



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment Initiation INITIATION HEARING DATE: NOVEMBER 7, 2019

Project Name: Code Clean-Up 2019
Case Number: 2019-013522PCA [Board File No. TBD]
Initiated by: Planning Commission
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Initiate and Schedule for Adoption on or After December 12, 2019**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The action before this Commission is initiation of the code amendments described below. Initiation does not involve a decision on the substance of the amendments; it merely begins the required 20-day notice period, after which the Commission may hold a hearing and take action on the proposed Code amendments.

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive language revisions to clarify/simplify Code language. The proposed Ordinance will also amend Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity.

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 Article 4, Timing of Fee Payments.** A new subsection is proposed under Section 402 to clarify impact fee collection. Currently, almost each impact fee includes its own discussion regarding the timing of fee payments. However, the language across different code sections vary in language and specificity. This change is proposed to 1) make the language consistent throughout Article 4, 2) clarify that all impact fees are to be collected at the time of, and in no event later than, issuance of the “first construction document”, and 3) clarify that the potential fee deferral option under the Building Code expired in 2013, and is not currently available unless and until the Board of supervisors re-authorizes such deferral option.
- **Amendment to Section 406, Waiver Based on Calamity.** A new subsection is proposed under Section 406 regarding a fee waiver based on calamity. The proposed subsection clarifies that replacement buildings meeting all the provisions of Planning Code Section 188(b) shall **not** be subject to a new impact fee. This fee waiver assumes that the replacement building includes the same land use and is the same size or smaller than the original building. The Planning Code is currently silent on required fees for such replacement buildings meeting the provisions of Planning Code Section 188(b); therefore, the code would seem to charge relevant impact fees to these replacement buildings. However, project sponsors should not be charged if there is no nexus (i.e. no new impact). If this situation were to occur today, the only option for the property owner would be to appeal to the Board of Supervisors per Planning Code Section 406(a) “based upon the absence of any reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the on-site requirement. The proposed Ordinance resolves this concern.

Publisher Comments

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

RECOMMENDATION

The Department recommends that the Commission recommend approval of the resolution to initiate the Planning Code amendments for consideration on or after December 12, 2019.

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.

REQUIRED COMMISSION ACTION

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

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code is anticipated to result in no physical impact on the environment. Evaluation under CEQA will be complete prior to the adoption hearing.

PUBLIC COMMENT

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

RECOMMENDATION: Initiate and Consider Adoption on or after December 12, 2019
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Proposed Ordinance

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EXHIBIT A

SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution No. XXXXX

HEARING DATE: NOVEMBER 7, 2019

Project Name: Code Clean-Up 2019
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INITIATING AMENDMENTS TO THE PLANNING CODE TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE LANGUAGE REVISIONS TO CLARIFY/SIMPLIFY CODE LANGUAGE. THE PROPOSED ORDINANCE WILL ALSO AMEND ARTICLE 4 TO MOVE THE LANGUAGE REGARDING TIMING OF FEE PAYMENTS TO THE BEGINNING OF THE ARTICLE AND CROSS-REFERENCE IT IN THE INDIVIDUAL IMPACT FEE SECTIONS AND TO ADD AN ADDITIONAL FEE WAIVER BASED ON THE REPLACEMENT OF GROSS FLOOR AREA IN BUILDINGS DAMAGED OR DESTROYED BY FIRE OR OTHER CALAMITY; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

WHEREAS, on June 16, 2019, the Planning Director requested that amendments be made to the Planning Code under Case Number 2019-013522PCA; and

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

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

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

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

WHEREAS, such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code, and

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on November 7, 2019; and

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

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

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

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

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit A, to be considered at a publicly noticed hearing on or after **December 12, 2019**.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 7, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

DATE: November 7, 2019

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EXHIBIT B

FILE NO.

ORDINANCE NO.

1 [Planning Code - Technical Corrections]

2

3 **Ordinance amending the Planning Code to correct typographical errors, update**
4 **outdated cross-reference, and make non-substantive revisions to clarify or simplify**
5 **Code language; amending Article 4 to move the language regarding timing of fee**
6 **payments to the beginning of the Article and cross-reference it in the individual impact**
7 **fee sections and to add an additional fee waiver based on the replacement of gross**
8 **floor area in buildings damaged or destroyed by fire or other calamity; affirming the**
9 **Planning Department’s determination under the California Environmental Quality Act;**
10 **making findings of consistency with the General Plan and the eight priority policies of**
11 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**
12 **and general welfare under Planning Code, Section 302.**

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

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

19

20 Section 1. Findings.

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

1 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. _____, and is incorporated herein by reference.
6

7 Section 2. The Planning Code is hereby amended by revising Sections 102, 138,
8 138.1, 142, 155, 186.3, 201, 204.5, 205.4, 206.3, 206.5, 207, 207.6, 209.3, 210.1, 240, 240.1,
9 249.52, 249.59, 249.60, 249.63, 249.70, 249.74, 249.76, 249.78, 249.80, 260, 263.32, 303,
10 303.1, 304, 305, 317, 401, 402, 406, 412.6, 413.6, 414.8, 414A.4, 415.5, 415.6, 416.3, 417.3,
11 418.3, 419.3, 420.3, 421.3, 422.3, 423.3, 423.5, 424.3, 430, 432.2, 433.2, 603, 607.1, 607.2,
12 703, 703.9, 710, 711, 712, 720, 722, 725, 726, 729, 758, 759, 764, 780.1, 780.3, 781.9, 788,
13 840, 841, 842, 844, 845, 846, 848, and Appendix C to Article 11, to read as follows:

14 **SEC. 102. DEFINITIONS.**

15 * * * *

16 **Family.** A single and separate living unit, consisting of either one person, or two or more
17 persons related by blood, marriage or adoption or by legal guardianship pursuant to court
18 order, plus necessary domestic servants and not more than three roomers or boarders; a
19 group of not more than five persons unrelated by blood, marriage or adoption, or such legal
20 guardianship unless the group has the attributes of a family in that it (a) has control over its
21 membership and composition; (b) purchases its food and prepares and consumes its meals
22 collectively; and (c) determines its own rules or organization and utilization of the residential
23 space it occupies. A group occupying group housing or a hotel, motel, or any other building or
24 portion thereof other than a Dwelling, shall not be deemed to be a family.
25

1 **Residential Use.** A Use Category consisting of uses that provide housing for San Francisco
2 residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels,
3 ~~and~~ Senior Housing, Homeless Shelters, and for the purposes of Article 4 only any residential
4 components of Institutional Uses. Single Room Occupancy and Student Housing designations
5 are considered characteristics of certain Residential Uses.

6 **Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or
7 drinks to customers for consumption on or off the premises, that may or may not have seating.
8 It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on
9 the premises as an Accessory Use as set forth in Sections 204.3 or 703(d), 803.2(b)(1)(C),
10 803.3(b)(1)(C) and 825(c)(1)(C) depending on the zoning district in which it is located. It
11 includes, but is not limited to, foods provided by sandwich shops, coffee houses, pizzerias, ice
12 cream shops, bakeries, delicatessens, and confectioneries meeting the above characteristics,
13 but is distinct from a Specialty Grocery, Restaurant, and Bar. Within the North Beach SUD, it
14 is also distinct from Specialty Food Manufacturing, as defined in Section 780.3(b). It shall not
15 provide on-site beer and/or wine sales for consumption on the premises, but may sell beer
16 and/or wine for consumption off the premises with a California Alcoholic Beverage Control
17 Board License type 20 (off-sale beer and wine), if all areas devoted to the display and sale of
18 alcoholic beverages ~~that~~ occupy less than 15% of the Occupied Floor Area of the
19 establishment. Such businesses shall operate with the specified conditions in Section
20 202.2(a)(1).

21 **Senior Housing.** A Residential Use defined as dwellings that are specifically designed for
22 and occupied by senior citizens. Senior Housing is subject to the conditions listed in Section
23 202.2(~~f~~).

24 **Service, Business.** A Non-Retail Sales and Service Use that provides the following kinds of
25 services primarily to businesses and/or to the general public and does not fall under the

1 definition of Office: radio and television stations, newspaper bureaus, magazine and trade
2 publication publishing, microfilm recording, slide duplicating, bulk mail services, parcel
3 shipping services, parcel labeling and packaging services, messenger delivery/courier
4 services, sign painting and lettering services, or building maintenance services.

5 **Service, Non-Retail Professional.** A Non-Retail Sales and Service Office Use that provides
6 professional services *primarily* to other businesses including, but not limited to, accounting,
7 legal, consulting, insurance, real estate brokerage, advertising agencies, public relations
8 agencies, computer and data processing services, employment agencies, management
9 consultants and other similar consultants, telephone message services, and travel services.
10 This use may also provide services to the general public but is not required to. This use shall
11 not include research services of an industrial or scientific nature in a commercial or medical
12 laboratory, other than routine medical testing and analysis by a health-care professional or
13 hospital.

14 **Service, Retail Professional.** A Retail Sales and Service Use that provides *primarily* to the
15 general public, general business, or professional services including, but not limited to,
16 management, clerical, accounting, legal, consulting, insurance, real estate brokerage, and
17 travel services. It may provide services to the business community, provided that it also
18 provides services to the general public. Otherwise, it shall be considered a Non-Retail
19 Professional Service Use as defined in this Section 102.

20 This use does not include research service of an industrial or scientific nature in a
21 commercial or medical laboratory, other than routine medical testing and analysis by a health-
22 care professional or hospital.

23 **Student Housing.** A Residential Use characteristic defined as a living space for students of
24 accredited Post-Secondary Educational Institutions that may take the form of Dwelling Units,
25 Group Housing, or SRO Units and is owned, operated, or otherwise controlled by an

1 accredited Post-Secondary Educational Institution. Unless expressly provided for elsewhere in
2 this Code, the use of Student Housing is permitted where the form of housing is permitted in
3 the underlying Zoning District in which it is located. Student Housing may consist of all or part
4 of a building, and Student Housing owned, operated, or controlled by more than one Post-
5 Secondary Educational Institution may be located in one building.

6 **SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE (POPOS) REQUIREMENTS.**

7 (a) **Applicability.** The following projects shall provide open space in the amount
8 and in accordance with the standards set forth in this Section:

9 (1) In C-3 Districts, any project proposing new construction of a Non-
10 Residential building or an addition of Gross Floor Area equal to 20% percent or more of an
11 existing Non-Residential building. Institutional and Residential ~~Uses~~ in C-3 Districts are
12 exempt from the requirements of this Section 138.

13 (2) In the Central SoMa Special Use District, any project proposing new
14 construction or an addition of 50,000 gross square feet or more of Non-Residential use.
15 Retail, Institutional, and PDR uses in the Central SoMa Special Use District are exempt from
16 the requirements of this Section 138.

17 * * * *

18 (c) **Location.** The open space required by this Section may be on the same site as
19 the project for which the permit is sought, or within 900 feet of it on either private property or,
20 with the approval of all relevant public agencies, public property, provided that all open space
21 required by this Section for a project within the C-3 District shall be located entirely within the
22 C-3 District. Projects within the Central SoMa Special Use District may provide the open
23 space required by this Section 138 within one-half mile of the project if the required open
24 space is on publicly-owned land underneath or adjacent to the I-80 freeway. Open space is
25 within 900 feet of the building for which the permit is sought within the meaning of this Section

1 138 if any portion of the project is located within 900 feet of any portion of the open space. Off-
 2 site open space shall be developed and open for use prior to issuance of a first certificate of
 3 occupancy, as defined in Section 401 of this Code, of the project whose open space
 4 requirement is being met off-site. Failure to comply with the requirements of this subsection
 5 (c) shall be grounds for enforcement under this Code, including but not limited to the
 6 provisions of Sections 176 and 176.1.

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

8 * * * *

9 **Table 2. Recommended Sidewalk Widths by Street Type**

	Street Type (per Better Streets Plan)	Recommended Sidewalk Width (Minimum required for new streets)
Commercial	Downtown commercial	For Downtown Commercial Streets that are sited within the Downtown Streetscape Plan Area, the recommended sidewalk width shall be the width recommended in the Downtown Streetscape Plan. For Downtown Commercial Streets that are sited outside of the Downtown

		Streetscape Plan Area, the recommended sidewalk with <u>width</u> shall be 15 feet.
* * * *	* * * *	* * * *

SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICULAR USE AREAS.

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

* * * *

(b) **Vehicular Use Areas That Are Greater than 25 Linear Feet along the Public Right-of-Way.** All lots containing Vehicular Use 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 142 and the Ornamental Fencing definition in Section 102. The following instances shall trigger the screening requirements for these Vehicular Use Areas:

* * * *

(2) Any repair, rehabilitation, or expansion of any existing Vehicular Use 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

* * * *

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

* * * *

(r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In order to preserve the pedestrian character of certain districts and to minimize delays to transit

1 service, ~~regulation of~~ garage entries, driveways, or other vehicular access to off-street parking
2 or loading via curb cuts on development lots shall be regulated as set forth in this subsection (r)
3 ~~occur on the Street frontages listed below~~. These limitations do not apply to the creation of new
4 publicly-accessible Streets and Alleys. Any lot whose sole feasible vehicular access is via a
5 protected street frontage described in this subsection (r) shall be exempted from any off-street
6 parking or loading requirement found elsewhere in this Code.

7 * * * *

8 (4) Where an alternative frontage is not available, parking or loading access
9 along any Transit Preferential Street as designated in the Transportation Element of the
10 General Plan, or Neighborhood Commercial Street defined in the Better Streets Plan, or any
11 SFMTA Board of Directors adopted ~~Class II Bikeways (bicycle lanes and buffered bike lanes) or~~
12 ~~Class IV Bikeways (protected bicycle lanes)~~ bicycle routes or lanes, may be allowed on streets not
13 listed in subsection (r)(2) above as an exception in the manner provided in Section 309 for C-
14 3-O(SD) Districts, Section 329 for Mixed-Use Districts, and in Section 303 for all other
15 Districts in cases where the Planning Commission can determine that the final design of the
16 parking access minimizes negative impacts to transit movement and to the safety of
17 pedestrians and bicyclists to the fullest extent feasible.

18 * * * *

19 **SEC. 186.3. NON-RESIDENTIAL USES IN LANDMARK BUILDINGS IN RH, ~~AND RM,~~ RTO,**
20 **AND RTO-M DISTRICTS.**

21 Any use listed as a ~~p~~Principal or ~~e~~Conditional ~~#~~Use permitted on the ground floor in
22 an NC-1 District, when located in a structure on a landmark site designated pursuant to Article
23 10 of this Code, is permitted with Conditional Use authorization pursuant to Section 303 of this
24 Code, provided that no ~~e~~Conditional ~~#~~Use shall be authorized under this provision unless (1)
25 such authorization conforms to the applicable provisions of Section 303 of this Code, and (2)

1 the specific use so authorized is essential to the feasibility of retaining and preserving the
2 landmark.

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

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

6 * * * *

<u><i>Eastern Neighborhoods Mixed Use Districts</i></u> <u><i>(Also see Sec. 802.4)</i></u>	
CMUO	Central SoMa Mixed Use – Office District (Defined in Sec. 848)
SPD	South Park District (Defined in Sec. 814)
MUG	Mixed Use – General (Defined in Sec. 840)
MUO	Mixed Use – Office (Defined in Sec. 842)
MUR	Mixed Use – Residential (Defined in Sec. 841)
UMU	Urban Mixed Use (Defined in Sec. 843)
RED	Residential Enclave District (Defined in Sec. 813)
RED-MX	Residential Enclave District – Mixed (Defined in Sec. 847)
WMUG	Western SoMa Mixed Use – General (Defined in Sec. 844)
WMUO	Western SoMa Mixed Use – Office (Defined in Sec. 845)
SALI	Service/Arts/Light Industrial (Defined in Sec. 846)

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

18 In order to be classified as an Accessory Use, off-street parking and loading shall
19 meet all of the following conditions:

20 * * * *

21 (b) **Parking Accessory to Dwellings.** Unless rented on a monthly basis to serve a
22 nearby resident as described in subsection (c) below, required accessory parking facilities for
23 any Dwelling in any R District shall be limited, further, to storage of private passenger
24 automobiles, private automobile trailers, boats, bicycle parking, scooters, motorcycles, and
25

1 car-share vehicles as permitted by Section 150 and trucks of a rated capacity not exceeding
2 three-quarters of a ton.

3 **SEC. 205.4. TEMPORARY USES: INTERMITTENT ACTIVITIES.**

4 An intermittent activity is an outdoor use which, while occasional, occurs with some
5 routine or regularity. Intermittent activities include, but are not limited to, the following uses:
6 mobile food facilities, farmers markets, and open-air craft markets. Such uses typically require
7 additional authorization(s) from other City Departments. An intermittent activity may be
8 authorized as a temporary use for a period not to exceed one year.

9 (a) In all Districts other than RH, RM, RED, and RTO Districts an intermittent activity
10 is permissible if it satisfies all of the following conditions:

11 * * * *

12 (4) If located in a District that is subject to any of the neighborhood
13 notification requirements as set forth in Section 311 ~~312~~ of this Code, notification pursuant to
14 Section 311 ~~312~~ shall be required as follows:

15 * * * *

16 (D) Notwithstanding Subsections (4)(A) and (B) above, and in order to
17 eliminate redundant notification, notification shall not be required for the resumption of an
18 intermittent activity or the extension of time for an intermittent activity when all of the following
19 criteria are met: (i) an intermittent activity is currently authorized on the property or has been
20 authorized on the property within the 12 months immediately preceding the filing of an
21 application for resumption or extension; (ii) the existing or recent intermittent activity lawfully
22 exceeds or exceeded the thresholds of Subsections (4)(A) and/or (B), above, and was the
23 subject of neighborhood notice under Section 311 ~~312~~ at the time of its establishment; and (iii)
24 the intermittent activity would not further exceed the thresholds of Subsections (4)(A) and/or
25 (B), above.

1 * * * *

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

3 (a) **Purpose.** This Section 206.3 sets forth the HOME-SF Program. The HOME-SF
4 Program or “HOME-SF” provides benefits to project sponsors of housing projects that set
5 aside residential units onsite at below market rate rent or sales price in an amount higher than
6 the amount required by the Inclusionary Housing Ordinance. The purpose of HOME-SF is to
7 expand the number of below market rate units produced in San Francisco and provide
8 housing opportunities to a wider range of incomes than traditional affordable housing
9 programs, such as the City’s Inclusionary Affordable Housing Program, Planning Code
10 Sections 415 et seq., which typically provide housing only for very low, low or moderate
11 income households. The purpose of HOME-SF also is to provide an alternative method of
12 complying with the on-site inclusionary option set forth in Section 415.6. HOME-SF allows
13 market-rate projects to match the City’s shared Proposition K (November 2014) housing goals
14 that 50% of new housing constructed or rehabilitated in the City by 2020 be within the reach of
15 working middle class San Franciscans, and at least 33% affordable for low and moderate
16 income households.

17 * * * *

18 (f) **Temporary provisions.** To facilitate the construction of HOME-SF projects, and
19 based on information from the inclusionary housing study prepared for the Divisadero and
20 Fillmore Neighborhood Commercial Transit District, in Board of Supervisors File No. 151258,
21 and the Office of the Controller’s Inclusionary Housing Working Group final report (February
22 2016), the HOME-SF program shall include development incentives as specified in this
23 subsection (f) based on the amount and level of affordability provided in this subsection (f).
24 For any development project that has submitted a complete Development Application prior to
25 January 1, 2020, subsections (c)(1) and (d)(1), (d)(2), and (d)(3) shall not apply, and the

1 provisions in this subsection (f) shall apply. For any development project that submits a
2 complete Development Application on or after January 1, 2020, this subsection (f) shall apply
3 until such time as it may be amended based on the Triennial Economic Feasibility Analysis
4 established in Section 415.10.

5 * * * *

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

7 (c) **Development Bonuses.** All Analyzed State Law Density Bonus Projects shall
8 receive, at the project sponsor’s written request, any or all of the following:

9 (1) **Priority Processing.** Analyzed Projects that provide 30% or more of
10 Units as On-site Inclusionary Housing Units or Restricted Affordable Units that meet all of the
11 requirements ~~of~~ for an Inclusionary Housing Unit shall receive Priority Processing.

12 * * * *

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

14 * * * *

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

17 * * * *

18 (4) **Local Accessory Dwelling Unit Program; Accessory Dwelling Units
19 in Multifamily Buildings; Accessory Dwelling Units in Single-Family Homes That Do Not
20 Strictly Meet the Requirements in subsection (c)(6).**

21 * * * *

22 (B) **Applicability.** This subsection (c)(4) shall apply to the construction
23 of Accessory Dwelling Units on all lots located within the City and County of San Francisco in
24 areas that allow residential use, except that construction of an Accessory Dwelling Unit is
25

1 regulated by subsection (c)(6), and not this subsection (c)(4), if all of the following
2 circumstances exist:

3 * * * *

4 (iii) the ADU is either attached to or will be constructed entirely
5 within the “living area” (as defined in subsection (c)(6)(B)(iii)) or the buildable area of the
6 proposed or existing primary dwelling, or constructed within the built envelope of an existing
7 and authorized auxiliary structure on the same lot; provided, however, that (A) when a stand-
8 alone garage, storage structure, or other auxiliary structure is being converted to an ADU, an
9 expansion to the envelope is allowed to add dormers even if the stand-alone garage, storage
10 structure, or other auxiliary structure is in the required rear yard and (B) on a corner lot, a
11 legal stand-alone nonconforming garage, storage structure, or other auxiliary structure may be
12 expanded within its existing footprint by up to one additional story in order to create a
13 consistent street wall and improve the continuity of buildings on the block.

14 * * * *

15 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR,**
16 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, THE POLK STREET AND**
17 **PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICTS.**

18 * * * *

19 (c) **Controls.** For all RTO, RCD and NCT districts, as well as DTR, Eastern
20 Neighborhoods Mixed Use Districts and the Pacific Avenue and Polk Street NCDs, one of the
21 following three must apply:

22 * * * *

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

24 * * * *

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

Zoning Category	§ References	RC-3	RC-4
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
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; § 243(c)(1).

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

* * * *

**Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS**

Zoning Category	§ References	C-2
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Residential Parking Requirements	§§ 151, 155, 161	None required. None Required. Maximum permitted per § 151.

SEC. 240. WATERFRONT SPECIAL USE DISTRICT.

* * * *

(c) **Waterfront Design Review Process.**

* * * *

1 (8) The determination of the Committee on urban design issues related to the
2 proposed project shall be final as to those design issues, except as provided below. The
3 Committee shall transmit the design recommendations to the Planning Department and Port,
4 and to the Bay Conservation and Development Commission for proposed projects within its
5 jurisdiction, within five days following the Committee action for consideration by those
6 agencies prior to any action on the project.

7 (A) For a project that is permitted as a ~~p~~Pincipal ~~u~~Use, the Planning
8 Commission can, by majority vote within 14 days of receipt of the design recommendations of
9 the Committee, make a determination to review the design recommendations. If the item
10 cannot be calendared for Commission consideration within that period due to a canceled
11 meeting, the Commission may consider whether to review the design recommendations at its
12 next available meeting. If the Commission requests review, it shall conduct a public hearing
13 on the matter within 14 days following its determination to review the design
14 recommendations, if legally adequate environmental documents have been completed, or at
15 its first public meeting after such documents have been completed, unless the Port Director
16 agrees to a different date. At the request of the Port Director, the meeting shall be conducted
17 as a joint public hearing of the Planning Commission and the Port Commission. The Planning
18 Commission, by majority vote, may adopt, amend or reject the design recommendations of
19 the Committee, subject to the same standards and criteria that govern Committee decisions
20 as provided in ~~S~~subsection (c)(6) above.

21 If the Port Commission accepts the design recommendations of the Committee or of
22 the Planning Commission, the Port Commission shall incorporate the design
23 recommendations into the Port action on the project.

24 If the Port Commission objects to or seeks to modify the design recommendations of
25 the Committee, the Port Commission may request Planning Commission review of the design

1 recommendations of the Committee. The Planning Commission shall schedule a public
2 hearing and review the design recommendations of the Committee within 20 days following
3 receipt of the request, if legally adequate environmental documents have been completed, or
4 at its first public meeting after such documents have been completed, unless the Port Director
5 agrees to a different date. At the request of the Port Director, the meeting shall be conducted
6 as a joint public hearing of the Planning Commission and the Port Commission.

7 If the Port Commission objects to or seeks to substantially modify design
8 recommendations that have been approved by the Planning Commission as set forth above,
9 the Port Commission may appeal the design recommendations to the Board of Supervisors
10 pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section
11 4.105 for appeals of *e*Conditional *#*Uses. The Board of Supervisors may disapprove the
12 decision of the Commission by a vote of not less than *two-thirds* of the members of the Board.

13 * * * *

14 **SEC. 240.1. WATERFRONT SPECIAL USE DISTRICT NO. 1.**

15 The following provisions shall apply within Waterfront Special Use District No. 1:

16 * * * *

17 ~~(f)~~

18 (f) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in Section
19 124(e) of this Code. To calculate the Floor Area Ratio on piers under the jurisdiction of the
20 Port Commission, all building permit applications shall include a map of the lot or lease area
21 with precise boundaries showing its location on the pier under consideration. The proposed lot
22 shall be reviewed and approved as part of the building permit and be the basis for further
23 alterations or expansions of the structure.

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

25 * * * *

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

5 * * * *

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

11 * * * *

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

13 * * * *

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

16 (1) **Eating and Drinking Establishments.** In addition to other prohibitions
17 on such uses found within this Code, a new Restaurant use, new Limited-Restaurant use,
18 new Bar use, or the physical expansion of any such existing use shall be prohibited where the
19 concentration of those uses exceeds, or would exceed with the proposed use or physical
20 expansion of an existing use, 35% of the total commercial frontage as measured in linear feet
21 within the immediate area of the subject site. For the purpose of calculating the concentration
22 of commercial frontage, the “immediate area” shall mean all properties located within 300 feet
23 of the subject property within the Calle 24 Special Use District and in a zoning district that is
24 not Residential or Public Use. Any project for which a development application, as defined in
25 Section 401, was submitted by March 31, 2017 ~~or~~ and any change in use from an existing

1 Limited-Restaurant use to a Restaurant use shall be exempt from the requirements of this
2 Section 249.59(d)(1).

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

4 * * * *

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

12 * * * *

13 (2) No more than 33% of the square footage of the windows and clear doors
14 of the liquor establishment shall bear advertising or signage of any sort, and all advertising
15 and signage shall be placed and maintained in a manner than ensures that law enforcement
16 personnel have a clear and unobstructed view of the interior of the premises from the exterior
17 public sidewalk or entrance to the premises. This requirement shall not apply to premises
18 where there are no windows, or where existing windows are located at a height that precludes
19 a view of the interior of the premises to a person standing outside the premises. Street facing
20 facades shall maintain at least 50% clear and visually-permeable glazing.

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

1 * * * *

2 **SEC. 249.63. CAYUGA/ALEMANY SPECIAL USE DISTRICT.**

3 A Special Use District entitled the Cayuga/Alemany Special Use District
4 (Cayuga/Alemany SUD, or SUD), is hereby established for the purpose set forth in this
5 Section 249.63.

6 * * * *

7 (c) **Controls.** All provisions of the Planning Code applicable to the Excelsior Outer
8 Mission Neighborhood Commercial District shall apply to the Cayuga/Alemany SUD except as
9 otherwise provided in this Section 249.63 .

10 (1) **Dwelling Unit Density.** There shall be no residential density limit within
11 this SUD.

12 (2) **Dwelling Unit Mix.** The following dwelling unit mix criteria shall apply in
13 this SUD:

14 (A ~~†~~) No less than 70% of the total number of proposed ~~#~~Dwelling ~~#~~Units
15 shall contain at least two bedrooms. Any fraction resulting from this calculation shall be
16 rounded to the nearest whole number of ~~#~~Dwelling ~~#~~Units;

17 (B ~~†~~) No less than 10% of the total number of proposed ~~#~~Dwelling ~~#~~Units
18 shall contain at least three bedrooms. Any fraction resulting from this calculation shall be
19 rounded to the nearest whole number of ~~#~~Dwelling ~~#~~Units. Units counted towards this
20 requirement may also count towards the requirement for units with two or more bedrooms as
21 described in subsection (c)(2)(i).

22 (3) **Inclusionary Housing.** The requirements of Section 415 of this Code
23 shall apply in this SUD, except as expressly provided herein.

24 (A) Compliance with Section 415 shall be by providing affordable units
25 on-site in accordance with Section 415.6. Payment of an affordable housing fee under Section

1 415.5, or construction of units off-site under Section 415.7 are not permitted to satisfy Section
2 415.

3 (B) The number of Affordable Units constructed on-site shall be 50%
4 of the number of all units constructed on-site.

5 (i) Ten percent of the units shall be affordable to households
6 earning 55% of Area Median Income, with households earning up to 65% of Area Median
7 Income eligible to apply for units under this subsection (c)(3)(B)(i).

8 (ii) Ten percent of the units shall be affordable to households
9 earning 80% or less of Area Median Income, with households earning from 65% to 90% of
10 Area Median Income eligible to apply for units under this subsection (c)(3)(B)(ii).

11 (iii) Thirty percent of the units shall be affordable to households
12 earning up to 100% of Area Median Income, with households earning from 90% to 130% of
13 Area Median Income eligible to apply for units under this subsection (c)(3)(B)(iii).

14 * * * *

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

17 * * * *

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

20 * * * *

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

1 sign as provided in 9 subsection (b)(9). Prior to demolition of the existing structure, the owner
2 or ~~owners~~ owner's authorized agent shall prepare and submit to the Planning Department a
3 detailed survey, including elevations and sections, which accurately dimension the height of
4 the existing theater building, including the heights of all rooftop features.

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

6 * * * *

7 (a) **General.** A Special Use District entitled the Fifth and Mission Special Use
8 District ("District"), the boundaries of which are shown on Sectional Map ~~SU001~~ SU01 of the
9 Zoning Maps of the City and County of San Francisco, is hereby established for the purpose
10 set out below.

11 * * * *

12 (d) **Development Controls.** Applicable provisions of the Planning Code shall
13 control except as otherwise provided in this Section and the Design for Development. In the
14 event of a conflict between other provisions of the Planning Code, the Design for
15 Development, or this District, the provisions of this District shall control.

16 * * * *

17 (4) **Building Standards.**

18 (A) **Building Height.** The applicable height limits shall be as set forth in
19 Height Map ~~HT001~~ HT01 of the Zoning Maps of the City and County of San Francisco, and
20 shall be measured and regulated as provided in Article 2.5, with the following exceptions for
21 parcels zoned 365-X or 450-S:

22 * * * *

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

24 * * * *

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

1 * * * *

2 (3) **Building Design Review and Approval.** The construction, expansion, or
3 major alteration of, or additions to, all structures within this Special Use District requires
4 applications for design review described in this Section 249.76. Applications for design review
5 may be submitted concurrently with or subsequent to a Development Phase Design Review
6 Application. The owner or authorized agent of the owner of the property for which the design
7 review is sought may file applications for design review. Department staff shall review the
8 application for completeness and advise the applicant in writing of any deficiencies within 30
9 days after receipt of the application or, if applicable, within 15 days after receipt of any
10 supplemental information requested pursuant to this section. If Department staff does not so
11 advise the applicant, and if the related Phase Application has been approved, the application
12 will be deemed complete. The application shall include the documents and materials
13 necessary to determine consistency with this Special Use District, the Design Standards and
14 Guidelines, and the applicable requirements of the Development Agreement, including site
15 plans, sections, elevations, renderings, landscape plans, and exterior material samples to
16 illustrate the overall concept design of the proposed buildings, and conformance with any
17 phasing plan. If any requests for a Major Modification or Minor Modification are sought in
18 accordance with the allowances of this Section, the application shall contain a narrative for
19 each modification sought that describes how the proposed project meets the full intent of the
20 Design Standards and Guidelines and provides architectural treatment and public benefit that
21 are equivalent to or superior to strict compliance with the standards.

22 * * * *

23 (B) **Staff Design Review.** The Department shall perform
24 administrative design review for each application as further detailed in the Development
25 Agreement. Department staff shall review the project to determine if it complies with this

1 Special Use District, the Design Standards and Guidelines, the Development Agreement, an
2 approved Development Phase Application, and any applicable mitigation measures. The
3 Department shall complete the initial review and respond to the project sponsor within 60 days
4 of receiving a complete application. The Department staff shall have 30 days to respond to
5 any modifications or revisions submitted by the project sponsor after the submission of the
6 initial application. Upon completing review, Department staff may draft a staff report to the
7 Planning Director or Planning Commission, as appropriate, including a recommendation
8 regarding any modifications to the project. The staff report shall be delivered to the applicant
9 no less than 14 days prior to Planning Director or Planning Commission action on the
10 application, and shall be kept on file for public review. The Department shall provide public
11 notice of the staff report and recommendation no less than 14 days prior to action on the
12 application by the Planning Director or Planning Commission. Written notice shall be mailed to
13 the notification group which shall include the project sponsor, tenants of the subject property,
14 relevant neighborhood organizations as maintained by the Planning Department, and all
15 individuals having made a written request for notification for the project site pursuant to
16 Planning Code Section 351.

17 **SEC. 249.78. CENTRAL SOMA SPECIAL USE DISTRICT.**

18 * * * *

19 (d) **Urban Design and Density Controls.**

20 (1) **Prevailing Building Height and Density.** In order to ensure adequate
21 provision of infrastructure and services in an area transitioning from industrial uses to more
22 intensive residential and commercial uses through adoption of the Central SoMa Plan,
23 Prevailing Building Height and Density Limits are herein established.

24 * * * *

25

1 (B) **Controls.** Notwithstanding the height limit indicated on the Zoning
2 Map and the Floor Area Ratio controls of subsection (3) below, the following ~~H~~Height and
3 Floor Area Ratio controls shall apply:

4 * * * *

5 (ii) For projects on lots where the Zoning Map indicates a
6 height limit of less than 85 feet, the project lot or lots shall be limited to a maximum Floor Area
7 Ratio of 3.0:1.

8 (2) **Design of Buildings.** New construction shall comply with the "Citywide
9 ~~Central SoMa Guide to~~ Urban Design Guidelines" as adopted and periodically amended by the
10 Planning Commission.

11 * * * *

12 **SEC. 249.80. MISSION ROCK SPECIAL USE DISTRICT.**

13 * * * *

14 (d) **Relationship to Other Planning Code Provisions.** The provisions of this SUD
15 and the Design Controls shall supersede the Planning Code in its entirety, with the result that
16 the Planning Code shall not apply in the SUD, except with respect to (1) Planning Code
17 definitions as specified in subsection (e) below; (2) Planning Code sections adopted or
18 amended in connection with this Special Use District as follows: Section 105 (Zoning Maps),
19 Section 201 (Mission Rock Mixed Use District), Section 249.80 (Mission Rock Special Use
20 District), Section 291 (Mission Rock Height and Bulk District), and Section 901 (Applicability
21 of Article 9 Provisions and Other Provisions of the Planning Code); (3) Planning Code
22 sections adopted by ballot proposition prior to the effective date of the ordinance (in Board of
23 Supervisors File No. 170940) adopting this SUD as follows, and only to the extent that such
24 provisions are applicable under the ballot proposition to development within the SUD: sections
25 of the Planning Code adopted or amended by Proposition M (November, 1986) (Sections

1 101.1, 164, and 320-325); Proposition K (June, 1984) (Section 295); and Proposition G
2 (March, 2002) (Sections 602.7 (recodified at 602) and 611); and (4) any other section of the
3 Planning Code referenced herein (but only to the extent and for the purposes stated herein).
4 Sections of the Planning Code adopted by ballot proposition that are limited geographically
5 and do not apply to the SUD are Proposition G (Small Business Protection Act) (November,
6 2006) (Section 303.1); and Proposition X (Limitation on Conversion of Production,
7 Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use)
8 (November, 2016) (Section 202.8). In the event of a conflict between any provisions of the
9 Planning Code that are incorporated herein by reference pursuant to subsection (d)(4) above
10 and the Design Controls or this Section 249.80, this Section 249.80 and the Design Controls
11 shall control. Later amendments to the code sections referenced in this subsection as
12 applicable in the SUD shall apply where not conflict with this SUD, the DC or the DA.

13 (e) **Definitions.** If not explicitly superseded by definitions established in this SUD or
14 in the DC, the definitions in this Code shall apply. In addition to the specific definitions set
15 forth elsewhere in this Section 249.80, the following definitions shall govern interpretation of
16 this Section:

17 * * * *

18 "Block" is a development Block as depicted on Figure 249.80-MR1 ~~249.80-MR-1~~.

19 * * * *

20 (f) **Uses.**

21 * * * *

22 (5) **Interim Uses.** The Executive Director may approve any interim use listed
23 in this section without a public hearing for a period not to exceed five years if the Executive
24 Director finds that such use will not impede orderly development consistent with this Section
25 249.80, the Design Controls, and the DA. Interim uses under this ~~Section~~ subsection (f)(5) are

1 limited to uses at Pier 48 and the existing unimproved areas, open space and surface parking
2 lots in the SUD area. Any interim use listed in this section that is integral to development
3 under the DA, DDA or Vertical DDA and permitted by the Port under any Port lease or license
4 shall not require separate authorization as an interim or temporary use (for example, uses
5 incidental to environmental clean-up, demolition and construction, storage, and automobile
6 and truck parking and loading related to construction activities-). Any authorization granted
7 pursuant to this subsection (f)(5) shall not exempt the Applicant from obtaining any other
8 permit required by law. Additional time for such uses may be authorized upon a new
9 application. Interim uses that the Executive Director may authorize include, but are not limited
10 to the following or similar activities:

11 * * * *

12 (j) **Modification to Building Standards.** Modification of the Building Standards
13 may be approved as authorized by this subsection (j) on a project-by-project basis according
14 to the procedures of subsection (m).

15 (1) **No Modifications Permitted.** Major and Minor Modifications under
16 subsection (m) are not permitted for:

17 * * * *

18 (D) land use requirements established in subsection (f).

19 * * * *

20 **SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

21 * * * *

22 (b) **Exemptions.** In addition to other height exceptions permitted by this Code, the
23 features listed in this subsection (b) shall be exempt from the height limits established by this
24 Code, in an amount up to but not exceeding that which is specified.

25

1 (1) The following features shall be exempt provided the limitations indicated
2 for each are observed; and provided further that the sum of the horizontal areas of all features
3 listed in this subsection (b)(1) shall not exceed 20% of the horizontal area of the roof above
4 which they are situated, or, in C-3 Districts and in the Rincon Hill Downtown Residential
5 District, where the top of the building has been separated into a number of stepped elements
6 to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and
7 provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all
8 such features located within the first 10 feet of depth of the building, as measured from the
9 front wall of the building, shall not exceed 20% of the horizontal area of the roof in such first
10 10 feet of depth.

11 As an alternative, the sum of the horizontal areas of all features listed in this subsection
12 (b)(1) may be equal to but not exceed 20% of the horizontal area permitted for buildings and
13 structures under any bulk limitations in Section 270 of this Code applicable to the subject
14 property.

15 Any such sum of 20% heretofore described may be increased to 30% by unroofed
16 screening designed either to obscure the features listed under (A) and (B) below or to provide
17 a more balanced and graceful silhouette for the top of the building or structure.

18 * * * *

19 (B) Elevator, stair and mechanical penthouses, fire towers, skylights
20 and dormer windows. This exemption shall be limited to the top 10 feet of such features where
21 the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is
22 more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top
23 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the
24 building. The design of all elevator penthouses in Residential Districts shall be consistent with
25

1 the "Residential Design Guidelines" as adopted and periodically amended for specific areas or
2 conditions by the City Planning Commission.

3 The Zoning Administrator may, after conducting a public hearing, grant a further height
4 exemption for an elevator penthouse for a building with a height limit of more than 65 feet but
5 only to the extent that the Zoning Administrator determines that such an exemption is required
6 to meet state or federal laws or regulations. All requests for height exemptions for elevator
7 penthouses located in Residential or Neighborhood Commercial Districts shall be subject to
8 the neighborhood notification requirements of Sections 311 ~~and 312~~ of this Code.

9 * * * *

10 (E) In any C-3 District, the CMUO District, and any MUR or MUG
11 District within the Central SoMa Special Use District, enclosed space related to the
12 recreational use of the roof, not to exceed 16 feet in height.

13 * * * *

14 (~~M L~~) In the Central SoMa Special Use District, additional building
15 volume used to enclose or screen from view the features listed in subsections (b)(1)(A) and
16 (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the
17 percentage coverage limitations otherwise applicable to the building, but shall meet the
18 requirements of Section 141; shall not exceed ~~10% percent~~ of the total height of any building
19 taller than 200 feet; shall have a horizontal area not more than ~~100% percent~~ of the total area
20 of the highest occupied floor; and shall contain no space for human occupancy. The features
21 described in subsection (b)(1)(B) shall not be limited to 16 feet for buildings taller than 200
22 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by
23 this subsection (~~M L~~).

24 (~~N M~~) In any S-2 Bulk District for any building which exceeds 550 feet in
25 height, unoccupied building features including mechanical and elevator penthouses, enclosed

1 and unenclosed rooftop screening, and unenclosed architectural features not containing
2 occupied space that extend above the height limit, only as permitted by the Planning
3 Commission according to the procedures of Section 309 and meeting all of the following
4 criteria:

5 (i) such elements are demonstrated to not add more than
6 insignificant amounts of additional shadow compared to the same building without such
7 additional elements on any public open spaces as deemed acceptable by the Planning
8 Commission; and

9 (ii) such elements are limited to a maximum additional height
10 equivalent to ~~7.5%~~ *percent* of the height of the building to the roof of the highest occupied floor,
11 except that in the case of a building in the 1,000-foot height district such elements are not
12 limited in height, and any building regardless of building height or height district may feature a
13 single spire or flagpole with a diagonal in cross-section of less than 18 feet and up to 50 feet
14 in height in addition to elements allowed according to this subsection (~~N M~~); and

15 * * * *

16 **SEC. 263.32. SPECIAL HEIGHT EXCEPTIONS: PERMITTED BUILDING HEIGHTS IN THE**
17 **CENTRAL SOMA SPECIAL USE DISTRICT.**

18 * * * *

19 (c) **Controls.** An additional 25 feet of height above the otherwise applicable height
20 limit is permitted for a development project subject to this Section 263.32 without requiring
21 ~~e~~Conditional ~~u~~Se authorization by the Planning Commission only if it meets the following
22 conditions:

23 * * * *

24 (~~3~~ 2) The additional height shall not cause any new or substantially increased
25 significant impacts that cannot be mitigated to less than significant levels related to wind and

1 shadow that would not have occurred without the additional height, as determined by the
2 Environmental Review Officer.

3 (~~4 3~~) A project using a special height exception pursuant to this Section 263.32
4 shall be subject to Sections 132.4 and 270(h), based on the otherwise applicable Height limit
5 for the lot.

6 (~~5 4~~) A project using a special height exception pursuant to this Section 263.32
7 may add 25 feet above the otherwise applicable Height limit for purposes of calculating its
8 Apparent Mass Reduction pursuant to Section 270(h).

9 **SEC. 303. CONDITIONAL USES.**

10 * * * *

11 (z) **Liquor Stores.** With regard to the Conditional Use application for a Liquor Store
12 use, the Planning Commission shall consider, in addition to the criteria set forth in subsection
13 (c) above:

14 (~~1 A~~) the existing concentration of Liquor Store uses within 300 feet of the
15 proposed location; and

16 (~~2 B~~) the availability of General Grocery or Specialty Grocery stores in the area
17 selling alcoholic beverages as well as a range of foods.

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

19 * * * *

20 (e) **Conditional Use Authorization Required.** A Conditional Use Authorization
21 shall be required for a Formula Retail use in the following zoning districts unless explicitly
22 exempted:

23 * * * *

24 (~~12 13~~) The Central SoMa Special Use District as defined in Section 848, except
25 for those uses not permitted pursuant to subsection (f) below.

1 * * * *

2 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

3 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, ~~or~~ the DTR
4 Districts, or the North Beach Special Use District, the Planning Commission may authorize as
5 Conditional Uses, in accordance with the provisions of Section 303, Planned Unit
6 Developments subject to the further requirements and procedures of this Section 304. After
7 review of any proposed development, the Planning Commission may authorize such
8 development as submitted or may modify, alter, adjust or amend the plan before
9 authorization, and in authorizing it may prescribe other conditions as provided in Section
10 303(d). The development as authorized shall be subject to all conditions so imposed and shall
11 be excepted from other provisions of this Code only to the extent specified in the
12 authorization.

13 * * * *

14 **SEC. 305. VARIANCES.**

15 * * * *

16 (c) **Determination.** The Zoning Administrator shall hold a hearing on the
17 application, provided, however, that if the variance requested involves a deviation of less than
18 10% ~~percent~~ from the Code requirement, the Zoning Administrator may at his or her option
19 either hold or not hold such a hearing. No variance shall be granted in whole or in part unless
20 there exist, and the Zoning Administrator specifies in his or her findings as part of a written
21 decision, facts sufficient to establish:

22 * * * *

23 Upon issuing ~~his~~ the written decision either granting or denying the variance in whole or
24 in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The
25 action of the Zoning Administrator shall be final and shall become effective 10 days after the

1 date of ~~his~~ the written decision except upon the filing of a valid appeal to the Board of Appeals
2 as provided in Section 308.2 of this Code.

3 **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**
4 **DEMOLITION, MERGER AND CONVERSION.**

5 * * * *

6 (g) **Conditional Use Criteria.**

7 * * * *

8 (3) **Residential Conversion.** The Planning Commission shall consider the
9 following criteria in the review of applications for Residential Conversion:

10 (A) whether conversion of the unit(s) would eliminate only owner
11 occupied housing, and if so, for how long the unit(s) proposed to be removed were owner
12 occupied;

13 (B) whether Residential Conversion would provide desirable new Non-
14 Residential Use(s) appropriate for the neighborhood and adjoining district(s);

15 (C) in districts where Residential Uses are not permitted, whether
16 Residential Conversion will bring the building closer into conformance with the Uses permitted
17 in the zoning district;

18 (D) whether conversion of the unit(s) will be detrimental to the City's
19 housing stock;

20 (E) whether conversion of the unit(s) is necessary to eliminate design,
21 functional, or habitability deficiencies that cannot otherwise be corrected;

22 (F) whether the Residential Conversion will remove Affordable
23 Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

24 (~~4~~ 3) Planning Commission approval shall not be required for the change of use
25 or occupancy of a ~~d~~Dwelling ~~u~~Unit, ~~g~~Group ~~h~~Housing, or SRO to Student Housing if the

1 ~~d~~Dwelling ~~#~~Unit, ~~g~~Group ~~#~~Housing, or SRO will be Student Housing owned, operated or
2 otherwise controlled by a not for profit post-secondary Educational Institution and

3 (A) it was built by the post-secondary Educational Institution;

4 (B) it is in a convent, monastery, or similar religious order facility;

5 (C) it is on an adjoining lot (i.e., sharing the same lot line) to the post-
6 secondary Educational Institution, so long as the lot has been owned by the post-secondary
7 Educational Institution for at least ten years as of the effective date of Ordinance 188-12; or

8 (D) as of August 10, 2010, it was owned, operated or otherwise
9 controlled by a post-secondary Educational Institution that had an Institutional Master Plan on
10 file with the Planning Commission, and where the occupancy by those other than students at
11 that date was less than 20% of the total occupants. For purposes of determining occupancy,
12 the post-secondary Educational Institution shall present to the Planning Department verified
13 information regarding its rental or lease of units as of that date.

14 (~~5~~ 4) Planning Commission approval shall not be required for a Residential
15 Conversion if the Residential Unit was subject to the Residential Hotel Unit Conversion and
16 Demolition Ordinance, San Francisco Administrative Code Chapter 41, and obtained a permit
17 to convert in compliance with the requirements set forth therein.

18 (~~6~~ 5) **Residential Demolition.** The Planning Commission shall consider the
19 following additional criteria in the review of applications for Residential Demolition:

20 * * * *

21 (~~7~~ 6) **Removal of Unauthorized Units.** In addition to the criteria set forth in
22 ~~s~~subsections (g)(1) through (g)(4) above, the Planning Commission shall consider the criteria
23 below in the review of applications for removal of Unauthorized Units:

24 * * * *

1 (§ 7) **Denial of Application to Remove an Unauthorized Unit; Requirement**
2 **to Legalize the Unit.** If the Planning Commission denies an application to Remove an
3 Unauthorized Unit, the property owner shall file an application for a building permit to legalize
4 the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning
5 Administrator, shall be deemed to be a violation of the Planning Code.

6 * * * *

7 **SEC. 401. DEFINITIONS.**

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

10 * * * *

11 ~~*“Change of Use.” A change of Gross Floor Area from one category of use to another category*~~
12 ~~*of use listed in the use table for the zoning district of the subject lot.*~~

13 * * * *

14 “Management, Information and Professional Services (MIPS).” An economic activity
15 category under the TIDF that includes, but is not limited to, Office Uses; Health Service uses;
16 Business Service uses; Integrated PDR; and Small Enterprise Workspaces.

17 * * * *

18 **SEC. 402. PROCEDURE FOR PAYMENT AND COLLECTION OF DEVELOPMENT FEES.**

19 * * * *

20 (d) **Timing of Fee Payments.** All impact fees are due and payable to the Development Fee
21 Collection Unit at DBI at the time of, and in no event later than, issuance of the “first construction
22 document” as defined in Section 401 of this Code and Section 107A.13.1 of the Building Code. The
23 project sponsor’s option to defer payment of the fee to a later date pursuant to Section 107A.13.3 of the
24 Building Code expired on July 1, 2013 and is not available unless and until the Board of Supervisors
25 re-authorizes this deferral option.

1 **SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT**
2 **REQUIREMENTS.**

3 * * * *

4 (b) **Waiver or Reduction, Based on Housing Affordability.**

5 (1) An affordable housing unit shall receive a waiver from the Rincon Hill
6 Community Infrastructure Impact Fee, the Market and Octavia Community Improvements
7 Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact
8 Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the
9 Transportation Sustainability Fee, and the Residential Child Care Impact Fee if the affordable
10 housing unit:

11 * * * *

12 (B) is subsidized by MOHCD, the San Francisco Housing Authority,
13 the Department of Homelessness and Supportive Housing, and/or the ~~the~~ Office of
14 Community Investment and Infrastructure or any future successor agency to those listed
15 herein; and

16 * * * *

17 (f) **Waiver Based on Calamity.** The replacement of existing Residential, Non-Residential,
18 or PDR uses on a lot subject to, and meeting all the provisions of, Planning Code Section 188(b) for the
19 replacement of buildings damaged or destroyed by fire or other calamity, or by Act of God or the
20 public enemy, shall not be considered in the determination of applicability of any impact fee in Article
21 4 of this Code and new Gross Floor Area within a building subject to and meeting all the provisions of
22 Section 188(b) shall not be subject to any impact fee in Article 4. However, any additional land uses or
23 addition of Gross Floor Area beyond what is needed to replace the damaged or destroyed building(s)
24 shall be subject to any applicable Article 4 impact fees.

1 **SEC. 412.6. COLLECTION OF FEE.**

2 The Downtown Park Fee shall be paid to DBI for deposit into the Downtown Park Fund is
3 due and payable to the Development Fee Collection Unit at DBI at the time required by Section
4 402(d) of and in no event later than issuance of the first construction document, with an option for the
5 project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing
6 to pay a deferral surcharge that would be deposited into the Downtown Park Fund, in accordance with
7 Section 107A.13.15 of the San Francisco Building Code.

8 **SEC. 413.6. COMPLIANCE WITH JOBS-HOUSING LINKAGE PROGRAM BY PAYMENT**
9 **OF IN-LIEU FEE.**

10 * * * *

11 (c) Any in-lieu fee required under this Section 413.6 shall be paid to DBI for deposit
12 into the Citywide Affordable Housing Fund is due and payable to the Development Fee Collection Unit
13 at DBI at the time required by Section 402(d) of and in no event later than issuance of the first
14 construction document, with an option for the project sponsor to defer payment to prior to issuance of
15 the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited
16 into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco
17 Building Code.

18 **SEC. 414.8. COMPLIANCE BY PAYMENT OF AN IN-LIEU FEE.**

19 * * * *

20 (b) The in-lieu fee shall be paid to DBI for deposit into the Child Care Capital Fund is due
21 and payable to the Development Fee Collection Unit at DBI at the time required by Section 402(d) of
22 and in no event later than issuance of the first construction document with an option for the project
23 sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay
24 a deferral surcharge that would be deposited into the Child Care Capital Fund in accordance with
25 Section 107A.13.3 of the San Francisco Building Code.

1 **SEC. 414A.4. IMPOSITION OF RESIDENTIAL CHILD CARE IMPACT FEE**
2 **REQUIREMENT.**

3 * * * *

4 (c) **Timing of Fee Payments.** The Residential Child Care Impact Fee shall be paid
5 *to DBI for deposit into the Child Care Capital Fund at the time required by Section 402(d) of and in*
6 *no event later than the City issues a First Construction Document.*

7 * * * *

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

9 * * * *

10 (a) **Timing of Fee Payments of a Fee.** The fee *shall be paid to is due and payable to the*
11 *Development Fee Collection Unit at* DBI for deposit into the Citywide Affordable Housing Fund at
12 the time *required by Section 402(d) of and in no event later than issuance of the first construction*
13 *document, with an option for the project sponsor to defer payment to prior to issuance of the first*
14 *certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the*
15 *Citywide Affordable Housing Fund, in accordance with Section 107A.13.15 of the San Francisco*
16 *Building Code.*

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

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

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

21 * * * *

22 (4) Notwithstanding the foregoing Area Median Income limits for Rental Units
23 and Owned Units, the maximum affordable rents or sales price shall be no higher than 20%
24 below *median* market rents or sales prices for the neighborhood within which the project is
25 located, which shall be defined in accordance with the American Community Survey

1 Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales
2 prices, and the eligible households for such units, accordingly, and such potential
3 readjustment shall be a condition of approval upon project entitlement. The City shall review
4 the updated data on neighborhood rents and sales prices on an annual basis.

5 **SEC. 416.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.**

6 * * * *

7 (d) **Timing of Fee Payments.** The Market and Octavia Plan Area and Upper Market
8 NCD Affordable Housing Fee shall be paid to DBI for deposit into the Citywide Affordable Housing
9 Fund at the time required by Section 402(d) of and in no event later than the City issues a first
10 construction document, with an option for the project sponsor to defer payment to prior to issuance of
11 the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section
12 107A.13.3 of the San Francisco Building Code.

13 **SEC. 417.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.**

14 * * * *

15 (d) **Timing of Fee Payments.** The Eastern Neighborhoods Alternate Affordable
16 Housing Fee ~~project applicant~~ shall be paid to ~~the Development Fee Collection Unit at~~ DBI for
17 deposit into the Citywide Affordable Housing Fund at the time required by Section 402(d) of and in no
18 event later than issuance of the first construction document, with an option for the project sponsor to
19 defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral
20 surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with
21 Section 107A.13.3 of the San Francisco Building Code.

22 **SEC. 418.3. APPLICATION OF RINCON HILL COMMUNITY IMPROVEMENTS FEE AND**
23 **SOMA COMMUNITY STABILIZATION FEE.**

24 * * * *

1 (g) **Timing of Fee Payments.** The Rincon Hill Community Infrastructure Impact Fee
2 and SOMA Stabilization Fee ~~shall be paid to is due and payable to the Development Fee Collection~~
3 ~~Unit at DBI~~ for deposit into the Rincon Hill Community Improvements Fund at the time required by
4 Section 402(d) of and in no event later than issuance of the first construction document, with an option
5 for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon
6 agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with
7 Section 107A.13.3 of the San Francisco Building Code.

8 **SEC. 419.3. APPLICATION OF UMU AFFORDABLE HOUSING REQUIREMENTS.**

9 * * * *

10 (c) **Timing of Fee and Payments of Fee.** Any fee required by Section 419.1et seq.
11 shall be paid to ~~the Development Fee Collection Unit at DBI~~ for deposit into the Citywide Affordable
12 Housing Fund at the time required by Section 402(d) at the time of and in no event later than issuance
13 of the first construction document, with an option for the project sponsor to defer payment to prior to
14 issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance
15 with Section 107A.13.3 of the San Francisco Building Code.

16 **SEC. 420.3. APPLICATION OF VISITACION VALLEY COMMUNITY IMPROVEMENTS**
17 **FACILITIES AND INFRASTRUCTURE FEE.**

18 * * * *

19 (d) **Timing of Fee and Payments of Fee.** Any fee required by Section 420.1et seq.
20 shall be paid to ~~the Development Fee Collection Unit at DBI~~ at the time of and in no event later than
21 to issuance of the first construction document, with an option for the project sponsor to defer payment
22 to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that
23 would be deposited for deposit into the Visitacion Valley Community Facilities and Infrastructure
24 Fund at the time required by Section 402(d) in accordance with Section 402 of this Article and Section
25 107A.13 of the San Francisco Building Code.

1 **SEC. 421.3. APPLICATION OF COMMUNITY IMPROVEMENTS IMPACT FEE.**

2 * * * *

3 (f) **Timing of Fee Payments.** The Market and Octavia Community Improvements
4 Impact Fee ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for~~
5 deposit into the Market and Octavia Community Improvements Fund at the time required by Section
6 402(d) of and in no event later than issuance of the first construction document, with an option for the
7 project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing
8 to pay a deferral surcharge that would be paid into the appropriate fund in accordance with Section
9 107A.13.3 of the San Francisco Building Code.

10 **SEC. 422.3. APPLICATION OF COMMUNITY IMPROVEMENT IMPACT FEE.**

11 * * * *

12 (e) **Timing of Fee Payments.** The Balboa Park Impact Fee ~~shall be paid to is due~~
13 ~~and payable to the Development Fee Collection Unit at DBI for deposit into the Balboa Park~~
14 Community Improvements Fund at the time required by Section 402(d) of and in no event later than
15 issuance of the first construction document for the development project deferred to prior to issuance of
16 the first certificate of occupancy pursuant to Section 107A.13.3.1 of the San Francisco Building Code.

17 **SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE**
18 **IMPACT FEE.**

19 * * * *

20 (e) **Timing of Fee Payments.** The Eastern Neighborhoods Infrastructure Impact
21 Fee ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for deposit into~~
22 the Eastern Neighborhoods Community Improvements Fund at the time required by Section 402(d) of
23 and in no event later than issuance of the first construction document, with an option for the project
24 sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay
25

1 ~~a deferral surcharge that would be paid into the appropriate fund in accordance with Section~~
2 ~~107A.13.3 of the San Francisco Building Code.~~

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

4 * * * *

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

6 (1) Funds collected from all zoning districts in the Eastern Neighborhoods
7 Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts
8 by improvement type according to Table 423.5. Funds collected from MUR Zoning Districts
9 outside of the boundaries of either the East SoMa or Western SoMa Area Plans shall be
10 allocated to accounts by improvement type according to Table 423.5.

11 (2) Funds collected in Designated Affordable Housing Zones, as defined in
12 Section 401, shall be allocated to accounts by improvement type as described in Table
13 423.5A. For funds allocated to affordable housing, MOHCD shall expend the funds as follows:

14 (A) All funds collected from projects in the Mission NCT shall be
15 expended on housing programs and projects within the Mission Area Plan boundaries.

16 (B) Collectively, the first \$10 million in housing fees collected between
17 the two Designated Affordable Housing Zones shall be utilized for the acquisition and
18 rehabilitation of existing housing.

19 * * * *

20 **SEC. 424.3. APPLICATION OF VAN NESS AND MARKET AFFORDABLE HOUSING AND**
21 **NEIGHBORHOOD INFRASTRUCTURE FEE AND PROGRAM.**

22 * * * *

23 (a) **Application and Timing of Fee Payments.** Section 424.1 et seq. shall apply to any
24 development project located in the Van Ness and Market Downtown Residential Special Use
25 District, as established in Section 249.33 of this Code. The Fee shall be paid to is due and

1 ~~payable to the Development Fee Collection Unit at DBI for deposit into either the Van Ness and~~
2 ~~Market Downtown Residential Special Use District Affordable Housing Fund or the Van Ness and~~
3 ~~Market Downtown Residential Special Use District Infrastructure Fund, as applicable, at the time~~
4 ~~required by Section 402(d) of and in no event later than issuance of the first construction document,~~
5 ~~with an option for the project sponsor to defer payment to prior to issuance of the first certificate of~~
6 ~~occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in~~
7 ~~accordance with Section 107A.13.3 of the San Francisco Building Code.~~

8 **SEC. 430. BICYCLE PARKING IN LIEU FEE.**

9 * * * *

10 (d) **Collection of Bicycle Parking in Lieu Fee.** The Bicycle Parking In Lieu Fee
11 ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for deposit into the~~
12 ~~Bicycle Parking Fund at the time required by Section 402(d) prior to issuance of the first construction~~
13 ~~document in accordance with Section 107A.13.15 of the San Francisco Building Code.~~

14 **SEC. 432.2. APPLICATION OF FEES.**

15 * * * *

16 (d) **Timing of Fee Payments.** The Fee ~~shall be paid to is due and payable to the~~
17 ~~Development Fee Collection Unit at DBI for deposit into the Central SoMa Community Services~~
18 ~~Facilities Fund at the time required by Section 402(d) of and in no event later than issuance of the~~
19 ~~first construction document, with an option for the project sponsor to defer payment to prior to~~
20 ~~issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be~~
21 ~~paid into the appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building~~
22 ~~Code.~~

23 **SEC. 433.2. APPLICATION OF FEES.**

24 * * * *

1 (d) **Timing of Fee Payments.** ~~The Fee shall be paid to is due and payable to the~~
2 ~~Development Fee Collection Unit at DBI for deposit into the Central SoMa Infrastructure Impact Fund~~
3 ~~at the time required by Section 402(d) of and in no event later than issuance of the first construction~~
4 ~~document, with an option for the project sponsor to defer payment to prior to issuance of the first~~
5 ~~certificate of occupancy upon agreeing to pay a deferral surcharge that would be paid into the~~
6 ~~appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building Code.~~

7 **SEC. 603. EXEMPTED SIGNS.**

8 * * * *

9 (f) To the extent not otherwise exempted pursuant to subsection (a) of this Section
10 ~~603 610~~, any Historic Movie Theater Projecting Sign or Historic Movie Theater Marquee when
11 preserved, rehabilitated, restored, or reconstructed pursuant to Section 188(e) of the Planning
12 Code.

13 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
14 **DISTRICTS.**

15 * * * *

16 (f) Business Signs. Business Signs, as defined in Section 602 shall be
17 permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the
18 limits set forth below.

19 (1) **NC-1 and NCT-1 Districts.**

20 * * * *

21 (D) **Signs on Awnings.** Sign copy may be located on permitted
22 Awnings in lieu of Wall Signs and projecting ~~signs~~ *igns*. The Area of such sign copy as defined
23 in Section 602 shall not exceed 20 square feet. Such sign copy may be Nonilluminated or
24 Indirectly Illuminated.

25 * * * *

1 **SEC. 607.2. MIXED USE DISTRICTS.**

2 * * * *

3 (f) **Business Signs.** Business Signs, as defined in Section 602 shall be permitted
4 in all Mixed Use Districts subject to the limits set forth below.

5 * * * *

6 (2) **Chinatown Visitor Retail District.**

7 * * * *

8 (B) **Wall Signs.** The Area of all Wall Signs shall not exceed two
9 square feet per foot of street frontage occupied by the use measured along the wall to which
10 the Signs are attached, or 100 square feet for each street frontage, whichever is less. The
11 Height of any Wall Sign shall not exceed 24 feet, or the height of the wall to which it is
12 attached, or the height of the lowest of any residential windowsill on the wall to which the Sign
13 is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly *† Illuminated*, or
14 Directly Illuminated.

15 (C) **Projecting Signs.** The number of projecting Signs shall not
16 exceed one per business. The Area of such Sign shall not exceed 24 square feet. The Height
17 of such Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
18 height of the lowest of any residential windowsill on the wall to which the Sign is attached,
19 whichever is lower. No part of the Sign shall project more than 75% of the horizontal distance
20 from the Street Property Line to the curblineline, or six feet six inches, whichever is less. Such
21 Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be
22 Directly Illuminated.

23 * * * *

24 (E) **Freestanding Signs and Sign Towers.** One Freestanding Sign or
25 Sign Tower per lot shall be permitted in lieu of a projecting Sign, if the building or buildings are

1 recessed from the Street Property Line. The existence of a Freestanding Business Sign shall
2 preclude the erection of a Freestanding Identifying Sign on the same lot. The area of such
3 Freestanding Sign or Sign Tower shall not exceed 20 square feet nor shall the Height of the
4 Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal
5 distance from the Street Property Line to the curblineline, or six feet, whichever is less. Such
6 Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be
7 Directly Illuminated.

8 (3) **Chinatown Community Business District, Eastern Neighborhoods,**
9 **South of Market Mixed Use Mixed Use Districts, and the Downtown Residential**
10 **Districts.**

11 * * * *

12 (E) **Freestanding Signs and Sign Towers.** One Freestanding Sign or
13 Sign Tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are
14 recessed from the Street Property Line. The existence of a Freestanding Business Sign shall
15 preclude the erection of a Freestanding Identifying Sign on the same lot. The Area of such
16 Freestanding Sign or Sign Tower shall not exceed 30 square feet nor shall the Height of the
17 Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal
18 distance from the Street Property Line to the curblineline, or six feet, whichever is less. Such
19 Signs may be Nonilluminated or Indirectly Illuminated, or during business hours, may be
20 Directly Illuminated.

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

22 * * * *

23 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections
24 204.1 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to
25 Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory

1 Uses as defined in Section 102 shall be permitted when located on the same lot. Any Use that
2 does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use
3 unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

4 No Use will be considered accessory to a permitted Principal or Conditional Use that
5 involves or requires any of the following:

6 (1) The use of more than one-third of the total floor area occupied by such
7 use and the Principal or Conditional use to which it is accessory, except in the case of
8 accessory off-street parking and loading and as specified in subsection (d)(3) below as
9 accessory wholesaling, manufacturing, or processing of foods, goods, or commodities; -

10 (2) Any Bar or Restaurant, or any other retail establishment which serves
11 liquor for consumption on-site; however, this shall not prohibit take-out food activity which
12 operates in conjunction with a Limited Restaurant, Restaurant, General Grocery, and
13 Specialty Grocery; -

14 * * * *

15 **SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET**
16 **NCT AND RCD DISTRICTS.**

17 * * * *

18 (b) Non-Retail Professional Services, Retail Professional Services, *Philanthropic*
19 ~~*Administrative Services*~~, Financial Services, Fringe Financial Services, Gyms, Limited Financial
20 Services, Health Services, Personal Services and Instructional Services, as defined in Section
21 102, are Principally Permitted. In the RCD District only, in addition to the above uses, Arts
22 Activities as defined in Section 102 are Principally Permitted and Nighttime Entertainment
23 uses as defined in Section 102 require Conditional Use authorization, except that Nighttime
24 Entertainment uses are Principally Permitted in Article 10 Landmark Building No. 120 (St.
25 Joseph’s Church at 1401 Howard Street). For all uses listed above, prior to the issuance of

any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, shall determine that allowing the use will enhance the feasibility of preserving the building. The project sponsor must also submit a Preservation, Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation work and that guarantees the maintenance and upkeep of the historic resource for approval by the Department. This Plan shall include:

* * * *

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

* * * *

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

		NC-1		
Zoning Category	§ References	Controls		
* * * *				
RESIDENTIAL STANDARDS AND USES				
Development Standards				
* * * *	* * * *	* * * *		
Dwelling Unit Mix	§§ 207.6, 207.7	Not required		
* * * *	* * * *	* * * *		
Residential Uses		Controls by Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Dwelling Unit Density	§§ 102, 207	1 unit per 800 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		

Group Housing Density	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.
****	****	****

* * * *

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

* * * *

**Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
ZONING CONTROL TABLE**

		NC-2
Zoning Category	§ References	Controls

RESIDENTIAL STANDARDS AND USES		

Development Standards				
****	****	****		
Dwelling Unit Mix	§§ 207.6, 207.7	Not required		
****	****	****		
Residential Uses		Controls by Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
****	****	****		
Dwelling Unit Density	§§ 102, 207	1 unit per 800 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing Density	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		

* * * *	* * * *	* * * *
---------	---------	---------

* Not listed below

* * * *

(6) FRINGE FINANCIAL SPECIAL RESTRICTED USE DISTRICT (FFSRUD): The ~~FFSUD~~ FFSRUD and its 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 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. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

		NC-3
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		

Development Standards				
****	****	****		
Dwelling Unit Mix	§§ 207.6, 207.7	Not required		
****	****	****		
Residential Uses		Controls by Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
****	****	****		
Dwelling Unit Density	§§ 102, 207	1 unit per 600 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing Density	§ 208	1 bedroom per 210 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
****	****	****		

* Not listed below

(6) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD): The FFSRUD and its 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 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. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

		Excelsior Outer Mission NCD
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
	* * * *	* * * *

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SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

		North Beach NCD
Zoning Category	§ References	Controls
* * * *		

RESIDENTIAL STANDARDS AND USES

Development Standards

****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
****	****	****

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	NP(11)	P	P
****	****	****		
Dwelling Units	§§ 102, 207	1 unit per 400 square foot lot area or the density permitted in the nearest Residential District, whichever is greater.		
****	****	****		

Loss of Dwelling Units		Controls by Story		
		1st	2nd	3rd+
****	****	****	****	****
Residential Conversion	§§ 317, 780.3(c)(4)	C	NP	NP
****	****	****	****	****

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SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

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		Union Street NCD
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
* * * *	* * * *	* * * *

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Dwelling Units	§§ 102, 207	1 unit per 600 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 210 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
* * * *	* * * *	* * * *		

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1 **SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

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

		Pacific Avenue NCD
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, <u>207.7</u>	No less than 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.
* * * *	* * * *	* * * *

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *		* * * *		
Dwelling Units	§§ 102, 207	1 unit per 1,000 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
* * * *		* * * *		

* Not listed below

* * * *

(3) *[Note deleted.]* *€ required if use sells alcohol*

* * * *

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

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

		West Portal Avenue NCD
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
* * * *	* * * *	* * * *

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *		* * * *		
Dwelling Units	§§ 102, 207	1 unit per 800 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		

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

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	Controls By Story		
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	1st	2nd	3rd+
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Institutional Use Category

Institutional Uses*	§ 102	C	C	C
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****	****	****
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Residential Care Facility	§ 102	P (2)	P	P
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SEC. 758. REGIONAL COMMERCIAL DISTRICT.

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**Table 758. REGIONAL COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

		Regional Commercial District
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Zoning Category	§ References	Controls
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RESIDENTIAL STANDARDS AND USES

Development Standards

****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.
****	****	****

Loss <i>and Division</i> of Dwelling Units	Controls By Story		
	1st	2nd	3rd+
****	****	****	****

* * * *

SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *

		Divisadero St. NCT
Zoning Category	§ References	Controls

RESIDENTIAL STANDARDS AND USES		
Development Standards		
****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.
****	****	****

1 **NON-RESIDENTIAL STANDARDS AND USES**

2 **Development Standards**

3 * * * *

4 ***Commercial Use Characteristics***

5 Drive-up Facility	§ 102	NP
6 * * * *	* * * *	* * * *

7 * * * *

8 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
9 **DISTRICT.**

10 The Upper Market Street Neighborhood Commercial Transit District is located on
11 Market Street from Church to Noe Streets, and on side streets off Market. Upper Market
12 Street is a multi-purpose commercial district that provides *goods* goods and services to
13 adjacent neighborhoods, but also serves as a shopping street for a broader trade area. The
14 width of Market Street and its use as a major arterial diminish the perception of the Upper
15 Market Street Transit District as a single commercial district. The street appears as a
16 collection of dispersed centers of commercial activity, concentrated at the intersections of
17 Market Street with secondary streets.

18 * * * *

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

20 * * * *

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

Zoning Category No.	Controls
.10	The 26-40-X height district requires <i>e</i> Conditional <i>u</i> se <i>authorization approval</i> for heights over 26 feet not exceeding 40 feet.
.27	Hours of <i>o</i> peration shall be permitted as a <i>p</i> Principal <i>u</i> se from 6 a.m. to 11 p.m. and as a <i>e</i> Conditional <i>u</i> se from 11 p.m. to 6 a.m.
.30	General advertising signs are not permitted.
.41	Bars are permitted as <i>e</i> Conditional <i>u</i> ses at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
.44	<i>Limited Restaurants</i> are permitted as Conditional Uses at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
.46	Movie <i>Theaters theatres</i> are permitted as <i>e</i> Conditional <i>u</i> ses at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
.48	<i>Other General and Nighttime e</i> Entertainment is permitted as a <i>e</i> Conditional <i>u</i> se at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
* * * *	* * * *

SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.

* * * *

(c) **Controls.** The following provisions shall apply within such District:

(1) **Restaurants, Limited Restaurants, and Bars.** Restaurant, Limited Restaurant, and Bar uses may be permitted as a Conditional Use on the First Story through the procedures set forth in Section 303 only if the Zoning Administrator first determines that the proposed new Restaurant, Limited Restaurant, or Bar would occupy a space that is currently or was last legally occupied by one of the uses described below; provided that its last use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; and provided further that no Conditional Use shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use that the following shall apply: ÷

* * * *

1 (2) **Alcohol Licenses.** A Restaurant may provide on-site beer, wine, and/or
2 liquor sales for drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59 or 75)
3 as a Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the
4 Planning Commission finds, based on information submitted to the Department by the
5 applicant, that the Restaurant is and will continue to operate as a Bona-Fide Eating Place as
6 defined in Section 102. Should a Restaurant fail to operate as a Bona-Fide Eating Place for
7 any length of time, the Conditional Use authorization shall be subject to immediate revocation
8 per Planning Code Section 303(f). To verify that the Restaurant is continuing to operate as a
9 Bona-Fide Eating Place, records of the Restaurant’s gross receipts, showing that a minimum
10 of 51% of its gross receipts within the last year preceding the Department’s request is from
11 food sales prepared and sold to guests on the premises, shall be provided to the Department
12 upon request. All records and information shall be submitted to the Department under penalty
13 of perjury.

14 * * * *

15 (5) **Specialty Food Manufacturing.** Within the North Beach SUD a
16 Specialty Food Manufacturing use, as defined in ~~this subsection~~ Section 780.3(b)(1), may only be
17 permitted with a Conditional Use authorization on the Ground Floor or below.

18 **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

19 * * * *

20 (c) **Controls.**

21 * * * *

22 (4) **Continuation of existing Prohibited Liquor Establishments.** In the
23 Haight Street Alcohol RUSD, any prohibited liquor establishment may continue in accordance
24 with Sections 180 through 186.2 of this Code, subject to the following provisions:

25 **SEC. 788. LOWER POLK STREET ALCOHOL RESTRICTED USE DISTRICT.**

1 * * * *

2 (c) **Definitions.**

3 * * * *

4 (3) An “on sale liquor establishment” shall mean a Bar use.

5 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

6 The Mixed Use-General (MUG) District is largely comprised of the low-scale,
7 production, distribution, and repair (*PDR*) uses mixed with housing and small-scale retail. The
8 MUG is designed to maintain and facilitate the growth and expansion of small-scale light
9 *manufacturing industrial*, wholesale distribution, arts production and performance/exhibition
10 activities, general commercial and neighborhood-serving retail and personal service activities
11 while protecting existing housing and encouraging the development of housing at a scale and
12 density compatible with the existing neighborhood.

13 Housing is encouraged over ground floor commercial and *PDR production, distribution,*
14 *and repair* uses. New residential or mixed use developments are encouraged to provide as
15 much mixed-income family housing as possible. Existing group housing and dwelling units
16 would be protected from demolition or conversion to nonresidential use by requiring
17 conditional use review. Accessory Dwelling Units are permitted within the district pursuant to
18 subsection 207(c)(4) of this Code.

19 *Hotels, n* Nighttime entertainment, movie theaters, adult entertainment and heavy
20 *manufacturing industrial* uses are not permitted. Office is restricted to the upper floors of
21 multiple story buildings.

22 **Table 840**

23 **MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-General District Controls
Building and Siting Standards			

1	****	****	****	****
2	840.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the <i>Central SoMa Guide to Citywide Urban Design Guidelines</i>
3	****	****	****	****
4	Residential Uses			
5	****	****	****	****
6	840.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	NP <i>in Central SoMa SUD</i> , except Group Housing uses that are also defined as Student Housing, Senior Housing, or Residential Care Facility, are designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units.
7	840.23	SRO Units	§§ 249.78(c)(7), 890.88(c)	NP <i>in Central SoMa</i> , except in buildings that consist of 100% affordable units, as defined in Section 249.78(c)(7).
8	****	****	****	****
9	****	****	****	****
10	****	****	****	****
11	****	****	****	****
12	****	****	****	****
13	****	****	****	****

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

The Mixed Use-Residential District (MUR) is intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, adult entertainment and heavy *manufacturing industrial* uses are not permitted. Office is limited by residential-to-non residential ratio in new construction.

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Table 841			
MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Residential District Controls
Building and Siting Standards			
* * * *	* * * *	* * * *	* * * *
841.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the <i>Central SoMa Guide to Citywide Urban Design Guidelines</i>
* * * *	* * * *	* * * *	* * * *
Residential Uses			
841.21	Dwelling Units	§ 102	P
841.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	NP <i>in Central SoMa SUD</i> , except Group Housing uses that are also defined as Student Housing, Senior Housing, or Residential Care Facility, are designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units.
841.23	SRO Units	§§ 249.78(c)(7), 890.88(c)	NP <i>in Central SoMa SUD</i> , except in buildings that consist of 100% affordable units, as defined in Section 249.78(c)(7).
* * * *	* * * *	* * * *	* * * *

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SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

The Mixed Use-Office (MUO) is designed to encourage office uses and housing, as well as small-scale light *manufacturing industrial* and arts activities. Nighttime entertainment and small tourist hotels are permitted as a conditional use. Large tourist hotels are permitted as a conditional use in certain height districts. Dwelling units and group housing are permitted,

1 while demolition or conversion of existing dwelling units or group housing requires conditional
2 use authorization. Family-sized housing is encouraged. Accessory Dwelling Units are
3 permitted within the district pursuant to subsection 207(c)(4) of this Code.

4 Office, general commercial, most retail, production, distribution, and repair uses are
5 also principal permitted uses. Adult entertainment and heavy *manufacturing industrial* uses are
6 not permitted.

7 * * * *

8 **SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

9 The WSoMa Mixed Use-General (WMUG) District is largely comprised of the low-scale,
10 production, distribution, and repair uses mixed with housing and small-scale retail. The
11 WMUG is designed to maintain and facilitate the growth and expansion of small-scale light
12 *manufacturing industrial*, wholesale distribution, arts production and performance/exhibition
13 activities, general commercial and neighborhood-serving retail and personal service activities
14 while protecting existing housing and encouraging the development of housing at a scale and
15 density compatible with the existing neighborhood.

16 Housing is encouraged over ground floor commercial and production, distribution, and
17 repair uses. New residential or mixed use developments are encouraged to provide as much
18 mixed-income family housing as possible. Existing group housing and dwelling units will be
19 protected from demolition or conversion to nonresidential use by requiring conditional use
20 review. Accessory Dwelling Units are permitted within the district pursuant to subsection
21 207(c)(4) of this Code.

22 Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy
23 *manufacturing industrial* uses are not permitted. Office use is restricted to customer-based
24 services on the ground floor.

25

1 **845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

2 * * * *

3 The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend
4 Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to
5 the north side of Folsom Street. The WMUO is designed to encourage office uses along with
6 small-scale light *manufacturing industrial* and arts activities. Nighttime entertainment is
7 permitted, although limited by buffers around RED and RED-MX districts.

8 Office, general commercial, most retail, production, distribution, and repair uses are
9 also principal permitted uses. Residential uses, large hotels, adult entertainment and heavy
10 *manufacturing industrial* uses are not permitted.

11 Accessory Dwelling Units are permitted within the district pursuant to subsection
12 207(c)(4) of this Code.

13 **SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

14 The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale
15 buildings with production, distribution, and repair uses. The district is designed to protect and
16 facilitate the expansion of existing general commercial, manufacturing, home and business
17 service, and light *manufacturing industrial* activities, with an emphasis on preserving and
18 expanding arts activities. Nighttime Entertainment is permitted although limited by buffers
19 around RED and RED-MX districts. Residential Uses, Offices, Hotels, and Adult
20 Entertainment uses are not permitted, except that certain Affordable Housing Projects are
21 permitted within the district pursuant to Section 846.24 of this Code, and Accessory Dwelling
22 Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

23 **SEC. 848. CMUO - CENTRAL SOMA MIXED-USE OFFICE DISTRICT.**

24 * * * *

1 The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd
 2 Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix
 3 of residential and non-residential uses, including office, retail, light *manufacturing industrial*,
 4 arts activities, nighttime entertainment, and tourist hotels.

Table 848		
CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE		
Central SoMa Mixed Use-Office District Controls		
Zoning Category	§ References	Controls

BUILDING STANDARDS		
* * * *		
Miscellaneous		
* * * *	* * * *	* * * *
Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the <i>Citywide</i> Urban Design Guidelines <i>and Central SoMa Guide to Urban Design.</i>

* * * *

APPENDIX C TO ARTICLE 11
CATEGORY III BUILDINGS

Address of Building	Block	Lot(s)	Name of Building
* * * *	* * * *	* * * *	* * * *
844 Folsom St.	<u>3704</u> <u>3733</u>	019	Victor Equipment Company
850 Folsom St.	<u>3704</u> <u>3733</u>	020	Victor Equipment Company
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Section 3. Amendment of Specific Zoning Control Tables. Zoning Control Tables 713, 714, 715, 716, 717, 718, and 719 are hereby amended identically to the amendment of Zoning Control Table 710 in Section 2 of this ordinance, to 1) add Section 207.7 to the Reference column for Dwelling Unit Mix in the Development Standards subsection and 2) revise “Residential” to “R” in the Controls by Story column for Dwelling Unit Density and Group Housing Density in the Residential Uses subsection.

Section 4. Amendment of Specific Zoning Control Tables. Zoning Control Tables 723 and 24, are hereby amended identically to the amendment of Zoning Control Table 722 in Section 2 of this ordinance, to 1) add Section 207.7 to the Reference column for Dwelling Unit Mix in the Development Standards subsection and 2) revise “Residential” to “R” in the Controls by Story column for Dwelling Units.

Section 5. Amendment of Specific Zoning Control Tables. Zoning Control Tables 728, 730, 731, 732, 733, and 734 are hereby amended identically to the amendment of Zoning Control Table 720 in Section 2 of this ordinance, to 1) add Section 207.7 to the Reference column for Dwelling Unit Mix in the Development Standards subsection and 2) revise “Residential” to “R” in the Controls by Story column for Dwelling Units and Group Housing.

Section 6. Amendment of Specific Zoning Control Tables. Zoning Control Tables 750, 751, 752, 753, 754, 755, 756, 757, 760, 761, 762, 763, and 764 are hereby amended identically to the amendment of Zoning Control Table 720 in Section 2 of this ordinance, to add Section 207.7 to the Reference column for Dwelling Unit Mix in the Development Standards subsection.

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

Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

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