



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment Initiation ADOPTION HEARING DATE: DECEMBER 12, 2019

Project Name: Code Clean-Up 2019
Case Number: 2019-013522PCA [Board File No. TBD]
Initiated by: Planning Commission / Initiated on November 7, 2019
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: **Approval with Modifications**

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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The proposed Ordinance would amend the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive language revisions to clarify/simplify Code language.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.

Additional Changes

After the Initiation Hearing on November 7, 2019, additional typos, cross-references, and other clarifying language were identified. The attached Exhibit C includes a summary of these additional changes for convenience.

RECOMMENDATION

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department’s proposed recommendations are as follows:

1. Request that the Board of Supervisors initiate the following clerical changes to the Administrative, Health, and Police Codes:
 - a. Administrative Code:
 - i. Section 2A.54. Planning Commission Evaluation of Medical Cannabis Dispensary Location Regulations. In subsection (a), there's a cross-reference to repealed Planning Code Sections 209.3(k), 217(k), and 790.141. There is also a cross-reference to Planning Code Section 890.133, which is still in the Code. Section 2A.54 relates to a Planning Commission report due to the Board in 2014. The report mentioned in this Section was completed; therefore, this Section can be repealed in its entirety.
 - ii. Section 29A: Approval of Power Plant; Planning Code Sec. 226.1. In addition to correcting the title, there's a cross-reference to repealed Planning Code Section 226.1 in subsection (c) that needs to be removed.
 - iii. Chapter 41: Residential Hotel Unit Conversion and Demolition. In Sec. 41.4, there's a cross-reference to repealed Planning Code Section 790.46 in the definition of Tourist Hotel. There's also a cross-reference to old Planning Code Section 209.1, which should now be Section 102.
 - iv. Chapter 79: Preapproval Notice for Certain City Projects. This Chapter was added in 1998 by Proposition I and there is a cross-reference to Planning Code Section 102.9 in Section 79.2(d) that is no longer valid.
 - b. Health Code
 - i. Chapter 22A: Analyzing Soils for Hazardous Waste. In Section 22A.2, the list of Planning Code Sections in the definition of "Industrial Use" have all been repealed and the names of the Uses are outdated. Further, the list of "Industrially Zoned" districts do not include Central SoMa.
 - c. Police Code
 - i. Section 21: Consuming Alcoholic Beverages on Public Streets, Etc. or on Public Property Open to Public View Prohibited; Penalty. There's a cross-reference to repealed Planning Code Section 790.92 in subsection (a)(2).
 - ii. Section 1036.23: Mechanical Amusement Devices; Location. There's reference in subsection (a) to repealed Planning Code Sec. 790.88. There is also a cross-reference to Section 890.88, which is still in the Code, but will be deleted with the Article 8 reorganization.
 - iii. Article 33: Medical Cannabis Act. There are cross-references to repealed Planning Code Sections 790.46 and 790.47 in the definition of Large Hotel.

BASIS FOR RECOMMENDATION

This Ordinance is intended to correct identified errors in the Code. Although these are considered minor errors, they cannot be corrected without a legislative change. Adopting this Ordinance will make the code more consistent, accurate and easier to use.

Recommendation 1: Request that the Board of Supervisors initiate the listed clerical changes to the Administrative, Health, and Police Codes.

Since the Planning Commission can only initiate changes to the Planning Code, the Department recommends the Commission recommend the Board of Supervisors to initiate an ordinance to correct Planning Code references in the Administrative, Health, and Police Codes. These changes are also considered non-substantive and should be made to ensure the other City Codes referencing the Planning Code are consistent and accurate.

REQUIRED COMMISSION ACTION

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

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code has been determined not to be a project under California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Therefore, no environmental review is required.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received two letters with general comments and questions on Code language. The submitted suggestions were reviewed and incorporated into the Ordinance as appropriate.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Proposed Ordinance
- Exhibit C: Appendix: Changes Since Initiation Ordinance



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution HEARING DATE DECEMBER 12, 2019

Project Name: Code Clean-Up 2019
Case Number: 2019-013522PCA [Board File No. TBD]
Initiated by: Planning Commission/ Initiated November 7, 2019
Staff Contact: Veronica Flores, Legislative Affairs
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT 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; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE UNDER PLANNING CODE, SECTION 302.

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

WHEREAS, on November 7, 2019, the Planning Commission adopted a Resolution to initiate said amendments under R-20559; 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 the proposed Ordinance on December 12, 2019; and,

WHEREAS, the proposed Ordinance has been determined not to be a project under California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Therefore, no environmental review is required; and

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

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

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

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

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission’s proposed Modifications are as follows:

- 1) Request that the Board of Supervisors initiate the following clerical changes to the Administrative, Health, and Police Codes:
 - a) Administrative Code:
 - i) Section 2A.54. Planning Commission Evaluation of Medical Cannabis Dispensary Location Regulations. In subsection (a), there’s a cross-reference to repealed Planning Code Sections 209.3(k), 217(k), and 790.141. There is also a cross-reference to Planning Code Section 890.133, which is still in the Code. Section 2A.54 relates to a Planning Commission report due to the Board in 2014. The report mentioned in this Section was completed; therefore, this Section can be repealed in its entirety.
 - ii) Section 29A: Approval of Power Plant; Planning Code Sec. 226.1. In addition to correcting the title, there’s a cross-reference to repealed Planning Code Section 226.1 in subsection (c) that needs to be removed.
 - iii) Chapter 41: Residential Hotel Unit Conversion and Demolition. In Sec. 41.4, there’s a cross-reference to repealed Planning Code Section 790.46 in the definition of Tourist Hotel. There’s also a cross-reference to old Planning Code Section 209.1, which should now be Section 102.

- iv) Chapter 79: Preapproval Notice for Certain City Projects. This Chapter was added in 1998 by Proposition I and there is a cross-reference to Planning Code Section 102.9 in Section 79.2(d) that is no longer valid.
- b) Health Code
 - i) Chapter 22A: Analyzing Soils for Hazardous Waste. In Section 22A.2, the list of Planning Code Sections in the definition of “Industrial Use” have all been repealed and the names of the Uses are outdated. Further, the list of “Industrially Zoned” districts do not include Central SoMa.
- c) Police Code
 - i) Section 21: Consuming Alcoholic Beverages on Public Streets, Etc. or on Public Property Open to Public View Prohibited; Penalty. There’s a cross-reference to repealed Planning Code Section 790.92 in subsection (a)(2).
 - ii) Section 1036.23: Mechanical Amusement Devices; Location. There’s reference in subsection (a) to repealed Planning Code Sec. 790.88. There is also a cross-reference to Section 890.88, which is still in the Code, but will be deleted with the Article 8 reorganization.
 - iii) Article 33: Medical Cannabis Act. There are cross-references to repealed Planning Code Sections 790.46 and 790.47 in the definition of Large Hotel.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The proposed Ordinance will correct the Planning Code so that it is in line with the City’s current practices and adopted budget.
2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

Policy 10.1

Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

The proposed Ordinance will bring more consistency to the Planning Code. The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

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

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

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

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

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

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

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 12, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: December 12, 2019

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1 [Planning Code - Technical Corrections]

2

3 **Ordinance amending the Planning Code to correct typographical errors, update**
 4 **outdated cross-references, 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, 132, 134,
8 138, 138.1, 142, 155, 172, 175.6, 181,186.3, 190, 201, 204.5, 205.4, 206.3, 206.5, 207,
9 207.6, 209.2, 209.3, 210.1, 240, 240.1, 249.1, 249.33, 249.35, 249.40, 249.52, 249.59,
10 249.60, 249.63, 249.70, 249.74, 249.76, 249.78, 249.80, 260, 262, 263.32, 303, 303.1, 304,
11 305, 311, 317, 401, 402, 406, 412.6, 413.6, 414.8, 414A.4, 415.5, 415.6, 416.3, 417.3, 418.3,
12 419.3, 420.3, 421.3, 422.3, 423.3, 423.5, 424.3, 430, 432.2, 433.2, 603, 607.1, 607.2, 703,
13 703.9, 710, 711, 712, 713, 720, 722, 725, 726, 729, 758, 759, 763, 764, 780.1, 780.3, 781.9,
14 788, 803.2, 803.3, 803.4, 803.9, 810, 811, 812, 840, 841, 842, 844, 845, 846, 848, and
15 Appendix C to Article 11, to read as follows:

16 **SEC. 102. DEFINITIONS.**

17 * * * *

18 **Accessory Use.** A related minor Use that is either necessary to the operation or enjoyment of
19 a lawful Principal Use or Conditional Use, or appropriate, incidental, and subordinate to any
20 such use, and is located on the same lot. Accessory Uses are regulated by Sections 204
21 through 204.5 and Sections 703(d), 803.2(d), 803.3(b)(1)(C), *and* 825(c)(1)(C), and 986 of this
22 Code.

23 * * * *

24 **Family.** A single and separate living unit, consisting of either one person, or two or more
25 persons related by blood, marriage or adoption or by legal guardianship pursuant to court

1 order, plus necessary domestic servants and not more than three roomers or boarders; a
2 group of not more than five persons unrelated by blood, marriage or adoption, or such legal
3 guardianship unless the group has the attributes of a family in that it (a) has control over its
4 membership and composition; (b) purchases its food and prepares and consumes its meals
5 collectively; and (c) determines its own rules or organization and utilization of the residential
6 space it occupies. A group occupying group housing or a hotel, motel, or any other building or
7 portion thereof other than a Dwelling, shall not be deemed to be a family.

8 * * * *

9 **Massage Establishment.** A Retail Sales and Service Use defined by Section 29.5 of the
10 Health Code. For purposes of the Planning Code only, "Massage Establishment" shall include
11 both a "Massage Establishment" and a "Sole Practitioner Massage Establishment," as these
12 terms are defined in Section 29.5 of the Health Code. The Massage Establishment shall first
13 obtain a permit from the Department of Public Health pursuant to Section 29.25 of the Health
14 Code, or a letter from the Director of the Department of Public Health certifying that the
15 establishment is exempt from such a permit under Section 29.25 of the Health Code.

16 ~~(a) — **Controls.** Massage Establishments require a Conditional Use authorization from the~~
17 ~~Planning Commission, pursuant to Section 303 of this Code. When considering an application for a~~
18 ~~Conditional Use authorization pursuant to this subsection (a), the Planning Commission shall consider,~~
19 ~~in addition to the criteria listed in Section 303(c), the criteria outlined in Section 303(n).~~

20 ~~(b) — **Exceptions.** A Massage Establishment shall not require a Conditional Use~~
21 ~~authorization if the Massage Establishment satisfies one or more of the following conditions:~~

22 ~~(1) — The massage use is accessory to a principal use, if the massage use is accessed~~
23 ~~by the principal use and~~

24 ~~(A) — the principal use is a dwelling unit and the massage use conforms to the~~
25 ~~requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or~~

1 ~~(B) the principal use is a Tourist Hotel that contains 100 or more rooms or an~~
2 ~~Institutional Use as defined in this Code.~~

3 ~~(2) The only massage service provided is chair massage, such service is visible to~~
4 ~~the public, and customers are fully clothed at all times.~~

5 ~~(3) It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of the~~
6 ~~Health Code.~~

7 * * * *

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

13 * * * *

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

1 alcoholic beverages ~~that~~ occupy less than 15% of the Occupied Floor Area of the
2 establishment. Such businesses shall operate with the specified conditions in Section
3 202.2(a)(1).

4 * * * *

5 **Senior Housing.** A Residential Use defined as dwellings that are specifically designed for
6 and occupied by senior citizens. Senior Housing is subject to the conditions listed in Section
7 202.2(f#).

8 * * * *

9 **Service, Business.** A Non-Retail Sales and Service Use that provides the following kinds of
10 services *primarily* to businesses and/or to the general public and does not fall under the
11 definition of Office: radio and television stations, newspaper bureaus, magazine and trade
12 publication publishing, microfilm recording, slide duplicating, bulk mail services, parcel
13 shipping services, parcel labeling and packaging services, messenger delivery/courier
14 services, sign painting and lettering services, or building maintenance services.

15 * * * *

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

25 * * * *

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

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

10 * * * *

11 **Student Housing.** A Residential Use characteristic defined as a living space for students of
12 accredited Post-Secondary Educational Institutions that may take the form of Dwelling Units,
13 Group Housing, or SRO Units and is owned, operated, or otherwise controlled by an
14 accredited Post-Secondary Educational Institution. Unless expressly provided for elsewhere in
15 this Code, the use of Student Housing is permitted where the form of housing is permitted in
16 the underlying Zoning District in which it is located. Student Housing may consist of all or part
17 of a building, and Student Housing owned, operated, or controlled by more than one Post-
18 Secondary Educational Institution may be located in one building.

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

21 * * * *

22 (d) **Applicability to Special Lot Situations.**

23 (1) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as
24 defined in Section 102 *of* this Code, or a lot at the intersection of a Street and an Alley or two
25 Alleys, a front setback area shall be required only along the Street or Alley elected by the

1 owner as the front of the property. Along such Street or Alley, the required setback for the
2 subject lot shall be equal to one-half the front setback of the adjacent building.

3 **SEC. 134. REAR YARDS, R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED,**
4 **AND RED-MX DISTRICTS.**

5 * * * *

6 (c) **Basic Requirements.** The basic rear yard requirements shall be as follows for
7 the districts indicated:

8 * * * *

9 (2) **RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue**
10 **NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD**
11 **Districts.** Except as specified in this subsection (c), the minimum rear yard depth shall be
12 equal to 25% of the total depth of the lot on which the building is situated, but in no case less
13 than 15 feet.

14 (A) For buildings containing only SRO Units in the Eastern
15 Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the
16 total depth of the lot on which the building is situated, but the required rear yard of SRO
17 buildings not exceeding a height of 65 feet shall be reduced in specific situations as described
18 in subsection (e) below.

19 (B) To the extent the lot coverage requirements of Section 249.78
20 apply to a project, those requirements shall control, rather than the requirements of this
21 Section 134.

22 (C) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, NC-1, NCT-1, Inner**
23 **Sunset, Outer Clement Street, Haight Street, Sacramento Street, 24th Street-Noe Valley,**
24 **and West Portal Avenue Districts.** Rear yards shall be provided at grade level and at each
25 succeeding level or story of the building.

1 (D ~~B~~) **NC-2, NCT-2, Ocean Avenue, Castro Street, Divisadero Street**
2 **NCT, ~~Excelsior~~ Excelsior-Outer Mission Street, Inner Clement Street, Upper Fillmore**
3 **Street, Judah Street, Noriega Street, North Beach, Taraval Street, Union Street, Valencia**
4 **Street, 24th Street-Mission, Glen Park, Regional Commercial District and Folsom Street**
5 **Districts.** Rear yards shall be provided at the second story, and at each succeeding story of
6 the building, and at the First Story if it contains a Dwelling Unit.

7 [Note: Diagram omitted but not deleted.]

8 (E ~~E~~) **RC-3, RC-4, NC-3, NCT-3, Broadway, Fillmore Street NCT,**
9 **Hayes- Gough NCT, Japantown, SoMa NCT, Mission Street NCT, Polk Street, Pacific**
10 **Avenue, C, M, SPD, MUR, MUG, MUO, and UMU Districts.** Rear yards shall be provided at
11 the lowest story containing a Dwelling Unit, and at each succeeding level or story of the
12 building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between
13 Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not
14 required to provide rear yards at any level of the building, provided that the project fully meets
15 the usable open space requirement for Dwelling Units pursuant to Section 135 of this Code,
16 the exposure requirements of Section 140, and gives adequate architectural consideration to
17 the light and air needs of adjacent buildings given the constraints of the project site.

18 (F ~~D~~) **Upper Market Street NCT. Rear yards shall be provided at the**
19 **grade level, and at each succeeding story of the building.** For buildings in the Upper
20 Market Street NCT that do not contain Residential Uses and that do not abut adjacent lots
21 with an existing pattern of rear yards or mid-block open space, the Zoning Administrator may
22 waive or reduce this rear yard requirement pursuant to the procedures of subsection (h).

23 (G ~~E~~) **RED, RED-MX and WMUG Districts.** Rear yards shall be
24 provided at the ground level for any building containing a ~~Dwell-ing~~ Dwelling Unit, and at each
25 succeeding level or story of the building.

1 * * * *

2 (e) **Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,2 and RM-2**

3 **Districts.** The rear yard requirement stated in ~~subsection~~ subsection (c)(3) above and as
4 stated in ~~subsection~~ subsection (c)(2)(A) above for SRO buildings located in the Eastern
5 Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in
6 specific situations as described in this subsection (e), based upon conditions on adjacent lots.
7 Except for those SRO buildings referenced above in this subsection (e) whose rear yard can
8 be reduced in the circumstances described in subsection (e) to a 15-foot minimum, under no
9 circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25%
10 of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever
11 is greater.

12 * * * *

13 (2) **Alternative Method of Averaging.** If, under the rule stated in subsection

14 (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively
15 be averaged in an irregular manner; provided that the area of the resulting reduction shall be
16 no more than the product of the width of the subject lot along the line established by
17 subsection (e)(1) above times the reduction in depth of rear yard permitted by *Paragraph*
18 subsection (e)(1); and provided further that all portions of the open area on the part of the lot
19 to which the rear yard reduction applies shall be directly exposed laterally to the open area
20 behind the adjacent building having the lesser depth of its rear building wall.

21 ~~epth of its rear building wall.~~

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

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

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

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

9 * * * *

10 (c) **Location.** The open space required by this Section may be on the same site as
11 the project for which the permit is sought, or within 900 feet of it on either private property or,
12 with the approval of all relevant public agencies, public property, provided that all open space
13 required by this Section for a project within the C-3 District shall be located entirely within the
14 C-3 District. Projects within the Central SoMa Special Use District may provide the open
15 space required by this Section 138 within one-half mile of the project if the required open
16 space is on publicly-owned land underneath or adjacent to the I-80 freeway. Open space is
17 within 900 feet of the building for which the permit is sought within the meaning of this Section
18 138 if any portion of the project is located within 900 feet of any portion of the open space. Off-
19 site open space shall be developed and open for use prior to issuance of a first certificate of
20 occupancy, as defined in Section 401 of this Code, of the project whose open space
21 requirement is being met off-site. Failure to comply with the requirements of this subsection
22 (c) shall be grounds for enforcement under this Code, including but not limited to the
23 provisions of Sections 176 and 176.1.

24 * * * *

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

2 * * * *

3 **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.
* * * *	* * * *	* * * *

25 * * * *

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

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

4 * * * *

5 (b) **Vehicular Use Areas That Are Greater than 25 Linear Feet along the Public**
6 **Right-of-Way.** All lots containing Vehicular Use Areas where such area has more than 25
7 linear feet along any public right-of-way shall provide screening in accordance with the
8 requirements of this Section 142 and the Ornamental Fencing definition in Section 102. The
9 following instances shall trigger the screening requirements for these Vehicular Use Areas:

10 * * * *

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

14 * * * *

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

17 * * * *

18 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
19 order to preserve the pedestrian character of certain districts and to minimize delays to transit
20 service, ~~regulation of~~ garage entries, driveways, or other vehicular access to off-street parking
21 or loading via curb cuts on development lots shall be regulated as set forth in this subsection (r)
22 ~~occur on the Street frontages listed below~~. These limitations do not apply to the creation of new
23 publicly-accessible Streets and Alleys. Any lot whose sole feasible vehicular access is via a
24 protected street frontage described in this subsection (r) shall be exempted from any off-street
25 parking or loading requirement found elsewhere in this Code.

1 * * * *

2 (2) Not permitted:

3 * * * *

4 (LL) Pine Street between Van Ness Avenue and Larkin Street, and

5 ~~(MM) No curb cut shall be permitted that directly fronts an adjacent on-street striped~~
6 ~~bus stop (e.g., bus stop zones with striping or red curb) that has been approved by the San Francisco~~
7 ~~Municipal Transportation Agency (SFMTA) Board of Directors, transit bulb-out as defined in the~~
8 ~~Better Streets Plan, or on street frontage directly adjacent to a transit boarding island as defined in the~~
9 ~~Better Streets Plan if vehicles accessing the curb cut would be required to cross over the boarding~~
10 ~~island.~~

11 (~~MM~~ GG) Howard Street from 5th Street to 13th Street,

12 (~~NN~~ HH) Folsom Street from 2nd Street to 13th Street,

13 (~~OO~~ H) Brannan Street from 2nd Street to 6th Street,

14 (~~PP~~ JJ) Townsend Street from 2nd Street to 6th Street, except as permitted
15 pursuant to Section 329(e)(3)(B),

16 (~~QQ~~ KK) 3rd Street from Folsom Street to Townsend Street,

17 (~~RR~~ LL) 4th Street from Folsom Street to Townsend Street, and

18 (~~MM~~ SS) 6th Street from Folsom Street to Brannan Street.

19 (~~TT~~) No curb cut shall be permitted that directly fronts an adjacent on-street
20 striped bus stop (e.g., bus stop zones with striping or red curb) that has been approved by the San
21 Francisco Municipal Transportation Agency (SFMTA) Board of Directors, transit bulb-out as defined
22 in the Better Streets Plan, or on street frontage directly adjacent to a transit boarding island as defined
23 in the Better Streets Plan if vehicles accessing the curb cut would be required to cross over the
24 boarding island.

1 (3) Not permitted without Conditional Use authorization or Sections 309 or
2 329 exception. In the C-3-O(SD) and the Central SoMa Special Use Districts, the Planning
3 Commission may grant permission for a new curb cut or an expansion of an existing one as
4 an exception pursuant to Sections 309 or 329 in lieu of a Conditional Use authorization as
5 long as the Commission makes the findings required under Section 303(y) and where the
6 amount of parking proposed does not exceed the amounts permitted as accessory according
7 to Section 151.1. In addition, in the MUG, WMUG, MUR, MUO, RED, RED-MX, and SPD
8 Districts, the Planning Commission may grant permission for a new curb cut or an expansion
9 of an existing one as an exception pursuant to Section 329 in lieu of a Conditional Use
10 authorization as long as the Commission makes the findings required under Section 303(y). A
11 Planning Commission Conditional Use authorization subject to the additional findings under
12 Section 303(y) is required to allow a new curb cut or expansion of an existing one on any
13 other restricted street identified in this subsection 155(r)(3).

14 (A) Except as provided in Section 155(r), in all zoning districts except
15 RH, M, NC-S, P, PDR, and SALI, no curb cuts accessing off-street parking or loading shall be
16 created or expanded on street frontages identified along any Transit Preferential Street as
17 designated in the Transportation Element of the General Plan, or *located in a* Neighborhood
18 Commercial *Zoning District Street as defined in the Better Streets Plan*, or any SFMTA Board of
19 Directors adopted bicycle routes or lanes, where an alternative frontage is available. On such
20 bicycles routes or lanes where the bicycle facility is only on one side of the street, the curb cut
21 restriction shall apply to the side of the street with the bicycle facility, and shall not apply to the
22 opposite side of the street.

23 * * * *

24 (M) Dolores Street from Market Street to 16th Street.

25 (~~N~~) Harrison Street from 2nd Street to 6th Street,

1 (Q E) Bryant Street from 2nd Street to 6th Street, and
2 (P M) 5th Street from Howard Street to Townsend Street.

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

13 * * * *

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

16 (a) No structure shall be constructed, reconstructed, enlarged, altered, or relocated
17 so as to have or result in a greater height, bulk, or Floor Area Ratio, less Required Open
18 Space as defined in Section 102 *of* this Code, or less off-street loading space, than
19 permissible under the limitations set forth herein for the district or districts in which such
20 structure is located.;¹ provided, however, that, except in the North Beach-Telegraph Hill
21 Residential Special Use District, for the purpose of creating habitable space or an Accessory
22 Dwelling Unit pursuant to Section 207(c)(4) of this Code where the exception is in
23 consideration of the property owner entering into a Regulatory Agreement pursuant to Section
24 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration
25 Ordinance, and as long as the number of above-ground building stories is not increased:

1 (1) the ceiling height of an existing building story in a lawfully-existing
2 nonconforming structure may be increased to create an interior floor-to-ceiling height of up to
3 nine feet; and/or

4 (2) a flat roof may be replaced with a pitched roof.

5 The alterations permitted by subsections (a)(1) and (a)(2) above shall be subject to
6 applicable design guidelines, including the Residential Design Guidelines, for the zoning
7 district in which the building is located. If a building is a historic resource or located in a
8 historic district, the alterations shall also comply with applicable Secretary of Interior
9 Standards and other Code provisions pertaining to historic properties. Building heights shall
10 be measured according to the procedures of Section 260.

11 **SEC. 175.6. EFFECTIVE DATE OF THE EASTERN NEIGHBORHOODS ZONING**
12 **CONTROLS.**

13 * * * *

14 (b) **Applicability.** This Section applies only to the specific types of development
15 projects identified herein and that are subject to changed regulations or procedures as a result
16 of the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods Mixed
17 Use District, ~~an SLL District,~~ or any PDR, R, or NC District located within the boundaries of the
18 Eastern Neighborhoods Project Area pursuant to Section 423. This Section shall not apply to
19 any other project.

20 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**
21 **RECONSTRUCTION.**

22 The following provisions shall apply to nonconforming uses with respect to
23 enlargements, alterations and reconstruction:

24 * * * *

1 (f) **Nighttime Entertainment Uses in Certain Mixed-Use Districts.** A ~~N~~ighttime
2 ~~E~~ntertainment use within the MUG or MUR Districts may be enlarged, intensified, extended,
3 or expanded, including the expansion to an adjacent lot or lots, provided that: (1) the
4 enlargement, intensification, extension or expansion is approved as a ~~C~~onditional ~~U~~se
5 pursuant to Sections 303 ~~and 316~~ of this Code; (2) the use as a whole meets the ~~parking and~~
6 signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of
7 this Code that would apply if the use were a permitted one; and (3) the provisions of Section
8 803.5(b) of this Code are satisfied.

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

11 Any use listed as a ~~P~~rincipal or ~~C~~onditional ~~U~~se permitted on the ground floor in
12 an NC-1 District, when located in a structure on a landmark site designated pursuant to Article
13 10 of this Code, is permitted with Conditional Use authorization pursuant to Section 303 of this
14 Code, provided that no ~~C~~onditional ~~U~~se shall be authorized under this provision unless (1)
15 such authorization conforms to the applicable provisions of Section 303 of this Code, and (2)
16 the specific use so authorized is essential to the feasibility of retaining and preserving the
17 landmark.

18 **SEC. 190. CONVERSION OF MEDICAL CANNABIS DISPENSARIES TO CANNABIS**
19 **RETAIL ESTABLISHMENTS.**

20 (a) **Conversion of MCDs with Planning Commission Approval to Cannabis**
21 **Retail Uses.**

22 * * * *

23 (3) A Grandfathered MCD is subject to all other Planning Code requirements,
24 including but not limited to the neighborhood notification requirement of Section 311 ~~312~~.

25 * * * *

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

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

4 * * * *

<u>Eastern Neighborhoods Mixed Use Districts</u> <u>(Also see Sec. 802.4)</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)

15 * * * *

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

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

19 * * * *

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

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

3 * * * *

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

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

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

12 * * * *

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

16 * * * *

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

1 the intermittent activity would not further exceed the thresholds of Subsections (4)(A) and/or
2 (B), above.

3 * * * *

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

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

19 * * * *

20 (f) **Temporary provisions.** To facilitate the construction of HOME-SF projects, and
21 based on information from the inclusionary housing study prepared for the Divisadero and
22 Fillmore Neighborhood Commercial Transit District, in Board of Supervisors File No. 151258,
23 and the Office of the Controller’s Inclusionary Housing Working Group final report (February
24 2016), the HOME-SF program shall include development incentives as specified in this
25 subsection (f) based on the amount and level of affordability provided in this subsection (f).-

1 For any development project that has submitted a complete Development Application prior to
2 January 1, 2020, subsections (c)(1) and (d)(1), (d)(2), and (d)(3) shall not apply, and the
3 provisions in this subsection (f) shall apply. For any development project that submits a
4 complete Development Application on or after January 1, 2020, this subsection (f) shall apply
5 until such time as it may be amended based on the Triennial Economic Feasibility Analysis
6 established in Section 415.10.

7 * * * *

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

9 * * * *

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

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

15 * * * *

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

17 * * * *

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

20 * * * *

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

24 * * * *

1 (B) **Applicability.** This subsection (c)(4) shall apply to the construction
2 of Accessory Dwelling Units on all lots located within the City and County of San Francisco in
3 areas that allow residential use, except that construction of an Accessory Dwelling Unit is
4 regulated by subsection (c)(6), and not this subsection (c)(4), if all of the following
5 circumstances exist:

6 * * * *

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

17 * * * *

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

21 * * * *

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

25 * * * *

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

2 * * * *

3 **Table 209.2**

4 **ZONING CONTROL TABLE FOR RM DISTRICTS**

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
BUILDING STANDARDS					
Massing and Setbacks					
Height and Bulk Limits	§§ 102, 105, 106, 250-252, 253, 260, <u>261.1</u> , 270, 271	Varies, See Height and Bulk Map and referenced sections. <u>Height sculpting on Alleys per § 261.1.</u>			
* * * *	* * * *	* * * *			

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

15 * * * *

16 **Table 209.3**

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

Zoning Category	§ References	RC-3	RC-4
BUILDING STANDARDS			
Massing and Setbacks			
Height and Bulk Limits	§§ 102, 105, 106, 122, 250-252, 260, <u>261.1</u> , 270, 271	Varies d , See also Height and Bulk District Map and referenced sections. <u>Height sculpting on Alleys per § 261.1.</u>	
* * * *			

1 **NON-RESIDENTIAL STANDARDS AND USES**

2 **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; § <u>243</u> (c)(1).
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3 * * * *

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

8 * * * *

9 **Table 210.1**
10 **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.
* * * *	* * * *	* * * *

18 * * * *

19 **SEC. 240. WATERFRONT SPECIAL USE DISTRICT.**

20 * * * *

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

22 * * * *

23 (8) The determination of the Committee on urban design issues related to the
 24 proposed project shall be final as to those design issues, except as provided below. The
 25 Committee shall transmit the design recommendations to the Planning Department and Port,

1 and to the Bay Conservation and Development Commission for proposed projects within its
2 jurisdiction, within five days following the Committee action for consideration by those
3 agencies prior to any action on the project.

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

18 If the Port Commission accepts the design recommendations of the Committee or of
19 the Planning Commission, the Port Commission shall incorporate the design
20 recommendations into the Port action on the project.

21 If the Port Commission objects to or seeks to modify the design recommendations of
22 the Committee, the Port Commission may request Planning Commission review of the design
23 recommendations of the Committee. The Planning Commission shall schedule a public
24 hearing and review the design recommendations of the Committee within 20 days following
25 receipt of the request, if legally adequate environmental documents have been completed, or

1 at its first public meeting after such documents have been completed, unless the Port Director
2 agrees to a different date. At the request of the Port Director, the meeting shall be conducted
3 as a joint public hearing of the Planning Commission and the Port Commission.

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

10 * * * *

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

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

13 * * * *

14 ~~(f)~~

15 (f) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in Section
16 124(e) of this Code. To calculate the Floor Area Ratio on piers under the jurisdiction of the
17 Port Commission, all building permit applications shall include a map of the lot or lease area
18 with precise boundaries showing its location on the pier under consideration. The proposed lot
19 shall be reviewed and approved as part of the building permit and be the basis for further
20 alterations or expansions of the structure.

21 **SEC. 249.1. FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE**
22 **DISTRICT.**

23 * * * *

24 (b) **Controls.** The following zoning controls are applicable in the
25 Residential/Commercial Special Use District.

1 * * * *

2 (3) **Density.**

3 (A) **Residential Density.** There shall be no density limit for
4 ~~Residential~~ ~~Uses~~ in the Residential/Commercial Subdistrict. The provisions of Sections
5 207~~.1~~ and 208 related to residential density shall not apply.

6 * * * *

7 **SEC. 249.33. VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE**
8 **DISTRICT.**

9 * * * *

10 (b) **Use Controls.**

11 (1) **Non-residential Uses.** For newly-constructed buildings or additions
12 which exceed 20 percent or more of an existing structure's ~~gross~~ ~~floor~~ ~~area~~, ~~Non-~~
13 ~~Residential~~ ~~Uses~~ are not permitted above the fourth story, and at least two occupied square
14 feet of ~~Residential~~ ~~Use~~ shall be provided for each occupied square foot of ~~Non-Residential~~
15 ~~Use~~. In order to accommodate local government office uses near City Hall, publicly-owned or
16 leased buildings or lots are exempted from the requirements of this ~~subsection~~.

17 (2) **Residential Density.** There shall be no density limit for ~~Residential~~
18 ~~Uses~~ by lot area, but by the applicable requirements and limitations elsewhere in this Code,
19 including but not limited to height, bulk, setbacks, open space, and exposure, as well as by
20 the Market & Octavia Area Plan Fundamental *Principles* ~~Principals~~ for Design, other applicable
21 design guidelines, applicable elements and area plans of the General Plan, and design review
22 by the Planning Department. The limitations set forth in the Zoning Control Table for the
23 district in which the lot is located shall not apply.

24 (3) **Residential Affordable Housing Program.** All projects in this District
25 shall be subject to all the terms of Section 415 and following of the Inclusionary Affordable

1 Housing Program. Notwithstanding the foregoing, projects within the Van Ness and Market
2 Downtown Residential Special Use District shall at a minimum fulfill the requirements to the
3 levels specified in this section. Should Section 415 require greater contributions to the
4 affordable housing program, those requirements shall ~~supersede~~ ~~supereede~~ this section.
5 Proposed exceptions to these requirements due to hardships associated with construction
6 type, specifically heights above 120 feet, are not applicable in this Special Use District
7 because parcels are receiving an up zoning through increased density and benefits through
8 the general transformation of the district to a transit oriented neighborhood with a mixed use
9 character. Requirements and administration of this program shall follow the conditions
10 outlined in Section 415 of this Code unless otherwise specified in this Section.

11 * * * *

12 (4) **Open Space Provider.** The off-site open space permitted by this Section
13 may be provided individually by the project sponsor or jointly by the project sponsor and other
14 project sponsors, provided that each square foot of jointly developed open space may count
15 toward only one sponsor's requirement. With the approval of the Planning Commission, a
16 public or private agency may develop and maintain the open space, provided that (A) the
17 project sponsor or sponsors pay for the cost of development of the number of square feet the
18 project sponsor is required to provide, (B) provision satisfactory to the Commission is made
19 for the continued maintenance of the open space for the actual lifetime of the building giving
20 rise to the open space requirement, and (C) the Commission finds that there is reasonable
21 assurance that the open space to be developed by such agency will be developed and open
22 for use by the time the building, the open space requirement of which is being met by the
23 payment, is ready for occupancy.

24 * * * *

25 (B) **Publicly-Accessible Open Space Standards.**

1 (i) ~~€~~ **Open Space Types.** Open space must be of one or more of the
2 following types:

3 ~~(i)~~ a. An unenclosed park or garden at street grade or
4 following the natural topography, including improvements to hillsides or other unimproved
5 public areas according to the Market & Octavia Area Plan;

6 ~~(ii)~~ b. An unenclosed plaza at street grade, with seating
7 areas and landscaping and no more than 10 percent of the floor area devoted to food or
8 beverage service;

9 ~~(iii)~~ c. An unenclosed pedestrian pathway that meets the
10 minimum standards described in Section 827(g)(3)(A)-(E) of this Code;

11 ~~(iv)~~ d. A terrace or roof garden with landscaping;

12 ~~(v)~~ e. Streetscape improvements with landscaping and
13 pedestrian amenities that result in additional space beyond the pre-existing sidewalk width
14 and conform to the Market & Octavia Area Plan, such as sidewalk widening or building
15 setbacks; and

16 ~~(vi)~~ f. Streetscape improvements with landscaping and
17 pedestrian amenities on alleyways from building face to building face, beyond basic street tree
18 planting or street lighting as otherwise required by this Code, in accordance with the Market &
19 Octavia Area Plan.

20 (ii) ~~Ð~~ **Open Space Standards.** Open space must meet the following
21 standards:

22 ~~(i)~~ a. Be in such locations and provide such ingress and
23 egress as will make the area convenient, safe, secure and easily accessible to the general
24 public;

25 ~~(ii)~~ b. Be appropriately landscaped;

1 (e.g., number of seats, availability of food service) and stating the name and address of the
2 owner or owner's agent responsible for maintenance.

3 (E G) **Hold Harmless Requirement.** The Zoning Administrator shall have
4 authority to require a property owner to hold harmless the City and County of San Francisco,
5 its officers, agents and employees, from any damage or injury caused by the design,
6 construction or maintenance of open space, and to require the owner or owners or
7 subsequent owner or owners of the property to be solely liable for any damage or loss
8 occasioned by any act or neglect in respect to the design, construction or maintenance of the
9 open space.

10 (5) **Lot Coverage.** The rear yard requirements of Section 134 of this Code
11 shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in
12 which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be
13 open to the sky except for those obstructions permitted in yards per Section 136(c) of this
14 Code. Exceptions to the 20 percent open area may be granted pursuant to the procedures of
15 Section 309 for conversions of existing ~~Non-Residential~~ structures where it is determined
16 that provision of 20 percent open area would require partial demolition of the existing ~~Non-~~
17 ~~Residential~~ structure.

18 (6) **Floor Area Ratio.**

19 * * * *

20 (B) **Floor Area Bonus Permitted for Public Improvements or In-**
21 **lieu Contributions to the Van Ness and Market Neighborhood Infrastructure Fund and**
22 **In lieu Contributions to the Citywide Affordable Housing Fund.**

23 (i) The ~~g~~Gross ~~f~~Floor ~~a~~Area of a structure or structures on a lot
24 may exceed the maximum ratio described in Section 123(c) of this Code through participation
25

1 in the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program,
2 according to the procedures described in Section 424.

3 * * * *

4 **SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.**

5 * * * *

6 (b) **Establishment of the Fringe Financial Service Restricted Use District.** In
7 order to preserve the residential character and the neighborhood-serving commercial uses of
8 the following defined areas, a noncontiguous Fringe Financial Service Restricted Use District
9 (Fringe Financial Service RUD) is hereby established for the following properties:

10 (1) Properties in NC-1 and NCT-3 Districts, ~~and~~ in the Broadway (Sec. 714),
11 Castro Street (Sec. 715), Inner Clement Street (Sec. 716), Outer Clement Street (Sec. 717),
12 Excelsior Outer Mission Street (Sec. ~~720 745~~), Fillmore Street (Sec. 747), Upper Fillmore
13 Street (Sec. 718), Haight Street (Sec. 719), ~~Upper Market Street (Sec. 721), Upper Market Street~~
14 ~~NCT (Sec. 733), Mission Street (Sec. 736)~~, North Beach (Sec. 722), Pacific Avenue (Sec. ~~726~~
15 ~~732~~), ~~Polk Street (Sec. 723)~~, Sacramento Street (Sec. 724), Inner Sunset (Sec. 730), ~~24th Street~~
16 ~~—Mission (Sec. 727)~~, 24th Street – Noe Valley (Sec. 728), Union Street (Sec. 725), ~~Valencia~~
17 ~~Street (Sec. 726)~~, and West Portal Avenue (Sec. 729) Neighborhood Commercial Districts, and
18 in the Divisadero Street (Sec. 759), Hayes-Gough (Sec. 761), Mission Street (Sec. 754), 24th Street –
19 Mission (Sec. 763), Upper Market Street (Sec. 764), and Valencia Street (Sec. 762) Neighborhood
20 Commercial Transit Districts.

21 (2) Properties in the Mission Alcoholic Beverage Special Use District, as
22 described in Section 249.60 of this Code and as designated on Sectional Maps SU07 and
23 SU08 of the Zoning Map of the City and County of San Francisco;

1 (3) Properties in the North of Market Residential Special Use District, as
2 described in Section 249.5 of this Code and as designated on Sectional Maps SU01 and
3 SU02 of the Zoning Map of the City and County of San Francisco;

4 (4) Properties in the *Divisadero Street (Section 783)*, Haight Street (Section
5 781.9) and Third Street (Section 782) Alcohol Restricted Use Districts; and

6 (5) Properties in the Chinatown Community Business (CCB)(Section 810), South
7 Park (SPD)(Section 814), and Rincon Hill RH-DTR (Section 827) Districts.

8 **SEC. 249.40. POTRERO CENTER MIXED-USE SPECIAL USE DISTRICT.**

9 * * * *

10 (c) **Controls.** All provisions of the Planning Code shall continue to apply, except for
11 the following:

12 * * * *

13 (4) **Housing Requirements.** The Potrero Center is one of the largest
14 properties in the UMU zoning district that provides a unique opportunity for a mixed-use
15 project with the provision of a significant amount of affordable housing, through either on-site
16 inclusionary units, a dedication of a portion of the land or the air rights of the property to the
17 City. This would enable the City (or another affordable housing developer) to develop
18 affordable housing on such dedicated portion or provide for a combination of both on-site
19 inclusionary housing and land dedication. The City supports such affordable housing
20 production in this location, rather than in an off-site location or locations. The provisions of
21 Table 419.5 Sections 319.4(a)(3)(A) and 319.4(a)(3)(B) shall be modified to increase the off-site
22 affordable unit election and in lieu fee election requirements from 27 percent to 30 percent of
23 the total number of units produced in the principal project. The findings of Section 419.5(a)(2)
24 ~~319.1~~ concerning the provision of affordable housing are incorporated herein by reference.

1 (5) **Land Dedication Election.** The Land Dedication Alternative for the
2 provision of inclusionary housing units specified in Section 419.5(a)(2) ~~319.4(b)(2)~~ may be
3 satisfied incrementally over time in the event that portions of the SUD are redeveloped in
4 phases and may be satisfied through the dedication to the City of air space parcels above or
5 adjacent to retail, parking or other uses, as well as through dedications of land, upon the
6 approval of the Mayor's Office of Housing or a successor entity, and provided the
7 requirements of Section 419.5(a)(2) ~~319.4(b)(2)(A)-(F)~~ are otherwise satisfied.

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

9 * * * *

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

14 * * * *

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

20 * * * *

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

22 * * * *

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

1 (1) **Eating and Drinking Establishments.** In addition to other prohibitions
2 on such uses found within this Code, a new Restaurant use, new Limited-Restaurant use,
3 new Bar use, or the physical expansion of any such existing use shall be prohibited where the
4 concentration of those uses exceeds, or would exceed with the proposed use or physical
5 expansion of an existing use, 35% of the total commercial frontage as measured in linear feet
6 within the immediate area of the subject site. For the purpose of calculating the concentration
7 of commercial frontage, the “immediate area” shall mean all properties located within 300 feet
8 of the subject property within the Calle 24 Special Use District and in a zoning district that is
9 not Residential or Public Use. Any project for which a development application, as defined in
10 Section 401, was submitted by March 31, 2017 ~~or~~ and any change in use from an existing
11 Limited-Restaurant use to a Restaurant use shall be exempt from the requirements of this
12 Section 249.59(d)(1).

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

14 * * * *

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

22 * * * *

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

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

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

11 * * * *

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

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

16 * * * *

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

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

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

24
25

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

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

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

11 (A) Compliance with Section 415 shall be by providing affordable units
12 on-site in accordance with Section 415.6. Payment of an affordable housing fee under Section
13 415.5, or construction of units off-site under Section 415.7 are not permitted to satisfy Section
14 415.

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

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

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

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

1 * * * *

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

4 * * * *

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

7 * * * *

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

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

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

22 * * * *

23 (d) **Development Controls.** Applicable provisions of the Planning Code shall
24 control except as otherwise provided in this Section and the Design for Development. In the
25

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

3 * * * *

4 (4) **Building Standards.**

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

9 * * * *

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

11 * * * *

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

13 * * * *

14 (3) **Building Design Review and Approval.** The construction, expansion, or
15 major alteration of, or additions to, all structures within this Special Use District requires
16 applications for design review described in this Section 249.76. Applications for design review
17 may be submitted concurrently with or subsequent to a Development Phase Design Review
18 Application. The owner or authorized agent of the owner of the property for which the design
19 review is sought may file applications for design review. Department staff shall review the
20 application for completeness and advise the applicant in writing of any deficiencies within 30
21 days after receipt of the application or, if applicable, within 15 days after receipt of any
22 supplemental information requested pursuant to this section. If Department staff does not so
23 advise the applicant, and if the related Phase Application has been approved, the application
24 will be deemed complete. The application shall include the documents and materials
25 necessary to determine consistency with this Special Use District, the Design Standards and

1 Guidelines, and the applicable requirements of the Development Agreement, including site
2 plans, sections, elevations, renderings, landscape plans, and exterior material samples to
3 illustrate the overall concept design of the proposed buildings, and conformance with any
4 phasing plan. If any requests for a Major Modification or Minor Modification are sought in
5 accordance with the allowances of this Section, the application shall contain a narrative for
6 each modification sought that describes how the proposed project meets the full intent of the
7 Design Standards and Guidelines and provides architectural treatment and public benefit that
8 are equivalent to or superior to strict compliance with the standards.

9 * * * *

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

1 relevant neighborhood organizations as maintained by the Planning Department, and all
2 individuals having made a written request for notification for the project site pursuant to
3 Planning Code Section 351.

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

5 * * * *

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

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

11 * * * *

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

15 * * * *

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

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

22 * * * *

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

24 * * * *

1 (d) **Relationship to Other Planning Code Provisions.** The provisions of this SUD
2 and the Design Controls shall supersede the Planning Code in its entirety, with the result that
3 the Planning Code shall not apply in the SUD, except with respect to (1) Planning Code
4 definitions as specified in subsection (e) below; (2) Planning Code sections adopted or
5 amended in connection with this Special Use District as follows: Section 105 (Zoning Maps),
6 Section 201 (Mission Rock Mixed Use District), Section 249.80 (Mission Rock Special Use
7 District), Section 291 (Mission Rock Height and Bulk District), and Section 901 (Applicability
8 of Article 9 Provisions and Other Provisions of the Planning Code); (3) Planning Code
9 sections adopted by ballot proposition prior to the effective date of the ordinance (in Board of
10 Supervisors File No. 170940) adopting this SUD as follows, and only to the extent that such
11 provisions are applicable under the ballot proposition to development within the SUD: sections
12 of the Planning Code adopted or amended by Proposition M (November, 1986) (Sections
13 101.1, 164, and 320-325); Proposition K (June, 1984) (Section 295); and Proposition G
14 (March, 2002) (Sections 602.7 (recodified at 602) and 611); and (4) any other section of the
15 Planning Code referenced herein (but only to the extent and for the purposes stated herein).
16 Sections of the Planning Code adopted by ballot proposition that are limited geographically
17 and do not apply to the SUD are Proposition G (Small Business Protection Act) (November,
18 2006) (Section 303.1); and Proposition X (Limitation on Conversion of Production,
19 Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use)
20 (November, 2016) (Section 202.8). In the event of a conflict between any provisions of the
21 Planning Code that are incorporated herein by reference pursuant to subsection (d)(4) above
22 and the Design Controls or this Section 249.80, this Section 249.80 and the Design Controls
23 shall control. Later amendments to the code sections referenced in this subsection as
24 applicable in the SUD shall apply where not conflict with this SUD, the DC or the DA.

25

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

5 * * * *

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

7 * * * *

8 (f) **Uses.**

9 * * * *

10 (5) **Interim Uses.** The Executive Director may approve any interim use listed
11 in this section without a public hearing for a period not to exceed five years if the Executive
12 Director finds that such use will not impede orderly development consistent with this Section
13 249.80, the Design Controls, and the DA. Interim uses under this ~~Section~~ subsection (f)(5) are
14 limited to uses at Pier 48 and the existing unimproved areas, open space and surface parking
15 lots in the SUD area. Any interim use listed in this section that is integral to development
16 under the DA, DDA or Vertical DDA and permitted by the Port under any Port lease or license
17 shall not require separate authorization as an interim or temporary use (for example, uses
18 incidental to environmental clean-up, demolition and construction, storage, and automobile
19 and truck parking and loading related to construction activities-). Any authorization granted
20 pursuant to this subsection (f)(5) shall not exempt the Applicant from obtaining any other
21 permit required by law. Additional time for such uses may be authorized upon a new
22 application. Interim uses that the Executive Director may authorize include, but are not limited
23 to the following or similar activities:

24 * * * *

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

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

6 * * * *

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

8 * * * *

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

10 * * * *

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

14 (1) The following features shall be exempt provided the limitations indicated
15 for each are observed; and provided further that the sum of the horizontal areas of all features
16 listed in this subsection (b)(1) shall not exceed 20% of the horizontal area of the roof above
17 which they are situated, or, in C-3 Districts and in the Rincon Hill Downtown Residential
18 District, where the top of the building has been separated into a number of stepped elements
19 to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and
20 provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all
21 such features located within the first 10 feet of depth of the building, as measured from the
22 front wall of the building, shall not exceed 20% of the horizontal area of the roof in such first
23 10 feet of depth.

24 As an alternative, the sum of the horizontal areas of all features listed in this subsection
25 (b)(1) may be equal to but not exceed 20% of the horizontal area permitted for buildings and

1 structures under any bulk limitations in Section 270 of this Code applicable to the subject
2 property.

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

6 * * * *

7 (B) Elevator, stair and mechanical penthouses, fire towers, skylights
8 and dormer windows. This exemption shall be limited to the top 10 feet of such features where
9 the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is
10 more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top
11 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the
12 building. The design of all elevator penthouses in Residential Districts shall be consistent with
13 the "Residential Design Guidelines" as adopted and periodically amended for specific areas or
14 conditions by the City Planning Commission.

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

21 * * * *

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

25 * * * *

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

11 (~~N M~~) In any S-2 Bulk District for any building which exceeds 550 feet in
12 height, unoccupied building features including mechanical and elevator penthouses, enclosed
13 and unenclosed rooftop screening, and unenclosed architectural features not containing
14 occupied space that extend above the height limit, only as permitted by the Planning
15 Commission according to the procedures of Section 309 and meeting all of the following
16 criteria:

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

21 (ii) such elements are limited to a maximum additional height
22 equivalent to ~~7.5% percent~~ of the height of the building to the roof of the highest occupied floor,
23 except that in the case of a building in the 1,000-foot height district such elements are not
24 limited in height, and any building regardless of building height or height district may feature a
25

1 single spire or flagpole with a diagonal in cross-section of less than 18 feet and up to 50 feet
2 in height in addition to elements allowed according to this subsection (N M); and

3 * * * *

4 **SEC. 262. ADDITIONAL HEIGHT LIMITS APPLICABLE TO SIGNS.**

5 (a) The height limits established by this Article 2.5 shall apply to all signs regulated
6 by this Code, except ~~for those identified as~~ Historic Signs and Vintage Signs defined in ~~within an~~
7 Historic Sign District pursuant to Sections 602, and Historic Movie Theater Projecting Signs and
8 Historic Movie Theater Marquees defined in Section 188(e) 302, 303 and 608.14 of this Code. No
9 sign shall be erected, placed, replaced, reconstructed or relocated except in conformity with
10 the provisions of this Article, whether such sign is freestanding or attached to a building or
11 structure.

12 (b) The height of signs is also regulated by Article 6 of this Code, and in each case
13 the most restrictive of the applicable height limitations shall prevail, except for ~~Historic Signs,~~
14 Vintage Signs, Historic Movie Theater Projecting Signs, and Historic Movie Theater Movie Marquees
15 ~~within Historic Sign Districts~~ which are exempt from height limits pursuant to Section 260 of this
16 Code.

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

19 * * * *

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

24 * * * *

1 (3 2) The additional height shall not cause any new or substantially increased
2 significant impacts that cannot be mitigated to less than significant levels related to wind and
3 shadow that would not have occurred without the additional height, as determined by the
4 Environmental Review Officer.

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

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

11 **SEC. 303. CONDITIONAL USES.**

12 * * * *

13 (n) **Massage Establishments.** With respect to Massage Establishments that are
14 subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c)
15 above, the Commission shall make the following findings:

16 * * * *

17 Exceptions. A Massage Establishment shall not require a Conditional Use authorization if the
18 Massage Establishment satisfies one or more of the following conditions:

19 (1) The massage use is accessory to a Principal Use, if the massage use is accessed
20 by the Principal Use and

21 (A) the Principal Use is a Dwelling Unit and the massage use conforms to the
22 requirements of Section 204.1, for Accessory Uses for Dwelling Units in All Districts; or

23 (B) the Principal Use is a Tourist Hotel that contains 100 or more rooms or
24 an Institutional Use as defined in this Code.

1 (2) The only massage service provided is chair massage, such service is visible to
2 the public, and customers are fully clothed at all times.

3 (3) It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of the
4 Health Code.

5 * * * *

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

9 (1 A) the existing concentration of Liquor Store uses within 300 feet of the
10 proposed location; and

11 (2 B) the availability of General Grocery or Specialty Grocery stores in the area
12 selling alcoholic beverages as well as a range of foods.

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

14 * * * *

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

18 * * * *

19 (11 13) The Central SoMa Special Use District as defined in Section 848, except
20 for those uses not permitted pursuant to subsection (f) below.

21 * * * *

22 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

23 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, ~~or~~ the DTR
24 Districts, or the North Beach Special Use District, the Planning Commission may authorize as
25 Conditional Uses, in accordance with the provisions of Section 303, Planned Unit

1 Developments subject to the further requirements and procedures of this Section 304. After
2 review of any proposed development, the Planning Commission may authorize such
3 development as submitted or may modify, alter, adjust or amend the plan before
4 authorization, and in authorizing it may prescribe other conditions as provided in Section
5 303(d). The development as authorized shall be subject to all conditions so imposed and shall
6 be excepted from other provisions of this Code only to the extent specified in the
7 authorization.

8 * * * *

9 **SEC. 305. VARIANCES.**

10 * * * *

11 (c) **Determination.** The Zoning Administrator shall hold a hearing on the
12 application, provided, however, that if the variance requested involves a deviation of less than
13 10% ~~percent~~ from the Code requirement, the Zoning Administrator may at the Zoning
14 Administrator's ~~his~~ option either hold or not hold such a hearing. No variance shall be granted
15 in whole or in part unless there exist, and the Zoning Administrator specifies in his or her
16 findings as part of a written decision, facts sufficient to establish:

17 * * * *

18 Upon issuing ~~his~~ the written decision either granting or denying the variance in whole or
19 in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The
20 action of the Zoning Administrator shall be final and shall become effective 10 days after the
21 date of ~~his~~ the written decision except upon the filing of a valid appeal to the Board of Appeals
22 as provided in Section 308.2 of this Code.

23 **SEC. 311. PERMIT REVIEW PROCEDURES.**

24 * * * *

1 (b) **Applicability.** Except as indicated herein, all building permit applications in
2 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
3 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
4 Formula Retail Use; demolition, new construction, or alteration of buildings, and the removal
5 of an authorized or unauthorized residential unit shall be subject to the notification and review
6 procedures required by this Section 311. In addition, all building permit applications that would
7 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,
8 shall be subject to the review procedures required by this Section 311. Notwithstanding the
9 foregoing or any other requirement of this Section 311, a change of use to a Child Care
10 Facility, as defined in Section 102, shall not be subject to the review requirements of this
11 Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,
12 building permit applications to construct an Accessory Dwelling Unit pursuant to Section
13 207(c)(6) shall not be subject to the notification or review requirements of this Section 311.

14 (1) **Change of Use.** For the purposes of this Section 311, a change of use is
15 defined as follows:

16 * * * *

17 (B) **Eastern Neighborhood Mixed-Use Districts.** In all Eastern
18 Neighborhood Mixed Use Districts a change of use shall be defined as a change in, or addition
19 of, a new land use category. A “land use category” shall mean those categories used to
20 organize the individual land uses that appear in the use tables, immediately preceding a group
21 of individual land uses, including but not limited to the following: Residential Use; Institutional
22 Use; Retail Sales and Service Use; Assembly, Recreation, Arts and Entertainment Use; Office
23 Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle Parking Use; Industrial Use;
24 Home and Business Service Use; or Other Use.

25 * * * *

1 **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**
2 **DEMOLITION, MERGER AND CONVERSION.**

3 * * * *

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

5 * * * *

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

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

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

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

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

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

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

22 (~~4~~ 3) Planning Commission approval shall not be required for the change of use
23 or occupancy of a ~~d~~Dwelling ~~#~~Unit, ~~g~~Group ~~#~~Housing, or SRO to Student Housing if the
24 ~~d~~Dwelling ~~#~~Unit, ~~g~~Group ~~#~~Housing, or SRO will be Student Housing owned, operated or
25 otherwise controlled by a not for profit post-secondary Educational Institution and

- 1 (A) it was built by the post-secondary Educational Institution;
- 2 (B) it is in a convent, monastery, or similar religious order facility;
- 3 (C) it is on an adjoining lot (i.e., sharing the same lot line) to the post-
- 4 secondary Educational Institution, so long as the lot has been owned by the post-secondary
- 5 Educational Institution for at least ten years as of the effective date of Ordinance 188-12; or
- 6 (D) as of August 10, 2010, it was owned, operated or otherwise
- 7 controlled by a post-secondary Educational Institution that had an Institutional Master Plan on
- 8 file with the Planning Commission, and where the occupancy by those other than students at
- 9 that date was less than 20% of the total occupants. For purposes of determining occupancy,
- 10 the post-secondary Educational Institution shall present to the Planning Department verified
- 11 information regarding its rental or lease of units as of that date.

12 (5 4) Planning Commission approval shall not be required for a Residential

13 Conversion if the Residential Unit was subject to the Residential Hotel Unit Conversion and

14 Demolition Ordinance, San Francisco Administrative Code Chapter 41, and obtained a permit

15 to convert in compliance with the requirements set forth therein.

16 (6 5) **Residential Demolition.** The Planning Commission shall consider the

17 following additional criteria in the review of applications for Residential Demolition:

18 * * * *

19 (7 6) **Removal of Unauthorized Units.** In addition to the criteria set forth in

20 subsections (g)(1) through (g)(4) above, the Planning Commission shall consider the criteria

21 below in the review of applications for removal of Unauthorized Units:

22 * * * *

23 (8 7) **Denial of Application to Remove an Unauthorized Unit; Requirement**

24 **to Legalize the Unit.** If the Planning Commission denies an application to Remove an

25 Unauthorized Unit, the property owner shall file an application for a building permit to legalize

1 the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning
2 Administrator, shall be deemed to be a violation of the Planning Code.

3 * * * *

4 **SEC. 401. DEFINITIONS.**

5 In addition to the specific definitions set forth *in Section 102 and* elsewhere in this Article
6 4, the following definitions shall govern interpretation of this Article:

7 * * * *

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

10 * * * *

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

14 * * * *

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

16 * * * *

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

23 **SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT**
24 **REQUIREMENTS.**

25 * * * *

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

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

8 * * * *

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

13 * * * *

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

22 **SEC. 412.6. COLLECTION OF FEE.**

23 The Downtown Park Fee shall be paid to DBI for deposit into the Downtown Park Fund is
24 due and payable to the Development Fee Collection Unit at DBI at the time required by Section
25 402(d) of and in no event later than issuance of the first construction document, with an option for the

1 *project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing*
2 *to pay a deferral surcharge that would be deposited into the Downtown Park Fund, in accordance with*
3 *Section 107A.13.15 of the San Francisco Building Code.*

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

6 * * * *

7 (c) Any in-lieu fee required under this Section 413.6 shall be paid to DBI for deposit
8 into the Citywide Affordable Housing Fund is due and payable to the Development Fee Collection Unit
9 at DBI at the time required by Section 402(d) of and in no event later than issuance of the 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 that would be deposited
12 into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco
13 Building Code.

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

15 * * * *

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

22 **SEC. 414A.4. IMPOSITION OF RESIDENTIAL CHILD CARE IMPACT FEE**
23 **REQUIREMENT.**

24 * * * *

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

4 * * * *

5 **SEC. 415.5. AFFORDABLE HOUSING FEE.**

6 * * * *

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

14 * * * *

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

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

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

19 * * * *

20 (4) Notwithstanding the foregoing Area Median Income limits for Rental Units
21 and Owned Units, the maximum affordable rents or sales price shall be no higher than 20%
22 below *median* market rents or sales prices for the neighborhood within which the project is
23 located, which shall be defined in accordance with the American Community Survey
24 Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales
25 prices, and the eligible households for such units, accordingly, and such potential

1 readjustment shall be a condition of approval upon project entitlement. The City shall review
2 the updated data on neighborhood rents and sales prices on an annual basis.

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

4 * * * *

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

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

12 * * * *

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

20 **SEC. 418.3. APPLICATION OF RINCON HILL COMMUNITY IMPROVEMENTS FEE AND**
21 **SOMA COMMUNITY STABILIZATION FEE.**

22 * * * *

23 (g) **Timing of Fee Payments.** The Rincon Hill Community Infrastructure Impact Fee
24 and SOMA Stabilization Fee ~~shall be paid to is due and payable to the Development Fee Collection~~
25 Unit at DBI for deposit into the Rincon Hill Community Improvements Fund at the time required by

1 ~~Section 402(d) of and in no event later than issuance of the first construction document, with an option~~
2 ~~for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon~~
3 ~~agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with~~
4 ~~Section 107A.13.3 of the San Francisco Building Code.~~

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

6 * * * *

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

13 **SEC. 420.3. APPLICATION OF VISITACION VALLEY COMMUNITY IMPROVEMENTS**
14 **FACILITIES AND INFRASTRUCTURE FEE.**

15 * * * *

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

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

24 * * * *

1 (f) **Timing of Fee Payments.** The Market and Octavia Community Improvements
2 Impact Fee ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for~~
3 ~~deposit into the Market and Octavia Community Improvements Fund 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 paid into the appropriate fund in accordance with Section~~
7 ~~107A.13.3 of the San Francisco Building Code.~~

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

9 * * * *

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

15 **SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE**
16 **IMPACT FEE.**

17 * * * *

18 (e) **Timing of Fee Payments.** The Eastern Neighborhoods Infrastructure Impact
19 Fee ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for deposit into~~
20 ~~the Eastern Neighborhoods Community Improvements Fund at the time required by Section 402(d) of~~
21 ~~and in no event later than issuance of the first construction document, with an option for the project~~
22 ~~sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay~~
23 ~~a deferral surcharge that would be paid into the appropriate fund in accordance with Section~~
24 ~~107A.13.3 of the San Francisco Building Code.~~

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

2 * * * *

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

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

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

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

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

17 * * * *

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

20 * * * *

21 (a) **Application and Timing of Fee Payments.** Section 424.1 et seq. shall apply to any
22 development project located in the Van Ness and Market Downtown Residential Special Use
23 District, as established in Section 249.33 of this Code. The Fee shall be paid to is due and
24 payable to the Development Fee Collection Unit at DBI for deposit into either the Van Ness and
25 Market Downtown Residential Special Use District Affordable Housing Fund or the Van Ness and

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

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

7 * * * *

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

12 * * * *

13 **SEC. 432.2. APPLICATION OF FEES.**

14 * * * *

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

22 * * * *

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

24 * * * *

1 (d) **Timing of Fee Payments.** The Fee ~~shall be paid 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. This shall also not prohibit a Limited Restaurant as an Accessory Use to a
14 permitted Principal or Conditional Use except as specified in subsection (d)(7) below;

15 * * * *

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

18 * * * *

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

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	§§ <u>207.6</u> , <u>207.7</u>	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

1 borders as set forth in Special Use District Maps SU11 and SU12; and includes Small-Scale
2 Neighborhood Commercial Districts within its boundaries.

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

6 * * * *

7 **SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

8 NC-S Districts are intended to serve as small shopping centers or supermarket sites
9 which provide retail goods and services for primarily car-oriented shoppers. They commonly
10 contain at least one anchor store or supermarket, and some districts also have small medical
11 office buildings. The range of services offered at their retail outlets usually is intended to serve
12 the immediate and nearby neighborhoods. These districts encompass some of the most
13 recent (post-1945) retail development in San Francisco's neighborhoods and serve as an
14 alternative to the linear shopping street.

15 Shopping centers and supermarket sites contain mostly one-story buildings which are
16 removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists
17 primarily of trips between the parking lot and the stores on-site. Ground and second stories
18 are devoted to retail sales and some personal services and offices.

19 The NC-S standards and use provisions allow for medium-size commercial uses in
20 low-scale buildings. Rear yards are not required for new development. Most neighborhood-
21 serving retail businesses are permitted at the first and second stories, ~~but limitations apply to~~
22 ~~fast food restaurants and take-out food uses~~. Some auto uses are permitted at the first story.
23 Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is permitted. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions. Accessory Dwelling Units are permitted within the District pursuant to subsection 207(c)(4) of this Code.

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
	* * * *	* * * *

* * * *

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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, <u>207.7</u>	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	§§ <u>317, 780.3(c)(4)</u>	C	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* * * *

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

* * * *		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.		
* * * *		* * * *		

* * * *

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

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.] ~~C~~ required if use sells alcohol

1 * * * *

2 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

3 * * * *

4 **Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**

5 **ZONING CONTROL TABLE**

6 * * * *

		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	NP
* * * *	* * * *	* * * *		
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.		
* * * *	* * * *	* * * *		

24

25 **NON-RESIDENTIAL STANDARDS AND USES**

		Controls By Story		
		1st	2nd	3rd+

Institutional Use Category				
Institutional Uses*	§ 102	C	C	NP
****	****	****		
Residential Care Facility	§ 102	P (2)	P	P
****	****	****		

* * * * *

SEC. 758. REGIONAL COMMERCIAL DISTRICT.

* * * * *

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

* * * * *

		Regional Commercial District
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.
****	****	****

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

* * * *

SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

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	§§ <u>207.6, 207.7</u>	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.
****	****	****

NON-RESIDENTIAL STANDARDS AND USES
Development Standards

1 * * * *

2 Commercial Use Characteristics

3 Drive-up Facility	§ 102	NP
4 * * * *	* * * *	* * * *

5 * * * *

6 **SEC. 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT**
7 **DISTRICT.**

8 The 24th Street – Mission Neighborhood Commercial Transit District is situated in the
9 Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This
10 mixed-use district provides convenience goods to its immediate neighborhood as well as
11 comparison shopping goods and services to a wider trade area. The street has a great
12 number of Latin American restaurants, grocery stores, and bakeries as well as other gift and
13 secondhand stores. Most commercial businesses are open during the day while the district’s
14 bars and restaurants are also active in the evening. Dwelling Units are frequently located
15 above the ground-story commercial uses.

16 The 24th Street – Mission Neighborhood Commercial Transit District controls are
17 designed to provide potential for new development consistent with the existing scale and
18 character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear
19 yard corridors above the ground story and at residential levels are protected. Most commercial
20 uses are encouraged at the ground story, while service uses are permitted with some
21 limitations at the second story. Special controls are necessary to preserve the unique mix of
22 convenience and specialty commercial uses. In order to maintain convenience stores and
23 protect adjacent livability, new bars ~~and fast-food restaurants~~ are prohibited, and limitations
24 apply to the development and operation of ground-story ~~full-service~~ restaurants, ~~take-out food~~
25 and entertainment uses. Continuous retail frontage is maintained and encouraged by

1 prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active,
2 pedestrian-oriented ground floor uses. Parking is not required, and any new parking required
3 to be set back or below ground.

4 Housing development in new buildings is encouraged above the ground story. Housing
5 density is not controlled by the size of the lot but by requirements to supply a high percentage
6 of larger units and by physical envelope controls. Existing housing units are protected by
7 prohibitions on upper-story conversions and limitations on demolitions, mergers, and
8 subdivisions. Given the area's central location and accessibility to the City's transit network,
9 accessory parking for Residential Uses is not required.

10 * * * *

11 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
12 **DISTRICT.**

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

21 * * * *

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

23 * * * *

24 (b) **Controls.** The controls for the NC-S District, as set forth in Section 713 of this
25 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 e Conditional u se authorization approval for heights over 26 feet not exceeding 40 feet.
.27	Hours of o peration shall be permitted as a p Principal u se from 6 a.m. to 11 p.m. and as a e Conditional u se from 11 p.m. to 6 a.m.
.30	General advertising signs are not permitted.
.41	Bars are permitted as e Conditional u ses at the f First and s Second s Stories.
.44	Limited Restaurants are permitted as Conditional Uses at the f First and s Second s Stories.
.46	Movie Theaters theatres are permitted as e Conditional u ses at the f First and s Second s Stories.
.48	Other General and Nighttime e Entertainment is permitted as a e Conditional u se at the f First and s Second s 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
19 **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

20 * * * *

21 (c) **Controls.**

22 * * * *

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

1 * * * *

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

3 * * * *

4 (c) **Definitions.**

5 * * * *

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

7 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

8 * * * *

9 (g) **Other Chinatown Mixed Use District Provisions.**

10 (1) **Garages in Existing Residential Buildings.** Installing a garage in an
11 existing residential building of four or more units requires a mandatory discretionary review
12 hearing by the Planning Commission; Section 311 notice is required for a building of less than
13 four units. In approving installation of the garage, the Planning Commission shall find that:

14 (A ~~a~~) the proposed garage opening/addition of off-street parking will not
15 cause the “removal” or “conversion of residential unit,” as those terms are defined in Section
16 317 of this Code;

17 (B ~~b~~) the proposed garage opening/addition of off-street parking will not
18 substantially decrease the livability of a Dwelling Unit without increasing the floor area in a
19 commensurate amount;

20 (C ~~c~~) the building has not had two or more “no-fault” evictions, as
21 defined in Section 37.9(a)(7) through (9) and (11) through (13) of the San Francisco
22 Administrative Code, with each eviction associated with a separate unit(s) within the past 10
23 years, and

24 (D ~~d~~) the proposed garage/addition of off-street parking installation is
25 consistent with the Priority Policies of Section 101.1 of this Code.

1 Prior to the Planning Commission hearing, or prior to issuance of notification under
2 Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the
3 project sponsor attesting to (A a), (B b), and (C e) above, which the Department shall
4 independently verify. The Department shall also have made a determination that the project
5 complies with (D a) above.

6 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**
7 **DISTRICTS.**

8 * * * *

9 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts are either
10 Principally Permitted, Conditional, Accessory, temporary, or are not permitted.

11 (1) **Permitted Uses.** If there are two or more uses in a structure, any use not
12 classified below under Section 803.3(b)(1)(C) of this Code as Accessory will be considered
13 separately as an independent permitted, Conditional, temporary or not permitted use.

14 * * * *

15 (C) **Accessory Uses.** Subject to the limitations set forth below and in
16 Sections 204.1 (Accessory Uses for Dwelling Units in All R and NC Districts), ~~204.2 (Accessory~~
17 ~~Uses for Uses Other Than Dwellings in R Districts)~~, 204.4 (Dwelling Units Accessory to Other
18 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an ~~a~~Accessory
19 ~~Use~~ is a related minor use which is either necessary to the operation or enjoyment of a lawful
20 Principal Use or Conditional Use, or is appropriate, incidental, and subordinate to any such
21 use, and shall be permitted as an Accessory Use in an Eastern Neighborhoods Mixed Use
22 Distric. In order to accommodate a Principal Use which is carried out by one business in
23 multiple locations within the same general area, such Accessory Use need not be located in
24 the same structure or lot as its Principal Use provided that (1) the Accessory Use is located
25 within 1,000 feet of the Principal Use; and (2) the multiple locations existed on April 6, 1990.

1 Accessory Uses to non-office uses (as defined in Section 890.70) may occupy space which is
2 noncontiguous or on a different Story as the Principal Use so long as the Accessory Use is
3 located in the same building as the Principal Use and complies with all other restrictions
4 applicable to such Accessory Uses. Any use which does not qualify as an Accessory Use
5 shall be classified as a Principal Use.

6 No use will be considered accessory to a Principal Use which involves or requires any
7 of the following:

8 (i) The use of more than one-third of the total Occupied Floor
9 Area which is occupied by both the accessory use and principal use to which it is accessory,
10 combined, except in the case of accessory off-street parking or loading which shall be subject
11 to the provisions of Sections 151, 156 and 303 of this Code;

12 (ii) A ~~h~~H~~o~~tel, ~~m~~M~~o~~tel, inn, hostel, ~~a~~A~~d~~ult ~~e~~E~~n~~tertainment,
13 ~~m~~M~~a~~ssage ~~e~~E~~s~~tablishment, ~~large fast food restaurant~~, or ~~m~~M~~o~~vie ~~t~~T~~h~~heater use in a RED, RED-
14 MX, SPD, DTR, MUG, WMUG, MUR, MUO, CMUO, WMUO, SALI or UMU District;

15 ~~(iii) Any take-out food use, except for a take-out food use which~~
16 ~~occupies 100 square feet or less (including the area devoted to food preparation and service and~~
17 ~~excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery, retail~~
18 ~~grocery or specialty food store.~~

19 ~~(iii iv)~~ Any sign not conforming to the limitations of Section
20 607.2(f)(3).

21 ~~(iv v)~~ Medical Cannabis Dispensaries as defined in 890.133.

22 ~~(v vi)~~ Any ~~n~~N~~i~~ghttime ~~e~~E~~n~~tertainment use, as defined in Section
23 102; provided, however, that a Limited Live Performance Permit as set forth in Police Code
24 Section 1060~~et et~~ seq. is allowed in any District except for an RED, RED-MX, MUR, or MUG
25 District.

1 (vi ~~vii~~) Cannabis Retail that does not meet the limitations set forth
2 in Section 204.3(a)(3).

3 (vii ~~viii~~) Catering Uses that do not meet the limitations set forth in
4 Section 703(d)(3)(B).

5 (D) **Temporary Uses.** Temporary uses not otherwise permitted are
6 permitted in Eastern Neighborhoods Mixed Use Districts to the extent authorized by Sections
7 205 through 205.3 of this Code.

8 **SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET AND EASTERN**
9 **NEIGHBORHOODS MIXED USE DISTRICTS.**

10 (a) No use, even though listed as a permitted use or otherwise allowed, shall be
11 permitted in an Eastern Neighborhood Mixed Use District that, by reason of its nature or
12 manner of operation, creates conditions that are hazardous, noxious, or offensive through the
13 emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried
14 waste, or excessive noise.

15 (~~b e~~) The establishment of a use that sells alcoholic beverages, other than beer and
16 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section
17 202(b)(1) 229.

18 **SEC. 803.9. USES IN MIXED USE DISTRICTS.**

19 * * * *

20 (f) **Vertical Controls for Office Uses.**

21 (1) **Purpose.** In order to preserve ground floor space for production,
22 distribution, and repair uses and to allow the preservation and enhancement of a diverse mix
23 of land uses, including limited amounts of office space on upper stories, additional vertical
24 zoning controls shall govern office uses as set forth in this ~~Section~~ subsection (f).

1 (2) **Applicability.** This Section shall apply to all office uses in the MUG and
2 UMU Districts and all office uses in buildings in the PDR-1-D and PDR-1-G Districts that are
3 designated as landmarks pursuant to Article 10 of the Planning Code, where permitted.

4 (3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

5 (4) **Controls.**

6 (A) **Designated Office Story or Stories.** Office uses are not permitted on
7 the ground floor, except as specified in Sections 840.65A and 843.65A. Office uses may be
8 permitted on stories above the ground floor if they are designated as office stories. On any
9 designated office story, office uses are permitted, subject to any applicable use size
10 limitations. On any story not designated as an office story, office uses are not permitted.
11 When an office use is permitted on the ground floor per Sections 840.65A and 843.65A, it
12 shall not be considered a designated office story for the purposes of ~~§~~subsection (f)(4)(D)
13 below.

14 * * * *

15 (g) **Retail Controls in the MUG, MUO, CMUO, and UMU Districts.** In the MUG,
16 MUO, CMUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in
17 Section 890.104 of this Code) is permitted per lot. Above 25,000 gross square feet, three
18 gross square feet of other uses permitted in that District are required for every one gross
19 square foot of retail. In the UMU District, ~~g~~Gyms, as defined in Section 102 ~~See. 218(d)~~, are
20 exempt from this requirement. In the CMUO District, Tourist Hotels, as defined in Sec. 890.46,
21 are exempt from this requirement.

22 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

23 * * * *

24
25

Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

Chinatown Community Business District		
Zoning Category	§ References	Controls
<u>BUILDING STANDARDS</u>		
Massing and Setbacks		
Height and Bulk Limits:	§§ 102.12, 105, 106, 250 - 252, § 254, 260, 263.4 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-A, 65-85-A. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
****	****	****
RESIDENTIAL STANDARDS AND USES		
****	****	****

Residential Uses		Controls by Story		
		1st	2nd	3rd±
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
****	****	****	****	****

* Not listed below

(2) Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that:

* * * *

(c) the building has not had two or more “no-fault” evictions, as defined in Section 37.9 (a)(7) through (9) and (11) through (13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years; and

* * * *

(3) Formula Retail Restaurants *and Limited Restaurants* are NP in all Chinatown MUDs.

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * *

Table 811

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

		Chinatown Community Business District
Zoning Category	§ References	Controls
<u>BUILDING STANDARDS</u>		
Massing and Setbacks		
Height and Bulk Limits:	§§ 102.12, 105, 106, 250 - 252, § 254, 260, 263.4 , 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-A, 65-85-A. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
* * * *	* * * *	* * * *
RESIDENTIAL STANDARDS AND USES		
* * * *	* * * *	* * * *

Residential Uses		Controls by Story		
		1st	2nd	3rd±
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
****	****	****		

* Not listed below

(2) Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that:

(c) the building has not had two or more “no-fault” evictions, as defined in Section 37.9 (a)(7) through (9) and (11) ~~throuh~~ through (13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years; and

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

		Chinatown Residential Neighborhood Commercial District
Zoning Category	§ References	Controls
<u>BUILDING STANDARDS</u>		
Massing and Setbacks		
<i>Height and Bulk Limits</i>	§§ 102- 12 , 105, 106, 250 - 252, § 254, 260, 263.4 , 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-85-N, & 110-G. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
****	****	****
RESIDENTIAL STANDARDS AND USES		
****	****	****

Residential Uses		Controls by Story		
		1st	2nd	3rd_±
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
Dwelling Unit Density	§§ 2070	Up to 1 unit per 200 sq. ft. lot area.		
****	****	****	****	****

* Not listed below

(1) Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is

1 required for a building of less than four units. In approving installation of the garage, the
2 Commission shall find that:

3 * * * *

4 (c) the building has not had two or more “no-fault” evictions, as defined in
5 Section 37.9 (a)(7) through (9) and (11) through (13) of the San Francisco Administrative
6 Code, with each eviction associated with a separate unit(s) within the past ten years; and

7 * * * *

8 (3) Formula Retail Restaurants and Limited Restaurants are NP in all Chinatown MUDs.

9
10 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

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

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

Hotels, ~~n~~ighttime entertainment, movie theaters, adult entertainment and heavy ~~manufacturing industrial~~ uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840 MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls
Building and Siting Standards			
****	****	****	****
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> .
****	****	****	****
Residential Uses			
****	****	****	****
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.
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).
****	****	****	****

* * * * *

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

1 commercial and cultural arts activities. Accessory Dwelling Units are permitted within the
 2 district pursuant to subsection 207(c)(4) of this Code.

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

7 **Table 841**
 8 **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).
* * * *	* * * *	* * * *	* * * *

24 * * * *

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

2 The Mixed Use-Office (MUO) is designed to encourage office uses and housing, as
3 well as small-scale light *manufacturing industrial* and arts activities. Nighttime entertainment
4 and small tourist hotels are permitted as a conditional use. Large tourist hotels are permitted
5 as a conditional use in certain height districts. Dwelling units and group housing are permitted,
6 while demolition or conversion of existing dwelling units or group housing requires conditional
7 use authorization. Family-sized housing is encouraged. Accessory Dwelling Units are
8 permitted within the district pursuant to subsection 207(c)(4) of this Code.

9 Office, general commercial, most retail, production, distribution, and repair uses are
10 also principal permitted uses. Adult entertainment and heavy *manufacturing industrial* uses are
11 not permitted.

12 * * * *

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

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

21 Housing is encouraged over ground floor commercial and production, distribution, and
22 repair uses. New residential or mixed use developments are encouraged to provide as much
23 mixed-income family housing as possible. Existing group housing and dwelling units will be
24 protected from demolition or conversion to nonresidential use by requiring conditional use
25

1 review. Accessory Dwelling Units are permitted within the district pursuant to subsection
2 207(c)(4) of this Code.

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

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

7 * * * *

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

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

16 Accessory Dwelling Units are permitted within the district pursuant to subsection
17 207(c)(4) of this Code.

18 * * * *

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

20 The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale
21 buildings with production, distribution, and repair uses. The district is designed to protect and
22 facilitate the expansion of existing general commercial, manufacturing, home and business
23 service, and light *manufacturing industrial* activities, with an emphasis on preserving and
24 expanding arts activities. Nighttime Entertainment is permitted although limited by buffers
25 around RED and RED-MX districts. Residential Uses, Offices, Hotels, and Adult

Entertainment uses are not permitted, except that certain Affordable Housing Projects are permitted within the district pursuant to Section 846.24 of this Code, and Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

* * * *

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

The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix of residential and non-residential uses, including office, retail, light *manufacturing industrial*, 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.	3704 <u>3733</u>	019	Victor Equipment Company
850 Folsom St.	3704 <u>3733</u>	020	Victor Equipment Company
****	****	****	****

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 724, 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.

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

6
7 Section 7. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 Section 8. Scope of Ordinance. Except as stated in Sections 3, 4, 5 and 6 of this
13 ordinance, in enacting this ordinance, the Board of Supervisors intends to amend only those
14 words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks,
15 charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly
16 shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

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

22 By: _____
23 JUDITH A. BOYAJIAN
24 Deputy City Attorney

25
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SAN FRANCISCO PLANNING DEPARTMENT

Appendix: Code Clean-Up

RECORD NO.: 2019-013522PCA

The following includes a summary list of additional changes made after the Initiation hearing held on November 7, 2019.

- **Section 102.** Accessory Use: add section 986 to the list of other code sections; Massage Establishment: remove subsection (a) because it is duplicative in Section 303; move subsection (b) to Section 303(n); under the Exceptions in (1)(A), delete "R or NC" districts and replace it with "All Districts" as Section 204.1 currently reads.
- **Section 132.** Add missing word.
- **Section 134.** Add "RC" to the title, renumber subsections accordingly, remove extraneous words.
- **Section 138.** Clarify POPOS requirements also pertain to Residential Uses.
- **Section 155.** Renumber subsections accordingly; clarify that no curb cuts are allowed in Neighborhood Commercial Zoning Districts.
- **Section 172.** Add missing word.
- **Section 175.6.** Revise (b) to delete the reference to SLI Districts.
- **Section 181.** Revise (f) to delete the reference to Section 316, which has been repealed.
- **Sections 190.** Remove reference to Section 312 (should only be 311).
- **Tables 209.2 and 209.3.** Add reference to Section 261.1.
- **Section 249.1.** Revise (b)(3)(A) to delete the reference to Section 207.1, which has been redesignated.
- **Section 249.33.** Revise (b)(2) to delete the last sentence because "C-3 districts no longer have lot area density limits" and correct the misspelled word "Principals," which should have been "Principles"; revise (b)(3) to correct the misspelled word "supercede"; revise (b)(4) to fix the numbering problem after (B).
- **Section 249.35.** Revise (b)(1) to add Divisadero Street, Hayes-Gough, and Polk Street, delete the Upper Market Street NCT, and correct the erroneous section numbers for several districts; revise (b)(4) to delete Divisadero Street; and revise (b)(5) to add "Properties in the Chinatown Community Business (CCB), South Park (SPD), and Rincon Hill DTR Districts.
- **Section 249.40.** Revise (b)(4) to delete the references to Section 319, which has been redesignated, and replace them with "the provisions of Table 419.5" and the "findings of Section 419.1"; make similar cross-reference fixes in (b)(5).
- **Section 262.** Fix the references to definitions; delete references to "Historic Sign Districts," which have been deleted from the Code.
- **Section 249.74.** Fix Zoning Map references.
- **Section 303.** Move Massage Establishment exceptions from Section 102 to this subsection (n), renumber items in subsection (z) accordingly.
- **Section 311.** Add "Mixed Use" to the title.
- **Section 711.** Correct title in Note 6.

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

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- **Tables 711 and 712.** Add missing reference for Dwelling Unit Mix and correct “Residential” to “R” Districts.
- **Section 713.** In the next to last paragraph, delete the language “but limitations apply to fast food restaurants and take-out food uses” because these uses no longer exist in the Code.
- **Section 763.** Delete the outdated references to “fast food” restaurants, “full-service” restaurants, and “take-out food.”
- **Sections 803.2.** Renumber subsections accordingly.
- **Sections 803.3.** Correct Section title references and remove reference to Section 204.2, which is not applicable to this Section.
- **Section 803.4.** Amend (c) to be (b) and remove reference to Section 229 which has been redesignated.
- **Section 803.9.** Change reference from 803.9(h)(4)(D) to 803.9(f)(4)(D).
- **Section 803.9.** Revise (g) to replace the reference to Sec. 218(d), which has been repealed, with 102.
- **Sections 810 and 812.** Footnote (3) should also restrict Limited Restaurants.
- **Tables 810, 811, and 812.** Cleaned Section 102 references and clarified that “Controls by Story” header to be “3+” instead of just “3”.