec. 249.64. Parkmerced Special Use District, as promulgated in the Parkmerced
2 Design Standards and Guidelines.

3 (2) Sec. 249.21. California Street and Presidio Avenue - Community Center Special Use
4 District.

5 **608.8. MARKET STREET SPECIAL SIGN DISTRICT.**

6 * * * *

7 (d) **Height and Extension Above Roofline.** Within said Special Sign District, all of the
8 following limitations shall apply:

9 * * * *

10 (4) In addition, except as provided in Paragraph 608.8(d)(5) below 608.8(d)(3) and
11 (4) above, uniformity of height shall be maintained in both the upper and lower edges of signs
12 placed flat upon or essentially parallel to each facade of a single building.

13 * * * *

14 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

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

18 * * * *

19 (b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are
20 either principal, conditional, accessory, or temporary uses as stated in this Section, and
21 include those uses set forth or summarized and cross-referenced in the zoning control
22 categories as listed in this Code for each district class.

23 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed
24 building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this
25 Code. Exceptions from this requirement are: uses which, when located outside of a building,

1 qualify as an ~~o~~Outdoor ~~a~~Activity ~~a~~Area, as defined in Sections ~~s~~ 102 and 790.70 of this Code;
2 accessory off-street parking and loading and other uses listed below which function primarily
3 as open-air uses, or which may be appropriate if located on an open lot, outside a building, or
4 within a partially enclosed building, subject to other limitations of this Article 7 and other
5 sections of this Code.

6 * * * *

7 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the
8 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and
9 NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), 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 as an accessory use when located on the
13 same lot. Any use which does not qualify as an accessory use shall be classified as a
14 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
15 205.4 of this Code.

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

18 * * * *

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

1 * * * *

2 **SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.**

3 * * * *

4 (d) **Automated Bank Teller Machines Within South of Market Districts.** All
5 automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities
6 associated with retail banking operations, shall have adequate lighting, waste collection
7 facilities and parking resources *and shall be set back three feet from the front property line.*

8 * * * *

9 (h) **Vertical Controls for Office Uses.**

10 * * * *

11 (2) **Applicability.** This Section shall apply to all office uses in the MUG and
12 UMU Districts and all office uses in buildings in the PDR-1-D and PDR-1-G Districts that are
13 designated as landmarks pursuant to *Section Article* 10 of the Planning Code, where permitted.

14 * * * *

15 **SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

16 The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend
17 Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to
18 the north side of Folsom Street. The WMUO is designed to encourage office uses along with
19 small-scale light industrial and arts activities. Nighttime entertainment is permitted, although
20 limited by buffers around RED and RED-MX districts.

21 Office, general commercial, most retail, production, distribution, and repair uses are
22 also principal permitted uses. Residential uses, large hotels, adult entertainment and heavy
23 industrial uses are not permitted.

Table 845 WMUO – WSOMA MIXED USE OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Office District Controls
BUILDING AND SITING STANDARDS			
****	****	****	****
Residential Uses			
****	****	****	****
<u>845.23b</u> <u>844.23b</u>	Homeless Shelters	§§ 102, 890.88(d)	NP
****	****	****	****

SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale buildings with production, distribution, and repair uses. The district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities. Nighttime ~~e~~Entertainment is permitted although limited by buffers around RED and RED-MX districts. Residential ~~u~~Uses, ~~o~~Offices, ~~h~~Hotels, ~~movie theaters~~, and ~~a~~Addult ~~e~~Entertainment uses are not permitted.

ARTICLE 10: PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS

APPENDIX A TO ARTICLE 10 - LIST OF DESIGNATED LANDMARKS

Landmark No.	Name of Landmark	Location by Address	Assessor's Block/Lot*	Effective Date
****	****	****	****	****
238	The Labor Temple/Redstone Building	2926-2948 16th Street	3553/014	1/16/2004
****	****	****	****	****

Section 3. 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. 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: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

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