PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to correct multiple errors and make clarifying amendments. The corrections are intended to be for textual clarification purposes or replacing provisions that existed prior to the code reorganization effort. They are not considered substantive.

The Way It Is Now:
The Planning Code contains multiple grammatical and syntactical errors, unintentional cross-references and accidental additions and deletions that undermine the legitimacy and enforceability of the Planning Code as a regulatory document.

The Way It Would Be:
The proposed Ordinance seeks to correct these errors and improve the overall quality and readability of the Code.

BACKGROUND

The Planning Code experiences frequent amendments. Although individual ordinances are reviewed by the Planning Department and the City Attorney’s Office, the volume of legislative actions and complexity of the Code as a legal, living document ensure that errors will inadvertently arise. The Planning Department actively collects these reported errors and from time to time presents them as a Code Corrections Ordinance.
ISSUES AND CONSIDERATIONS

Code Reorganization Project
The Code Reorganization project was started in 2014 and is divided into three main phase. The first phase focused on Article 2, the second phase on Article 7, and the third will focus on Article 8. Several of the amendments in this ordinance correct errors or oversights from Phases 1 and 2 of this project. The changes either fix clerical errors or put back provisions that were inadvertently deleted or not carried forward into the new zoning table format. The following are the more substantive corrections:

- In Section 102, the definition of Notice of Special Restriction is being broadened to include more than just projects associated with inclusionary housing.
- In Section 102, Power Plant was left out of the definition of Utility and Infrastructure Uses. It is being added to that definition.
- Section 121.2 is being amended to clarify that NC-3 and NCT-3 Districts have a non-residential use size limit of 6000 sq. ft.
- In Section 121.6, Hotels and Motels are being excluded from the city-wide retail size limits. They were not included in this cap prior to Phase 1 of the Code Reorganization Project.
- Section 145 is being modified to allow for exception in Commercial Districts (C-3 and C-2) via Conditional Use authorization to the ground floor commercial uses requirement.
- Section 202.2 is being amended to clarify that Design Professionals are required to be open to the public if located on the ground floor in NC Districts.
- Section 209.2 and 209.3 are being amended to put back the provision that allows a minimum of three units on any RM or RC zoned property. This provision was not carried over to the new format during Phase 1 of the Code Corrections ordinance.
- Section 210.1 is being amended to allow Outdoor Entertainment uses in C-2 Districts. This use was allowed prior to Phase 1 of the Code Reorganization project.
- Section 710, NC-1 District, is being amended to add a reference to the Taraval Street Restaurant Subdistrict. This reference was no carried over into the new format.
- Various References to old Article 7 definitions (Section 790) are being removed and replaced with the new Section 102 reference. There are also some clerical errors in the tables that are being corrected.

Cannabis Ordinance
San Francisco recently adopted land use regulation for cannabis related businesses. The changes in this ordinance related to the cannabis ordinance are mainly clean-up, such as deleting provisions that were made obsolete by the new regulations or other clerical corrections. The following are the more substantive corrections:

- Sec. 202.2(e)(1) is being amended to clarify that Medical Cannabis Dispensaries are subject to Planning Code Section 312 and require Mandatory Discretionary Review only when located in Neighborhood Commercial Zoning Districts. Old language that required Mandatory DR city wide and a different noticing requirement were not deleted as part of the Cannabis Ordinance.
- Sec. 205.2(e) is being amended to make the distinction that Temporary Cannabis Retail Use is the only type of Temporary Use allowed for the sale of cannabis or cannabis products.

Publisher Corrections

After every ordinance, the code publisher sends the City Attorney’s Office a list of errors they encountered in the process of publishing the Code. These usually include outdated section references, missing words, typos and the like. This ordinance includes many of these types of corrections.

RECOMMENDATION

The Department recommends that the Commission recommend approval of the resolution of intent to initiate the Planning Code amendments on or after March 8, 2018.

BASIS FOR RECOMMENDATION

This Ordinance is intended to correct identified errors in the Code. Although these are considered minor errors, they cannot be corrected without a legislative change.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may initiate the proposed Ordinance and schedule a time for the Ordinance to be heard for adoption.

IMPLEMENTATION

The Department determined that this Ordinance will not impact our current implementation procedures.

ENVIRONMENTAL REVIEW

Staff anticipates that the proposed ordinance will not be considered a project under CEQA. A formal CEQA determination will be conducted prior to the Commission’s final action.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

| RECOMMENDATION: | Initiate and Schedule for Adoption |

3

PREAMBLE

WHEREAS, on July 18, 2015, the Planning Director requested that amendments be made to the Planning Code under Case Number 2017-014297PCA; and

WHEREAS, the proposed Planning Code text changes would amend several sections of the Code as outlined in the draft Ordinance and incorporated herein; and

WHEREAS, due to multiple changes to the Planning Code, over time text has been dropped inadvertently, amendments made by one ordinance are not reflected in subsequent legislation, and citations have become out of date.; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, a substantial portion of the proposed changes in the ordinance can be classified as “good government” measures meant to improve the clarity of the Planning Code, and

WHEREAS, such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code, and
WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on March 8, 2018; and

WHEREAS, the Environmental Review will be completed prior to the Commission taking action on this item; and

WHEREAS, the 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 Commission has reviewed the proposed Ordinance:

MOVED, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution to initiate amendments to the Planning Code.

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit A, to be considered at a publicly noticed hearing on or after April 12, 2018.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on March 8, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

DATE:
Ordinance amending the Planning Code in order to correct errors and update outdated references; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

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

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

Section 1. Findings.

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

(b) On __________2018, the Planning Commission, in Resolution No. __________, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is
on file with the Clerk of the Board of Supervisors in File No. __________, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. __________, and the Board adopts said reasons hereby by reference.

Section 2. The Planning Code is hereby amended by revising Sections 102, 121.2, 121.6, 145.1, 145.4, 149, 151, 151.1, 155.2, 177, 186, 186.1, 187.1, 191, 201, 202.2, 204.5, 205.2, 206.2, 206.3, 206.4, 206.5, 206.6, 206.8, 207, 209.2, 209.3, 210.1, 211.1, 249.52, 249.70, 249.76, 303.1, 312, 401, 413.3, 415.3, 423.5, 703, 710, 711, 712, 723, 726, 728, 814, and 846, to read as follows:

SEC. 102. DEFINITIONS.

* * * *

Accessory Use. A related minor Use that is either necessary to the operation or enjoyment of a lawful Principal Use or Conditional Use, or appropriate, incidental, and subordinate to any such use, and is located on the same lot. Accessory Uses are regulated Sections 204 through 204.5 and Sections 703(d), and 803.2(b)(1)(C), 803.3(b)(1)(C), and 825(c)(1)(C) of this Code.

* * * *

Arts Activities. A Retail Entertainment, Arts and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: Dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glassworks, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and craft. It shall exclude accredited Schools and Post Secondary Educational Institutions. It shall include
commercial arts and art-related business service uses including, but not limited to, recording
and editing services, small-scale film and video developing and printing; titling; video and film
libraries; special effects production; fashion and photo specialists; production, sale and rental of
theatrical wardrobes; and studio property production and rental companies. Arts spaces shall
include studios, workshops, archives and theaters, and other similar spaces customarily used
principally for arts activities, exclusive of a Movie Theater, Amusement *Game Arcade
Enterprise*, Adult *Business Entertainment*, and any other establishment where liquor is
customarily served during performances.

* * * *

Automotive Use. A Commercial Use category that includes Automotive Repair, Ambulance
Services, Automobile Sale or Rental, Automotive Service Station, Automotive Wash, Gas
Station, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, Public Parking
Garage, Public Parking Lot, Vehicle Storage Garage, Vehicle Storage Lot, and Motor Vehicle
Tow Service. All Automotive Uses that have Vehicular Use Areas defined in this Section of the
Code shall meet the screening requirements for vehicular use areas in Section 142.

Automotive Use, Non-Retail. A subcategory of Automotive Use that includes Ambulance
Services, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, and Motor
Vehicle Tow Service.

* * * *

Design Professional. A Non-Retail Sales and Service Use that provides professional design
services to the general public or to other businesses and includes architectural, landscape
architectural, engineering, interior design, and industrial design services. It does not include
(1) the design services of graphic artists or other visual artists which are included in the
definition of Arts Activities; or (2) the services of advertising agencies or other services which
are included in the definition of Professional Service or Non-Retail Professional Service,
Financial Service or Medical Service. Design Professional in Neighborhood Commercial Districts is subject to the operating restrictions outlined in Section 202.2(i).

* * * *

Industrial Use. A Use Category continuing containing the following uses: Automobile Wrecking, Automobile Assembly, Food Fiber and Beverage Processing 1 and 2, Grain Elevator, Hazardous Waste Facility, Junkyard, Livestock Processing 1 and 2, Heavy Manufacturing 1, 2, and 3, Light Manufacturing, Metal Working, Power Plant, Ship Yard, Storage Yard, Volatile Materials Storage, and Truck Terminal.

* * * *

Notice of Special Restrictions. A document recorded with the San Francisco Recorder’s Office for any unit subject to this Program detailing specific restrictions placed on an Assessor’s lot that are typically associated with an approval action by the Planning Department, Planning Commission, Zoning Administrator, or other City agency: the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal project relating to the unit.

* * * *


* * * *

Public Facility. An Institutional Use that consists of publicly or privately owned use that provides public services to the community, whether conducted within a building or on an open
lot, and which has operating requirements that necessitate location within the district and is in compliance with the General Plan, including civic structures (such as museums, post offices, administrative offices of government agencies), public libraries, police stations, and transportation facilities. Such use shall not include service yards, machine shops, garages, incinerators, Utility Installations, and publicly operated parking in a garage or lot (Public Automobile Parking Garages and Public Parking Lots).

* * * *

**Tobacco Paraphernalia Establishment.** A Retail Sales and Service Use where more than 10% percent of the square footage of occupied floor area, as defined in Section 102, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing, or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 719, 719.1, 786, and 723, and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054, et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.

* * * *
**Utility and Infrastructure.** A Use Category that includes Community Recycling Center, Internet Service Exchange, Power Plant, Public Transportation Facility, Public Utilities Yard, Wireless Telecommunications Services (WTS) Facility, and Utility Installation.

SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.

(a) In order to protect and maintain a scale of development appropriate to each district, Non-Residential Uses of the same size or larger than the square footage stated in the table below may be permitted only as Conditional Uses. The use area shall be measured as the Gross Floor Area for each individual Non-Residential Use.

<table>
<thead>
<tr>
<th>District</th>
<th>Use Size Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC-2, NCT-2</td>
<td>* * * *</td>
</tr>
<tr>
<td>NC-3, NCT-3</td>
<td></td>
</tr>
<tr>
<td>Divisadero Street</td>
<td></td>
</tr>
<tr>
<td>Folsom Street</td>
<td>4,000 sq. ft.</td>
</tr>
<tr>
<td>Glen Park</td>
<td></td>
</tr>
<tr>
<td>Irving Street</td>
<td></td>
</tr>
<tr>
<td>Judah Street</td>
<td></td>
</tr>
<tr>
<td>Noriega Street</td>
<td></td>
</tr>
<tr>
<td>Ocean Avenue</td>
<td></td>
</tr>
<tr>
<td>SoMa</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Taraval Street</td>
<td></td>
</tr>
<tr>
<td>* NC-3, NCT-3</td>
<td></td>
</tr>
<tr>
<td>Excelsior Outer Mission Street</td>
<td></td>
</tr>
<tr>
<td>Fillmore Street</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Mission Street</td>
<td></td>
</tr>
<tr>
<td>* NC-S</td>
<td></td>
</tr>
<tr>
<td>Regional Commercial District</td>
<td>10,000 sq. ft.</td>
</tr>
</tbody>
</table>

* * * *

**SEC. 121.6. LARGE-SCALE RETAIL USES.**

* * * *

(e) For purposes of this Section:

1. "sales floor area" includes only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space; and

2. "non-taxable merchandise" includes only grocery products not subject to California State sales tax; and

3. “single retail use” shall include all Retail and Service Uses listed in Section 102 and retail uses identified in Article 8 of this Code except for Hotels and Motels.

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

* * * *
(c) **Controls.** The following requirements shall generally apply, except for those controls listed in subsections (1) Above Grade Parking Setback and (4) Ground Floor Ceiling Height, which only apply to a "development lot" as defined above.

* * * *

(4) **Ground Floor Ceiling Height.** Unless otherwise established elsewhere in this Code:

(A) All ground floor uses in UMU Districts shall have a minimum floor-to-floor height of 17 feet, as measured from grade. Ground floor Residential Uses shall also be designed to meet the City's *Guidelines for* Ground Floor Residential Design *Guidelines*.

(B) Ground floor Non-Residential Uses in all C-3, NCT, DTR, Chinatown Mixed Use, RSD, SLR, SLI, SPD, SSO, RED-MX, WMUG, MUG, MUR, WMUO and MUO Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

(C) Ground floor Non-Residential Uses in all RC districts, C-2 districts, RED districts, and NC districts other than NCT, shall have a minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.

* * * *

(6) **Transparency and Fenestration.** Frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60% percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Buildings located inside of, or within an unobstructed line of less than 300 feet of an Urban Bird Refuge, as defined in Section 139(c)(1), shall follow glazing requirements within Section 139(c) of this Code.
SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

(e) Modifications. Modifications to the requirements of this Section are not permitted in DTR Districts. In Neighborhood Commercial and Commercial Districts, modifications to the requirements of this Section may be granted through the Conditional Use process, as set forth in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the requirements of this Section may be granted through the procedures of Section 329 for projects subject to that Section or through an Administrative Modification from the Zoning Administrator for other projects, as set forth in Section 307(g).

SEC. 149. BETTER ROOFS; LIVING ROOF ALTERNATIVE.

(e) Waiver. If the project sponsor demonstrates to the Zoning Administrator's satisfaction that it is physically infeasible to meet the Living Roof requirements as written for the project in question, the Zoning Administrator may, in his or her sole discretion and pursuant to the procedures set forth in Planning Code Section 307(h), grant partial relief from the requirements stated in subsection (d) where the design of the Better Roof is within 10% of any quantitative requirements. The requirements of CCR Title 24, Part 6, Section 110.10 for the solar zone shall remain applicable.

SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

(b) Minimum Parking Required.
Table 151
OFF-STREET PARKING SPACES REQUIRED

<table>
<thead>
<tr>
<th>Use or Activity</th>
<th>Number of Off-Street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>* * *</td>
<td></td>
</tr>
<tr>
<td>Senior <strong>housing</strong>, as defined in Section 102 of this Code, or <strong>housing for</strong> persons with physical disabilities, as defined in the Americans with Disabilities Act.</td>
<td>None in districts other than RH-1 and RH-2. In RH-1 and RH-2 Districts, one-fifth the number of spaces specified above for the district in which the dwelling is located.</td>
</tr>
<tr>
<td><strong>Homeless Shelters</strong></td>
<td><strong>None required</strong></td>
</tr>
<tr>
<td>* * *</td>
<td></td>
</tr>
<tr>
<td><strong>NON-RESIDENTIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>* * *</td>
<td></td>
</tr>
<tr>
<td><strong>Industrial Use Category</strong></td>
<td></td>
</tr>
<tr>
<td>* * *</td>
<td></td>
</tr>
<tr>
<td><strong>Homeless Shelters</strong></td>
<td><strong>None required</strong></td>
</tr>
<tr>
<td>* * *</td>
<td></td>
</tr>
<tr>
<td><strong>Residential Care Facility</strong></td>
<td></td>
</tr>
<tr>
<td>* * *</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facility</td>
<td>None in districts other than RH-1 and RH-2. In RH-1 and RH-2 Districts, one for 10, beds where the number of beds exceeds nine.</td>
</tr>
<tr>
<td>* * *</td>
<td></td>
</tr>
</tbody>
</table>
SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN
SPECIFIED DISTRICTS.

(a) Applicability. This Section 151.1 shall apply only to NCT, RC, RCD, RTO,
Mixed Use, M-1, PDR-1-D, PDR-1-G, and C-3 Districts, and to the Broadway, Excelsior Outer
Mission Street, Japantown, North Beach, Polk, and Pacific Avenue Neighborhood Commercial
Districts. 1

* * * *

Table 151.1
OFF-STREET PARKING PERMITTED AS ACCESSORY

<table>
<thead>
<tr>
<th>Use or Activity</th>
<th>Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>* * *</td>
<td>* * *</td>
</tr>
<tr>
<td>Dwelling Units in C-3 Districts</td>
<td>P up to one car for each two Dwelling Units; C up to 0.75 cars for each Dwelling Unit, subject to the criteria and procedures of Section 151.1(e); NP above three cars for each four Dwelling Units.</td>
</tr>
</tbody>
</table>

* * * *

(e) Excess Residential Parking. Any request for accessory residential parking, in excess of what is principally permitted in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In MUG, WMUG, MUR, MUO, RED, RED-MX, and SPD Districts, any project subject to Section 329 and that requests residential accessory parking in excess of that which is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission.
according to the procedures of Section 329. Projects that are not subject to Section 329 shall be reviewed under the procedures detailed in subsection (f) below.

* * * *

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

* * * *

<table>
<thead>
<tr>
<th>Table 155.2</th>
<th>Bicycle Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Minimum Number of Class 1 Spaces Required</td>
</tr>
<tr>
<td>Residential Uses</td>
<td>* * *</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Class 1 Spaces Required</th>
<th>Minimum Number of Class 2 Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Housing (including SRO Units and Student Housing that are Group Housing; Homeless Shelters are exempt)</td>
<td>One Class 1 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. Group housing that is also considered Student Housing per Section 102.36 shall provide 50% percent more spaces than would otherwise be required.</td>
<td>Minimum two spaces. Two Class 2 spaces for every 100 beds. Group Housing that is also considered Student Housing shall provide 50% percent more spaces than would otherwise be required.</td>
</tr>
</tbody>
</table>

* * *
SEC. 177. LEGITIMIZATION OF CERTAIN MASSAGE ESTABLISHMENTS.

(a) **Intent.** The purpose of this Section 177 is to establish a time-limited program whereby existing Massage Establishments that have operated without required permits may seek those permits. Pursuant to its terms, this program sunsets on December 27, 2016, 18 months after its effective date of June 27, 2015.

(b) **Legitimization Program for Certain Massage Establishments.** A Massage Establishment shall be considered a legal, as defined in Section 180, or a permitted Conditional Use, and shall be authorized to continue to operate without obtaining a Conditional Use authorization from the Planning Commission, as required by Sections 102 and 890.60 of this Code, if it meets all of the following requirements:

1. As of January 19, 2015, it was operating in that location;
2. As of January 19, 2015, it obtained a business license from the City;
3. As of January 19, 2015, all employees obtained a valid certification from the California Massage Therapy Council (CAMTC) or a valid permit from the Department of Public Health (DPH);
4. There are no open Police Department, Planning Department or DPH enforcement cases against the Massage Establishment at the time of permit approval; and
5. The Massage Establishment applies for a permit from DPH under Section 29.25 of the Health Code within 90 days of the effective date of this Section 177.

(c) **Website Notice.** As soon as possible after enactment of this Section 177, the Planning Department and DPH shall post notice of this legitimization program on their websites, inviting Massage Establishment owners or operators to take advantage of this program, and describing its contents and requirements. The notice shall clearly explain which zoning districts of the City permit Massage Establishments as of right, which ones permit them with a Conditional Use authorization, and which do not permit them.
(d) **Determination of Applicability.** Upon receiving a Massage Establishment referral from the DPH pursuant to Section 29.28 of the Health Code, the Planning Department shall assess whether the Massage Establishment meets the conditions set forth in this Section 177. Massage Establishment owners or operators shall submit to the Planning Department evidence supporting the findings required under Subsection (b) above. Such evidence may include, but is not necessarily limited to, the following: rental or lease agreements, building or other permits, utility records, business licenses, CAMTC certification materials, permits from DPH, or tax records. The Planning Department shall determine compliance with this Section in its response to the referral form received from DPH.

(e) **Limitation of Intensification, Expansion or Discontinuance.** Enlargements, Intensifications or Discontinuances of Massage Establishments that follow the Legitimization Process authorized by this Section 177 shall be subject to the controls applicable under Sections 178, 181, 182 and 183 of this Code.

(f) **Compliance with Other Requirements of the Planning Code.** Massage Establishments that follow the Legitimization Process authorized by this Section shall comply with all applicable requirements of the Planning Code, other than those requirements from which they are specifically exempted under this Section 177.

(g) **Sunset.** Unless readopted, this Section 177 shall sunset 18 months after its effective date of June 27, 2015. The City Attorney is hereby authorized to direct the Publisher to delete Section 177 on or after December 27, 2016.

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

* * * *

(a) **Exemption from Termination Provisions.** The following nonconforming uses in R Districts shall be exempt from the termination provisions of Section 185, provided such uses comply with all the conditions specified in subsection (b) below:
(1) Any nonconforming use at any Story in an RTO, RH or RM District which is located more than ¼ mile from the nearest Named Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, and which complies with the use limitations specified for the first Story and below of an NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code.

(2) Any nonconforming use in an RTO, RH or RM District which is located within ¼ mile from any Named Individual Area Neighborhood Commercial District or Restricted Use Subdistrict and which complies with the most restrictive use limitations specified for the first Story and below of:

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

(B) any Named Individual Area Neighborhood Commercial District within ¼ mile of the use, as set forth in Sections 714.10 through 748 and 753 through 764 of this Code;

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

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

(b) Conditions on Limited Nonconforming Uses. The limited nonconforming uses described above shall meet the following conditions:

(1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
(2) Any signs on the property shall be made to comply with the requirements of Article 6 Section 606(c) of this Code for Limited Commercial applying to nonconforming uses; * * * *

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

(c) Changes in Use. A nonconforming use may be changed to another use or feature as described below.

(1) A nonconforming use may be changed to a use listed in Article 7 of this Code as a Principal use for the district in which the property is located, and the new use may thereafter be continued as a Principally permitted principal use.

(2) A nonconforming use may be changed to a use listed in Article 7 of this Code as a Conditional Use for the district in which the use is located, only upon approval of a Conditional Use application pursuant to the provisions of Article 3 of this Code, and the new use may thereafter be continued as a permitted Conditional use, subject to the provisions of Section 178 of this Code.

(3) A nonconforming use may be changed to a use which is not permitted in that Neighborhood Commercial District as described below, only upon approval of a Conditional Use application, pursuant to the provisions of Article 3 of this Code:

(A) Any Bar, Limited Restaurant, or Restaurant use described in zoning categories .41, .43, or .44, as defined in Sections 790.22, 790.90, and 790.91, respectively, may change to another Bar, Limited Restaurant, or Restaurant use described in zoning categories .41 or .44, even though such other use is not permitted in that Neighborhood Commercial District, unless such other use is located in an Alcohol Restricted Use Subdistrict and is prohibited by the provisions governing that Alcohol Restricted Use Subdistrict.
(B) Any Business Service, Health Service, Personal Service, or Retail Professional Service use defined in zoning categories .51, .52, or .53, as defined in Sections 790.114, 790.116, and 790.108 respectively, may change to another such use defined in zoning categories .51, .52, or .53, even though such other use is not permitted in that Neighborhood Commercial District.

(C) Any Automotive Repair, Automotive Service Station, or Gas Station use described in zoning categories .57, .58, or .59, as defined in Sections 790.14, 790.17, and 790.15 respectively, may be demolished and reconstructed as the same use or may change to another such use described in zoning categories .57, .58, or .59, even though such other use is not permitted in that Neighborhood Commercial District.

The new use shall still be classified as a nonconforming use.

The changes in use described in this Subsection (c)(3) shall include remodeling activities involving the demolition and replacement of structures that result in a change of use.

* * * *

SEC. 187.1. AUTOMOTIVE SERVICE STATIONS AND GASOLINE STATIONS AS LEGAL NONCONFORMING USES.

(a) **Continuation as a Nonconforming Use.** Notwithstanding any other provision of this Code, an Automotive Service Station or an Automotive Gas Station as defined in Section 102 of this Code, located in a Residential district, and having legal nonconforming use status under the provisions of this Code on January 1, 1980, shall be regarded as a legal nonconforming use so long as the station continues to sell and dispense gasoline and other motor fuels and lubricating fluids directly into motor vehicles.

(b) **Enlargement and Intensification.** An Automotive Service Station regarded as a legal nonconforming use under Subsection (a) of this Section 187.1 may enlarge or intensify its current service station operations provided the station receives Conditional Use
authorization approval for such enlargement or intensification under Section 303 of this Code. Conditional Use authorizations issued pursuant to this Section 187.1 shall not contain termination dates.

(c) *Accessory Uses.* Parking for car-share vehicles, as defined in Section 166, is permitted as an *Accessory Use*, and the addition of car-share vehicle parking shall not constitute an enlargement or intensification of the use, as defined in Subsection (b) above.

**SEC. 191. AUTHORIZATION OF TEMPORARY CANNABIS SALES USES.**

A Grandfathered MCD, as defined in Section 190, that receives a permit to operate as a Medical Cannabis Dispensary from the Department of Public Health before January 1, 2019 shall be deemed a Temporary Cannabis Sales Use, as defined in Section 205.2. Upon expiration of the Temporary Cannabis Sales Use authorization, the land use authorization for the parcel will revert to the original authorization to operate as a Medical Cannabis Dispensary Use, unless the Planning Department or Planning Commission has issued a permanent authorization for a Cannabis Retail Use.

*This Section 191 shall expire by operation of law on January 1, 2020. Upon its expiration, the City Attorney shall cause this Section 191 to be removed from the Planning Code.*

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

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

* * * *

<table>
<thead>
<tr>
<th>Neighborhood Commercial Districts (NC)</th>
<th>General Neighborhood Commercial Districts (Defined in Sec. 702(a)(1))</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC-1</td>
<td>Neighborhood Commercial Cluster District (Defined in Sec. 710-†)</td>
</tr>
<tr>
<td>NC-2</td>
<td>Small-Scale Neighborhood Commercial District (Defined in Sec. 711-†)</td>
</tr>
<tr>
<td>NC-3</td>
<td>Moderate-Scale Neighborhood Commercial District (Defined in Sec. 712-†)</td>
</tr>
<tr>
<td>NC-S</td>
<td>Neighborhood Commercial Shopping Center District (Defined in Sec. 713-†)</td>
</tr>
</tbody>
</table>
Named Neighborhood Commercial Districts
(Defined in Sec. 702(a)(1))

* * * *

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

* * * *

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

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

(1) Medical Cannabis Dispensaries. Medical Cannabis Dispensary Uses are required to meet all of the following conditions:

* * * *

(E) Alcohol shall not be sold or distributed on the premises for on- or off-site consumption; and

(F) Upon acceptance of a complete application for a building permit for a Medical Cannabis Dispensary, the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups that have made a written request for notification regarding specific medical cannabis dispensaries;

(G) All building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties, and neighborhood groups:
(H) After this 30-day period, the Planning Commission shall schedule a hearing to consider whether to exercise its discretionary review powers over the building permit application for a Medical Cannabis Dispensary. The scheduling and the mailed notice for this hearing shall be processed in accordance with Section 312(e) of this Code; and

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

* * * *

(g) **Other Uses.** The uses listed below are subject to the corresponding controls:

(1) **Small Enterprise Workspace (S.E.W.).** S.E.W.'s are subject to the following conditions:

* * * *

(h) **Cannabis-Related Uses.** Except as otherwise specified in the Code, there shall be no minimum radius from a cannabis-related Use to an existing School, public or private; day care center; or youth center unless a State licensing authority specifies a minimum radius, in which case that minimum radius shall apply.

(i) **Non-Retail Sales and Service Use; Design Professional.** In order to preserve and enhance active commercial frontage in the City's Neighborhood Commercial Districts, a Design Professional use located on the First Story or below within any Neighborhood Commercial or Neighborhood Commercial Transit District must provide its services to the general public.

SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.

In order to be classified as an accessory use, off-street parking and loading shall meet all of the following conditions:
(a) **Location.** Such parking or loading facilities shall be located on the same lot as the structure or use served by them. (For provisions concerning required parking on a separate lot as a Principal or Conditional Use, see Sections 156, 159, 160 and 161 of this Code.)

(b) **Parking Accessory to Dwellings.** Unless rented on a monthly basis to serve a Dwelling Unit pursuant to Section 204.5(b)(1), below, accessory parking facilities for any dwelling in any R District shall be limited, further, to storage of private passenger automobiles, private automobile trailers, boats, bicycle parking and car-share vehicles as permitted by Section 150 and trucks of a rated capacity not exceeding three-quarters of a ton. Notwithstanding any provision of this Code to the contrary, the following shall be permitted as an accessory use:

1. **Lease of lawfully existing off-street residential parking spaces by the property owner or manager, for a term of no less than one month, is permitted as follows:**
   1. **(1)** for use by any resident of a Dwelling Unit located on a different lot within 1,250 feet of such parking space or
   2. **(2)** for use by any resident of a Dwelling Unit located on a different lot within the City and County of San Francisco so long as no more than five spaces are rented to those who live beyond 1,250 feet of such parking space.

(c) **Parking Exceeding Accessory Amounts.** Accessory parking facilities shall include only those facilities that do not exceed the amounts permitted by Section 151(c) or Table 151.1. Off-street parking facilities that exceed the accessory amounts shall be classified as a separate use, and may be principally or conditionally permitted as indicated in the Zoning Control Table for the district in which such facilities are located.
SEC. 205.2. TEMPORARY USES: ONE- OR TWO-YEAR LIMIT.

A temporary use may be authorized for a period not to exceed two years for any of the following uses:

* * * *

(e) Temporary Cannabis Retail Use for a period of up to one year, as provided by Section 191, to be authorized no earlier than January 1, 2018 and to expire on January 1, 2019. This is the only type of Temporary Use allowed for the sale of cannabis or cannabis products.

SEC. 206.2. DEFINITIONS.

* * * *

“Restricted Affordable Unit” means a dwelling unit within a Housing Project which will be Affordable to Very Low, Lower or Moderate Income Households, as defined in this Section 206.2 for a minimum of 55 years. Restricted Affordable Units shall meet all of the requirements of Government Code 65915, except that Restricted Affordable Units that are ownership units shall not be restricted using an equity sharing agreement.

SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO PROGRAM.

* * * *

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

* * * *

(3) All HOME-SF units shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition, notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three bedroom units, or (B) any unit mix which includes some three bedroom or larger units such
that 50% of all bedrooms within the HOME-SF Project are provided in units with more than one bedroom. Larger units should be distributed on all floors, and prioritized in spaces adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to incorporate family friendly amenities. Family friendly amenities shall include, but are not limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space and yards designed for use by children. HOME-SF Projects are not eligible to modify this requirement under Planning Code Section 303(v) or any other provision of this Code;

* * * *

(5) Includes at the ground floor level active uses, as defined in Section 145.1, at the same square footages as any neighborhood commercial uses demolished or removed, unless the Planning Commission has granted an exception under Section 303(v)(2)(G).

SEC. 206.4. THE 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAM.

(a) Purpose and Findings. This Section 206.3 206.4 describes the 100 Percent Affordable Housing Bonus Program, or “100 Percent Affordable Housing Program”. In addition to the purposes described in Section 206.1, the purpose of the 100 Percent Affordable Housing Program is to facilitate the construction and development of projects in which all of the residential units are affordable to Low and Very-Low Income Households. Projects pursuing a development bonus under this 100 Percent Affordable Program would exceed the City’s shared Proposition K housing goals that 50% of new housing constructed or rehabilitated in the City by 2020 be within the reach of working middle class San Franciscans, and at least 33% affordable for low and moderate income households.

(b) Applicability. A 100 Percent Affordable Housing Bonus Project under this Section 206.3 206.4 shall be a Housing Project that:

(1) contains three or more Residential Units, as defined in Section 102, not including any additional units permitted through this Section 206 206.4 through a density bonus;
SEC. 206.5. STATE RESIDENTIAL DENSITY BONUS PROGRAM: ANALYZED.

(b) Applicability.

(1) A Housing Project that meets all of the requirements of this subsection (b)(1) or is a Senior Housing Project meeting the criteria of (b)(2) shall be an Analyzed State Density Bonus Project or an “Analyzed Project” for purposes of Section 206 et seq. A Housing Project that does not meet all of the requirements of this subsection (b), but seeks a density bonus under State law may apply for a density bonus under Section 206.6 as an Individually Requested State Density Bonus Project. To qualify for the Analyzed State Density Bonus Program a Housing Project must meet all of the following:

(C) for projects located in Neighborhood Commercial Districts is not seeking to merge lots that result in more than 125 linear feet in lot frontage on any one street;

SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.

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

(1) Density Bonus. Individually Requested Projects that provide On-site Inclusionary Housing Units or Restricted Affordable Units shall receive a density bonus as described in Table 206.6A as follows:

(H) Certain other types of development activities are specifically eligible for a development bonus pursuant to State law, including land donation under
Government Code Section 65915(g), condominium conversions under Government Code Section 65915.5 and qualifying mobile home parks under Government Code Section 65915(b)(1)(C). Such projects shall be considered Individually Requested State Density Bonus Projects.

* * * *

SEC. 206.8. AFFORDABLE HOUSING BONUS PROGRAM EVALUATION.

* * * *

(d) Program Evaluation and Update.

(1) **Purpose and Contents.** Every five years, beginning five years from March 22, 2015, the Department shall prepare a Program Evaluation and Update. The Program Evaluation and Update shall include an analysis of the Bonus Programs’ effectiveness as it relates to City policy goals including, but not limited to Proposition K (November 2014) and the Housing Element. The Program Evaluation and Update shall include a review of all of the following:

* * * *

(E) Review of the process for considering projects under the Bonus Program, including a review of Section 328, the appeal process, Section 303(t) and other relevant process considerations.

* * * *

SEC. 207. DWELLING UNIT DENSITY LIMITS.

* * * *

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

* * * *

(6) **Accessory Dwelling Units in Existing Single-Family Homes.**
Lots Zoned for Single-Family or Multifamily Use and Containing an Existing Single-Family Home; Controls on Construction. An Accessory Dwelling Unit located in a residential zoning district and constructed pursuant to this subsection (c)(6) shall meet all of the following:

(i) The ADU will strictly meet the requirements set forth in this subsection (c)(6)(B) without requiring a waiver of Code requirements pursuant to subsection (c)(4)(G).

Permit Application Review and Approval. Except as authorized by subsections (c)(6)(B)(v) and (vi), the Department shall approve an application for a permit to construct an Accessory Dwelling Unit within 120 days from receipt of the complete application, without modification or disapproval, if the proposed construction fully complies with the requirements set forth in subsection (c)(6)(B).
**SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

* * * *

**Table 209.3**

**ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

<table>
<thead>
<tr>
<th>Zoning Category</th>
<th>§ References</th>
<th>RC-3</th>
<th>RC-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Density, Dwelling</td>
<td>§ 207</td>
<td>Up to one unit per 800 square feet of lot area, with a minimum of 3 units per lot.</td>
<td>Up to one unit per 400 square feet of lot area, with a minimum of 3 units per lot.</td>
</tr>
<tr>
<td>Units (7)</td>
<td></td>
<td>Up to one unit per 600 square feet of lot area, with a minimum of 3 units per lot.</td>
<td>Up to one unit per 200 square feet of lot area, with a minimum of 3 units per lot. (8)</td>
</tr>
<tr>
<td>Residential Density, Group</td>
<td></td>
<td>Up to one unit per 400 square feet of lot area, with a minimum of 3 units per lot.</td>
<td>Up to one unit per 200 square feet of lot area, with a minimum of 3 units per lot.</td>
</tr>
<tr>
<td>Housing</td>
<td>§ 208</td>
<td>Up to one bedroom for every 140 square feet of lot area. (9)</td>
<td>Up to one bedroom for every 70 square feet of lot area. (9)</td>
</tr>
</tbody>
</table>

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

These districts serve several functions. They provide convenience goods and services to Residential areas of the City, both in outlying sections and in closer-in, more densely built communities. In addition, some C-2 Districts provide comparison shopping goods and services on a general or specialized basis to a Citywide or a regional market area, complementing the main area for such types of trade in downtown San Francisco. The extent of these districts varies from smaller clusters of stores to larger concentrated areas, including both shopping centers and strip developments along major thoroughfares, and in each case the character and intensity of commercial development are intended to be consistent with the character of other uses in the adjacent areas. As in C-1 Districts, the emphasis in C-2 Districts is upon compatible retail uses, but the district also allows a wider variety of goods and services to suit the longer-term needs of customers and a greater latitude is given for the provision of automobile-oriented uses.

Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS

<table>
<thead>
<tr>
<th>Zoning Category</th>
<th>§ References</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-RESIDENTIAL STANDARDS AND USES</td>
<td>* * * *</td>
<td></td>
</tr>
<tr>
<td>Entertainment, Arts and Recreation Use Category</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment and Recreation Uses*</td>
<td>§ 102</td>
<td>P</td>
</tr>
<tr>
<td>Entertainment, Outdoor</td>
<td>§ 102</td>
<td>NP</td>
</tr>
<tr>
<td>* * * *</td>
<td>* * * *</td>
<td>* * * *</td>
</tr>
</tbody>
</table>
SEC. 211.1. PRINCIPAL USES PERMITTED, P DISTRICTS.

The following uses are principally permitted in all P Districts when found to be in conformity with the General Plan:

*   *   *   *

(c) Accessory nonpublic uses, which in P Districts may or may not be related to the principal use, provided that they meet the following standards:

(1) If the accessory nonpublic use is located on a lot with an OS Height and Bulk designation per Section 290 of this Code, it shall occupy a de minimis amount of space so that it does not detract from the lot's principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principal use;

*   *   *   *

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

*   *   *   *

(2) Uses. The uses listed in Figure 3 are permitted in this Special Use District as indicated by the following symbols in the respective column for each district: (i) P – permitted as a principal use in this zoning designation; (ii) IC – subject to approval as an Island Conditional Use pursuant to the procedures set forth in subsection (h) below; (iii) blank – not permitted in this zoning designation.

Figure 3: Treasure Island and Yerba Buena Island Permitted Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>P=Permitted Use; IC= Island Conditional Use Permit Required; * and/or † = See Comments</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Services</td>
<td></td>
</tr>
<tr>
<td>*   *   *   *</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | | | |</p>
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<thead>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>32. Retail, Restaurants, Kiosks, Pushcarts, and other uses*</td>
<td>P</td>
<td>P</td>
<td>*Uses accessory to and supportive of recreation and open space uses, consistent with the Open Space Area standards and guidelines set forth in Chapter 4 Y1 of the Treasure Island/Yerba Buena Island Design for Development document</td>
<td></td>
</tr>
</tbody>
</table>

### Parking

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>55. Community garages†</td>
<td>P</td>
<td>P</td>
<td>IC</td>
<td>†Limited to the storage of private passenger automobiles belonging to Treasure Island residents, visitors, and workers, and meeting the siting and design requirements, car-share requirements, and otherwise complying with the provisions of Chapter 46 Y6 of the Treasure Island/Yerba Buena Island Design for Development document</td>
</tr>
<tr>
<td>56. Accessory Parking Facilities†</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>†Off-street parking, either surface or structured, that is accessory to a permitted or special use, subject to the requirements of Chapter 46 Y6 of the Design for Development document, in terms of location and quantity</td>
</tr>
</tbody>
</table>

### Civic, Public, Open Space, and Public Service Uses

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>69. Open space Maintenance Facility†</td>
<td>P</td>
<td>IC</td>
<td>†For support of open space program on Treasure Island and Yerba Buena Island, and compliant to the standards and guidelines for each specific open space area listed in Chapter 4 Y1 of the Design for Development document</td>
<td></td>
</tr>
<tr>
<td>70. Playground</td>
<td>P*</td>
<td>P</td>
<td>P</td>
<td>*See Open Space Chapter 4 Y1 of Design for Development document for programming and size standards</td>
</tr>
<tr>
<td>71. Public Parks</td>
<td>P*</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>------------------</td>
<td>----</td>
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</tr>
<tr>
<td>77. Wireless Telecommunications Services Facility†</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

* * * *

**Review and Approval of Vertical Development.**

* * * *

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

* * * *

(E) **Public Hearing for Large Projects.** Prior to decision by the Director of Planning pursuant to Subsection (g)(4)(C) above, each project subject to the below criteria shall be presented at a regularly scheduled hearing of the Planning Commission. Such hearing shall be calendared within 30 days after the application is complete or deemed complete. If a public hearing is required under subsection (g)(4)(D) and this Subsection, the Planning Commission shall jointly calendar and hear both items, to take action on the Major Modification and to provide comment only on the project design. The Director of Planning shall consider all comments from the public and the Planning Commission in making his or her decision to approve, conditionally approve, or disapprove the project design. Criteria necessitating public hearing are as follows:
(i) The project includes the construction of a new building greater than 70 feet in height, or includes a vertical addition to an existing building resulting in a total building height greater than 70 feet; or

(ii) The project involves a net addition or new construction of more than 25,000 gross square feet of commercial space.

SEC. 249.70. CENTRAL SUBWAY TUNNEL BORING MACHINE EXTRACTION SITE SPECIAL USE DISTRICT.

* * * *

(b) Controls. All otherwise applicable provisions of the Planning Code shall apply to this Special Use District, except as specifically provided in this Section 249.70:

* * * *

(8) Height and Bulk. The height and bulk applicable to this Special Use District shall be 55-X, provided, however, that in no case shall the height of any new structure exceed the height of the existing Pagoda Palace structure. For purposes of measurement of height in this District, the height of a projecting business sign shall be exempt, provided that such sign is the reconstruction or rehabilitation of an existing projecting movie theater blade sign as provided in Section paragraph 9 of this subsection (b) herein. Prior to demolition of the existing structure, the owner or owners authorized agent shall prepare and submit to the Planning Department a detailed survey, including elevations and sections, which accurately dimension the height of the existing theater building, including the heights of all rooftop features.

* * * *

SEC. 249.76. POTRERO HOPE SF SPECIAL USE DISTRICT.

* * * *

(e) Project Review and Approval.
(3) Building Design Review and Approval.

(B) Staff Design Review. The Department shall perform administrative design review for each application as further detailed in the Development Agreement. Department staff shall review the project to determine if it complies with this Special Use District, the Design Standards and Guidelines, the Development Agreement, an approved Development Phase Application, and any applicable mitigation measures. The Department shall complete the initial review and respond to the project sponsor within 60 days of receiving a complete application. The Department staff shall have 30 days to respond to any modifications or revisions submitted by the project sponsor after the submission of the initial application. Upon completing review, Department staff may draft a staff report to the Planning Director or Planning Commission, as appropriate, including a recommendation regarding any modifications to the project. The staff report shall be delivered to the applicant no less than 14 days prior to Planning Director or Planning Commission action on the application, and shall be kept on file for public review. The Department shall provide public notice of the staff report and recommendation no less than 14 days prior to action on the application by the Planning Director or Planning Commission. Written notice shall be mailed to the notification group which shall include the project sponsor, tenants of the subject property, relevant neighborhood organizations as maintained by the Planning Department, and all individuals having made a written request for notification for the project site pursuant to Planning Code Section 351.

(4) Approvals and Public Hearings.

* * * *
(C) **Notice of Hearings.** The Department shall provide notice of hearings required by subsections (A) and (B) above as follows: (i) mail notice to the project applicant, property owners within 300 feet of the exterior boundaries of the property that is the subject of the application, using for this purpose the names and addresses as shown on the citywide assessment roll in the Office of the Tax Collector, and residents within 150 feet of the exterior boundaries of the property that is the subject of the application, and any person who has requested notice by mail not less than 20 days prior to the date of the hearing; and (ii) post notice on the subject property at least 10 days prior to the date of the hearing.

* * * *

(10) **Interim Uses.** An interim use may be authorized by the Planning Director, pursuant to the Design Review procedures outlined in **subsection** subsection (e)(3) of this Special Use District for a period not to exceed 5 years, if the Director finds that such use: (A) will not impede orderly development within the Special Use District; (B) is consistent with intent Special Use District and Development Agreement; and (C) would not pose a nuisance to surrounding residential uses. In addition to those uses set forth in Section 205, such interim uses may include, but are not limited to: farmers’ markets; arts or concert uses; and rental or sales offices incidental to new development. Temporary or semi-temporary structures may be permitted under this subsection (10) for resident-serving community facilities such as wellness centers, or other improvements intended to facilitate phased development of the Project. An authorization granted pursuant to this subsection (10) shall not exempt the applicant from obtaining any other permit required by law. Additional time for such uses may be authorized only if the Planning Director approves the action after receiving a new application.

SEC. 303.1. **FORMULA RETAIL USES.**

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

1. Hayes-Gough Neighborhood Commercial Transit District;
2. North Beach Neighborhood Commercial District;
3. Chinatown Visitor Retail District;
4. Upper Fillmore District does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses *as defined in Sections 790.90 and 790.91*;
5. Broadway Neighborhood Commercial District does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses *as defined in Sections 790.90 and 790.91*;
6. Mission Street Formula Retail Restaurant Subdistrict does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses *as defined in Sections 790.90 and 790.91*;
7. Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict does not permit Formula Retail uses that are also either a Retail Pet Supply Store or an Eating and Drinking use as set forth in Section 781.4;
8. Taraval Street Restaurant Subdistrict does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses *as defined in Sections 790.90 and 790.91*;
9. Chinatown Mixed Use Districts do not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses *as defined in Sections 790.90 and 790.91*.

* * * *
SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND FOR CANNABIS RETAIL AND MEDICAL CANNABIS DISPENSARY USES IN ALL NON-RESIDENTIAL ZONING DISTRICTS.

* * * *

(c) Changes of Use.

(1) NC Districts. In NC Districts, all building permit applications for a change of use to, or the establishment of, the following uses shall be subject to the provisions of subsection 312(d) except as stated below:

* * * *

Child Care Facility

* * * *

However, a change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of subsection 312(d). In addition, any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the provisions of subsection 312(d).

* * * *

SEC. 401. DEFINITIONS.

In addition to the specific definitions set forth in Section 102 of this Code and elsewhere in this Article, the following definitions shall govern interpretation of this Article:

* * * *

"Board" or "Board of Supervisors." As defined in Section 102.

* * * *

"Change of Use." A change of *Gross Floor Area* from one category of use to another category of use listed in the use table for the zoning district of the subject lot.
"Child-care facility." As defined in Section 102.

"City" or "San Francisco." As defined in Section 102.

"Commission" or "Planning Commission." As defined in Section 102.

"Community facilities." As defined in Section 102.

"Condition(s) of approval." As defined in Section 102.

"DBI." As defined in Section 102.

"Department" or "Planning Department." As defined in Section 102.

"Designated affordable housing zones." For the purposes of implementing the Eastern Neighborhoods Public Benefits Fund, shall mean the Mission Street NCT defined in Section 754 and those Mixed Use Residential Districts defined in Section 841 that are located within the boundaries of either the East SoMa or Western SoMa Plan Areas.

"Development impact fee." As defined in Section 102.

"Director." As defined in Section 102.

"DPW." As defined in Section 102.

"Hotel" or "Hotel use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of a Hotel uses as defined in Code Section 102, regardless of the zoning district that the use is located in.
"Housing project." Any development which includes a residential use as defined in Planning Code Section 102 of this Code, including but not limited to Dwellings, Group Housing, Single Room Occupancy Units, independent living units, and other forms of development which are intended to provide long-term housing to individuals and households. "Housing project" shall not include that portion of a development that qualifies as an Institutional Use under the Planning Code. "Housing project" for purposes of the Inclusionary Housing Program shall also include the development of live/work units as defined by Section 102.13 of this Code.

Housing project for purposes of the Inclusionary Housing Program shall mean all phases or elements of a multi-phase or multiple lot residential development.

"In-Kind Agreement." As defined in Section 102.

"In lieu fee." As defined in Section 102.

"Licensed Child-Care Facility." As defined in Section 102.

"Live/work project." A housing project containing more than one live/work unit.

"Live/work unit" shall be as defined in Section 102.13 of this Code.

"Long term housing." As defined in Section 102.

"Management, Information and Professional Services (MIPS)." An economic activity category under the TIDF that includes, but is not limited to, office uses; medical offices and clinics; health service uses, as defined in Section 890.114 of this Code; business services uses, as defined
in Section 890.111 of this Code; Integrated PDR, as defined in Section 890.49 of this Code, and
Small Enterprise Workspaces, as defined in Section 227(t) of this Code.

* * * *

"Medical and Health Services." An economic activity category under the TIDF that includes,
but is not limited to, Hospital use and Social Service and Philanthropic Facility use; those non-
residential uses defined in Sections 209.3(a) and 217(a) of this Code; and social and charitable
services, as defined in Sections 209.3(d) and 217(d) of this Code.

* * * *

"Net addition." As defined in Section 102.

* * * *

"Non-residential use." As defined in Section 102.

"Notice of Special Restrictions." As defined in Section 102.

"Office use." As defined in Section 102.

* * * *

"Owner Occupied." A qualified-income owner lives in the affordable unit as his or her principle
residence and resides in the unit for a minimum period of time set forth in the Procedures
Manual.

"PDR use." As defined in Section 102.

* * * *

"Replacement of use." The total amount of Gross Floor Area, as defined in Section 102-9 of
this Code, to be demolished and reconstructed by a development project.

* * * *

"Residential use." As defined in Section 102.
"Retail/entertainment." An economic activity category under the TIDF that includes, but is not limited to, a retail use, except those Retail Uses which are also PDR Uses; an entertainment use as defined in this section; and massage establishments, as defined in Section 102.

* * * *

"Small Enterprise Workspace use." As defined in Section 102.

* * * *

"Student Housing." As defined in Section 102.

* * * *

"Use." As defined in Section 102.

* * * *

SEC. 413.3. APPLICATION.

(a) With the exception of uses listed below in subsection (b), Section 413.1 et seq. shall apply to any development project:

(1) That increases by 25,000 or more gross square feet the total amount of any combination of the following uses; entertainment, hotel, Integrated PDR, office, research and development, retail, and/or Small Enterprise Workspace, and

(2) Whose environmental evaluation application for the development project was filed on or after January 1, 1999.

(b) Section 413.1 et seq. shall not apply to:

* * * *

(8) Any of the following free-standing uses. For purposes of this Section, the term "free-standing" shall mean an independent building or structure used exclusively by a single use and any accessory uses, and that is not part of a larger development project on the same environmental evaluation application.
(A) * * * *

Any free-standing Pharmacy retail use, encompassed in the definition of "pharmacy" as proscribed in Section 790.48(b) of this Code, and which does not exceed more than 50,000 square feet of retail or other space; or

(B) * * * *

Any free-standing General Grocery retail use encompassed in the definition of "general grocery" as proscribed in Section 790.102(a) of this Code, and which does not exceed more than 75,000 square feet of retail or other space; or

(C) * * * *

Any mixed-use space consisting of Residential space and Pharmacy retail space not exceeding 50,000 square feet, or General Grocery retail space not exceeding 75,000 square feet.

SEC. 415.3. APPLICATION.

* * * *

Section 415.1 et seq., the Inclusionary Housing Program, shall not apply to:

* * * *

(5) A Student Housing project that meets all of the following criteria:

* * * *

(D) The owner of the real property and each Post-Secondary Educational Institution or Institutions shall agree to submit annual documentation to MOHCD and the Planning Department, along with the annual monitoring fee, on or before December 31 of each year, which addresses the following:

* * * *

(iii) The owner of the real property records a Notice of Special Restrictions (NSR) against fee title to the real property on which the Student Housing is located that states the following:

* * * *
f. The Student Housing project may be inspected by any duly authorized City employee to determine its status as a Student Housing project and its compliance with the requirements of this Code at any time upon at least 24 hours’ prior notice to the owner of the real property or to the master lessee.

SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FUND.

* * * *

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

* * * *

(2) Funds collected in Designated Affordable Housing 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. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.

* * * *

(d) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwellings in R and NC All Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory Uses as defined in Section 102 shall be permitted when located on the same lot. Any use that does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

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

* * * *

Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

<table>
<thead>
<tr>
<th>Zoning Category</th>
<th>§ References</th>
<th>Controls by Story</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ References</td>
<td>Controls</td>
<td></td>
</tr>
<tr>
<td>NON-RESIDENTIAL USES</td>
<td></td>
<td>1st</td>
</tr>
<tr>
<td>Retail Sales and Service Uses*</td>
<td>§ 102</td>
<td>P(2)(3)</td>
</tr>
</tbody>
</table>

* Not listed below

(3) [Note deleted.] TARAVAL STREET RESTAURANT SUBDISTRICT. Applicable only for the Taraval Street NC-1 District between 40th and 41st Avenues and between 45th and 47th Avenues as mapped on Sectional Maps 5 SU and 6 SU. Restaurants and Limited Restaurants are C; Formula Retail Restaurants and Limited Restaurants are NP.

* * * *

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

* * * *

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

ZONING CONTROL TABLE
### Zoning Category

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<td>3rd+</td>
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### NON-RESIDENTIAL USES

<table>
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<tr>
<th>Zoning Category</th>
<th>§ References</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales and Service Use Category</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Uses*</td>
<td>§ 102</td>
<td>P P NP</td>
</tr>
<tr>
<td>Cannabis Retail</td>
<td>§§ 102, 202-2(a)</td>
<td>C C NP</td>
</tr>
</tbody>
</table>

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

* * * *

* Not listed below

1. Additional 5 feet for NC-2 NC-3 parcels zoned 40' or 50' with an Active Use on the ground floor within the following areas: Geary from Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm Avenue and Parker Avenue, see § 263.20.

### SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

### RESIDENTIAL STANDARDS AND USES

<table>
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<th>Controls by Story</th>
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<td>3rd+</td>
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</table>

Loss and Division of Dwelling Units
SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

<table>
<thead>
<tr>
<th>Zoning Category</th>
<th>§ References</th>
<th>Controls</th>
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<tbody>
<tr>
<td>RESIDENTIAL STANDARDS AND USES</td>
<td>Development Standards</td>
<td></td>
</tr>
<tr>
<td>Off-Street Parking Requirements</td>
<td>§§ 145.1, 150, 151, 153 - 156, 159 - 161, 166, 204.5</td>
<td>No car parking required. Bike parking required per §155.2. If car parking is provided, car share spaces are required when a project has 50 units or more per §166.</td>
</tr>
<tr>
<td>Loss and Division of Dwelling Units</td>
<td>Controls by Story</td>
<td></td>
</tr>
<tr>
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## NON-RESIDENTIAL STANDARDS AND USES *(6)*

<table>
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<td>SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT</td>
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## RESIDENTIAL STANDARDS AND USES

### Development Standards

<table>
<thead>
<tr>
<th>Zoning Category</th>
<th>§ References</th>
<th>Controls</th>
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</thead>
<tbody>
<tr>
<td>Off-Street Parking Requirements</td>
<td>§§ 145.1, 150, 151, 153 - 156, 159 - 161, 166, 204.5</td>
<td>A minimum of one car parking space for every Dwelling Unit required. Certain exceptions permitted per § 161. Bike parking required per § 155.2. <em>If car parking is provided, car share spaces are required when a project has 50 units or more per § 166.</em></td>
</tr>
</tbody>
</table>

## SEC. 814. SPD – SOUTH PARK DISTRICT.

* * *
### SPD -- SOUTH PARK DISTRICT ZONING CONTROL TABLE

<table>
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<tr>
<th>No.</th>
<th>Zoning Category</th>
<th>§ References</th>
<th>South Park District Controls</th>
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</thead>
<tbody>
<tr>
<td>814.11</td>
<td>Off-Street Parking, Non-Residential</td>
<td>§§ 150, 151.1, 153-156, 166, 204.5, 303</td>
<td>None required. Limits set forth in Section 151.1</td>
</tr>
</tbody>
</table>

### Retail Sales and Services

<table>
<thead>
<tr>
<th>No.</th>
<th>Zoning Category</th>
<th>§ References</th>
<th>South Park District Controls</th>
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</thead>
<tbody>
<tr>
<td>814.34.75</td>
<td>Cannabis Retail</td>
<td>§§ 202.2, 890.125</td>
<td>C up to 5,000 sf per lot</td>
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### SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

#### Table 846

<table>
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<th>Zoning Category</th>
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<th>SALI District Controls</th>
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<tbody>
<tr>
<td>846.97b</td>
<td>Neighborhood Agriculture</td>
<td>§ 102.35(a)</td>
<td>P</td>
</tr>
<tr>
<td>846.97c</td>
<td>Large-Scale Urban Agriculture</td>
<td>§ 102.35(b)</td>
<td>NP</td>
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</tbody>
</table>

### Section 3. Amendment to All Zoning Control Tables in Article 7 of the Planning Code.

The Board hereby directs the Publisher to make the following global correction to all the Article 7 Zoning Control Tables: In the Building Standards category, Miscellaneous.
subcategory, the Section Reference should be amended to read “Section 602” instead of “Section 602.7.”

Section 4. 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 5. 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