



EXECUTIVE SUMMARY

PLANNING CODE AMENDMENT INITIATION

HEARING DATE: JANUARY 21, 2020

Project Name: Code Correction 2020
Case Number: 2020-006803PCA [Board File No. TBD]
Staff Contact: Diego Sanchez
diego.sanchez@sfgov.org, 628-652-7523
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Recommendation: Initiate and Consider Adoption on or after February 10, 2020

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

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language.

The Way It Is Now	The Way It Would Be
Typographical Errors, Omissions and Clarifications	
Section 121.1 indicates when Conditional Use authorization is required for development on larger lots within the Neighborhood Commercial Districts (NCDs). The table in Section 121.1 is meant to comprehensively list all NCDs but current omits the following NCDs: Cole Valley, Lakeside Village, Bayview, Cortland, Geary Boulevard, Inner Balboa Street, Inner Taraval Street, Lower Haight Street, Lower Polk Street, Mission Bernal, Outer Balboa Street, and San Bruno Avenue.	The table in Section 121.1 would be amended to include reference to all NCDs by including the following omitted NCDs: Cole Valley, Lakeside Village, Bayview, Cortland, Geary Boulevard, Inner Balboa Street, Inner Taraval Street, Lower Haight Street, Lower Polk Street, Mission Bernal, Outer Balboa Street, and San Bruno Avenue.

<p>Planning Code Sections 209.3 and 210.3 list Philanthropic Administrative Services as a use type allowed in the Residential Commercial and the Production, Distribution and Repair zoning districts, respectively, despite the use type being eliminated by Ordinance No. 182-19 from the Planning Code in 2019.</p>	<p>Planning Code Sections 209.3 and 210.3 would be amended to eliminate reference to the Philanthropic Administrative Services use type.</p>
<p>The Taraval Street Restaurant Subdistrict is intended to cover the portion of Taraval Street formerly zoned Small Scaled Neighborhood Commercial District (NC-2) and renamed the Inner Taraval Neighborhood Commercial District under Ordinance No. 7-20. That Ordinance inadvertently omitted an update to the Planning Code language to make this clarification.</p>	<p>Planning Code Section 745, Inner Taraval Neighborhood Commercial District, would be amended to clarify that Taraval Street Restaurant Subdistrict applies to the Inner Taraval Neighborhood Commercial District. Planning Code Section 781.1 Taraval Street Restaurant Subdistrict would be amended to clarify application to the Inner Taraval Neighborhood Commercial District.</p>
<p>The Planning Code regulations indicating the permissibility of an Intermediate Length Occupancy (ILO) Use Characteristic are primarily listed in Section 202.10. However, many of the zoning control tables also list when ILO is principally permitted or requires Conditional Use authorization. These table do not indicate when ILO is not permitted.</p>	<p>The zoning control tables that list the permissibility of ILO would be amended to indicate that the ILO Use Characteristic is not permitted in buildings with three or fewer Dwelling Units, in accordance with the existing controls in Planning Code Section 202.10.</p>
<p>The amount of permitted accessory Off-Street Parking for the Telegraph Hill - North Beach Residential Special Use District listed in Planning Code Section 249.49 is inconsistent with what is listed in Table 151.1 Off-Street Parking Permitted as Accessory and in Section 249.49 .</p>	<p>The amount of permitted accessory Off-Street Parking for the Telegraph Hill - North Beach Residential Special Use District listed in Planning Code Section 249.49 would be amended to align with that found in Table 151.1.</p>
<p>The Planning Code contains two primary Dwelling Unit Mix requirements. Generally, one Dwelling Unit Mix requirement applies to properties in the NCT, RCD, RTO and the Pacific Avenue and Polk Street NC Districts, and another Dwelling Unit Mix requirement applies to properties in other zoning districts. Currently the zoning control tables for zoning districts where this requirement applies list both Dwelling Unit Mix requirements.</p>	<p>The Planning Code would be amended so that only the applicable Dwelling Unit Mix requirement is listed in the zoning control table.</p>
<p>Planning Code Section 156(f) allows temporary parking lots in the C-3 zoning district with Conditional Use authorization. However, Zoning Control Table 210.2 for the C-3 zoning district does not indicate this permissibility for temporary parking lots.</p>	<p>Zoning Control Table 210.2 would be amended to include a note indicating that pursuant to Planning Code Section 156(f), temporary parking lots may be established in the C-3 zoning district with Conditional Use authorization.</p>
<p>Planning Code Section 121.2 limits non-residential use sizes in the neighborhood commercial districts, requiring Conditional Use authorization to exceed specified limits, establishing maximum use sizes in certain NCDs and providing exceptions for certain uses in specific NCDs. These controls are cross referenced in the zoning control</p>	<p>Planning Code Section 723 (Polk Street NCD) would be amended to include the use size exception for Movie Theater uses.</p>

<p>tables for each NCD. In the Polk Street NCD a Movie Theater may exceed the established use size maximum for that district. However, the Polk Street NCD zoning control table does not cross reference this exception.</p>	
Implementation Improvements	
<p>The Planning Code requires Hotel or Office Developments in excess of 25,000 gross square feet in size to meet a Childcare requirement. Project Sponsors have multiple options in which to meet this requirement, including the provision of an on-site childcare facility. When electing this option, the Planning Code requires the Project Sponsor to record a document indicating the provision of an on-site facility against the title of each participating building. The Planning Code does not explicitly require sending this document to the Planning Department for its records and as means to assure compliance for the life of the development.</p>	<p>Planning Code Section 414.6 would be amended to require Project Sponsors to send the recorded document indicating the buildings providing the on-site childcare facilities to the Planning Department.</p>
Alignment with Appellate Body and Judicial Decisions	
<p>As part of its review of requests for Conditional Use authorization for (1) the expansion or alteration of a nonconforming Dwelling Unit; (2) the installation of a new garage in the Broadway NCD or the Chinatown Mixed Use Districts; or (3) for the merger of a Dwelling Unit, the Planning Commission considers whether a tenant in the subject property was evicted pursuant to the Ellis Act.</p>	<p>The Planning Code would be amended to exclude tenant evictions pursuant to the Ellis Act as a consideration for the granting of a Conditional Use authorization for specific projects.</p>
<p>Planning Code Section 311 establishes the notification requirements for the change of use of certain non-residential uses. It also establishes areas of the City where specific non-residential uses are exempted from the notification requirements. Section 311 does not provide guidance as to whether a Limited Commercial Use (LCU) qualifies for an exemption from the notification requirements.</p>	<p>Planning Code Section 311 would be amended to explicitly list LCUs as exempt from the notification requirements if they are in the areas provided those exemptions.</p>

Issues and Considerations

Periodic Planning Code Upkeep

With repeated amendments, minor typographical errors and other omissions gradually creep into the Planning Code. Planning Department staff tend to find most of these errors, but not all. Project applicants, members of the public and other Planning Code users also highlight confusing or contradictory Planning Code regulations. These inadvertent errors unnecessarily burden project review times and worsen the Planning Code’s implementation. In all cases, it makes sense to periodically update the Planning Code and make these non-substantive changes for the sake of fundamental housekeeping and upkeep.

Aligning the Planning Code with Appellate Body and Judicial Decisions

The applicability and limits of the Planning Code are in constant contention. Often property owners or project applicants seek redress to Planning Department's application of the Planning Code or to the scope of considerations when reviewing entitlement applications. For instance, the Board of Appeals (BOA) is one body that may limit the application of the Planning Code. In a November 13, 2019 decision the Board of Appeals (BOA) overturned a Zoning Administrator (ZA) decision effectively required certain Limited Commercial Uses (LCU) to provide neighborhood notice.¹ The BOA found the ZA had improperly interpreted the extent of the notification requirements and exempted certain LCU for the notice requirements. Another instance is when the California State Court of Appeals circumscribes the breadth of considerations the Planning Commission may make regarding the history of tenant evictions. In two cases the Courts have ruled that tenant evictions pursuant to the Ellis Act may not be a consideration for the granting of an entitlement.² Amending the Planning Code in response to these decisions facilitates the legal implementation of the Code.

Recommendation

The Department recommends that the Commission recommend approval of the resolution to initiate the Planning Code amendments for consideration on or after February 10, 2021.

Basis for Recommendation

The Department recommends that the Commission initiate the proposed ordinance because it will allow for identified typographical errors and inadvertent omissions to be corrected. These corrections, all non-substantive, will improve the use of the Planning Code. Further, the Department believes it is necessary for the Planning Code to align with the latest appellate body and other judicial decisions. The Department also believes that the proposed February 21, 2021 Planning Commission adoption hearing date will provide additional time for concerned parties to review the proposed amendments and for the Department address any concerns stemming from that review.

Required Commission Action

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

Environmental Review

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

¹ Board of Appeals Decision No. 19-119

<https://app.box.com/s/ppgksbfcviqtqcx5719g5qehlef5ihiy/file/559084228883>

² San Francisco Apartment Association, et. al. v. CCSF
Small Property Owners of San Francisco Institute v. CCSF

Public Comment

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

RECOMMENDATION: Initiate and Consider Adoption on or after February 10, 2020

Attachments:

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



PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: JANUARY 21, 2021

Project Name: Code Correction 2020
Case Number: 2020-006803PCA [Board File No. TBD]
Initiated by: Planning Commission
Staff Contact: Diego Sanchez, Legislative Affairs
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Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, (628) 652-7533

Recommendation: Initiate and Schedule for Adoption on or After February 10, 2021

INITIATING AMENDMENTS TO THE PLANNING CODE to CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE REVISIONS TO CLARIFY OR SIMPLY CODE LANGUAGE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on January 21, 2021; and,

WHEREAS, the proposed amendments would amend the Planning Code correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; and

WHEREAS, the proposed amendments are intended to be corrective and clarifying in nature and are not considered substantive changes; and

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

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

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

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit A, to be considered at a publicly noticed hearing on or after February 10, 2021.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 21, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: January 21, 2021

1 [Planning Code - Code Corrections Ordinance]

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; affirming the Planning Department’s determination under the California**
6 **Environmental Quality Act; making findings of consistency with the General Plan and**
7 **the eight priority policies of Planning Code Section 101.1; and adopting findings of**
8 **public necessity, convenience, and general welfare under Planning Code, Section 302.**

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

13

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

15

16 Section 1. Findings.

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

22 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
23 findings that the actions contemplated in this ordinance are consistent, on balance, with the
24 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

25

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
4 Planning Code amendment will serve the public necessity, convenience, and general welfare
5 for the reasons set forth in Resolution No. _____.

6
7 Section 2. The Planning Code is hereby amended by revising Sections 121.1, 136,
8 155, 155.2, 181, 201, 202.9, 205.5, 206.5, 209.1, 209.2, 209.3, 209.4, 210.1, 210.2, 210.3,
9 210.4, 249.35A, 249.49, 309, 311, 317, 350, 413.5, 414.6, 710, 714, 721, 722, 723, 728, 735,
10 745, 752, 758, 761, 764, 781.1, 803.2, 810, 811, 812, 827, 847, 996, Appendix O to Article
11 10, and Appendix E to Article 11, to read as follows:

12 **SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL**
13 **DISTRICTS.**

14 (a) **Purpose.** In order to promote, protect, and maintain a scale of development that
15 is appropriate to each district and compatible with adjacent buildings, new construction or
16 significant enlargement of existing buildings on lots of the same size or larger than the square
17 footage stated in the table below shall be permitted only as Conditional Uses.

District	Lot Size Limits
* * * *	
NC-1, NCT-1	5,000 sq. ft.
24 th Street-Mission	
24 th Street-Noe	
Broadway	
Castro Street	
<i>Cole Valley</i>	

1	* * * *	
2	Judah Street	
3	<u>Lakeside Village</u>	
4	* * * *	
5	NC-2, NCT-2	10,000 sq. ft.
6	NC-3, NCT-3	
7	<u>Bayview</u>	
8	<u>Cortland Avenue</u>	
9	Divisadero Street	
10	* * * *	
11	Folsom Street	
12	<u>Geary Boulevard</u>	
13	Hayes-Gough	
14	<u>Inner Balboa Street</u>	
15	<u>Inner Taraval Street</u>	
16	Japantown	
17	<u>Lower Haight Street</u>	
18	<u>Lower Polk Street</u>	
19	<u>Mission Bernal</u>	
20	Mission Street	
21	Ocean Avenue	
22	<u>Outer Balboa Street</u>	
23	Regional Commercial District	
24	<u>San Bruno Avenue</u>	
25		

1 * * * *

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

4 (a) The following obstructions shall be permitted, in the manner specified, as
5 indicated by the symbol "X" in the columns at the left, within the required open areas listed
6 herein:

7 (1) Projections from a building or structure extending over a Street or Alley as
8 defined ~~by~~ in Section 102 of this Code.

9 * * * *

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

12 Required off-street parking and freight loading facilities shall meet the following
13 standards as to location and arrangement. Facilities which are not required but are actually
14 provided shall also meet the following standards unless such standards are stated to be
15 applicable solely to required facilities. In application of the standards of this Code for off-
16 street parking and loading, reference may be made to provisions of other portions of the
17 Municipal Code concerning off-street parking and loading facilities, and to standards of the
18 Better Streets Plan and the Bureau of Engineering of the Department of Public Works. Final
19 authority for the application of such standards under this Code, and for adoption of regulations
20 and interpretations in furtherance of the stated provisions of this Code shall, however, rest
21 with the Planning Department.

22 * * * *

23 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
24 order to preserve the pedestrian character of certain districts and to minimize delays to transit
25 service, garage entries, driveways, or other vehicular access to off-street parking or loading

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

6 (1) Folsom Street, from Second Street to The Embarcadero, not permitted
 7 except as set forth in Section 827.

8 (2) Not permitted:

9 * * * *

10 (RR) 4th Street from Folsom Street to Townsend Street, and
 11 (~~SS MMMM~~) 6th Street from Folsom Street to Brannan Street.

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

18 * * * *

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

21 * * * *

22 **Table 155.2**

23 **BICYCLE PARKING SPACES REQUIRED**

Use	Minimum Number of Class 1 Spaces Required	Minimum Number of Class 2 Spaces Required
-----	--	--

* * * *		
NON-RESIDENTIAL USES		
* * * *		
Institutional Uses Category		
* * * *		
Religious Facility	Five Class 1 spaces for facilities with a capacity of less than 500 guests; 10 Class 1 spaces for facilities with a capacity of greater than 500 guests.	One Class 2 space for every 500 <u>50</u> seats or for every portion of each 50 person capacity.
* * * *		

SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND RECONSTRUCTION.

* * * *

(c) Dwellings Nonconforming as to Density.

(1) A Dwelling or other housing structure exceeding the permitted density of Dwelling Units or other housing units set forth in the Zoning Control Table for the district in which the lot is located- shall be classified as a nonconforming use under Section 180 of this Code, but only to the extent that such Dwelling or other housing structure exceeds the permitted density.

(2) In districts where a Dwelling Unit is a ~~p~~Principally ~~p~~Permitted use, this Section 181 shall not apply with respect to enlargements, alterations and reconstruction of the nonconforming portion of such Dwelling or other housing structure, consisting of those

1 Dwelling Units or other housing units that exceed the permitted density, so long as such
2 enlargements, alterations, or reconstruction do not otherwise extend beyond the building
3 envelop as it existed on January 1, 2013.

4 (3) No enlargements, alterations, or reconstruction shall be permitted under
5 ~~§~~subsection (c)(2) for any Dwelling Unit if any tenant has been evicted pursuant to
6 Administrative Code Sections 37.9(a)(9) through 37.9(a)(~~14~~)12 and 37(a)(14) where the tenant
7 was served with the notice of eviction after December 10, 2013 if the notice was served within
8 ten (10) years prior to filing an application to enlarge, alter or reconstruct such Dwelling or
9 other housing unit. Additionally, no such enlargements, alterations, or reconstruction shall be
10 permitted for any Dwelling Unit if any tenant has been evicted pursuant to Administrative
11 Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December
12 10, 2013 if the notice was served within five (5) years prior to filing an application to enlarge,
13 alter or reconstruct such Dwelling or other housing unit. This ~~§~~subsection (c)(3) shall not
14 apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s)
15 either (A) have certified that the original tenant reoccupied the unit after the temporary eviction
16 or (B) have submitted to the Planning Commission a declaration from the property owner or
17 the tenant certifying that the property owner or the Rent Board notified the tenant of the
18 tenant's right to reoccupy the unit after the temporary eviction and that the tenant chose not to
19 reoccupy it.

20 * * * *

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

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

24 * * * *

Potrero Power Station <i>Mixed Special</i> Use District (Also see Sec. 249.87)	
PPS-MU	Potrero Power Station <i>Mixed Special</i> Use District (Defined in Sec. 249.87(g)(1))

SEC. 202.9. FLEXIBLE RETAIL USES.

(a) **Applicability.** This Section shall apply to Flexible Retail Uses as defined in Section 102. Flexible Retail shall be permitted in neighborhood commercial districts in the following Flexible Retail Zones:

* * * *

(2) **Zone 2:** shall comprise all of that portion of the City and County commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding southerly along Prague Street to Persia Avenue, and proceeding easterly along Persia Avenue to Mansell Street, and continuing easterly along Mansell Street to San Bruno Avenue, and proceeding northerly and easterly along San Bruno Avenue ~~along San Bruno Avenue~~ to Ware Street, and proceeding easterly along Ware Street to Bayshore Boulevard,

1 and proceeding northerly along Bayshore Boulevard to a straight line extension from
2 Bayshore Boulevard to San Bruno Avenue, and proceeding northerly along San Bruno
3 Avenue to 23rd Street, and proceeding easterly along 23rd Street to Vermont Street, and
4 proceeding northerly along Vermont Street to 16th Street, and proceeding easterly along 16th
5 Street to a straight-line extension from 16th Street, and proceeding easterly along said
6 extension to the shoreline to the San Francisco Bay, and proceeding southerly along
7 shoreline to the San Francisco/San Mateo county border, and proceeding westerly along the
8 San Francisco/San Mateo county border to Saint Charles Avenue, and proceeding northerly
9 along Saint Charles Avenue to Interstate 280, and proceeding northeasterly along Interstate
10 280 to a northerly straight-line extension to Orizaba Avenue, and proceeding northerly along
11 said line to Alemany Boulevard, and proceeding westerly along Alemany Boulevard to
12 Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of
13 commencement.

14 * * * *

15 **SEC. 205.5. TEMPORARY USES: INTERIM ACTIVITIES ON DEVELOPMENT SITES.**

16 * * * *

17 (b) **Definitions.** For purposes of this Section 205.5, the following definitions shall
18 apply:

19 * * * *

20 "Interim Activity" means any Arts Activities Use; any Entertainment, General Use; any
21 Use within a PDR-1-D District; and/or any Use Principally ~~p~~Permitted in the subject zoning
22 district.

23 * * * *

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

25 * * * *

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

* * * *

(2) **Density Bonus.** Analyzed Projects that provide On-site Inclusionary Housing Units or Restricted Affordable Units that meet all of the requirements *of* for an Inclusionary Housing Unit shall receive a density bonus as described in Table 206.5A as follows:

* * * *

SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS

* * * *

Table 209.1. ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *						
RESIDENTIAL STANDARDS AND USES						
* * * *						
Use Characteristics						
Intermediate Length Occupancy	§§102, 202.10	P(9)	P(9)	P(9)	P(9)	P(9)
* * * *						

* * * *

(9) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more Dwelling Units.

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

2 * * * *

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

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
* * * *					
RESIDENTIAL STANDARDS AND USES					
* * * *					
Use Characteristics					
Intermediate Length Occupancy	§§102, 202.10	P(10)	P(10)	P(10)	P(10)
* * * *					

15 * * * *

16 (10) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more
 17 Dwelling Units.

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

19 * * * *

20 **Table 209.3. ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL**
 21 **DISTRICTS**

Zoning Category	§ References	RC-3	RC-4
* * * *			
RESIDENTIAL STANDARDS AND USES			

* * * *			
Use Characteristics			
Intermediate Length Occupancy	§§102, 202.10	P(11)	P(11)
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
* * * *			
Institutional Use Category			
* * * *			
<i>Philanthropic Admin Services</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>
* * * *			

* * * *

(11) *NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more Dwelling Units.*

SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS

* * * *

Table 209.4. ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
* * * *			
RESIDENTIAL STANDARDS AND USES			
* * * *			

Use Characteristics			
Intermediate Length	§§102, 202.10	P(10)	P(10)
Occupancy			
* * * *			

* * * *

(10) *NP for buildings with three or fewer Dwelling Units*; C for buildings with 10 or more Dwelling Units.

SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS

* * * *

Table 210.1. ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	§ References	C-2
* * * *		
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	P(6)
Occupancy		
* * * *		

* * * *

(6) *NP for buildings with three or fewer Dwelling Units*; C for buildings with 10 or more Dwelling Units.

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL

* * * *

Table 210.2. ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
* * * *						
RESIDENTIAL STANDARDS AND USES						
* * * *						
Use Characteristics						
Intermediate Length Occupancy	§§102, 202.10	P(8)	P(8)	P(8)	P(8)	P(8)
* * * *						
NON-RESIDENTIAL STANDARDS AND USES						
* * * *						
Automotive Uses Category						
* * * *						
Parking Lot, Private	§§102, 142, 156	NP (9)	NP (9)	NP (9)	NP (9)	NP (9)
Parking Lot, Public	§§102, 142, 156	NP (9)	NP (9)	NP (9)	NP (9)	NP (9)
* * * *						

* * * *

(8) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more Dwelling Units.

(9) Pursuant to Section 156(f), temporary parking lots may be approved as Conditional Uses, except in the C-3-O(SD) District, pursuant to the provisions of Section 303 for a period not to exceed five years from the date of approval. No new parking lots may be approved in the C-3-O(SD) District, however Conditional Use approval for a two-year extension of existing parking lots in the C-3-O(SD) District may be approved pursuant to Section 156(f) provided that they meet the requirements of subsection 156(h).

* * * *

SEC. 210.3. PDR DISTRICTS

* * * *

Table 210.3. ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Institutional Uses Category					
* * * *					
<i>Philanthropic</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Admin Service</i>					
* * * *					

* * * *

SEC. 210.4. M DISTRICTS: INDUSTRIAL.

* * * *

Table 210.4

ZONING CONTROL TABLE FOR M DISTRICTS

* * * *

Zoning Category	§ References	M-1	M-2
-----------------	--------------	-----	-----

* * * *

RESIDENTIAL STANDARDS AND USES

Development Standards

* * * *

Residential Parking Requirements	§§ 151-	None required. P up to one space for every two units. C up to three spaces for every four units. NP above.	
----------------------------------	---------	--	--

* * * *

SEC. 249.35A. FULTON STREET GROCERY STORE SPECIAL USE DISTRICT.

* * * *

(e) **Effectiveness of Controls in this Special Use District.** The controls of this Section 249.35A shall apply only to a Grocery Store that the Planning Commission approves pursuant to the requirements of this Section 249.35A within 5 years of the effective date of the ordinance in Board File No. 190839 amending this Section.

* * * *

SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT.

* * * *

(c) **Controls.**

1 (1) **Number of Off-Street Residential Parking Spaces.** Up to 0.5 parking
2 spaces for each Dwelling Unit, subject to the controls and procedures of Section 249.49(c) and
3 Sections 155(r) and 155(t). Not Permitted above this amount. ~~three cars for each four dwelling units is~~
4 ~~a Permitted use; up to one car for each dwelling unit requires a Conditional use, subject to the criteria~~
5 ~~and procedures of Section 151.1(f); above one car for each dwelling unit is Not Permitted.~~

6 (2) **Installation of a Parking Garage.** Installation of a garage in an existing
7 or proposed residential building of two or more units requires a mandatory discretionary
8 review hearing by the Planning Commission. In order to approve the installation of any
9 garage in these districts, the Commission shall find that: (1) the proposed garage
10 opening/addition of off-street parking will not cause the elimination or reduction of ground-
11 story retail or commercial space; (2) the proposed garage opening/addition of off-street
12 parking will not eliminate or decrease the square footage of any dwelling unit; (3) the building
13 has not had two or more evictions within the past 10 years, with each eviction associated with
14 a separate unit(s), (4) the garage would not front on an Alley pursuant to Section 155(r)(2) of
15 this Code or on a public right-of-way narrower than 41 feet, and (5) the proposed garage
16 opening/~~or~~ addition of off-street parking is consistent with the Priority Policies of Section 101.1
17 of this Code.

18 Prior to issuance of any required notification under Section 311 ~~or 312~~ of this Code, the
19 Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3)
20 above, which the Department shall independently verify, and the Department shall determine
21 whether the project complies with (4) and (5) above. If the project sponsor does not provide
22 such signed affidavit, or the garage would front on an Alley or public right-of-way narrower
23 than 41 feet, the Department shall disapprove the application and no Planning Commission
24 hearing shall be required.

1 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS**

2 * * * *

3 (a) **Exceptions.** Exceptions to the following provisions of this Code may be granted
4 as provided in the code sections referred to below:

5 (1) Exceptions to the setback, streetwall, tower separation, and rear yard
6 requirements as permitted in Sections 132.1 and 134(d);

7 (2) Exceptions to the ground-level wind current requirements as permitted in
8 Section 148;

9 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in
10 Section 146;

11 (4) Exceptions to the limitation on curb cuts for parking access as permitted
12 in Section 155(r);

13 (5) Exceptions to the limitations on above-grade residential accessory
14 parking as permitted in Section 155(s);

15 (6) Exceptions to the freight loading and service vehicle space requirements
16 as permitted in Section 161(*fe*);

17 * * * *

18 **SEC. 311. PERMIT REVIEW PROCEDURES.**

19 * * * *

20 (b) **Applicability.** Except as indicated herein, all building permit applications in
21 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
22 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
23 Formula Retail Use; demolition, new construction, or alteration of buildings; and the removal
24 of an authorized or unauthorized residential unit, shall be subject to the notification and review
25 procedures required by this Section 311. In addition, all building permit applications that

1 would establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning
2 district, shall be subject to the review procedures required by this Section 311.

3 Notwithstanding the foregoing or any other requirement of this Section 311, a change of use
4 to a Child Care Facility, as defined in Section 102, shall not be subject to the review
5 requirements of this Section 311. Notwithstanding the foregoing or any other requirement of
6 this Section 311, building permit applications to construct an Accessory Dwelling Unit
7 pursuant to Section 207(c)(6) shall not be subject to the notification or review requirements of
8 this Section 311.

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

11 (A) **Residential, NC, and NCT Districts.** For all Residential, NC, and
12 NCT Districts, a change of use is defined as a change to, or the addition of, any of the
13 following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis
14 Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage
15 Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area,
16 Post-Secondary Educational Institution, Private Community Facility, Public Community
17 Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco
18 Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A
19 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions
20 of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood
21 Commercial Transit District shall be subject to the provisions of this Section 311.

22 * * * *

23 (ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood
24 Commercial Districts and Limited Commercial Uses in the following geographic areas:

25 * * * *

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

3 * * * *

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

5 * * * *

6 (2) **Residential Merger.** The Planning Commission shall consider the
7 following criteria in the review of applications to merge Residential Units or Unauthorized
8 Units:

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

12 (B) whether removal of the unit(s) and the merger with another is
13 intended for owner occupancy;

14 (C) whether removal of the unit(s) will remove an affordable housing
15 unit as defined in Section 401 of this Code or housing subject to the Residential Rent
16 Stabilization and Arbitration Ordinance;

17 (D) if removal of the unit(s) removes an affordable housing unit as
18 defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and
19 Arbitration Ordinance, whether replacement housing will be provided which is equal or greater
20 in size, number of bedrooms, affordability, and suitability to households with children to the
21 units being removed;

22 (E) how recently the unit being removed was occupied by a tenant or
23 tenants;

24 (F) whether the number of bedrooms provided in the merged unit will
25 be equal to or greater than the number of bedrooms in the separate units;

1 (G) whether removal of the unit(s) is necessary to correct design or
2 functional deficiencies that cannot be corrected through interior alterations;

3 (H) the appraised value of the least expensive Residential Unit
4 proposed for merger only when the merger does not involve an Unauthorized Unit.

5 The Planning Commission shall not approve an application for Residential Merger if
6 any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9)
7 through 37.9(a)(~~12 +4~~) and 37.9(a)(14) where the tenant was served with a notice of eviction
8 after December 10, 2013 if the notice was served within 10 years prior to filing the application
9 for merger. Additionally, the Planning Commission shall not approve an application for
10 Residential Merger if any tenant has been evicted pursuant to Administrative Code
11 Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10,
12 2013 if the notice was served within five (5) years prior to filing the application for merger. This
13 Subsection (g)(2)(H) shall not apply if the tenant was evicted under Section 37.9(a)(11) or
14 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant reoccupied the
15 unit after the temporary eviction or (B) have submitted to the Planning Commission a
16 declaration from the property owner or the tenant certifying that the property owner or the
17 Rent Board notified the tenant of the tenant's right to reoccupy the unit after the temporary
18 eviction and that the tenant chose not to reoccupy it.

19 * * * *

20 **SEC. 350. FEES**

21 * * * *

22 (h) **Document Retrieval.** The fee for files stored on-site shall be the ~~actual~~ actual
23 costs for printing the file(s). The fee for files stored of-site shall be the actual costs for
24 retrieval, printing, and return of files, as specified in a retrieval schedule prepared by the
25 Director of Planning, or the Director's designee.

1 * * * *

2 **SEC. 413.5. COMPLIANCE BY PAYMENT OF IN-LIEU FEE.**

3 * * * *

4 (d) **Office Fees for Small Capital Projects.** Notwithstanding any other provision of
5 this Code, fees for the net addition up to 49,999 gross square feet of Office Use shall be paid
6 as follows:

7 * * * *

8 (3) ~~For a~~ Any project that has submitted a complete Development Application
9 after January 1, 2021, shall pay \$62.64 per gross square foot. Any fees shall be assessed
10 and paid consistent with this Article 4.

11 * * * *

12 **SEC. 414.6. COMPLIANCE IN CONJUNCTION WITH THE SPONSORS OF OTHER**
13 **DEVELOPMENT PROJECTS TO PROVIDE AN ON-SITE CHILD-CARE FACILITY AT ONE**
14 **OF THE PROJECTS.**

15 The sponsor of a development project subject to Section 414.1et seq. in conjunction
16 with the sponsors of one or more other development projects subject to Section 414.1et seq.
17 located within $\frac{1}{2}$ one-half mile of one another may elect to provide a single child-care facility on
18 the premises of one of their development projects for the life of the project to meet the
19 requirements of Section 414.1et seq. The sponsors shall, ~~prior to~~ no later than six months after
20 the issuance of the first final certificate of occupancy by DBI for any one of the development
21 projects complying with this part, provide proof to the Department that:

22 * * * *

23 (D) A written agreement binding each of the participating project
24 sponsors guaranteeing that the child-care facility will be provided for the life of the
25 development project in which it is located, or for as long as there is a demonstrated demand,

as determined under Section 414.12, has been executed and recorded in the chain of title of each participating building. The property owner must submit a copy of the agreement to the Planning Department upon finalization to demonstrate compliance with this Section.

* * * *

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

* * * *

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

Zoning Category	§ References.	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * *	* * *	* * *
Dwelling Unit Mix	§§ 207.6 , 207.7	<p>Not <u>Generally Required for creation of 10 or more Dwelling Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than 10% of the total number of proposed Dwelling Units shall contain at least three Bedrooms.</u></p>
* * *		

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

2 * * * *

3 **Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**

4 **ZONING CONTROL TABLE**

5 * * * *

6 * Not listed below

7 (1) BROADWAY OFF-STREET PARKING RESIDENTIAL

8 **Boundaries:** Broadway NCD.

9 **Controls:** Installing a garage in an existing residential building of four or more units
10 requires a mandatory discretionary review by the Planning Commission; Section 311 notice is
11 required for a building of less than four units. In approving installation of the garage, the
12 Commission shall find that:

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

16 (b) the proposed garage opening/addition of off-street parking will not substantially
17 decrease the livability of a dwelling unit without increasing the floor area in a commensurate
18 amount;

19 (c) the building has not had two or more “no-fault” evictions, as defined in 37.9
20 (a)(7)-(~~12~~ 13) of the San Francisco Administrative Code, with each eviction associated with a
21 separate unit(s) within the past ten years;

22 (d) the garage would not front on a public right-of-way narrower than 41 feet; and

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

25 * * * *

(6) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).

Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial District.

Controls: Fringe Financial Services are NP within any FFSRUD and its 1/4 mile buffer pursuant to Section 249.35. Outside any FFSRUD and its 1/4 mile buffer, Fringe Financial Services are P subject to the restrictions set forth in Section 249.35(c)(3).

* * * *

(8) NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.

SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * *	* * *	* * *
<u>Dwelling Unit Mix</u>	<u>§ 207.7</u>	<u>Generally Required for creation of 10 or more Dwelling Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than 10% of</u>

		<i>the total number of proposed Dwelling Units shall contain at least three Bedrooms</i>
* * *	* * *	* * *

* * * *

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

* Not listed below

(1) NORTH BEACH OFF-STREET PARKING, RESIDENTIAL (Section 155(t))

Boundaries: North Beach NCD, North-Beach Telegraph Hill SUD

Controls:

* * * *

(b) Prior to issuance of any required notification under Section 311 ~~or 312~~ of this Code, the Department shall require a signed affidavit by the project sponsor attesting to (i) (ii) and (iii) 2 above, which the Department shall independently verify, and the Department shall determine whether the project complies with (iv) and (v) above. If the project sponsor does not provide such affidavit or the Department determines that the garage would violate subsection (iv) above, the Department shall disapprove the application and no Planning Commission hearing shall be required.

* * * *

(8) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

SECTION 249.35

Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the North Beach Neighborhood Commercial District.

Controls: Fringe Financial Services are NP within any FFSRUD and its 1/4 mile buffer pursuant to Section 249.35. Outside any FFSRUD and its 1/4 mile buffer, Fringe Financial Services are P subject to the restrictions set forth in Section 249.35(c)(3).

* * * *

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§ References.	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * *	* * *	* * *
Dwelling Unit Mix	§§ 207.6, 207.7	<p><u>Generally Required for creation of five or more Dwelling Units</u></p> <p>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.</p>
* * *	* * *	* * *

NON-RESIDENTIAL STANDARDS AND USES (7)			
Development Standards			
* * *	* * *	* * *	
Use Size	§§ 102, 121.2	P up to 1,999 square feet; C 2,000 to 3,999 square feet; NP 4,000 square feet and above <u>(2)</u>	
* * *	* * *	* * *	
		Controls by Story	
		1st	2nd
		3rd+	
* * *			
Entertainment, Arts and Recreation Use Category			
* * *	* * *	* * *	* * *
Movie Theater	§§ 102, 202.4 <u>(2)</u>	P <u>(2)</u>	NP <u>(2)</u>
* * *			
* * *			

(1) Temporary closures of existing liquor establishments located within the Lower Polk Alcohol Restricted Use District for repair, renovation, or remodeling that meet the requirements of Section 788(d).

(2) ~~Note deleted~~ USE SIZE EXEMPTION: Per Planning Code Section 121.2(b), Use Size shall generally not exceed 4,000 square feet except that a Movie Theater as defined in Section 102 may exceed 4,000 square feet.

* * * *

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

* * * *

1 **Table 728. 24TH STREET-NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * *	* * *	* * *
Dwelling Unit Mix_	§ 207.6 § 207.7	<i>Not Required</i> Generally Required for creation of 10 or more Dwelling Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than 10% of the total number of proposed Dwelling Units shall contain at least three Bedrooms
* * *	* * *_	* * *_

12 **SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 * * * *

14 **Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
Non-Residential Uses and Standards				
* * * *				
Non-Residential Uses		Controls by Story		
		1st	2nd	3rd+
Institutional Use Category				
Medical Cannabis Dispensary**	§§ 102, 202.2(e)	DR	DR	NP

23 **SEC. 745. INNER TARAVAL STREET COMMERCIAL DISTRICT**

24 * * * *

**Table 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL
DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	§ References	Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
Restaurant	§§ 102, 202.2(a)	P(1)	NP	NP
Restaurant, Limited	§§ 102, 202.2(a)	P(1)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

(1) TARAVAL STREET RESTAURANT SUBDISTRICT: Applicable for the *Inner* Taraval Street NCD between 12th and 19th Avenues as mapped on Sectional Maps 5 SU and 6 SU. Restaurants, Limited-Restaurants are C; Formula Retail Restaurants and Limited-Restaurants are NP.

SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

**Table 752. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
NCT-3 ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * *	* * *	* * *
Dwelling Unit Mix_	§ 207.6_§ 207.7_	<i>Generally Required for creation of five or more Dwelling Units. 40% of Dwelling Units shall contain at least two <u>B</u>bedrooms; <u>or</u> no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms</i>
* * *	* * *	* * *

SEC. 758. REGIONAL COMMERCIAL DISTRICT

* * * *

Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	§ References	Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *	* * * *	* * * *	* * * *	* * * *
<i><u>Service, Non-Retail Professional</u></i>	<i><u>§102</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>NP</u></i>

* * * *

1 **SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

2 * * * *

3 **Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 4 **ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * *	* * *	* * *
Dwelling Unit Mix_	§ 207.6_§ 207.7_	<i>Generally Required for creation of five or more Dwelling Units. 40% of Dwelling Units shall contain at least two Bbedrooms. ; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms</i>
* * *	* * *	* * *

15
 16 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 17 **DISTRICT.**

18 **Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 19 **DISTRICT ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * *	* * *	* * *
Dwelling Unit Mix_	§ 207.6_§ 207.7_	<i>Generally Required for creation of five or</i>

1			<i>more Dwelling</i>
2			<i>Units. 40% of</i>
3			<i>Dwelling Units</i>
4			<i>shall contain at</i>
5			<i>least two</i>
6			<i>Bbedrooms; or</i>
7			<i>no less than 30%</i>
8			<i>of the total number</i>
9			<i>of proposed</i>
10			<i>Dwelling Units</i>
11			<i>shall contain at</i>
12			<i>least three</i>
13			<i>bedrooms</i>
14	* * *	* * *	* * *

SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT

(a) **Purpose.** In order to preserve the mix and variety of goods and services provided to the Sunset and Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent further aggravation of parking and traffic congestion in this district, there shall be a Taraval Street Restaurant Subdistrict, generally applicable for the NC-1-zoned portion of Taraval Street located between 40th and 41st Avenues and between 45th and 47th Avenues, and for the ~~NC-2-zoned portion of Inner~~ Taraval Street Neighborhood Commercial District located between 12th and ~~36th~~ 19th Avenues, as designated on Sectional Maps SU05 and SU06 of the Zoning Map.

* * * *

SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS

* * * *

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

(1) **Garages in Existing Residential Buildings.** Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review

1 hearing by the Planning Commission; Section 311 notice is required for a building of less than
2 four units. In approving installation of the garage, the Planning Commission shall find that:

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

6 (B) the proposed garage opening/addition of off-street parking will not
7 substantially decrease the livability of a Dwelling Unit without increasing the floor area in a
8 commensurate amount;

9 (C) the building has not had two or more “no-fault” evictions, as
10 defined in Section 37.9(a)(7) through (9) and (11) through (~~12~~ 13) of the San Francisco
11 Administrative Code, with each eviction associated with a separate unit(s) within the past 10
12 years, and

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

15 * * * *

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

17 * * * *

18 * Not listed below

19 * * * *

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

1 (a) the proposed garage opening/addition of off-street parking will not cause the
2 “removal” or “conversion of Residential Unit,” as those terms are defined in Section 317 of this
3 Code;

4 (b) the proposed garage opening/addition of off-street parking will not substantially
5 decrease the livability of a Dwelling Unit without increasing the floor area in a commensurate
6 amount;

7 (c) the building has not had two or more “no-fault” evictions, as defined in Section
8 39.7(a)(7) through (9) and (11) through (~~12~~ 13) of the San Francisco Administrative Code, with
9 each eviction associated with a separate unit(s) within the past 10 years; and

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

12 Prior to the Planning Commission hearing, or prior to issuance of notification under
13 Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the
14 project sponsor attesting to (a), (b), and (c) above, which the Department shall independently
15 verify. The Department shall also have made a determination that the project complies with
16 (d) above.

17 * * * *

18 **SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

19 * * * *

20 * Not listed below

21 * * * *

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

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

4 (b) the proposed garage opening/addition of off-street parking will not substantially
5 decrease the livability of a dwelling unit without increasing the floor area in a commensurate
6 amount;

7 (c) the building has not had two or more “no-fault” evictions, as defined in Section
8 37.9(a)(7) through (9) and (11) through (~~12~~ 13) of the San Francisco Administrative Code, with
9 each eviction associated with a separate unit(s) within the past ten years; and

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

12 Prior to the Planning Commission hearing, or prior to issuance of notification under
13 Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the
14 project sponsor attesting to (a), (b), and (c) above, which the Department shall independently
15 verify. The Department shall also have made a determination that the project complies with
16 (d) above.

17 **SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

18 * * * *

19 **Table 812**

20 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

21 **ZONING CONTROL TABLE**

22 * * * *

23 * Not listed below

24 (1) Installation of a garage in an existing residential building of four or more units
25 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 (a) the proposed garage opening/addition of off-street parking will not cause the
4 “removal” or “conversion of residential unit,” as those terms are defined in Section [317](#) of this
5 Code;

6 (b) the proposed garage opening/addition of off-street parking will not substantially
7 decrease the livability of a dwelling unit without increasing the floor area in a commensurate
8 amount;

9 (c) the building has not had two or more “no-fault” evictions, as defined in Section
10 37.9(a)(7) through (9) and (11) through (~~12~~ 13) of the San Francisco Administrative Code, with
11 each eviction associated with a separate unit(s) within the past ten years; and

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

14 Prior to the Planning Commission hearing, or prior to issuance of notification under
15 Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the
16 project sponsor attesting to (a), (b), and (c) above, which the Department shall independently
17 verify. The Department shall also have made a determination that the project complies with
18 (d) above.

19 * * * *

20 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).**

21 * * * *

Table 827			
RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT			
ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls

* * * *			
Non-Residential Standards and Uses			
* * *	* * *	* * *	* * *
.30b	<i>Residential Care Facility</i>	§ 102	P
* * *	* * *	* * *	* * *

* * * *

SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.

* * * *

Table 847 RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
* * * *			
USES			
Residential Use			
* * *	* * *	* * *	* * *
<i>847.23b</i> <i>844.23b</i>	Homeless Shelters	§§ 102, 890.88(d)	C
* * *			

SPECIFIC PROVISIONS FOR RESIDENTIAL ENCLAVE-MIXED DISTRICTS
--

1	Article	Other	Zoning Controls
2	Code	Code	
3	Section	Section	
4			ACCESSORY DWELLING UNITS
5			Boundaries: Within the boundaries of the Residential Enclave-Mixed
6			Districts.
7	§ 847.03	§ 207	Controls: An "Accessory Dwelling Unit," as defined in Section 102 and
8	24	(c)(4)	
9			
10			
11			meeting the requirements of Section 207(c)(4) is permitted to be
12			constructed within an existing building in areas that allow residential use
13			or within an existing and authorized auxiliary structure on the same lot.

12 **SEC. 996. DEFINITIONS OF TERMS USED IN ARTICLE 9.**

13 * * * *

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

17 * * * *

18 (3) **Live/Work Unit (Any Permitted Work Activity).** Live/work unit (any
 19 permitted work activity) means a Live/Work Use, as defined in Section 102, in which the Non-
 20 Residential Use or Uses are limited to Uses in this district which are Principally Permitted
 21 Uses or are Conditional Uses and approved as Conditional Uses.

22 * * * *

23 **APPENDIX O TO ARTICLE 10 - CLYDE AND CROOKS WAREHOUSE DISTRICT**

24 * * * *

1 **SEC. 9. ADDITIONAL PROVISIONS FOR ALTERATIONS AND NEW CONSTRUCTION.**

2 * * * *

3 (e) **Signs.**

4 * * * *

5 (2) **Secondary Signs.** One per establishment per street frontage. A
6 secondary sign is intended to be viewed close-up and consists of: (A) lettering on a door or
7 window that contains only the name and nature of the establishment, hours of operation and
8 other pertinent information; or ~~(B)~~ (B) a projecting sign not exceeding two square feet in area
9 used in conjunction with a principal flush sign.

10 ~~(f)~~ Nothing in this legislation shall be construed to regulate paint colors within the
11 District.

12 **APPENDIX E TO ARTICLE 11**

13 **KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT**

14 * * * *

15 **SEC. 3. LOCATION AND BOUNDARIES.**

16 The location and boundaries of the Kearny-Market-Mason-Sutter Conservation District
17 shall be as designated on the Kearny-Market-Mason-Sutter Conservation District Map, as
18 amended, ~~the~~ which is on file with the Clerk of the Board of Supervisors in File No. 180726,
19 which Map is hereby incorporated herein as though fully set forth and a facsimile of which is
20 reproduced herein below.

21
22 Section 3. Amendment to Planning Code Zoning Control Tables. The following Zoning
23 Control Tables in Article 7 of the Planning Code are amended in the same way as the Section
24 710 Zoning Control Table in Section 2 of this ordinance by amending the Dwelling Unit Mix
25 zoning category to delete § 207.6 from the Reference section and amend the Control section

1 to read “Generally Required for creation of 10 or more Dwelling Units. No less than 25% of the
2 total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than
3 10% of the total number of proposed Dwelling Units shall contain at least three Bedrooms.”:
4 Tables 711 through 722, 724, 725, 727, and 729 through 745.

5
6 Section 4. Amendment to Planning Code Zoning Control Tables. The following Zoning
7 Control Tables in Article 7 of the Planning Code are amended in the same way as the Section
8 714 Zoning Control Table in Section 2 of this ordinance by adding the language from Note 8
9 “NP for buildings with three or fewer Dwelling Units” in the respective Table Note:

- 10 Table 760 – Note 4
- 11 Tables 720, 721, 729, 730, and 753 – Note 5
- 12 Tables 717, 724, 725, 731, 732, 733, 734, 755, 756, and 763 - Note 6
- 13 Tables 715, 716, 718, 726, 728, 751, and 762 – Note 7
- 14 Tables 713, 714, 723, 754, and 759 – Note 8
- 15 Tables 719 and 750 – Note 9
- 16 Table 757 – Note 10
- 17 Tables 710 and 712 – Note 11
- 18 Table 711 – Note 12
- 19 Table 722 – Note 13

20
21 Section 5. Amendment to Planning Code Zoning Control Tables. The following Zoning
22 Control Tables in Article 7 of the Planning Code are amended in the same way as the Section
23 714 Zoning Control Table in Section 2 of this ordinance by adding “1/4” before “mile buffer” in
24 the Fringe Financial Service Restricted Use District Note:

- 25 Tables 720, 752, 754, and 760 – Note 2

- 1 Tables 717, 724, and 730 – Note 3
- 2 Tables 723, 725, 726, and 763– Note 4
- 3 Tables 715, 716, 719, 728, 762, and 764 – Note 5
- 4 Table 759 – Note 6

5

6 Section 6. Amendment to Planning Code Zoning Control Tables. The following Zoning
7 Control Tables in Article 7 of the Planning Code are amended in the same way as the Section
8 723 Zoning Control Table in Section 2 of this ordinance by amending the Dwelling Unit Mix
9 zoning category to delete § 207.7 from the Reference section and amending the Control
10 section to read “Generally Required for creation of five or more Dwelling Units. No less than
11 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no
12 less than 30% of the total number of proposed Dwelling Units shall contain at least three
13 bedrooms.”: Tables 726, and Tables 750 through 764.

14

15 Section 7. Amendment to Planning Code Zoning Control Tables. The following Zoning
16 Control Tables in Article 7 of the Planning Code are amended in the same way as the Section
17 735 Zoning Control Table in Section 2 of this ordinance by deleting the double asterisk after
18 “Medical Cannabis” : Tables 736, 737, 738, 739, 740, 741, 743, 744, 745., and 755

19

20 Section 8. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor’s veto of the ordinance.

24

25

1 Section 9. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.

7

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

10 By: _____
11 JUDITH A. BOYAJIAN
 Deputy City Attorney

12 n:\legana\as2020\2100038\01486376.docx

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