



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment ADOPTION HEARING DATE: APRIL 19, 2018

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* 2018 Code Corrections Ordinance  
*Case Number:* 2017-014297PCA  
*Initiated by:* Planning Commission  
*Staff Contact:* David Brosky, Assistant Planner  
[david.brosky@sfgov.org](mailto:david.brosky@sfgov.org) / 415-575-8727  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org) / 415-558-6362  
*Recommendation:* **Recommend Approval with Modifications**

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to correct multiple errors and make clarifying amendments. Except as identified below, the corrections are intended to be for textual clarification purposes and 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 presents them as a Code Corrections Ordinance.

### ISSUES AND CONSIDERATIONS

#### Substantive Changes

The vast majority of the proposed changes in this ordinance are not substantive. However, this ordinance does contain changes that could be considered substantive, but for the reasons identified below are

included in this ordinance as amendments that would correct conflicting or missing information. The following is a list of amendments the Department believes to be substantive:

- **Amendment to Section 145.4, Ground Floor Commercial Use Requirements:** The proposed amendment would allow an exception to the ground floor commercial use requirement in the C-2 and C-3 (Commercial) Zoning Districts. This item is being included in this ordinance as a correction, because the Code explicitly identifies whether or not this rule can be modified in all districts where this rule applies except for Commercial Districts. For example, in Neighborhood Commercial (NC) Districts this requirement can be waived through CU authorization; however, in Downtown Residential (DTR) Districts the Code explicitly states that this rule cannot be modified at all. There is no such language that explicitly permits or prohibits this waiver in Commercial Districts. This amendment would add an exception that would allow the Ground Floor Commercial Use Requirement in Commercial Districts to be waived with Conditional Use authorization, similar to the provision in NC Districts.
- **Section 415: Inclusionary Rents and Sales Price.** This proposed amendment was requested by the Mayor's Office of Housing and Community Development (MOHCD). The amendment would change the word "Median" to "Market" Rate Housing. The goal of this provision is to ensure that Inclusionary Units at the higher income tiers (110% for rental and 130% for ownership) are sufficiently below market to make a difference for low- and moderate-income households; however, referencing "median" rents as the benchmark does not accomplish this goal. The City needs to measure inclusionary rent or sale prices against what a renter or buyer faces in the market. If the City was actually to measure "median" in any particular neighborhood, it would be evaluating all properties in that neighborhood, including rent-controlled buildings. This is not a valid standard for the problem this provision is trying to solve for. Unfortunately, the highlighted language was added at the last minute, and MOHCD was not able to correct it before the ordinance was adopted. The proposed amendment would correct this error in drafting.
- **Section 202.2: Duplicative Noticing Requirements and Mandatory Discretionary Review Requirement for all Medical Cannabis Dispensaries.** San Francisco recently adopted land use regulation for cannabis related businesses, and most changes in this ordinance related to that ordinance are clean-up. The more substantive correction is in Sec. 202.2(e)(1). This section is being amended to 1) clarify that Medical Cannabis Dispensaries are subject to Planning Code Section 312 and not the previous "custom" notification requirements; and 2) only require Mandatory Discretionary Review when the MCD is located in NC Zoning Districts. These changes are consistent with the intent of the Cannabis Ordinance; however, the provisions in questions were not deleted as part of the adopted ordinance, creating overlapping and inconsistent controls.

### Code Reorganization Project

The Code Reorganization project was started in 2014 and is divided into three main phases. 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 replace 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 (NSR) is being broadened to include more than just projects associated with inclusionary housing. NSRs are used for a variety of reasons, and the definition is being amended to reflect that.
- 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. A drafting error in the Article 7 ordinance created an inconsistency between Section 121.2 and the zoning control table for NCT and NCT-3 Districts.
- 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 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. This is consistent with the original controls in Article 7.
- Section 209.2 and 209.3 are being amended to put back a 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 in C-2 Districts 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 not 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.

### **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 with modifications* of the proposed Ordinance.

The Department's proposed recommendation is as follows:

#### **Recommendation 1: Limited Conforming Uses in Residential Transit Oriented (RTO) Districts**

Amend Section 186.3 and Section 209.4 to allow non-residential uses in Landmark Buildings in RTO Districts.

## **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. Adopting this ordinance will make the code more consistent, accurate and easier to use.

### **Recommendation 1: Limited Conforming Uses in Residential Transit Oriented (RTO) Districts.**

Limited Commercial Uses were considered to be conditionally permitted uses in historic buildings in RTO and RTO-M Zoning Districts subject to Planning Code Section 186.3. Article 2 reorganization mistakenly removed this provision from the code and the recommendation is to reinstate it. Section 186.3 and Table 209.4 are being amended to reflect this change.

## **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.

## **IMPLEMENTATION**

The Department determined that this Ordinance will improve our current implementation procedures because it will reduce errors and inconsistencies in the Planning Code.

## **ENVIRONMENTAL REVIEW**

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

## **PUBLIC COMMENT**

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

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval with Modifications</b>
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### **Attachments:**

Exhibit A: Draft Planning Commission Resolution  
Exhibit B: Initiated Code Corrections Ordinance  
Exhibit C: Recommendation #1



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

HEARING DATE APRIL 19, 2018

*Project Name:* 2018 Code Corrections Ordinance  
*Case Number:* 2017-014297PCA  
*Initiated by:* Planning Commission / Initiated March 8, 2018  
*Staff Contact:* David Brosky, Assistant Planner  
david.brosky@sfgov.org, 415-575-8727  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
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**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND 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 EIGHT PRIORITY POLICIES OF THE PLANNING CODE, SECTION 101.1; AND ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on March 8, 2018, the Planning Commission initiated a proposed Ordinance, File Number 2017-014297PCA, which would amend the Planning Code to correct multiple errors and make clarifying amendments; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 8, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, 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

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance.

## 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. Commission finds that the ordinance is intended to correct identified errors in the code. Although these are considered minor errors, they cannot be corrected without a legislative change. Adopting this ordinance will make the code more consistent, accurate and easier to use.
2. **General Plan Compliance.** The majority of proposed changes in the Ordinance are not substantive and therefore were found not to be inconsistent with the Objectives and Policies of the General Plan. However, the proposed Amendment to Section 145.4, which is believed to be substantive, was found to be consistent with the following Objectives and Policies of the General Plan:

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

#### Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The proposed amendment to Section 145.4 will allow property owners in commercial districts to apply for Conditional Use Authorization for relief from active use requirements on the ground floor. This would enable property owners to have more flexibility to adapt to changing economic conditions while also acknowledging subtle differences between districts. The proposed amendment would reinforce unique variations in individual land use patterns in commercial districts while still ensuring the review of Conditional Uses is done on a case by case basis.*

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:
  1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 19, 2018

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: April 19, 2018



[Planning Code -Technical Amendments]

**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

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

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

7  
8 Section 2. The Planning Code is hereby amended by revising Sections 102, 121.2,  
9 121.6, 121.9, 132, 142, 145.1, 145.4, 149, 151, 151.1, 155.2, 177, 186, 186.1, 187.1, 191,  
10 201, 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,  
11 210.3C, 211.1, 249.36, 249.45, 249.52, 249.59, 249.60, 249.62, 249.65, 249.70, 249.73,  
12 249.74, 249.75, 249.76, 249.79, 303.1, 308.1, 312, 342.1, 401, 413.3, 415.3, 415.6, 415.7,  
13 423.5, 604, 703, 710, 711, 712, 714, 717, 718, 722, 723, 726, 728, 732, 753, 754, 780.1, 814,  
14 846, and 996, to read as follows:

15 **SEC. 102. DEFINITIONS.**

16 \* \* \* \*

17 **Accessory Use.** A related minor Use that is either necessary to the operation or enjoyment  
18 of a lawful Principal Use or Conditional Use, or appropriate, incidental, and subordinate to any  
19 such use, and is located on the same lot. Accessory Uses are regulated Sections 204 through  
20 204.5 and Sections 703(d), ~~and~~ 803.2(b)(1)(C), 803.3(b)(1)(C), and 825(c)(1)(C) of this Code.

21 \* \* \* \*

22 **Arts Activities.** A Retail Entertainment, Arts and Recreation Use that includes performance,  
23 exhibition (except exhibition of films), rehearsal, production, post-production and some  
24 schools of any of the following: Dance, music, dramatic art, film, video, graphic art, painting,  
25 drawing, sculpture, small-scale glassworks, ceramics, textiles, woodworking, photography,

1 custom-made jewelry or apparel, and other visual, performance and sound arts and craft. It  
2 shall exclude accredited Schools and Post Secondary Educational Institutions. It shall include  
3 commercial arts and art-related business service uses including, but not limited to, recording  
4 and editing services, small-scale film and video developing and printing; titling; video and film  
5 libraries; special effects production; fashion and photo stylists; production, sale and rental of  
6 theatrical wardrobes; and studio property production and rental companies. Arts spaces shall  
7 include studios, workshops, archives and theaters, and other similar spaces customarily used  
8 principally for arts activities, exclusive of a Movie Theater, Amusement Game Arcade  
9 Enterprise, Adult Business Entertainment, and any other establishment where liquor is  
10 customarily served during performances.

11 \* \* \* \*

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

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

21 \* \* \* \*

22 **Design Professional.** A Non-Retail Sales and Service Use that provides professional design  
23 services to the general public or to other businesses and includes architectural, landscape  
24 architectural, engineering, interior design, and industrial design services. It does not include  
25 (1) the design services of graphic artists or other visual artists which are included in the

1 definition of Arts Activities; or (2) the services of advertising agencies or other services which  
2 are included in the definition of Professional Service or Non-Retail Professional Service,  
3 Financial Service or Medical Service. Design Professional in Neighborhood Commercial Districts  
4 is subject to the operating restrictions outlined in Section 202.2(i).

5 \* \* \* \*

6 **Hours of Operation.** A commercial Use Characteristic limiting the permitted hours during  
7 which any commercial establishment, not including automated teller machines, may be open  
8 for business. Other restrictions on the hours of operation of Movie Theaters, Adult  
9 Businesses, Nighttime Entertainment, General Entertainment, and Other Entertainment Uses,  
10 as defined in ~~this~~ Sections 102 and 890, shall apply pursuant to provisions in Section 303(p),  
11 when such uses are permitted as Conditional Uses. A Pharmacy may qualify for the exception  
12 to operate on a 24-hour basis provided in Section 202.2(a)(2) of the Code.

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

18 \* \* \* \*

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

25 \* \* \* \*

**Permeable Surfaces.** Permeable surfaces are those that allow ~~storm~~water to infiltrate the underlying soils. Permeable surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers, or brick that are loose-set and without mortar. Permeable surfaces are required to be contained so neither sediment nor the permeable surface material discharges off the site.

\* \* \* \*

**Production, Distribution, and Repair (PDR) Use.** A grouping of uses that includes, but is not limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital, Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business Services, Cat Boarding, Catering ~~Service~~, Commercial Storage, Kennel, Motor Vehicle Tow Service, Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, Trade Shop, Wholesale Sales, and Wholesale Storage.

\* \* \* \*

**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).

\* \* \* \*

**Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on

1 the premises as an Accessory Use as set forth in Sections 204.3 or 703(d) ~~703.2~~ depending on  
2 the zoning district in which it is located. It includes, but is not limited to, foods provided by  
3 sandwich shops, coffee houses, pizzerias, ice cream shops, bakeries, delicatessens, and  
4 confectioneries meeting the above characteristics, but is distinct from a Specialty Grocery,  
5 Restaurant, and Bar. Within the North Beach SUD, it is also distinct from Specialty Food  
6 Manufacturing, as defined in Section 780.3(b). It shall not provide on-site beer and/or wine  
7 sales for consumption on the premises, but may provide off-site beer and/or wine sales for  
8 consumption off the premises with a California Alcoholic Beverage Control Board License type  
9 20 (off-sale beer and wine), that occupy less than 15% of the Occupied Floor Area of the  
10 establishment (including all areas devoted to the display and sale of alcoholic beverages).  
11 Such businesses shall operate with the specified conditions in Section 202.2(a)(1).

12 \* \* \* \*

13 **Tobacco Paraphernalia Establishment.** A Retail Sales and Service Use where more than  
14 ~~10% percent~~ of the square footage of ~~Occupied Floor Area~~, as defined in Section 102, or  
15 more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated  
16 to the sale, distribution, delivery, furnishing, or marketing of Tobacco Paraphernalia from one  
17 person to another. For purposes of Sections 719, ~~719.1, 786, and 723, and 723.1~~ of this Code,  
18 Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia  
19 is sold, distributed, delivered, furnished, or marketed from one person to another. "Tobacco  
20 Paraphernalia" means paraphernalia, devices, or instruments that are designed or  
21 manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of  
22 tobacco, products prepared from tobacco, or controlled substances as defined in California  
23 Health and Safety Code Sections 11054, *et seq.* "Tobacco Paraphernalia" does not include  
24 lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco,  
25 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 ~~e~~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.

District	Use Size Limits
* * * *	* * * *
NC-2, NCT-2	4,000 sq. ft.
<del>NC-3, NCT-3</del>	
Divisadero Street	
Folsom Street	
Glen Park	
Irving Street	
Judah Street	

1	Noriega Street	
2	Ocean Avenue	
3	SoMa	
4	Taraval Street	
5		6,000 sq. ft.
6	<u>NC-3, NCT-3</u>	
7	Excelsior Outer Mission Street	
8	Fillmore Street	
9	Mission Street	
10		10,000 sq. ft.
11	NC-S	
12	Regional Commercial District	

\* \* \* \*

#### 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;

(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.

\* \* \* \*



1     **SEC. 121.9. SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.**

2             In order to promote, protect, and maintain viable space for a wide range of light  
3     industrial uses in PDR Districts, in furtherance of Objective 4 of the Commerce and Industry  
4     Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan, any proposal to  
5     subdivide, resubdivide, or perform a lot line adjustment to a parcel that is equal to or greater  
6     than 10,000 square feet, into one or more smaller parcels, shall be permitted only with  
7     ~~e~~Conditional ~~u~~Use authorization approval.

8             Additionally, all proposals for the subdivision, resubdivision, or lot line adjustments of  
9     parcels in PDR Districts shall be evaluated in consideration of the following criteria in order to  
10    further Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the  
11    Bayview Hunters Point Area Plan:

- 12            (a)     The proposed parcelization will support light industrial activities in the district.
- 13            (b)     If the resulting parcelization will require demolition of a structure, the demolition  
14    of the structure complies with the Industrial Uses replacement requirement per  
15    Section ~~202.7~~ 230.
- 16            (c)     The uses proposed for the parcels, if any, comply with the cumulative use size  
17    limits detailed in the PDR Zoning Control Table.

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

20            \* \* \* \*

- 21            (g)     **Landscaping and Permeable Surfaces.** The landscaping and ~~p~~Permeable  
22    ~~s~~urface requirements of this ~~s~~subsection (g) and ~~s~~subsection (h) below shall be met by the  
23    permittee in the case of construction of a new building; the addition of a new Dwelling Unit, a  
24    garage, or additional parking; any addition to a structure that would result in an increase of  
25    20% or more of the existing Gross Floor Area, ~~as defined in Section 102~~; a Residential Merger,

1 as defined in Section 317; or paving or repaving more than 200 square feet of the front  
2 setback. All front setback areas required by this Section 132 shall be appropriately  
3 landscaped, meet any applicable water use requirements of Administrative Code Chapter 63,  
4 and in every case not less than 20% of the required setback area shall be and remain  
5 unpaved and devoted to plant material, including the use of climate appropriate plant material  
6 as defined in Public Works Code Section 802.1. For the purposes of this Section 132,  
7 permitted obstructions as defined by Section 136(c)(6) chimneys, Section 136(c)(14) steps,  
8 and Section 136(c)(26) underground garages, shall be excluded from the front setback area  
9 used to calculate the required landscape and *p*Permeable *s*Surface area. If the required  
10 setback area is entirely taken up by one or more permitted obstructions, the Zoning  
11 Administrator may allow the installation of sidewalk landscaping that is compliant with  
12 applicable water use requirements of Chapter 63 of the Administrative Code to satisfy the  
13 requirements of this Section 132, subject to permit approval from the Department of Public  
14 Works in accordance with Public Works Code Section 810B.

15 (h) **Permeable Surfaces.** The front setback area shall be at least 50% permeable  
16 so as to increase stormwater infiltration. The *p*Permeable *s*Surface may be inclusive of the  
17 area counted towards the landscaping requirement; provided, however, that turf pavers or  
18 similar planted hardscapes shall be counted only toward the *p*Permeable *s*Surface requirement  
19 and not the landscape requirement. ~~*Permeable surfaces are defined in Section 102.33.*~~

20 (1) The Zoning Administrator, after consultation with the Director of Public  
21 Works, may waive the *p*Permeable *s*Surface requirement if the site does not qualify as a  
22 suitable location pursuant to Department of Public Works rules and regulations.

23 (2) If the site receives stormwater run-off from outside the lot boundaries, the  
24 Zoning Administrator, after consultation with the General Manager of the Public Utilities  
25 Commission, may modify the *p*Permeable *s*Surface requirement to include alternative

management strategies, such as bio-retention or other strategies, pursuant to Public Utilities Commission rules and regulations.

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

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

\* \* \* \*

## **SEC. 142. SCREENING AND GREENING OF PARKING AND ~~VEHICLE~~ VEHICULAR USE AREAS.**

Off-street parking and ~~"vehicle Vehicular Use Areas"~~ adjacent to the public right-of-way shall be screened as provided in this Section.

(a) **Screening of Parking and Vehicular ~~Vehicle~~ Use Areas less than 25 Linear Feet Adjacent to a Public Right-of-Way.**

(1) Every off-street parking space within a building, where not enclosed by solid building walls, shall be screened from view from all Streets and Alleys through use of garage doors or by some other means.

(2) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas within buildings shall be screened from view and confined by solid building walls.

(3) Off-street parking spaces in ~~P~~Parking ~~L~~Lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(c) of this Code.

(b) **Vehicular Use Areas That Are Greater than 25 Linear Feet along the Public Right-of-Way.** All lots containing ~~V~~Vehicular ~~U~~Use ~~A~~Areas where such area has more than 25 linear feet along any public right-of-way shall provide screening in accordance with the requirements of this Section and the Ornamental Fencing definition in Section 102.32. The following instances shall trigger the screening requirements for these ~~vehicle~~ Vehicular ~~U~~Use ~~A~~Areas:

(1) Any existing ~~V~~Vehicular ~~U~~Use ~~A~~Area that is accessory to an existing ~~P~~Product ~~U~~Use if such use expands ~~G~~Gross ~~F~~Floor ~~A~~Area equal to 20% ~~percent~~ or more of the ~~G~~Gross ~~F~~Floor ~~A~~Area of an existing building;

(2) Any repair rehabilitation or expansion of any existing ~~V~~Vehicular ~~U~~Use ~~A~~Area, if such repair, rehabilitation or expansion would increase the number of existing parking spaces by either more than 20% or by more than four spaces, whichever is greater; or

(3) The excavation and reconstruction of an existing ~~V~~Vehicular ~~U~~Use ~~are~~ Area if such excavation and reconstruction involves the removal of 200 square feet or more of the asphalt, concrete or other surface devoted to vehicular use. This provision does not apply to the resurfacing due to emergency work to underground utilities if such work is intended to maintain safety or other public purpose beyond the control of the property owner.

(c) **Perimeter Screening.** All ~~V~~Vehicular ~~U~~Use ~~A~~Areas that are greater than 25 linear feet adjacent to the public right-of-way shall provide a screening feature around the perimeter of the lot adjacent to the public right-of-way. Screening shall add to the visual diversity of the use and need not be an opaque barrier. This feature shall be at least one of the following:

1                   (1)     Ornamental ~~f~~Encing or a solid wall that is 4 feet in height and a 5 foot  
2     deep ~~p~~Permeable ~~s~~Surface with landscaping along the perimeter of the lot that is adjacent to a  
3     public right-of-way and compliant with the applicable water use requirements of Administrative  
4     Code Chapter 63; or

5                   (2)     A combination of permeable landscaping compliant with the applicable  
6     water use requirements of Administrative Code Chapter 63 and ~~o~~Ornamental ~~f~~Encing where  
7     the ~~p~~Permeable ~~s~~Surface and landscaping is the equivalent area of a 5 foot deep average  
8     perimeter landscaping that has been otherwise configured to result in either: (i) a public space  
9     or amenity that is accessible from the public right-of-way or (ii) a natural drainage system,  
10    such as combined swales, retention basins, detention basins or rain gardens, to reduce  
11    stormwater runoff.

12               (d)     **Modification of Perimeter Screening Requirements.** The Zoning Administrator is  
13    authorized to modify the requirements of subsection (c), thereby allowing alternative  
14    landscape treatments to partially or wholly satisfy this screening requirement provided that  
15    alternative landscape treatments such as landscaped berms, perimeter plantings, pedestrian  
16    lighting, benches and seating areas, or additional landscaping and tree plantings are provided  
17    elsewhere on the site and will be visible from the public right-of-way or are provided in the  
18    public right-of-way as regulated by Section 810B of the Public Works Code. The Zoning  
19    Administrator may authorize such modification only upon finding that the proposed alternative  
20    landscape treatment would:

21                   (1)     Provide a visual effect that promotes and enhances the pedestrian  
22    experience through the use of quality urban design;

23                   (2)     Promote the reduction of stormwater runoff; and

(3) Use climate appropriate plant materials, as defined in Public Works Code Section 802.1, that are compliant with the applicable water use requirements of Administrative Code Chapter 63.

**SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, 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.**

\* \* \* \*

**Table 145.4**

Reference for Commercial, Neighborhood Commercial, and Residential-Commercial Districts	Reference for Mixed Use Districts	Use
* * * *	* * * *	* * * *
<del>102</del>	<del>790.122</del>	<del>Take-Out Food</del>
* * * *	* * * *	* * * *
<u>102</u>	<u>890.140</u>	<u>Walk-Up Facility</u>

\* \* \* \*

(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% ~~percent~~ 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**

Use or Activity	Number of Off-Street Parking Spaces Required
<b>RESIDENTIAL USES</b>	
* * * *	
Senior <del>H</del> Housing, as defined in Section 102 of this Code, or <u>housing for</u> persons with	None in districts other than RH-1 and RH-2. In RH-1 and RH-2 Districts, one-fifth the



physical disabilities, as defined in the Americans with Disabilities Act.	number of spaces specified above for the district in which the dwelling is located.
<i>Homeless Shelters</i>	<i>None required</i>
* * * *	
<b>NON-RESIDENTIAL USES</b>	
* * * *	
<b>Industrial Use Category</b>	
* * * *	
<i>Homeless Shelters</i>	<i>None required</i>
* * * *	
Residential Care Facility	None in districts other than RH-1 and RH-2. In RH-1 and RH-2 Districts, one for 10 <sup>7</sup> beds where the number of beds exceeds nine.
* * * *	

\* \* \* \*

#### **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.<sup>1</sup>

\* \* \* \*

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
<b>RESIDENTIAL USES</b>	
* * * *	* * * *
Dwelling Units in C-3 Districts	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.
* * * *	* * * *

\* \* \* \*

(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.

\* \* \* \*

\* \* \* \*

Use	Minimum Number of Class 1 Spaces Required	Minimum Number of Class 2 Spaces Required
<b>Residential Uses</b>		
* * * *	* * * *	* * * *
Group Housing (including SRO Units and Student Housing that are Group Housing; Homeless Shelters are exempt)	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 <del>H</del> Housing that is also considered Student Housing <del>per Section 102.36</del> shall provide 50% <del>percent</del> more spaces than would otherwise be required.	Minimum two spaces. Two Class 2 spaces for every 100 beds. Group Housing that is also considered Student Housing shall provide 50% <del>percent</del> more spaces than would otherwise be required.
* * * *	* * * *	* * * *

\* \* \* \*

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

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

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

11                 ~~(1)——As of January 19, 2015, it was operating in that location;~~

12                 ~~(2)——As of to January 19, 2015, it obtained a business license from the City;~~

13                 ~~(3)——As of to January 19, 2015, all employees obtained a valid certification from the~~  
14     ~~California Massage Therapy Council (CAMTC) or a valid permit from the Department of Public~~  
15     ~~Health (DPH);~~

16                 ~~(4)——There are no open Police Department, Planning Department or DPH~~  
17     ~~enforcement cases against the Massage Establishment at the time of permit approval; and~~

18                 ~~(5)——The Massage Establishment applies for a permit from DPH under Section 29.25~~  
19     ~~of the Health Code within 90 days of the effective date of this Section 177.~~

20             ~~(c)——**Website Notice.** As soon as possible after enactment of this Section 177, the Planning~~  
21     ~~Department and DPH shall post notice of this legitimization program on their websites, inviting~~  
22     ~~Massage Establishment owners or operators to take advantage of this program, and describing its~~  
23     ~~contents and requirements. The notice shall clearly explain which zoning districts of the City permit~~  
24     ~~Massage Establishments as of right, which ones permit them with a Conditional Use authorization, and~~  
25     ~~which do not permit them.~~

1           ~~(d) — **Determination of Applicability.** Upon receiving a Massage Establishment referral from~~  
2 ~~the DPH pursuant to Section 29.28 of the Health Code, the Planning Department shall assess whether~~  
3 ~~the Massage Establishment meets the conditions set forth in this Section 177. Massage Establishment~~  
4 ~~owners or operators shall submit to the Planning Department evidence supporting the findings~~  
5 ~~required under Subsection (b) above. Such evidence may include, but is not necessarily limited to, the~~  
6 ~~following: rental or lease agreements, building or other permits, utility records, business licenses,~~  
7 ~~CAMTC certification materials, permits from DPH, or tax records. The Planning Department shall~~  
8 ~~determine compliance with this Section in its response to the referral form received from DPH.~~

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

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

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

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

22           \* \* \* \*

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

(1) Any nonconforming use at any ~~s~~Story in an RTO, RH or RM District which is located more than one-fourth ~~1/4~~ 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 ~~f~~First ~~s~~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 one-fourth ~~1/4~~ mile from any Named Individual Area Neighborhood Commercial District or ~~#~~Restricted ~~#~~Use ~~s~~Subdistrict and which complies with the most restrictive use limitations specified for the ~~f~~First ~~s~~Story and below of:

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

(B) ~~A~~any Named Individual Area Neighborhood Commercial District within one-fourth ~~1/4~~ mile of the use, as set forth in Sections ~~714.10 through 748 and 753 through 764 729.95~~ of this Code;

(C) Any Restricted Use Subdistrict within one-fourth ~~1/4~~ 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;

1 (2) Any signs on the property shall be made to comply with the requirements  
2 of ~~Article 6~~ Section 606(c) of this Code for Limited Commercial ~~applying to nonconforming~~ uses;

3 \* \* \* \*

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

6 \* \* \* \*

7 (b) **Enlargements or Alteration.**

8 (1) A nonconforming use may not be significantly altered; enlarged or  
9 intensified, except upon approval of a ~~e~~Conditional ~~#~~Use application pursuant to the provisions  
10 of Section 303 ~~Article 3~~ of this Code, provided that the use not have or result in a greater height,  
11 bulk or floor area ratio, less required rear yard or open space, or less required off-street  
12 parking space or loading space than permissible under the limitations set forth in this Code for  
13 the district or districts in which such use is located.

14 (2) A nonconforming use may expand to include public sidewalk space  
15 provided that such space is only occupied with tables and chairs as permitted by this  
16 Municipal Code.

17 (3) No existing use or structure which fails to meet the requirements of this  
18 Code in any manner as described above in this ~~S~~subsection (b) shall be constructed,  
19 reconstructed, enlarged, altered or relocated so as to increase the discrepancy, or to create a  
20 new discrepancy, at any level of the structure, between existing conditions on the lot and the  
21 required standards for new construction set forth in this Code.

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

1 (1) A nonconforming use may be changed to a use listed in Article 7 of this  
2 Code as a ~~p~~PPrincipal ~~#~~Use for the district in which the property is located, and the new use  
3 may thereafter be continued as a Principally ~~p~~Permitted ~~principal~~ ~~#~~Use.

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

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

12 (A) Any Bar, Limited Restaurant, or Restaurant use ~~described in zoning~~  
13 ~~categories .41, .43, or .44, as defined in Sections 790.22, 790.90, and 790.91, respectively,~~ may  
14 change to another Bar, Limited Restaurant, or Restaurant use ~~described in zoning categories .41 or~~  
15 ~~.44,~~ even though such other use is not permitted in that Neighborhood Commercial District,  
16 unless such other use is located in an Alcohol Restricted Use Subdistrict and is prohibited by  
17 the provisions governing that Alcohol Restricted Use Subdistrict.

18 (B) Any Business Service, Health Service, Personal Service, or Retail  
19 Professional Service use ~~described in zoning categories .51, .52, or .53, as defined in Sections~~  
20 ~~790.114, 790.116, and 790.108 respectively,~~ may change to another such use ~~described in zoning~~  
21 ~~categories .51, .52, or .53,~~ even though such other use is not permitted in that Neighborhood  
22 Commercial District.

23 (C) Any Automotive Repair, Automotive Service Station, or Gas Station use  
24 ~~described in zoning categories .57, .58, or .59, as defined in Sections 790.14, 790.17, and 790.15~~  
25 ~~respectively,~~ may be demolished and reconstructed as the same use or may change to another



1 ~~such use described in zoning categories .57, .58, or .59~~, even though such other use is not  
2 permitted in that Neighborhood Commercial District.

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

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

6 \* \* \* \*

7 (5) In the Castro Street Neighborhood Commercial District, any use in this  
8 ~~d~~District that exceeds the maximum Non-Residential ~~Use~~ ~~s~~Size limit of Section 121.2(b) may  
9 ~~be~~ not be changed to a new use. The only method for changing a nonconforming use identified  
10 in this ~~S~~subsection (c) is to reduce the nonconforming use:

11 (A) to a conforming use size; or

12 (B) to a size specified in Subsection 121.2(a) pursuant to Conditional Use  
13 authorization.

14 Notwithstanding the above, any use in this District that exceeds the maximum Non-  
15 Residential ~~Use~~ ~~s~~Size limit of Section 121.2(b), and is a ~~categorized in the Other~~ General Retail  
16 Sales and Services ~~use zoning classification~~, as defined in Section ~~102 790.102~~, may change to  
17 another use category enumerated in the definition of General Retail Sales and Service  
18 ~~Section 790.102~~ as long as the use size is not increased and the Commission approves a  
19 Conditional Use application for such change. The Commission's approval of such Conditional  
20 Use application shall explicitly address the use size findings of Section 303(c).

21 (d) **Discontinuance.** A nonconforming use that is discontinued for a period of three  
22 years, or otherwise abandoned or changed to another use that is listed in Article 7 of this  
23 Code as a Principal or Conditional Use for the district in which the use is located shall not be  
24 reestablished, except in the following instances:

25 \* \* \* \*

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

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

\* \* \* \*

**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~~ a Gas Station as defined in Section 102 of this Code, located in ~~an~~ 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 ~~S~~subsection (a) of this Section 187.1 may enlarge or intensify its current service station operations provided the station receives ~~e~~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 ~~a~~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.~~

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

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

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

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

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

14            \* \* \* \*

Neighborhood Commercial Districts (NC) General Neighborhood Commercial Districts (Defined in Sec. 702(a)(1))	
NC-1	Neighborhood Commercial Cluster District (Defined in Sec. 710 <del>-4</del> )
NC-2	Small-Scale Neighborhood Commercial District (Defined in Sec. 711 <del>-4</del> )
NC-3	Moderate-Scale Neighborhood Commercial District (Defined in Sec. 712 <del>-4</del> )
NC-S	Neighborhood Commercial Shopping Center District (Defined in Sec. 713 <del>-4</del> )

Named Neighborhood Commercial Districts (Defined in Sec. 702(a)(1))	
* * * *	
Haight Street Neighborhood Commercial District (Defined in Sec. 719)	
<del>North Beach Neighborhood Commercial District (Defined in 722)</del>	
Japantown Neighborhood Commercial District (Defined in Sec. <del>721</del> 748)	
<del>North Beach Neighborhood Commercial District (Defined in 722)</del>	

1 Polk Street Neighborhood Commercial District (Defined in Sec. 723)

2 \* \* \* \*

3 ~~Japantown Neighborhood Commercial District (Defined in Sec. 721)~~

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

5 \* \* \* \*

6 "NCT District" shall mean any district ~~described listed~~ in Section ~~702(a)(2) 702.1(b)~~,  
7 including any NCT-1, NCT-2, NCT-3, and any Named Neighborhood Commercial Transit  
8 District ~~identified by street or area name~~; and

9 \* \* \* \*

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

11 \* \* \* \*

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

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

16 \* \* \* \*

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

19 ~~(F) — Upon acceptance of a complete application for a building permit for a~~  
20 ~~Medical Cannabis Dispensary, the Planning Department shall cause a notice to be posted on the~~  
21 ~~proposed site and shall cause written notice to be sent via U.S. Mail to all owners and occupants of~~  
22 ~~properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across~~  
23 ~~from the subject lot as well as to all individuals or groups that have made a written request for~~  
24 ~~notification regarding specific medical cannabis dispensaries;~~  
25

1                               (G) ~~—All building permit applications shall be held for a period of 30 calendar~~  
2 ~~days from the date of the mailed notice to allow review by residents, occupants, owners of~~  
3 ~~neighborhood properties, and neighborhood groups;~~

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

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

12                               \* \* \* \*

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

14                               (H)     **Small Enterprise Workspace (S.E.W.).** ~~S.E.W.'s are subject to the following~~  
15 ~~conditions:~~

16                               (A)     (1)     An S.E.W. building must meet the following requirements:

17                                       (A i)     Each unit may contain only uses principally or conditionally  
18 permitted in the subject zoning district, or ~~o~~Office ~~#~~Uses (as defined in Sections 102 and  
19 890.70);

20                                       (B ii)     Any non-accessory ~~#~~Retail ~~#~~Uses are subject to any per parcel size  
21 controls of the subject zoning district;

22                                       (C iii)     No ~~#~~Residential ~~#~~Uses shall be permitted;

23                                       (D iv)     Each of the units in the building must contain no more than 1,500  
24 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground  
25 floor, as described in subsection (g)(1)(E) below

1 (E) An S.E.W. building may contain units larger than 1,500 square feet  
2 on the ground floor as long as each such unit contains a principal PDR ~~use~~. ~~For the purposes~~  
3 ~~of this Section, a PDR use is defined in Section 102 of this Code.~~ Such PDR units may be  
4 independently accessible from the street.

5 (F) After the issuance of any certificate of occupancy or completion for  
6 the building, any merger, subdivision, expansion, or other change in ~~gross floor area~~ of  
7 any unit shall be permitted only as long as the provisions of ~~this~~ subsections (D) and (E),  
8 above, are met.

9 (2 B) S.E.W. units may be established only in new buildings or in buildings for  
10 which a first certificate of occupancy or completion was issued after January 19, 2009.

11 (3 C) Where permitted, S.E.W. Buildings are exempt from the controls in  
12 Section 202.7 ~~Sec. 230~~ limiting demolition of industrial buildings.

13 (4 D) S.E.W. projects shall provide a PDR Business Plan in accordance with  
14 the requirements of Section 210.3C of this Code.

15 (5 E) In considering the approval of a S.E.W. project, the Planning Commission  
16 should consider the likely viability of the new PDR space that the development creates, as  
17 influenced by such facts as the content of the project sponsor's PDR Business Plan and  
18 whether the project sponsor has the commitments of established PDR tenants and/or a  
19 demonstrated relationship with organizations established in the PDR community.

20 \* \* \* \*

21 (i) Non-Retail Sales and Service Use; Design Professional. In order to preserve and  
22 enhance active commercial frontage in the City's Neighborhood Commercial Districts, a Design  
23 Professional use located on the First Story or below within any Neighborhood Commercial or  
24 Neighborhood Commercial Transit District must provide its services to the general public.  
25

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

2             In order to be classified as an ~~a~~Accessory ~~u~~Use, off-street parking and loading shall  
3     meet all of the following conditions:

4             (a)     **Location.** Such parking or loading facilities shall be located on the same lot as  
5     the structure or use served by them. (For provisions concerning required parking on a  
6     separate lot as a ~~p~~Principal or Conditional Use, see Sections 156, 159, 160, and 161 of this  
7     Code.)

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

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

17               (1 ~~A~~) for use by any resident of a Dwelling Unit located on a different lot within  
18    1,250 feet of such parking space; or

19               (2 ~~B~~) for use by any resident of a Dwelling Unit located on a different lot within  
20    the City and County of San Francisco so long as no more than five spaces are rented to those  
21    who live beyond 1,250 feet of such parking space.

22             (c)     **Parking Exceeding Accessory Amounts.** Accessory parking facilities shall  
23    include only those facilities that do not exceed the amounts permitted by Section 151(c) or  
24    Table 151.1. Off-street parking facilities that exceed the accessory amounts shall be classified  
25

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 ~~d~~Dwelling ~~u~~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,



1 notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum  
2 dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three  
3 bedroom units, or (B) any unit mix which includes some three bedroom or larger units such  
4 that 50% of all bedrooms within the HOME-SF Project are provided in units with more than  
5 one bedroom. Larger units should be distributed on all floors, and prioritized in spaces  
6 adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to  
7 incorporate family friendly amenities. Family friendly amenities shall include, but are not  
8 limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space  
9 and yards designed for use by children. HOME-SF Projects are not eligible to modify this  
10 requirement under Planning Code Section 303(v ~~£~~) or any other provision of this Code;

11 \* \* \* \*

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

15 \* \* \* \*

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

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

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

3 (1) contains three or more Residential Units, as defined in Section 102, not  
4 including any additional units permitted though this Section ~~206~~ 206.4 through a density bonus;

5 \* \* \* \*

6 **SEC. 206.5. STATE RESIDENTIAL DENSITY BONUS PROGRAM: ANALYZED.**

7 \* \* \* \*

8 (b) **Applicability.**

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

16 \* \* \* \*

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

19 \* \* \* \*

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

21 \* \* \* \*

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

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

4                   \* \* \* \*

5                   (H)     Certain other types of development activities are specifically  
6 eligible for a development bonus~~es~~ pursuant to State law, including land donation under  
7 Government Code Section 65915(g), condominium conversions under Government Code  
8 Section 65915.5 and qualifying mobile home parks under Government Code Section  
9 65915(b)(1)(C). Such projects shall be considered Individually Requested State Density  
10 Bonus Projects.

11                  \* \* \* \*

12     **SEC. 206.8. AFFORDABLE HOUSING BONUS PROGRAM EVALUATION.**

13                  \* \* \* \*

14           (d)     **Program Evaluation and Update.**

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

21                           \* \* \* \*

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

25                   \* \* \* \*

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

2             \*   \*   \*   \*

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

5             \*   \*   \*   \*

6             (6)     **Accessory Dwelling Units in Existing Single-Family Homes.**

7             \*   \*   \*   \*

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

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

15             \*   \*   \*   \*

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

21             \*   \*   \*   \*

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

23             \*   \*   \*   \*

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

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
* * * *					
<b>RESIDENTIAL STANDARDS AND USES</b>					
* * * *					
<b>Residential Uses</b>					
Residential Density, Dwelling Units (7)	§ 207	Up to one unit per 800 square feet of lot area- <u>with a minimum of 3 units per lot.</u>	Up to one unit per 600 square feet of lot area- <u>with a minimum of 3 units per lot.</u>	Up to one unit per 400 square feet of lot area- <u>with a minimum of 3 units per lot.</u>	Up to one unit per 200 square feet of lot area- <u>with a minimum of 3 units per lot.</u> (8)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
<b>NON-RESIDENTIAL STANDARDS AND USES</b>					
* * * *					
<b>Sales and Service Category</b>					
Retail Sales and Service Uses*	§ 102	NP	NP	NP	NP
Hotel	§ 102	C (4)	C (4)	C (4)	C (4)
<del>Mobile Food Facility</del>	<del>§ 102</del>				
Mortuary	§ 102	C (5)	C (5)	C (5)	C (5)
* * * *					

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

\* \* \* \*

**Table 209.3  
ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

Zoning Category	§ References	RC-3	RC-4		
* * * *					
<b>RESIDENTIAL STANDARDS AND USES</b>					
* * * *					
Residential Uses					
Residential Density, Dwelling Units (7)	§ 207	Up to one unit per 400 square feet of lot area- <u>with a minimum of 3 units per lot.</u>	Up to one unit per 200 square feet of lot area- <u>with a minimum of 3 units per lot.</u> No density limits in the Van Ness SUD (§ 243). (8)		
* * * *	* * * *	* * * *	* * * *		
Residential Density, Group Housing	§ 208	<u>P</u> Up to one bedroom for every 140 square feet of lot area. (9)	<u>P</u> Up to one bedroom for every 70 square feet of lot area. (9)		
* * * *	* * * *	* * * *	* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>					
Development Standards					
Floor Area Ratio	§§102,123,124	3.6 to 1	4.8 to 1. Other FAR controls apply in the Van Ness SUD; <del>§143</del> 243(c)(1)		
* * * *	* * * *	* * * *	* * * *		

**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 ~~is included~~ 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**

Zoning Category	§ References	C-2
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Entertainment, Arts and Recreation Use Category		
Entertainment and Recreation Uses*	§ 102	P
<del>Entertainment, Outdoor</del>	<del>§ 102</del>	<del>NP</del>
* * * *	* * * *	* * * *

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

\* \* \* \*

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

(1) At least ~~1/3~~ one-third of the total Gross Floor Area developed on the parcel shall contain PDR Uses, ~~as defined in Section 102.~~

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

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

(A) Office Uses, ~~as defined in Section 102;~~

(B) Institutional Uses, ~~as defined in Section 102,~~ except for Hospitals;

and/or

(C) Gym  $\mathcal{U}_{use}$ , as defined in Section 102.

(4) Uses other than those listed in Ssubsections (c)(2) and (c)(3) above, such as ~~#~~Retail, are subject to the controls of the underlying district.

(5) No ~~residential~~ Uses are permitted, even as part of an Institutional Use ~~Institutions as defined under Section 890.50~~, except as allowed as Accessory Uses pursuant to Section 204.4.

\* \* \* \*

\* \* \* \*

(8) Accessory parking for ~~such~~Uses listed in subsection ~~(c)~~(2) above may be permitted up to one space per each 1,500 square feet of ~~the~~Occupied ~~floor~~Floor ~~area~~Area, and all such parking shall be subject to the pricing requirements of Section 155(g).

\* \* \* \*



1 (d) **Referral to OEWD.** Upon receiving an application for a project under this  
2 Section 210.3C, the Planning Department shall inform the Director of the Office of Economic  
3 and Workforce Development (OEWD) or successor agency, so that OEWD may inform the  
4 project sponsor of existing programs and requirements relevant to PDR businesses, including  
5 any existing economic incentive and hiring programs.

6 (e) **Approvals.**

7 \* \* \* \*

8 (2) A Notice of Special Restriction ("NSR") shall be recorded on the title of  
9 any property receiving approval under this Section 210.3C ~~219.1~~. Such NSR shall:

10 \* \* \* \*

11 (B) State that the proportion of ~~g~~Gross ~~f~~Floor ~~a~~Area on the site  
12 dedicated to PDR uses shall never be less than ~~1/3~~ one-third of the total ~~g~~Gross ~~f~~Floor ~~a~~Area  
13 on the parcel, including any future building or use alterations or expansions;

14 \* \* \* \*

15 **SEC. 211.1. PRINCIPAL USES PERMITTED, P DISTRICTS.**

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

18 \* \* \* \*

19 (c) Accessory nonpublic uses, which in P Districts may or may not be related to the  
20 ~~p~~Prinicipal ~~u~~Use, provided that they meet the following standards:

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

\* \* \* \*

## SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.

\* \* \* \*

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply, except as otherwise provided in this Section 249.36:

(1) **Medical Services.** Medical services, including medical offices and clinics, as defined in Section 890.114, are a ~~p~~Primarily ~~p~~Permitted ~~u~~Use and are exempted from use size limitations, PDR replacement requirements (Sec. 202.7 ~~230~~), and vertical (floor-by-floor) zoning controls (Sec. 803.9(h)). For the purposes of this Section, a medical service use may be affiliated with a hospital or medical center as defined in 890.44.

(2) **Life Science Offices.** Office uses that contain Life Science facilities, as defined in Section 890.53, are a ~~p~~Primarily ~~p~~Permitted ~~u~~Use and are exempted from use size limitations, PDR replacement requirements (Sec. 202.7 ~~230~~), and vertical (floor-by-floor) zoning controls (Sec. 210.3C ~~219.1~~ and 803.9(h)).

(3) **Life Science Laboratories.** Laboratories that engage in life science research and development, as defined in Section 890.52, are a ~~p~~Primarily ~~p~~Permitted ~~u~~Use and are exempted from use size limitations, PDR replacement requirements (Sec. 202.7 ~~230~~), and vertical (floor-by-floor) zoning controls (Sec. 210.3C ~~219.1~~ and 803.9(h)).

## SEC. 249.45. VISITACION VALLEY/SCHLAGE LOCK SPECIAL USE DISTRICT.

\* \* \* \*

(e) **Controls in Zone 1.** Development in Zone 1 of the Special Use District shall be regulated by the controls contained in this Section 249.45(e) and the Design for Development. Where not explicitly superseded by definitions and controls established in this Section 249.45(e) or the Design for Development, the definitions and controls in this Planning Code

shall apply except where those controls conflict with the Development Agreement. The following shall apply only in Zone 1 of the Special Use District:

\* \* \* \*

(2) **Use Requirements.**

\* \* \* \*

(B) **Formula Retail Uses.** Formula ~~R~~etail uses as defined in Section 303.1 ~~703.3~~, except those uses set forth in subsection ~~249.45~~(e)(2)(C) below, shall be principally permitted subject to the following requirements:

\* \* \* \*

(6) **Building Standards.**

(A) **Vertical Control for Office.** Vertical floor controls for office set forth in Section 803.9 shall not apply in existing buildings on the site.

(B) **Height.** Height of a building or structure shall be defined, measured, and regulated as provided for in Sections 102.~~12~~ and 260 where applicable, and as below in the following scenarios:

(i) Where the lot is level with or slopes downward from a street at the centerline of the building or building step, the measurement point shall be taken at the back of sidewalk level on such a street. The plane determined by the vertical distance at such point may be considered the height limit at the opposite (lower) end of the lot, provided the change in grade does not enable an additional story of development at the downhill property line. This takes precedence over Section 260(a)(1)(B) ~~102.12(b)~~.

(ii) Where the change in grade does enable an additional floor of development, height must be measured from the opposite (lower) end of the lot, ~~as specified in Section 102.12(c)~~.

(iii) Where there is conflict with Section 102-~~42~~ or Section 260 of the Code, the requirements of this Special Use District shall apply.

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

(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 ~~p~~PPrincipal ~~u~~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**

	TI- R	TI- MU	TI- OS	TI- PCI	P=Permitted Use; IC= Island Conditional Use Permit Required; * and/or † = See Comments
Land Use	Zone				
* * * *					
Retail Sales and Services					
****	****	****	****	****	
32. Retail, Restaurants, Kiosks, Pushcarts, and other		P	P		*Uses accessory to and supportive of recreation and open space uses, consistent with the Open Space Area standards and guidelines set forth in Chapter <del>77</del> <u>91</u> of the Treasure Island/Yerba Buena Island Design for Development document

uses*					
****	****	****	****	****	****
* * * *					
<b>Parking</b>					
****	****	****	****	****	****
55. Community garages†	P	P	IC		†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 <del>T6</del> <u>Y6</u> of the Treasure Island/Yerba Buena Island Design for Development document
56. Accessory Parking Facilities†	P	P		P	†Off-street parking, either surface or structured, that is accessory to a permitted or special use, subject to the requirements of Chapter <del>T6</del> <u>Y6</u> of the Design for Development document, in terms of location and quantity
****	****	****	****	****	****
* * * *					
<b>Civic, Public, Open Space, and Public Service Uses</b>					
****	****	****	****	****	****
69. Open space Maintenance Facility†			P	IC	†For support of open space program on <del>T</del> <u>Treasure</u> Island and Yerba Buena Island, and compliant to the standards and guidelines for each specific open space area listed in Chapter <del>T4</del> <u>Y1</u> of the Design for Development document
70. Playground	P*	P	P	P	*See Open Space Chapter <del>T4</del> <u>Y1</u> of Design for Development document for programming and size standards
71. Public Parks	P*	P	P	P	*See Open Space Chapter <del>T4</del> <u>Y1</u> of Design for Development document for programming and size standards
****	****	****	****	****	****
77. Wireless Telecom-	P	P	P	P	†See Building Design Chapter <del>T5</del> <u>Y5</u> of the Design for Development document for placement standards

1	munications Services Facility†					
2	****	****	****	****	****	****

3  
4 \* \* \* \*

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

6 \* \* \* \*

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

9 \* \* \* \*

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

20 (i) The project includes the construction of a new building  
21 greater than 70 feet in height, or includes a vertical addition to an existing building resulting in  
22 a total building height greater than 70 feet; or

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

25 \* \* \* \*

1     **SEC. 249.59. CALLE 24 SPECIAL USE DISTRICT.**

2             \*   \*   \*   \*

3             (d)     **Controls.** The following provisions, in addition to all other applicable provisions  
4 of the Planning Code, shall apply within the Calle 24 Special Use District:

5             \*   \*   \*   \*

6             (2)     **Conditional Use Authorization.** The following, if not otherwise  
7 prohibited, shall require Conditional Use authorization from the Planning Commission  
8 pursuant to Section 303:

9             \*   \*   \*   \*

10            (C)     A First Story Health Medical Service Use as defined in  
11 Section 790.114.

12            \*   \*   \*   \*

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

14            \*   \*   \*   \*

15            (d)     **Good Neighbor Policies.** The operating conditions established in  
16 Section 202.2 of this Code shall apply to all liquor establishments in this SUD in order to  
17 maintain the safety and cleanliness of the premises and vicinity. In addition, all new,  
18 relocated, or expanded liquor establishments, and any liquor establishment with a license  
19 referred for review to the Planning Department by the State of California Department of  
20 Alcohol Beverage Control, shall comply with the requirements set forth below. Liquor  
21 establishment shall have the meaning set forth in subsection (c) above.

22            \*   \*   \*   \*

23            (2)     No more than 33% ~~percent~~ of the square footage of the windows and clear  
24 doors of the liquor establishment shall bear advertising or signage of any sort, and all  
25 advertising and signage shall be placed and maintained in a manner than ensures that law

1 enforcement personnel have a clear and unobstructed view of the interior of the premises  
2 from the exterior public sidewalk or entrance to the premises. This requirement shall not apply  
3 to premises where there are no windows, or where existing windows are located at a height  
4 that precludes a view of the interior of the premises to a person standing outside the  
5 premises. Street facing facades shall maintain at least 50% ~~percent~~ clear and visually-  
6 permeable glazing.

7 For any use authorized pursuant to a Conditional Use authorization after the effective  
8 date of Ordinance No. 143-14 repeated violations of the Good Neighbor Policies set forth in  
9 this ~~subsection~~ *(d)*, of the operating conditions set forth in Section 202.2 ~~703.5~~ of this Code, or  
10 of any conditions associated with a Condition of Approval shall require a hearing at the  
11 Planning Commission to consider revocation of the Conditional Use authorization.

12 \* \* \* \*

13 **SEC. 249.62. THIRD STREET ALCOHOL RESTRICTED USE DISTRICT.**

14 \* \* \* \*

15 **(c) Definitions.**

16 "Liquor establishment" shall mean any enterprise selling alcoholic beverages, as  
17 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a  
18 California Alcoholic Beverage Control Board license.

19 "Off-sale liquor establishment" shall mean any Liquor Store use as ~~establishment that is~~  
20 defined in Section 102 ~~790.55~~ of this Code.

21 "Prohibited liquor establishment" shall mean any establishment selling alcoholic  
22 beverages lawfully existing prior to the effective date of the establishment of the Third Street  
23 Alcohol RUD and licensed by the State of California for the retail sale of alcoholic beverages  
24 for on- or off-site consumption, so long as otherwise lawful.

25 \* \* \* \*



1     **SEC. 249.65. BAYSHORE BOULEVARD HOME IMPROVEMENT SPECIAL USE**  
2     **DISTRICT.**

3             \*   \*   \*   \*

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

6             \*   \*   \*   \*

7             (5)     The provisions set forth in Section 202.7 ~~230~~ of this Code, which relate to  
8     demolition of industrial buildings in PDR districts, shall not apply.

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

10            ~~(7)~~     Formula retail uses as defined in Section 303.1 of this Code that are  
11     10,000 square feet or larger shall be subject to the Redevelopment Agency's Bayview  
12     Hunters Point "Employment and Contracting Policy."

13            \*   \*   \*   \*

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

16            \*   \*   \*   \*

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

19            \*   \*   \*   \*

20            (8)     **Height and Bulk.** The height and bulk applicable to this Special Use  
21     District shall be 55-X, provided, however, that in no case shall the height of any new structure  
22     exceed the height of the existing Pagoda Palace structure. For purposes of measurement of  
23     height in this District, the height of a projecting business sign shall be exempt, provided that  
24     such sign is the reconstruction or rehabilitation of an existing projecting movie theater blade  
25     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. 249.73. JEWISH HOME OF SAN FRANCISCO SPECIAL USE DISTRICT.**

A Special Use District entitled the Jewish Home of San Francisco Special Use District ("District"), the boundaries of which are shown on Special Use District Map SU~~11~~ ~~011~~ of the Zoning Map of the City and County of San Francisco, is hereby established for the purposes set out below.

\* \* \* \*

(b) **Controls.** Applicable provisions of the Planning Code shall apply except as otherwise provided in this Section 249.73. In the event of a conflict between other provisions of the Planning Code and this District, this Section 249.73 shall control.

(1) **Accessory Uses.** In this District, exceptions from otherwise applicable requirements of the Planning Code may be appropriate to further the goals set forth in this Section 249.73. Accessory uses within this District shall be governed by Planning Code Section 703(d) ~~703.2(b)(1)(C)~~. Outpatient services, acute care psychiatric hospital uses, and all other uses listed in Section 249.73(a)(2) shall be permitted as ~~a~~Accessory ~~u~~Ses and may be made available to non-resident seniors.

\* \* \* \*

#### **SEC. 249.74. FIFTH AND MISSION SPECIAL USE DISTRICT.**

\* \* \* \*

(d) **Development Controls.** Applicable provisions of the Planning Code shall control except as otherwise provided in this Section and the Design for Development. In the

1 event of a conflict between other provisions of the Planning Code, the Design for  
2 Development, or this District, the provisions of this District shall control.

3 \* \* \* \*

4 (2) **Additional Conditional Uses.** In addition to the Conditional Use  
5 requirements of the C-3-S district, the following uses shall require Conditional Use  
6 authorization:

7 (A) Those uses identified in Planning Code Section 249.40A(c)(1)(A)(i)  
8 through (iv) and 249.40A(c)(1)(A)(vi) through (x), but excepting Restaurant uses *as defined in*  
9 *Planning Code Section 790.91*; and

10 (B) Formula Retail uses, consistent with the requirements of Planning  
11 Code Section 303.1.

12 \* \* \* \*

13 **SEC. 249.75. SUNNYDALE HOPE SF SPECIAL USE DISTRICT.**

14 \* \* \* \*

15 (c) **Development Controls.** The controls contained in the Design Standards and  
16 Guidelines shall regulate development in the Sunnydale HOPE SF Special Use District,  
17 except for those controls specifically enumerated in this Section 249.75. Where not explicitly  
18 superseded by definitions established in the Design Standards and Guidelines, the definitions  
19 in this Code shall apply. All procedures and requirements in Article 3 of the Planning Code  
20 shall apply to development in this Special Use District to the extent that they are not in conflict  
21 with this Special Use District or the Development Agreement. The Planning Commission may  
22 amend the Design Standards and Guidelines upon initiation by the Planning Department or  
23 upon application by an owner of property within this Special Use District (or his or her  
24 authorized agent), or any party to the Development Agreement, to the extent that such  
25 amendments are consistent with this Special Use District, the General Plan, and the

Development Agreement. The Zoning Administrator may approve minor amendments to the Design Standards and Guidelines upon initiation by the Planning Department or upon application by an owner of property within this Special Use District (or his or her authorized agent), or any party to the Development Agreement. For the purposes of this subsection (c), “minor amendments” shall be defined as amendments necessary to clarify omissions or correct inadvertent mistakes in the Design Standards and Guidelines and are consistent with the intent of the Design Standards and Guidelines, this Special Use District, the General Plan, and the Development Agreement.

\* \* \* \*

(2) **Uses.**

(A) **Permitted Uses.** In addition to the uses permitted in the RM-1 district, those uses that are principally or conditionally permitted in a Small-Scale Neighborhood Commercial District (NC-2) use district shall be permitted in this Special Use District to the same extent as in a NC-2 district; provided, however, that ~~Liquor s~~Stores and ~~mMedical cannabis d~~Dispensaries shall not be permitted in this Special Use District and that Conditional Use size thresholds *for Non-Residential Uses in an NC-2 District pursuant to Planning Code Section 711.21* shall not apply to *Institutional and Health Service* ~~Medical u~~Uses, ~~Large Institutions, Small Institutions, Public Uses~~. Public *Facility* ~~U~~uses shall be principally permitted.

(B) **Ground Floor Uses.** Notwithstanding anything in this Section 249.75 to the contrary, “active uses” as defined in Section 145.1(b)(2) or *Health Service uses* ~~Medical Services as defined in Section 790.114~~ shall be required at the ground floor frontages along the west side of Hahn Street between Sunnydale Avenue and Center Street, as identified in the Development Agreement, and the south side of Sunnydale Avenue between Hahn Street and A Street, as identified in the Development Agreement; provided,

1 however, that for purposes of this Section of the Special Use District, active uses shall  
2 exclude ground floor residential units.

3 \* \* \* \*

4 **SEC. 249.76. POTRERO HOPE SF SPECIAL USE DISTRICT.**

5 \* \* \* \*

6 (c) **Development Controls.** The controls contained in the Design Standards and  
7 Guidelines shall regulate development in the Potrero HOPE SF Special Use District, except  
8 for those controls specifically enumerated in this Section 249.76. Where not explicitly  
9 superseded by definitions established in the Design Standards and Guidelines, the definitions  
10 in this Code shall apply. All procedures and requirements in Article 3 of the Planning Code  
11 shall apply to development in this Special Use District to the extent that they are not in conflict  
12 with this Special Use District or the Development Agreement. The Planning Commission may  
13 amend the Design Standards and Guidelines upon initiation by the Planning Department or  
14 upon application by an owner of property within this Special Use District (or his or her  
15 authorized agent), or by any Party to the Development Agreement, to the extent that such  
16 amendments are consistent with this Special Use District, the General Plan, and the  
17 Development Agreement. The Zoning Administrator may approve minor amendments to the  
18 Design Standards and Guidelines upon initiation by the Planning Department or upon  
19 application by an owner of property within this Special Use District (or his or her authorized  
20 agent), or by any Party to the Development Agreement. For the purposes of this subsection  
21 (c), “minor amendments” shall be defined as amendments necessary to clarify omissions or  
22 correct inadvertent mistakes in the Design Standards and Guidelines and are consistent with  
23 the intent of the Design Standards and Guidelines, this Special Use District, the General Plan,  
24 and the Development Agreement.

25 (2) **Uses.**

(A) **Permitted Uses.** In addition to the uses permitted in the RM-2 district, those uses that are principally or conditionally permitted in a Small-Scale Neighborhood Commercial District (NC-2) use district shall be permitted in this Special Use District to the same extent as in a NC-2 district; provided, however, that ~~Liquor s~~Stores and ~~m~~Medical ~~e~~Cannabis ~~d~~Dispensaries shall not be permitted in this Special Use District and that Conditional Use size thresholds *for Non-Residential Uses in an NC-2 District pursuant to Planning Code Section 711.21* shall not apply to *Institutional and Health Service* ~~Medical Uses, Large Institutions, Small Institutions, Public Uses~~. Public *Facility* ~~U~~ses shall be principally permitted.

(B) **Ground Floor Uses.** Notwithstanding anything in this Section 249.76 to the contrary, “active uses” as defined in Section 145.1(b)(2) or *Health Service uses* ~~Medical Services as defined in Section 790.114~~ shall be required at the ground floor frontages on 24th Street between Arkansas Street and Missouri Street; provided, however, that for purposes of this Section of the Special Use District, active uses shall exclude ground floor residential units.

\* \* \* \*

(e) **Project Review and Approval.**

\* \* \* \*

(3) **Building Design Review and Approval.** The construction, expansion, or major alteration of, or additions to, all structures within this Special Use District requires applications for design review described in this Section 249.76. Applications for design review may be submitted concurrently with or subsequent to a Development Phase Design Review Application. The owner or authorized agent of the owner of the property for which the design review is sought may file applications for design review. Department staff shall review the application for completeness and advise the applicant in writing of any deficiencies within 30 days after receipt of the application or, if applicable, within 15 days after receipt of any

1 supplemental information requested pursuant to this section. If Department staff does not so  
2 advise the applicant, and if the related Phase Application has been approved, the application  
3 will be deemed complete. The application shall include the documents and materials  
4 necessary to determine consistency with this Special Use District, the Design Standards and  
5 Guidelines, and the applicable requirements of the Development Agreement, including site  
6 plans, sections, elevations, renderings, landscape plans, and exterior material samples to  
7 illustrate the overall concept design of the proposed buildings, and conformance with any  
8 phasing plan. If any requests for a Major Modification or Minor Modification are sought in  
9 accordance with the allowances of this Section, the application shall contain a narrative for  
10 each modification sought that describes how the proposed project meets the full intent of the  
11 Design Standards and Guidelines and provides architectural treatment and public benefit that  
12 are equivalent to or superior to strict compliance with the standards.

13 \* \* \* \*

14 (B) **Staff Design Review.** The Department shall perform  
15 administrative design review for each application as further detailed in the Development  
16 Agreement. Department staff shall review the project to determine if it complies with this  
17 Special Use District, the Design Standards and Guidelines, the Development Agreement, an  
18 approved Development Phase Application, and any applicable mitigation measures. The  
19 Department shall complete the initial review and respond to the project sponsor within 60 days  
20 of receiving a complete application. The Department staff shall have 30 days to respond to  
21 any modifications or revisions submitted by the project sponsor after the submission of the  
22 initial application. Upon completing review, Department staff may draft a staff report to the  
23 Planning Director or Planning Commission, as appropriate, including a recommendation  
24 regarding any modifications to the project. The staff report shall be delivered to the applicant  
25 no less than 14 days prior to Planning Director or Planning Commission action on the

1 application, and shall be kept on file for public review. The Department shall provide public  
2 notice of the staff report and recommendation no less than 14 days prior to action on the  
3 application by the Planning Director or Planning Commission. Written notice shall be mailed to  
4 the notification group which shall include the project sponsor, tenants of the subject property,  
5 relevant neighborhood organizations as maintained by the Planning Department, and all  
6 individuals having made a written request for notification for the project site pursuant to  
7 Planning Code Section ~~351~~ 351.

8 (4) **Approvals and Public Hearings.**

9 \* \* \* \*

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

18 \* \* \* \*

19 (10) **Interim Uses.** An interim use may be authorized by the Planning  
20 Director, pursuant to the Design Review procedures outlined in ~~subsection~~ subsection (e)(3) of  
21 this Special Use District for a period not to exceed 5 years, if the Director finds that such use:  
22 (A) will not impede orderly development within the Special Use District; (B) is consistent with  
23 intent Special Use District and Development Agreement; and (C) would not pose a nuisance  
24 to surrounding residential uses. In addition to those uses set forth in Section 205, such interim  
25 uses may include, but are not limited to: farmers' markets; arts or concert uses; and rental or



1 sales offices incidental to new development. Temporary or semi-temporary structures may be  
2 permitted under this subsection (10) for resident-serving community facilities such as wellness  
3 centers, or other improvements intended to facilitate phased development of the Project. An  
4 authorization granted pursuant to this subsection (10) shall not exempt the applicant from  
5 obtaining any other permit required by law. Additional time for such uses may be authorized  
6 only if the Planning Director approves the action after receiving a new application.

7 **SEC. 249.79 PIER 70 SPECIAL USE DISTRICT.**

8 \* \* \* \*

9 (g) **Uses.**

10 \* \* \* \*

11 (5) **Ground Floor Frontages.**

12 \* \* \* \*

13 (D) **Retail and Service Frontages.** To embed a broader set of active  
14 uses elsewhere on the site, including community facilities and personal services, Retail and  
15 Service Frontages shall occur along the northern and southern waterfront edge, as well as  
16 along the 200-foot portion of Parcel C1 facing Orton Plaza and on key gateways into the site  
17 from Illinois Street and corners adjacent to the Maryland Street corridor between 21st and  
18 22nd Streets, as shown in Figure 1. Specified frontage zones shall be limited to the Priority  
19 Retail uses listed in subsection 249.79(g)(5)(A) plus the following additional uses (each, a  
20 “Priority Service Use”) for a minimum of 50% of the shaded Retail and Services frontage zone  
21 identified in Figure 1:

- 22 (i) Health Services;
- 23 (ii) Financial Services;
- 24 (iii) Retail Professional Services;
- 25 (iv) Institutional Use; and

- (v) Non-Retail Sales and Service Use;
- (vi) For Parcel C1 only, small Offices up to 5,000 square feet;
- (vii) For Parcel C1 only, ground floor residential may qualify as a permitted active use to meet this requirement if the building is 100% ~~percent~~ affordable housing.

### SEC. 303.1. FORMULA RETAIL USES.

(c) **"Retail Sales or Service Activity or Retail Sales or Service Establishment."**

For the purposes of this Section 303.1, a retail sales or service activity or retail sales or service establishment shall include the following uses whether functioning as a ~~p~~P principal or ~~a~~A accessory ~~u~~Use, as defined in Articles 1, 2, 7, and 8 of this Code:

\* \* \* \*

- Service, Personal §§ 102.1 - 890.116

\* \* \* \*

(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.~~

\* \* \* \*

(j) **Change of Use.** Changes of Formula Retail establishments are generally described below, except that a change of a Formula Retail use that is also a nonconforming use pursuant to Section 182 is prohibited. In all other instances, changes of Formula Retail establishments from one use category to another, including a change from one use to another within the sub-categories of uses set forth in the definition of Retail Sales and Services in Section 102 and in Section 890.102 for Mixed Use Districts, require a new Conditional Use authorization as a new Formula Retail use. Changes of Formula Retail owner or operator within the same use category that are determined to be an enlargement or intensification of use pursuant to subsection 178(c) are required to obtain Conditional Use authorization and shall meet the Commission's adopted Performance-Based Design Guidelines for Formula Retail. In cases determined not to be an enlargement or intensification of use, the Performance-Based Design Guidelines for Formula Retail may be applied and approved administratively by the Planning Department, unless the applicant requests a Conditional Use hearing at the Planning Commission. The applicant shall also pay an administrative fee to

compensate Planning Department and City staff for its time reviewing the project under this subsection (j), as set forth in Section 360 of this Code.

**SEC. 308.1. APPEALS: AMENDMENTS TO THE PLANNING CODE AND CONDITIONAL USES.**

(a) **Right of Appeal.** The action of the Planning Commission, in disapproving in whole or in part an amendment to the Planning Code initiated by application as described in Section 302 and Sections 306 through 306.5, or in approving or disapproving in whole or in part an application for Conditional Use authorization as described in Sections 303 and 304 *and* Sections 306 through 306.5 of this Code, shall be subject to appeal to the Board of Supervisors in accordance with this Section. An action of the Commission so appealed from shall not become effective unless and until approved by the Board of Supervisors in accordance with this Section.

\* \* \* \*

**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

\* \* \* \*

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

5           \*   \*   \*   \*

6           **SEC. 342.1. DEFINITIONS.**

7           As used in these Sections 342 to 342.10, "Medical Use" shall mean a use as defined in  
8           Sections ~~790.114, 790.44~~, 890.114, or 890.44, of this Code or a Hospital or Health Service use  
9           as defined in Section 102 of this Code, excluding any housing operated by a medical provider  
10          or any massage use.

11          **SEC. 401. DEFINITIONS.**

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

14          \*   \*   \*   \*

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

16          \*   \*   \*   \*

17          "Change of Use." A change of ~~g~~Gross ~~f~~Floor ~~a~~Area from one category of use to another  
18          category of use listed in the use table for the zoning district of the subject lot.

19          ~~"Child-care facility." As defined in Section 102.~~

20          \*   \*   \*   \*

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

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

23          \*   \*   \*   \*

24          ~~"Community facilities." As defined in Section 102.~~

25          ~~"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 ~~736~~ 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

1 include the development of ~~Live/~~Work units as defined by Section 102.13 of this Code.

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

4 \* \* \* \*

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

6 \* \* \* \*

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

8 \* \* \* \*

9 ~~"Licensed Child Care Facility." As defined in Section 102.~~

10 \* \* \* \*

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

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

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

14 \* \* \* \*

15 "Management, Information and Professional Services (MIPS)." An economic activity category  
16 under the TIDF that includes, but is not limited to, ~~oOffice uUses; medical offices and clinics,~~  
17 Health Service uses, as defined in Section 890.114 of this Code; bBusiness sServices uses, as defined  
18 in Section 890.111 of this Code; Integrated PDR, as defined in Section 890.49 of this Code; and  
19 Small Enterprise Workspaces, as defined in Section 227(t) of this Code.

20 \* \* \* \*

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

25 \* \* \* \*

~~"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 ~~g~~Gross ~~f~~Floor ~~a~~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 ~~r~~Retail ~~u~~Use, except those Retail Uses which are also PDR Uses; an entertainment use as defined in this section; and ~~m~~Massage ~~e~~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.~~

\* \* \* \*



1     **SEC. 413.3. APPLICATION.**

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

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

7                     (2)     ~~W~~hose environmental evaluation application for the development project  
8 was filed on or after January 1, 1999.

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

10                     \* \* \* \*

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

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

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

21                             (C)     any mixed-use space consisting of ~~#~~Residential space and  
22 ~~p~~Pharmacy retail space not exceeding 50,000 square feet, or ~~g~~General ~~g~~Grocery retail space  
23 not exceeding 75,000 square feet.

1     **SEC. 415.3. APPLICATION.**

2             \*   \*   \*   \*

3             (f)     Section 415.1et seq., the Inclusionary Housing Program, shall not apply to:

4             \*   \*   \*   \*

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

6                             \*   \*   \*   \*

7                             (D)     The owner of the real property and each Post-Secondary  
8     Educational Institution or Institutions shall agree to submit annual documentation to MOHCD  
9     and the Planning Department, along with the annual monitoring fee, on or before December  
10    31 of each year, which addresses the following:

11                                     \*   \*   \*   \*

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

15   \*   \*   \*   \*

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

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

21             If a project sponsor elects to provide on-site units pursuant to Section 415.5(g), the  
22    development project shall meet the following requirements:

23             (a)     **Number of Units.** The number of units constructed on-site shall be as follows:

24             \*   \*   \*   \*

(4) Notwithstanding the foregoing, Area Median Income limits for Rental Units and Owned Units, the maximum affordable rents or sales price shall be no higher than 20% below ~~median~~ market rents or sales prices for the neighborhood within which the project is located, which shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales prices, and the eligible households for such units, accordingly, and such potential readjustment shall be a condition of approval upon project entitlement. The City shall review the updated data on neighborhood rents and sales prices on an annual basis.

\* \* \* \*

#### **SEC. 415.7 OFF-SITE AFFORDABLE HOUSING ALTERNATIVE.**

If the project sponsor is eligible and elects pursuant to Section 415.5(g) to provide off-site units to satisfy the requirements of Section 415.1et seq., the project sponsor shall notify the Planning Department and the Mayor's Office of Housing and Community Development ("MOHCD") of its intent as early as possible. The Planning Department and MOHCD shall provide an evaluation of the project's compliance with this Section 415.7 prior to approval by the Planning Commission or Planning Department. The development project shall meet the following requirements:

\* \* \* \*

(g) Notwithstanding the provisions of Section 415.7(f) above, a project may use California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4% credits under the Tax Credit Allocation Committee (TCAC) to help fund its obligations under this ordinance as long as the project provides ~~25%~~ at least 60% of the off-site affordable units as affordable at ~~50%~~ 55% of area median income ~~for off-site housing and the balance of the off-site affordable units using these funds at affordability rates that comply with the requirements of TCAC, CDLAC, and this Section 415.~~ The income table to be used for such projects when the units are

1     priced at ~~50%~~ 55% of area median income is the income table used by MOHCD for the  
2     Inclusionary Housing Program, not that used by TCAC or CDLAC. Except as provided in this  
3     subsection (g), all units provided under this Section 415.7 must meet all of the requirements of  
4     ~~this ordinance~~ the Inclusionary Affordable Housing Program and the Procedures Manual for off-  
5     site housing.

6             \*   \*   \*   \*

7     **SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FUND.**

8             \*   \*   \*   \*

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

10                \*   \*   \*   \*

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

16             \*   \*   \*   \*

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

18             (a)     **Approval of Application.** An application for a permit for a sign that conforms to  
19     the provisions of this Code shall be approved by the Planning Department without  
20     modification or disapproval by the Planning Department or the Planning Commission,  
21     pursuant to the authority vested in them by Section 26 of the Business and Tax Regulations  
22     Code or any other provision of said Municipal Code; provided, however, that applications  
23     pertaining to (~~a~~ I) signs subject to the regulations set forth in Article 10 of the Planning Code,  
24     Preservation of Historical, Architectural and Aesthetic Landmarks, Article 11, Preservation of  
25     Buildings and Districts of Architectural, Historical and Aesthetic Importance in the C-3 Districts

1 and Historic Signs and Vintage Signs as defined in Sections ~~602.9 and 608.14~~ may be disapproved  
2 pursuant to the relevant provisions thereof, and (~~2~~) preservation, restoration, rehabilitation,  
3 or reconstruction of Historic Movie Theater Projecting Signs or Historic Movie Theater  
4 Marquees as set forth in Section 188(e) may be modified or disapproved subject to applicable  
5 sections of the General Plan, this Code, relevant design guidelines, Department or  
6 Commission policy, or the Secretary of the Interior Standards for the Treatment of Historic  
7 Properties. No sign, other than those signs exempted by Section 603 of this Code, shall be  
8 erected, placed, replaced, reconstructed or relocated on any property, intensified in  
9 illumination or other aspect, or expanded in area or in any dimension except in conformity  
10 with Article 6 of this Code. No such erection, placement, replacement, reconstruction,  
11 relocation, intensification, or expansion shall be undertaken without a permit having been duly  
12 issued therefor, except as specifically provided otherwise in this Section 604.

13 \* \* \* \*

14 (i) **Business Signs.** When the activity for which a business sign has been posted  
15 has ceased operation for more than 90 days, all signs pertaining to that business activity shall  
16 be removed after that time. A lawfully existing business that is relocating to a new location  
17 within 300 feet of its existing location within the North Beach Neighborhood Commercial  
18 District described in Sections ~~702.1 and 722.1~~ of this Code may move to the new location within  
19 said North Beach Neighborhood Commercial District one existing business sign together with  
20 its associated sign structure, whether or not the sign is nonconforming in its new location;  
21 provided, however, that the sign is not intensified or expanded in area or in any dimension  
22 except in conformity with the provisions of this Code. With the approval of the Zoning  
23 Administrator, however, the sign structure may be modified to the extent mandated by  
24 the Building Code. In no event may a painted sign or a sign with flashing, blinking, fluctuating  
25 or other animated light be relocated unless in conformity with current code requirements

1 applicable to its new location. In addition, the provisions of Articles 10 and 11 of this Code  
2 shall apply to the relocation of any sign to a location regulated by the provisions of said  
3 Articles.

4 \* \* \* \*

5 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

6 \* \* \* \*

7 (b) **Uses in Enclosed Buildings.** All permitted uses shall be conducted within an  
8 enclosed building in Neighborhood Commercial Districts, unless otherwise specifically allowed  
9 in this Code. Exceptions from this requirement are: uses which, when located outside of a  
10 building, qualify as an Outdoor Activity Area or Open Air Sales, accessory off-street parking  
11 and loading, and other uses listed below which function primarily as open-air uses, or which  
12 may be appropriate if located on an open lot, outside a building, or within a partially enclosed  
13 building, subject to other limitations of this Article 7 and other sections of this Code.

14 ~~33A.~~ Wireless Telecommunications Services Facility

15 \* \* \* \*

16 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections  
17 204.1 (Accessory Uses for Dwellings ~~Units~~ in ~~R and NC~~ All Districts), 204.4 (Dwelling Units  
18 Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code,  
19 Accessory Uses as defined in Section 102 shall be permitted when located on the same lot.  
20 Any ~~Use~~ Use that does not qualify as an Accessory Use shall be classified as a Principal or  
21 Conditional Use unless it qualifies as a temporary use under Sections 205 through 205.4 of  
22 this Code.

23 \* \* \* \*

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

2             \*   \*   \*   \*

3                     **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**

4                             **ZONING CONTROL TABLE**

		NC-1		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P(2)( <u>3</u> )	NP	NP
* * * *				

12             \*   \*   \*   \*

14     \* Not listed below

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

19             \*   \*   \*   \*

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

21             \*   \*   \*   \*

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

23                             **ZONING CONTROL TABLE**

		NC-2		
Zoning Category	§ References	Controls		

* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

(6) FRINGE FINANCIAL SPECIAL USE DISTRICT: The FFSUD and its ~~1/4~~ one-quarter mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.

**Controls:** Within the FFSRUD and its ~~1/4~~ one-quarter mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its one-quarter mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).

\* \* \* \*

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

\* \* \* \*

**Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3  
ZONING CONTROL TABLE**

\* \* \* \*



\* 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.

\* \* \* \*

(6) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD): The FFSRUD ~~FFSUD~~ and its  $\frac{1}{4}$  one-quarter mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Neighborhood Commercial District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.

**Controls:** Within the FFSRUD and its  $\frac{1}{4}$  one-quarter mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its  $\frac{1}{4}$  one-quarter mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).

\* \* \* \*

## **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

### **Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

\* Not listed below

\* \* \* \*

(5) BROADWAY LIQUOR LICENSES FOR RESTAURANTS

**Boundaries:** Applicable to the Broadway Neighborhood Commercial District.

**Controls:** A Restaurant Use may only add ABC license types 47, 49 or 75 as a Conditional Use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section ~~790.142~~ 102 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the Conditional Use authorization shall be subject to immediate revocation.

\* \* \* \*

**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

\* Not listed below

\* \* \* \*

(4) Outdoor Activity Areas are permitted as a Principally Permitted ~~U~~ Use if they existed prior to 1985.

\* \* \* \*

**SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

The Upper Fillmore Street Neighborhood Commercial District is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active during both day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores.

The Upper Fillmore District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. Building standards regulate large lot and use development and protect rear yards above the

ground story and at residential levels. Most commercial uses are permitted at the first two stories of new buildings. Special controls are designed to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, additional bars (unless part of a *full-service* restaurant) and formula retail establishments are prohibited, other eating and drinking establishments ~~and self-service specialty foods~~ require ~~e~~Conditional ~~#~~Use authorization and ground-story entertainment and financial service uses are limited. In order to promote continuous retail frontage, drive-up and most automobile uses are prohibited.

\* \* \* \*

**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

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

Zoning Category	§ References	Controls		
RESIDENTIAL STANDARDS AND USES				
* * * *				
Loss of Dwelling Units		Controls by Story		
		1st	2nd	3rd+
Residential Conversion	§ 317, 780.3(c)(4) <del>317780.3(e)(4),</del>	C	NP	NP
Residential Demolition and Merger	§§ 317, 780.3(c)(4)	C	NP	NP

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Sales and Service Use Category		

Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(10)	* * * *	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Trade Shop	§ 102, <del>790.124</del>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls		
RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
Loss <i>and Division</i> of Dwelling Units		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		

\* \* \* \*

## SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \* \*

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

\* \* \* \*

Zoning Category	§ References	Controls
RESIDENTIAL STANDARDS AND USES		
Development Standards		

1	*****	*****	*****
2	Off-Street	§§ 145.1, 150,	No car parking required. Bike parking required per
3	Parking	151, 153 - 156,	§155.2. If car parking is provided, car share spaces
4	Requirements	159 - 161, 166,	are required when a project has 50 units or more per
5		204.5	§166.
6	*****	*****	*****
7	Loss <i>and Division</i> of Dwelling Units		Controls by Story
8			1st 2nd 3rd+
9	*****	*****	*****

12	Zoning Category	§ References	Controls
13	NON-RESIDENTIAL STANDARDS AND USES (6)		
14	*****	*****	*****

16	*****	*****	*****
17	Zoning Category	§ References	Controls

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

21	*****	*****	*****
22	Zoning Category	§ References	Controls
23	RESIDENTIAL STANDARDS AND USES		
24	Development Standards		

1	* * * *	* * * *	* * * *
2	Off-Street Parking	§§ 145.1, 150, 151, 153 -	A minimum of one car parking space
3	Requirements	156, 159 - 161, 166, 204.5	for every Dwelling Unit required.
4			Certain exceptions permitted per §
5			161. Bike parking required per §
6			155.2. <i>If car parking is provided, car</i>
7			<i>share spaces are required when a project</i>
			<i>has 50 units or more per § 166.</i>
	* * * *	* * * *	* * * *

\* \* \* \*

## SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \* \*

Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

### ZONING CONTROL TABLE

Zoning Category		§ References		Controls	
RESIDENTIAL STANDARDS AND USES					
* * * *					
Residential Uses		Controls By Story			
		1st	2nd	3rd+	
<u>Residential Uses</u>	<u>§ 102</u>	P	P	P	
* * * *	* * * *	* * * *	* * * *	* * * *	

## SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

\* \* \* \*

Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

### ZONING CONTROL TABLE

Zoning Category	§ References	Controls			
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					

* * * *		
<b>Commercial Use Characteristics</b>		
* * * *	* * * *	* * * *
Maritime Use	§ 102	
* * * *	* * * *	* * * *

**SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

* * * *				
Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts, and Recreation Use Category				
Entertainment, Arts, and Recreation Uses*	§102	NP	NP	NP
Arts Activities	§102	P(4)	P	P
Amusement Game Arcade	§102	C	NP	NP
Arts Activities	§102	P(4)	P	P
* * * *	* * * *	* * * *	* * * *	* * * *

\* \* \* \*

1     **SEC. 780.1. LAKESHORE PLAZA SPECIAL USE DISTRICT.**

2             In order to preserve the mix and variety of goods and services provided to the  
3     Lakeshore Acres, Crestlake, and Merced Manor neighborhood residents yet provide  
4     reasonable commercial expansion and intensification which would not disrupt the single-family  
5     residential character of the surrounding neighborhoods, there shall be a Lakeshore Plaza  
6     Special Use District, generally located on the NC-S-zoned block bounded by Sloat Boulevard,  
7     Everglade Drive, Ocean Avenue, and Clearfield Drive, as designated on Sectional Map 13SU  
8     of the Zoning Map. The following provisions shall apply within such special use district:

9             \*    \*    \*    \*

10            (b)     **Controls.** The controls for the NC-S District, as set forth in Section 713 of this  
11     Code, shall apply to the Lakeshore Plaza Special Use District, except as provided below:

12

Zoning Category No.	Controls
*    *    *    *	*    *    *    *
.44	<del>Small self-service restaurants</del> <i>Limited-Restaurants</i> are permitted as a <del>Conditional</del> <i>Use</i> at the first and second stories.
*    *    *    *	*    *    *    *
.69A	<del>Self-service specialty food</del> <i>Restaurants</i> <del>is</del> <i>are</i> permitted as a <del>Conditional</del> <i>Use</i> at the first and second stories.
*    *    *    *	*    *    *    *

21            \*    \*    \*    \*

22     **SEC. 814. SPD – SOUTH PARK DISTRICT.**

23            \*    \*    \*    \*

24

SPD -- SOUTH PARK DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	South Park District Controls

25



* * * *	* * * *	* * * *	* * * *
814.11	Off-Street Parking, Non-Residential	§§ 150, 151.1, 153-156, 166, 204.5, 303	None required. Limits set forth in Section 151.1
* * * *	* * * *	* * * *	* * * *
* * * *			
<b>Retail Sales and Services</b>			
* * * *	* * * *	* * * *	* * * *
814.34 75	Cannabis Retail	§§ 202.2(a), 890.125	C up to 5,000 sf per lot
* * * *	* * * *	* * * *	* * * *

#### SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

\* \* \* \*

Table 846			
SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	SALI District Controls
<b>BUILDING AND SITING STANDARDS</b>			
* * * *	* * * *	* * * *	* * * *
<b>Other Uses</b>			
* * * *	* * * *	* * * *	* * * *
846.97b	Neighborhood Agriculture	§ 102.35(a)	P
846.97c	Large-Scale Urban Agriculture	§ 102.35(b)	NP
* * * *	* * * *	* * * *	* * * *

#### SEC. 996. DEFINITIONS OF TERMS USED IN ARTICLE 9.

(a) **Terms Defined Elsewhere in the Planning Code.** The definition of terms contained in Sections ~~102 and 102.1–102.27, 790 and 790.2–790.116~~ shall apply to those terms as used in Article 9, except to the extent expressly modified in Article 9.

(b) **Definition of Terms Used only in Article 9.** This subsection (b) provides definitions for certain terms which are used in this Article 9 and not elsewhere in this Code, as follows.

\* \* \* \*

(3) **Live/Work Unit (Any Permitted Work Activity).** Live/work unit (any permitted work activity) means a ~~Live/Work Unit~~, as defined in Section 102.12, in which the ~~Non-Residential Use~~ or ~~Uses~~ are limited to ~~Uses~~ in this district which are ~~Principal~~ ~~Permitted Uses~~, ~~in~~ or are ~~Conditional Uses~~ and approved as ~~Conditional Uses~~.

(4) **Mid-block Lane.** A mid-block lane is an ~~Alley~~ as defined in Section 102.1 which meets the design and location standards established in the Mission Bay Plan.

\* \* \* \*

(11) **Story.** A ~~Story~~ is as defined in Section 102.22 except that parking which is depressed one-half level below grade shall not be considered to constitute a story.

(12) **Public Transportation Facility.** "Public Transportation Facility" shall mean: (i) all rail transportation facilities, including without limitation, passenger terminal facilities, freight facilities, rail rights-of-way, railroad easements, main line corridors, drill tracks, spur tracks, and other railroad, communication, and transportation facilities ancillary thereto, whether publicly or privately owned, operated, or licensed by, among others, Southern Pacific Transportation Company, the Department of Transportation of the State of California, the Peninsula Corridor Study Joint Powers Board, and any successors and assigns (collectively, the "Operators"), which lawfully exist as of the Effective Date of Ordinance No. 63-91 (this ordinance), as well as future modifications which may be required by law or are otherwise deemed necessary or desirable by the owner/operator due to a change in rail transportation use, technology, or method of operation, provided that any new buildings or

substantial additions to existing buildings accessory to such future rail transportation facilities uses shall not be included within the meaning of this term; and (ii) all Municipal Railway facilities, when in conformity with the General ~~Master~~ Plan.

**APPENDIX I TO ARTICLE 10 - SOUTH END HISTORIC DISTRICT**

\* \* \* \*

**SEC. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS.**

The procedures, requirements, controls and standards in Sections 1006 through 1006.8 of Article 10 of the ~~City~~ Planning Code shall apply to all applications for Certificates of Appropriateness in the South End Historic District. In addition the following provisions shall apply to all such applications; in the event of any conflict or inconsistency between the following provisions and Article 10, those procedures, requirements, controls and standards affording stricter protection to landmarks, landmark sites and the Historic District shall prevail.

\* \* \* \*

(d) **Alterations.** It is recognized that certain alterations to the exteriors of buildings within the Historic District may be necessary in order to accommodate adaptive reuse of, and to provide sufficient light and air in, such buildings. Substantial alterations to ~~p~~PPrincipal ~~f~~Facades, as defined in Planning Code Section 102.24, should be discouraged. Substantial alterations to non-principal facades, not originally intended to be viewed from the street, may be appropriate, provided such alterations maintain the character of the historic district.

\* \* \* \*

Section 3. Amendment to All Zoning Control Tables in Article 7 of the Planning Code. The following correction shall be made to all the Article 7 Zoning Control Tables: In the Building Standards category, Miscellaneous subcategory, the “§ 602.7” reference for General Advertising Signs should be amended to read “§602,”. These Zoning Control Tables include

1 Tables 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726,  
2 728, 729, 730, 731, 732, 733, 734, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760,  
3 761, 762, 763, and 764. However, in the event that an Article 7 Zoning Control Table covered  
4 by this Section 3 is not identified in the preceding sentence, this Section 3 remains applicable  
5 to said Zoning Control Table.  
6

7 Section 4. Effective Date. This ordinance shall become effective 30 days after  
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
10 of Supervisors overrides the Mayor's veto of the ordinance.  
11

12 Section 5. Scope of Ordinance. Except as stated in Section 3 of this ordinance, in  
13 enacting this ordinance, the Board of Supervisors intends to amend only those words,  
14 phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts,  
15 diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this  
16 ordinance as additions, deletions, Board amendment additions, and Board amendment  
17 deletions in accordance with the "Note" that appears under the official title of the ordinance.  
18

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

21 By: \_\_\_\_\_  
22 JUDITH A. BOYAJIAN  
23 Deputy City Attorney  
24 n:\legana\as2018\1800366\01265660.docx  
25

## SEC. 186.3. NON-RESIDENTIAL USES IN LANDMARK BUILDINGS IN RH, ~~AND RM~~, AND RTO DISTRICTS.

Any use listed as a principal or conditional use permitted on the ground floor in an NC-1 District, when located in a structure on a landmark site designated pursuant to [Article 10](#) of this Code, is permitted with Conditional Use authorization pursuant to Section [303](#) of this Code, provided that no conditional use shall be authorized under this provision unless (1) such authorization conforms to the applicable provisions of Section [303](#) of this Code, and (2) the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.

**Table 209.4**  
**ZONING CONTROL TABLE FOR RTO DISTRICTS**

<i>Zoning Category</i>	<i>§ References</i>	<i>RTO</i>	<i>RTO-M</i>
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\* \* \* \*

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

#### ***Development Standards***

Floor Area Ratio	§§ <a href="#">102</a> , <a href="#">123</a> , <a href="#">124</a>	1.8 to 1	1.8 to 1
Off-Street Parking	§§ <a href="#">150</a> , <a href="#">151.1</a>	None required. Maximum permitted per § <a href="#">151.1</a> .	
Limited Corner Commercial Uses	§ <a href="#">231</a>	P	P
Limited Commercial Uses	§§ <a href="#">186</a> , <a href="#">186.3</a> <a href="#">209</a>	Continuing nonconforming uses are permitted, subject to the requirements of § <a href="#">186</a> . <i>Limited Commercial Uses may be conditionally permitted in historic buildings subject to § <a href="#">186.3</a>.</i>	

#### ***Agricultural Use Category***