



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Amendment Initiation

HEARING DATE: OCTOBER 18, 2012

Case No.: 2012.0543T
Project: Planning Code Corrections
Initially Prepared by: Thayer Mullins, Legislative Intern
Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Initiate Draft Ordinance for Consideration of Adoption On or After November 29, 2012**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The action before the 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.

CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to Ordinance amending the San Francisco Planning Code to (1) correct clerical errors, make language revisions and updates to various Sections, revising graphics to be consistent with text, amending various Sections and Tables in Articles 7 and 8, and (2) adopt findings, including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

The majority of this proposed legislation makes non-substantive changes, technical corrections, conforming amendments, and clarifications to Code language.

The Way It Is Now:

This legislation

1. Amends the following Sections of the Planning Code: 102.5, 121.2, 121.4, 132, 132.1, 134, 136, 139, 145.4, 151.1, 155, 156, 163, 171, 176, 178, 186, 201, 206.3, 207.6, 209.8, 212, 218, 218.1, 218.2, 219, 227, 235, 249.5, 249.23, 249.33, 249.52, 249.54, 249.60, 249.63, 249.65, 270, 303, 304, 307, 309, 309.2, 312, 352, 355, 401, 415.5, 416.3, 419.1, 419.5, 423.3, 423.5, 429.3, 429.5, 606, 607, 608.13, 702.1, 702.3, 702.4, 703.2, 703.3, 710, 711, 712, 713, 714, 714.1, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 728.1, 729, 729.1, 730, 731, 732, 733, 733A, 734.1, 735, 736.1, 737, 737.1, 738, 780.3, 781.1, 781.5, 786, 790.22, 790.55, 790.60, 790.90, 790.91, 790.123, 802.2, 803.2, 803.3, 803.6, 803.7, 803.9, 810, 811, 812, 815, 823, 825, 827, 829, 890.60, 890.123, 890.124, 911.52, and 916.
2. Replaces existing graphics in Section 134(c)(4), 144, 261, 263.20, and 270 with the new graphics.
3. Amends Subsection 31.22 of the Administrative Code.

The above Municipal Code sections have errors including improper and outdated cross-references, lack of clarity, grammar mistakes, and incorrect illustrations.

The Way It Would Be:

The proposed legislation would make non-substantive changes, technical corrections, conforming amendments, and clarifications to Code language identified above. The specific amendments are cataloged in the attached Exhibit C.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval to initiate the Planning Code amendments.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the resolution of intent to initiate the Planning Code amendments on or after November 29, 2012.

BASIS FOR RECOMMENDATION

Due to multiple revisions of some Planning Code Sections, 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. This legislation is intended to correct accumulated errors in the Code and to update some sections where needed.

A substantial portion of the proposed changes can be classified as “good government” measures meant to improve the clarity of the Planning Code. 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.

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 initiation hearing.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received no letters regarding this legislation.

RECOMMENDATION: Approval to Initiate
--

Executive Summary
Hearing Date: October 18, 2012

Case No. No 2012.0543T
Initiation of Proposed Ordinance
to Correct the Planning Code

Attachments

- Exhibit A: Draft Ordinance
- Exhibit B: Resolution to Initiate the Draft Ordinance
- Exhibit C: Guide to the Draft Ordinance

1 [Planning Code – Miscellaneous Technical Amendments, Fee Changes, Clarifications and
2 Corrections]

3 **Ordinance amending the San Francisco Planning Code and Administrative to (1)**
4 **correct errors, make language revisions and updates; (2) revise graphics to be**
5 **consistent with text; (3) amend fees to be charged for certain kinds of applications and**
6 **appeals; (4) clarify the meaning of certain Planning Code sections; and (5) adopt**
7 **findings, including findings under the California Environmental Quality Act and**
8 **Planning Code Section 302, and findings of consistency with the General Plan and**
9 **Planning Code Section 101.1.**

10
11 Note: Additions are *single-underline italics Times New Roman*;
12 deletions are *strikethrough italics Times New Roman*.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Findings. The Board of Supervisors finds and declares as follows:

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

21 (b) On _____, the Planning Commission, in Resolution No. _____,
22 approved and recommended for adoption by the Board this legislation and adopted findings
23 that it is consistent, on balance, with the City's General Plan and eight priority policies of
24 Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said
25 Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and
is incorporated herein by reference.

1 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
2 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
3 Planning Commission Resolution No. _____, and incorporates such reasons herein
4 by reference.

5 Section 2. The San Francisco Planning Code is hereby amended by amending
6 Sections 102.5, 121.2, 121.4, 132, 132.1, 134, 136, 139, 145.4, 151.1, 155, 156, 163, 171,
7 176, 178, 186, 201, 206.3, 207.6, 209.8, 212, 218, 218.1, 218.2, 219, 227, 235, 249.5,
8 249.23, 249.33, 249.52, 249.54 249.60, 249.63, 249.65, 270, 303, 304, 307, 309, 309.2,
9 312, 352, 355, 401, 415.5, 416.3, 419.1, 419.5, 423.3, 423.5, 429.3, 429.5, 606, 607, 608.13,
10 702.1, 702.3, 702.4, 703.2, 703.3, 710, 711, 712, 713, 714, 714.1, 715, 716, 717, 718, 719.
11 720, 721, 722, 723, 724, 725, 726, 727, 728, 728.1, 729, 729.1, 730, 731, 732, 733, 733A,
12 734.1, 735, 736.1, 737, 737.1, 738, 780.3, 781.1, 781.5, 786, 790.22, 790.55, 790.60, 790.90,
13 790.91, 790.123, 802.2, 803.2, 803.3, 803.6, 803.7, 803.9, 810, 811, 812, 815, 823, 825, 827,
14 829, 890.60, 890.123, 890.124, 911.52, and 916, to read as follows:

15 **SEC. 102.5. DISTRICT.**

16 A portion of the territory of the City, as shown on the Zoning Map, within which certain
17 regulations and requirements or various combinations thereof apply under the provisions of
18 this Code. The term "district" shall include any use, special use, height and bulk, or special
19 sign district. The classes of use districts are described in Section 201 of this Code. *The term*
20 *"R-District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO,*
21 *RTO-M, RC-1, RC-2, RC-3, RC-4 or RED-District. The term "C-District" shall mean any C-1, C-2, C-3,*
22 *or C-M-District. The term "RTO-District" shall be that subset of R-Districts which are the RTO and*
23 *RTO-M-District. The term "M-District" shall mean any M-1 or M-2-District. The term "PDR-District"*
24 *shall mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2-District. The term "RH-District" shall mean*
25 *any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3-District. The term "RM-District" shall mean any RM-1,*

1 ~~RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4~~
2 ~~District. The term "C-3 District" shall mean any C-3-O, C-3-O(SD), C-3-R, C-3-G, or C-3-S District.~~
3 ~~For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include~~
4 ~~the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC~~
5 ~~District" shall mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District~~
6 ~~and Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The~~
7 ~~term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3~~
8 ~~and any Neighborhood Commercial Transit District identified by street or area name. The term "Mixed~~
9 ~~Use" District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern~~
10 ~~Neighborhoods Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use~~
11 ~~District" shall mean any Chinatown CB, Chinatown VR, or Chinatown R/NC District named in Section~~
12 ~~802.1. The term "South of Market Mixed Use Districts" shall refer to all RED, RSD, SLR, SLI, or SSO~~
13 ~~Districts named in Section 802.1. The term "Eastern Neighborhoods Mixed Use Districts" shall refer to~~
14 ~~all SPD, MUG, MUO, MUR, and UMU Districts named in Section 802.1. The term "DTR District" or~~
15 ~~"Downtown Residential District" shall refer to any Downtown Residential District identified by street~~
16 ~~or area name in Section 825, 827, 828, and 829. The term "PM District" or "Parkmead District"~~
17 ~~shall refer to any PM-R, PM-MU1, PM-MU2, PM-S, PM-CF, or PM-OS District named in Section~~
18 ~~249.64. The terms "TI District" and "YBI District" shall refer to any TI-R, TI-MU, TI-OS, TI-PCI, YBI-~~
19 ~~R, YBI-MU, YBI-OS, YBI-PCI, as set forth in Section 249.52.~~

20

21 **SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL**
22 **DISTRICTS.**

23 (a) In order to protect and maintain a scale of development appropriate to each district,
24 nonresidential uses of the same size or larger than the square footage stated in the table
25 below may be permitted only as conditional uses subject to the provisions set forth in Sections

1 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for
 2 each individual nonresidential use.

District	<u>Use</u> Lot Size Limits
North Beach	2,000 sq. ft.
Castro Street	
<i>Pacific Avenue</i>	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Polk Street	
Sacramento Street	
Union Street	
24th Street-Mission <i>NCT</i>	
24th Street-Noe Valley	
West Portal Avenue	3,000 sq. ft.
NC-1, NCT-1	
Broadway	

1	Hayes-Gough <u>NCT</u>	
2	<u>Upper Market Street</u>	
3		
4	Upper Market Street <u>NCT</u>	
5	Valencia Street	
6	NC-2, NCT-2, SoMa <u>NCT</u> , Ocean Avenue	4,000 sq. ft.
7	<u>NCT</u> , Glen Park <u>NCT</u>	
8		
9	NC-3, NCT-3, Mission Street	6,000 sq. ft.
10	NC-S	

11 In addition to the criteria of Section 303(c) of this Code, the Commission shall consider
 12 the extent to which the following criteria are met:

- 13 (1) The intensity of activity in the district is not such that allowing the larger use will
 14 be likely to foreclose the location of other needed neighborhood-serving uses in the area.
- 15 (2) The proposed use will serve the neighborhood, in whole or in significant part, and
 16 the nature of the use requires a larger size in order to function.
- 17 (3) The building in which the use is to be located is designed in discrete elements
 18 which respect the scale of development in the district.

19 (b) In order to protect and maintain a scale of development appropriate to each district,
 20 nonresidential uses which exceed the square footage stated in the table below shall not be
 21 permitted, except that in the North Beach Neighborhood Commercial District this Subsection
 22 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64. The use area
 23 shall be measured as the gross floor area for each individual nonresidential use.

District	<u>Use</u> Lot Size Limits
----------	---------------------------------------

West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

SEC. 121.4. USE SIZE LIMITS (NON-RESIDENTIAL), MIXED USE DISTRICTS.

In order to protect and maintain small scale use within an historically significant area and to conserve neighborhood-serving uses in Chinatown, commercial uses which exceed the use size limits up to the maximum limits stated in the table below shall be permitted only as conditional uses subject to the provisions set forth in Section 303 of this Code. The use area shall be measured as the gross floor area for each individual commercial use. Individual commercial uses above the maximum limit shall not be permitted.

District	Use Size Maximum	Use Size Limit
Chinatown Visitor	5,000 sq. ft.	2,500 sq. ft.
Chinatown Residential Neighborhood Commercial	4,000 sq. ft.	2,500 sq. ft.
Chinatown Community Business	None	5,000 sq. ft.

In the Chinatown Visitor Retail District, the use size limit shall not apply to *full service restaurants* Restaurants as defined in Section ~~890.92~~ 790.91.

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

...

1 (g) Landscaping and Permeable Surfaces. The landscaping and permeable surface
2 requirements of this Section and Section (h) below shall be met by the permittee in the case
3 of construction of a new building; the addition of a new dwelling unit, a garage, or additional
4 parking; or paving or repaving more than 200 square feet of the front setback. All front
5 setback areas required by this Section 132 shall be appropriately landscaped, meet any
6 applicable water use requirements of Administrative Code Chapter 63, and in every case not
7 less than 20 percent of the required setback area shall be and remain unpaved and devoted
8 to plant material, including the use of climate appropriate plant material as defined in Public
9 Works Code Section 802.1. For the purposes of this Section, permitted obstructions as
10 defined by Section 136(c)(6) *chimneys, 136(c)(14) stairs, and 136(c)(26) underground garages* shall
11 be excluded from the front setback area used to calculate the required landscape and
12 permeable surface area. If the required setback area is entirely taken up by one or more
13 permitted obstructions, the Zoning Administrator may allow the installation of sidewalk
14 landscaping that is compliant with applicable water use requirements of Chapter 63 of the
15 Administrative Code to satisfy the requirements of this section, subject to permit approval from
16 the Department of Public Works in accordance with Public Works Code Section 810B.

17 . . .

18 (i) Planned Unit Developments.

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

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

1 (i) A water source should be provided for each residential setback reachable by a
2 30-foot hose.

3 (ii) To allow for landscaping and street trees at street grade, below-grade parking
4 shall be located at a depth below any surface of the setback to provide a minimum soil depth
5 of 3 feet 6 inches.

6 (2) The Zoning Administrator is authorized to modify the additional *landscaping*
7 landscaping requirements for Planned Unit Developments. The Zoning Administrator shall
8 allow modifications only when he or she finds that modifications provide equal or greater
9 ecological benefit than the above requirements, including the use of climate appropriate plant
10 materials as defined in Public Works Code Section 802.1. Acceptable modifications may
11 include alternative landscape treatments such as landscaped berms, detention or retention
12 basins, perimeter plantings, pedestrian lighting, benches and seating areas, or additional
13 landscaping and tree planting elsewhere on the site or on the adjacent public right-of-way
14 itself, subject to permit approval from the Department of Public Works.

15

16 **SEC 132.1 SETBACKS AND STREETWALL ARTICULATION: C-3 DISTRICTS.**

17 . . .

18 (c) C-3-O(SD) District.

19 (1) **Streetwall Base.** In order to establish an appropriate street wall in relation to the width of
20 the street and to adjacent structures and to avoid the perception of overwhelming mass that
21 would be created by a number of tall buildings built close together with unrelieved vertical rise,
22 new buildings taller than 150 feet on development lots in the C-3-O(SD) district facing a street
23 wider than 35 feet shall establish a distinctive streetwall, even where no distinct cornice line or
24 streetwall exists, at a height between 50 and 110 feet for not less than 40 percent of the linear
25 frontage of all street frontages of such development lot. Such streetwall shall be established,

1 by an upper story setback or by a combination of upper story setback and horizontal
2 projection (either occupied or decorative, as allowed in Section 136), creating horizontal relief
3 totaling at least 10 feet ~~as indicated in Figure 132.1B~~, however the upper story setback shall not
4 be less than 5 feet. In the New Montgomery-Mission-Second Street Conservation District,
5 such streetwall height shall be set by the prevailing cornice line of the buildings on the subject
6 block face and the minimum dimension of the upper story setback shall be increased to not
7 less than 15 feet. Exceptions to this subsection (c)(1) may be allowed in accordance with the
8 procedures of Section 309 if the Planning Commission affirmatively determines that all of the
9 following criteria have been met:

- 10 ~~(i)~~ (A) the design of the proposed project successfully creates a clearly defined building base
11 that establishes or maintains an appropriate streetwall at the height or height range described
12 above,
13 ~~(ii)~~ (B) the base is not defined solely by recessing the base,
14 ~~(iii)~~ (C) the overall building mass tapers or steps away from the street above the streetwall
15 reducing any sense of unrelieved vertical rise directly from the sidewalk edge, and
16 ~~(iv)~~ (D) the overall architectural expression of the proposed project is exceptional, unique, and
17 consistent with the intent of the streetwall requirement.

18 **(2) Pedestrian Zone.** In order to establish an appropriate and inviting relationship to the
19 pedestrian realm at street level and create visual and varied interest for pedestrians, all new
20 structures in the C-3-O(SD) district shall incorporate architectural features, awnings,
21 marquees, or canopies, that project from the building face at least one foot at height of
22 between 15 and 25 feet above grade, for at least 20 percent of the linear frontage of all street
23 facing facades.

24
25

1 (3) **Building Setbacks.** In order to provide necessary and sufficient area for pedestrian
2 circulation, building facades on new development facing certain street frontages are required
3 to be setback from the street-facing property line.

4 (A) Building setbacks are required on the following frontages:

5 (i) Mission Street, south side, between 1st and Fremont Streets (minimum 12.5 feet).

6 (B) A setback of up to 10 feet may be required by the Planning Commission pursuant
7 to the procedures of Section 309 on the following streets if the Commission finds that such
8 setback is necessary, desirable and will not result in an undesirable sawtooth condition of
9 building frontages along the sidewalk due to existing intervening building between the subject
10 lot and the nearest street corner:

11 (i) Mission Street, north side between 1st Street and Anthony Street;

12 (ii) 1st Street, west side between Mission and Stevenson Streets;

13 (iii) Howard Street, north side, between 1st and 2nd Streets.

14 (C) **Design Requirements.** Setbacks provided pursuant to this subsection (3) shall be:

15 (i) Designed and treated as a seamless extension of the adjacent public sidewalk,
16 providing for pedestrian circulation and/or other activities typically expected on a public
17 sidewalk;

18 (ii) Free and clear of all permanent building elements from sidewalk grade to a
19 minimum height of 35 feet above sidewalk grade, except as otherwise allowed as obstructions
20 over streets according to Section 136 or as allowed by the Planning Department as an
21 exception according to the procedures of Section 309, and

22 (iii) Available to the public.

23 (D) The area of setbacks provided pursuant to this subsection (3) shall be counted
24 toward the open space requirements of Section 138. If the subject development does not rely
25 on this area to meet its Section 138 requirements, and the area of the setback is dedicated in

1 fee title to the City for public use or, under exceptional circumstances, dedicated to the City
2 via easement for public use, the value of the setback may be credited as an in-kind
3 improvement toward the satisfaction of the development's fee requirements per Sections
4 424.6 or 424.7.

5 . . .

6 ~~(d)~~(e) **Permitted Obstructions.** Obstructions above the horizontal plane or planes of the
7 setback required pursuant to Subsections (a), (b), (c) and (d) which will create limited
8 blockage of light and air and which will not be inconsistent with the purpose of the setback
9 may be permitted within the setback area, in accordance with the provisions of Section 309.
10 Such obstructions may include, but are not limited to, open railings, decorative spires and
11 finials, flagpoles and flags, sparse landscaping, unroofed recreation facilities with open
12 fencing, and unenclosed seating areas.

13

14 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI AND**
15 **SSO DISTRICTS.**

16 The rear yard requirements established by this Section 134 shall apply to every building in an
17 R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection
18 (a), except those buildings which contain only single room occupancy (SRO) or live/work units
19 and except in the Bernal Heights Special Use District and Residential Character Districts to
20 the extent these provisions are inconsistent with the requirements set forth in Section 242 of
21 this Code. With the exception of dwellings in the South of Market Mixed Use and Eastern
22 Neighborhoods Mixed Use Districts containing only SRO units, the rear yard requirements of
23 this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR, UMU, SPD,
24 RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area Neighborhood
25 Commercial Transit District, Individual Neighborhood Commercial District as noted in

1 Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. These
2 requirements are intended to assure the protection and continuation of established midblock,
3 landscaped open spaces, and maintenance of a scale of development appropriate to each
4 district, consistent with the location of adjacent buildings.

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

7 (1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M, MUG,**
8 **MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts.** The minimum rear yard
9 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,
10 but in no case less than 15 feet. For buildings containing only SRO units in the South of
11 Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, the minimum rear yard
12 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,
13 but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced
14 in specific situations as described in Subsection (c) below.

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

19 (B) **NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street, Upper**
20 **Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission and**
21 **Glen Park Districts.** Rear yards shall be provided at the second story, and at each
22 succeeding story of the building, and at the first story if it contains a dwelling unit.

23

24

[Figure omitted; no changes to figure]

25

1 (C) **RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough NCT, Upper**
2 **Market Street, Upper Market Street NCT, SoMa NCT, Mission Street NCT, Polk Street,**
3 **Pacific Avenue, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR, MUG, MUO, and UMU**
4 **Districts.** Rear yards shall be provided at the lowest story containing a dwelling unit, and at
5 each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east
6 side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M,
7 N, R, S, T, U, and V) are not required to provide rear yards at any level of the building,
8 provided that the project fully meets the usable open space requirement for dwelling units per
9 Section 135 of this Code, the exposure requirements of Section 140, and gives adequate
10 architectural consideration to the light and air needs of adjacent buildings given the
11 constraints of the project site.

12 (D) **Upper Market NCT and Upper Market NCD.** Rear yards shall be provided at the
13 grade level, and at each succeeding story of the building. For buildings in the Upper Market
14 NCT that do not contain residential uses and that do not abut adjacent lots with an existing
15 pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce
16 this rear yard requirement pursuant to the procedures of subsection (e).

17 (2) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts.** The minimum rear yard
18 depth shall be equal to 45 percent of the total depth of the lot on which the building is situated,
19 except to the extent that a reduction in this requirement is permitted by Subsection (c) below.
20 Rear yards shall be provided at grade level and at each succeeding level or story of the
21 building.

22 [Figure omitted; no changes to figure]

23
24 **SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED**
25 **SETBACKS, YARDS AND USABLE OPEN SPACE.**

Streets and Alleys	Set- backs	Yards	Usable Open Space	
x	x			(12) Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR, <u>PDR</u> and SSO districts, and for Limited Commercial Uses in Residential and RTO Districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;

SEC. 139. STANDARDS FOR BIRD-SAFE BUILDINGS.

(a) **Purpose.** The purpose of this Section is to establish Bird-Safe Standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated by this Section are 1) location-related hazards, where the siting of a structure creates increased risk to birds and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Location-related hazards are created by structures that are near or adjacent to large open spaces and/or water. When structures are located in such an area, the portion of the structure most likely to sustain bird-strikes requires facade treatments. Even if a structure is not located near a ~~location~~ locational hazard, particular building features also may create a hazard for birds. Structures that create such a feature-related hazard are required to treat all of the feature-related hazard. While these controls do not apply retroactively, the purpose of these

1 controls is to ensure that new construction ~~that~~ is bird-safe and to decrease existing bird-
2 hazards over time.

3 **(b) Definitions.**

4 (1) Bird-Safe Glazing Treatment. Bird-Safe Glazing Treatment may include
5 fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on
6 the exterior of glazing or UV patterns visible to birds. To qualify as Bird-Safe Glazing
7 Treatment vertical elements of window patterns should be at least 1/4 inch wide at a
8 ~~maximum~~ ~~minimum~~ spacing of 4 inches or horizontal elements at least 1/8 inch wide at a
9 maximum spacing of 2 inches.

10 (2) **Bird Hazard.** Specific circumstances that create a hazard for birds due to either
11 the location of the building or due to specific building features that increase the risk of bird-
12 building collisions as described under (c) below.

13 (c) **Controls.** The following Bird-Safe Standards shall apply to: 1) new
14 construction, 2) building additions that create a Bird Hazard, or 3) the replacement of 50% or
15 more of the glazing on an existing Bird Hazard. Additions to existing buildings subject to this
16 subsection are required only to treat the new building addition. Bird Hazards consist of: 1)
17 location-related hazards and 2) feature-related hazards and the standards specified below
18 shall apply to structures that present these hazards. These controls shall apply to all
19 structures subject to this Section regardless of whether the ownership or use is public or
20 private.

21 (1) **Location-Related Standards.** These standards apply to buildings located
22 inside of open spaces two acres and larger dominated by vegetation, including vegetated
23 landscaping, forest, meadows, grassland, or wetlands, or open water (hereinafter an Urban
24 Bird Refuge). These standards also shall apply to buildings less than 300 feet from an Urban
25

1 Bird Refuge if such buildings are in an unobstructed line to the refuge. The standards are as
2 follows:

3 (A) **Facade Requirement.** Bird-Safe Glazing Treatment is required such
4 that the Bird Collision Zone, as defined below, facing the Urban Bird Refuge consists of no
5 more than 10% untreated glazing. Building owners are encouraged to concentrate permitted
6 transparent glazing on the ground floor and lobby entrances to enhance visual interest for
7 pedestrians. The Bird Collision Zone shall mean the portion of buildings most likely to sustain
8 bird-strikes from local and migrant birds in search of food and shelter and includes:

9 (i) The building facade beginning at grade and extending upwards for 60
10 feet, or

11 (ii) Glass facades directly adjacent to landscaped roofs 2 acres or larger
12 and extending upwards 60 feet from the level of the subject roof.

13 (B) **Lighting.** Minimal lighting shall be used. Lighting shall be shielding
14 shielded. No uplighting shall be used. No uplighting shall be used. Event searchlights are ~~be~~
15 prohibited on property subject to these controls.

16 (C) **Wind Generation.** Wind generators in this area shall comply with the
17 Planning Department's permitting requirements, including any monitoring of wildlife impacts
18 that the Department may require.

19 (2) **Feature-Related Standards.** Feature-related hazards include free-
20 standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that
21 have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards
22 can occur throughout the City. Any structure that contains these elements shall treat 100% of
23 the glazing on Feature-Specific hazards.

24 (3) **Exceptions.** Certain exceptions apply to this Section as set forth below.
25

1 (A) **Certain Exceptions for Location-Related Standards to be Applied**
2 **to Residential Buildings Within R-Districts.**

3 (i) **Limited Glass Facade.** Residential buildings within R- Districts that
4 are less than 45 feet in height and have an exposed facade comprised of less than 50% glass
5 are exempt from new or replacement facade glazing requirements included in Section
6 139(c)(1) Location-Related Standards.

7 (ii) **Substantial Glass Facade.** Residential buildings that are less than
8 45 feet in height but have a facade with surface area composed of more than 50% glass, shall
9 provide glazing treatments as described in Section 139(c)(1)(A) for 95% of all large, unbroken
10 glazed segments that are 24 square feet and larger.

11 (B) **General Exceptions for Historic Buildings.** Treatment of
12 replacement glass facades for structures designated as City landmarks or within landmark
13 districts pursuant to Article 10 of the Planning Code, or any building Category I-IV or Category
14 V within a Conservation District pursuant to Article 11 of the Planning Code, shall conform to
15 Secretary of Interior Standards for Rehabilitation of Historic Properties. Reversible treatment
16 methods such as netting, glass films, grates, and screens are recommended. Netting or any
17 other method demonstrated to protect historic buildings from pest species that meets the
18 Specifications for Bird-Safe Glazing Treatment stated above also may be used to fulfill the
19 requirement.

20 (C) **General Waivers and Modifications.** The Zoning Administrator may
21 either waive the requirements contained within Section 139(c)(1) and Section 139(c)(2) or
22 modify such requirements to allow equivalent Bird-Safe Glazing Treatments upon the
23 recommendation of a qualified biologist.

24
25 **SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.**

1 (a) **Purpose:** To support active, pedestrian-oriented commercial uses on important
2 commercial streets.

3 (b) **Applicability.** The requirements of this Section apply to the following street frontages.

4 (1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827;

5 (2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial
6 Special Use District;

7 (3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use
8 District, from Fell Street to Market Street;

9 (4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown
10 Residential Special Use District;

11 (5) Market Street, for the entirety of the Van Ness and Market Downtown Residential
12 Special Use District;

13 (6) 3rd Street, in the UMU districts for parcel frontages wholly contained within 100
14 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;

15 (7) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;

16 (8) Hayes Street, for the entirety of the Hayes-Gough NCT;

17 (9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough
18 NCT;

19 (10) Market Street, for the entirety of the NCT-3, Upper Market NCD, and Upper Market
20 NCT Districts;

21 (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

22 (12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2 District;

23 (13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT
24 District;

25 (14) Mission Street, for the entirety of the Mission Street NCT District;

- 1 (15) 24th Street, for the entirety of the 24th Street-Mission NCT;
- 2 (16) 16th Street, between Guerrero and Capp Streets;
- 3 (17) 22nd Street, between Valencia and Mission Streets;
- 4 (18) 6th Street for its entirety within the SoMa NCT District;
- 5 (19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the
- 6 north side of Ocean Avenue between Plymouth and Brighton Avenues;
- 7 (20) Geneva Avenue, between I-280 and Delano Avenue within the NCT-2 District;
- 8 (21) Fillmore Street, in the NC-3 District from Bush Street to McAllister Street;
- 9 (22) Diamond Street, for the entirety of the Glen Park NCT District;
- 10 (23) Chenery Street, for the entirety of the Glen Park NCT District;
- 11 (24) Geneva Avenue, between I-280 and Delano Avenue within the NCT-1 District.

SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN SPECIFIED DISTRICTS.

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

<i>Use or Activity</i>	<i>Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted</i>
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; <u>C</u> up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling units in C-3 <i>or and</i> SB-DTR, Districts, except as specified below	P up to one car for each four dwelling units; <u>C</u> up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p>Dwelling units in C-3 <i>or and</i> SB-DTR, Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area</p>	<p>P up to one car for each four dwelling units; <u>C</u> up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.</p>
<p>Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District</p>	<p>P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dwelling units.</p>
<p>Dwelling units and SRO units in SLI, SSO, MUG, MUR, MUO, SPD Districts, except as specified below</p>	<p>P up to one car for each four dwelling units; <u>C</u> up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</p>
<p>Dwelling units in SLI, SSO, MUG, MUR, MUO, SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area</p>	<p>P up to one car for each four dwelling units; <u>C</u> up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p>
<p>Dwelling units and SRO units in NCT, C-M, RSD, and SLR Districts and the Upper Market Street NCD, except as specified below</p>	<p>P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</p>
<p>Dwelling units in the Ocean Avenue NCT Districts and Glen Park NCT District</p>	<p>P up to one car for each unit; NP above.</p>
<p>Dwelling units and SRO units in RTO and RED Districts, except as specified below</p>	<p>P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p>
<p>Dwelling units and SRO units in UMU Districts, except as specified below</p>	<p>P up to 0.75 cars for each dwelling unit; NP above.</p>

1	Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to 1 car for each dwelling unit and subject to the conditions of 151.1(g); NP above.
2		
3	Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
4		
5		
6		
7	All non-residential uses in C-3 and C-M Districts	Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.
8		
9	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.
10		
11	Motel	P up to one for each guest unit, plus one for the manager's dwelling unit, if any.
12		
13	Hospital or other inpatient medical institution	P up to one for each 8 guest beds excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement.
14		
15		
16	Residential care facility	P up to one for each 10 residents.
17	Child care facility	P up to one for each 25 children to be accommodated at any one time.
18	Elementary school	P up to one for each six classrooms.
19	Secondary school	P up to one for each two classrooms.
20	Post-secondary educational institution	P up to one for each two classrooms.
21	Church or other religious institutions	P up to one for each 20 seats.
22	Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.
23		
24	Stadium or sports arena	P up to one for each 15 seats.
25	Medical or dental office or outpatient	P up to one for each 300 square feet of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

clinic	occupied floor area.
All office uses in C-3, DTR, C-M, SSO, SPD, MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.
Office uses in M-1, UMU, PDR-1-D, and PDR-1-G Districts, except as specified below	P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.
Office uses in M-1, UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd Streets and 4th Street north of Berry Street	P up to one car per 500 square feet of gross floor area; NP above.
Non-residential uses in RTO and RM districts permitted under Section 231.	None permitted.
All non-residential uses in NCT, RSD, and SLR districts and the Upper Market NCD, except for retail grocery stores with over 20,000 gross square feet as specified below	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(g) NP above.
Retail grocery store uses in NCT, RSD, and SLR districts and the Upper Market Street NCD with over 20,000 square feet of occupied floor area	P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g) C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.
All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than 1/4 mile from Market, Mission, 3rd Streets and 4th Street north of Berry Street, except grocery stores of over 20,000 gross square feet.	P up to one for each 1,500 square feet of gross floor area.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other restaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise	P up to one for each 200 square feet of occupied floor area. In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	P up to one for each 1,000 square feet of occupied floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other greenhouse or plant nursery	P up to one for each 4,000 square feet of occupied floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space	P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.
Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	P up to one for each 1,000 square feet of occupied floor area.
Mortuary	P up to five.
Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	P up to one for each 2,000 square feet of occupied floor area.
Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area. In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).
Laboratory	P up to one for each 1,500 square feet of occupied floor area.
Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
Integrated PDR	P up to one for each 1,500 square feet

	of occupied floor area.
Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.

...

(e) In DTR districts, any request for accessory parking in excess of what is permitted by right shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309.1 of this Code.

(1) In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

(A) All parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible method that maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

(B) Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

(C) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

(D) All parking in the project is set back from facades facing streets and alleys and lined with active uses, and that the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

(E) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

(2) Additionally, in granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual

1 membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any
2 resident of the project who so requests and who otherwise qualifies for such membership,
3 provided that such requirement shall be limited to one membership per dwelling unit, when the
4 following findings are made by the Commission:

5 (A) that the project encourages additional private-automobile use, thereby
6 creating localized transportation impacts for the neighborhood; and

7 (B) that these localized transportation impacts may be lessened for the
8 neighborhood by the provision of car-share memberships to residents.

9 (f) In C-3 Districts, any request for accessory parking in excess of what is
10 permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning
11 Commission, subject to the procedures set forth in Section 309 of this Code.

12 (1) In granting approval for parking accessory to residential uses above that
13 permitted by right in Table 151.1, the Planning Commission shall make the following
14 affirmative findings:

15 (A) For projects with 50 units or more, all residential accessory parking in
16 excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by
17 mechanical stackers or lifts, valet, or other space-efficient means that allows more space
18 above-ground for housing, maximizes space efficiency and discourages use of vehicles for
19 commuting or daily errands. The Planning Commission may authorize the request for
20 additional parking notwithstanding that the project sponsor cannot fully satisfy this
21 requirement provided that the project sponsor demonstrates hardship or practical infeasibility
22 (such as for retrofit of existing buildings) in the use of space-efficient parking given the
23 configuration of the parking floors within the building and the number of independently
24 accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or
25

1 other form of parking space management could not significantly increase the capacity of the
2 parking space above the maximums in Table 151.1;

3 (B) For any project with residential accessory parking in excess of 0.375
4 parking spaces for each dwelling unit, the project complies with the housing requirements of
5 Sections 415 through 415.9 of this Code except as follows: the inclusionary housing
6 requirements that apply to projects seeking conditional use authorization as designated in
7 Section 415.3(a)(2) shall apply to the project;

8 (C) The findings of ~~Section 151.1 (d)(2), (d)(3) and (d)(5)~~ Section 151.1(e)(1)(B),
9 (e)(1)(C) and (e)(1)(E) are satisfied;

10 (D) All parking meets the active use and architectural screening
11 requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not
12 requesting any exceptions or variances requiring such treatments elsewhere in this Code.

13 (2) Additionally, in granting approval for such accessory parking above that permitted
14 by right, the Commission may require the property owner to pay the annual membership fee
15 to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the
16 project who so requests and who otherwise qualifies for such membership, provided that such
17 requirement shall be limited to one membership per dwelling unit, when the findings set forth
18 in Section 151.1(e)(2) are made.

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

21 . . .

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

1 streets and alleys) shall be regulated on development lots as follows on the following street
2 frontages:

3 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as set
4 forth in Section 827.

5 (2) Not permitted:

6 (A) The entire portion of Market Street from The Embarcadero to Castro Street,

7 (B) Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3
8 and Upper Market NCT Districts,

9 (C) Van Ness Avenue from Hayes Street to Mission Street,

10 (D) Mission Street from The Embarcadero to Annie Street and from 10th Street to
11 Division Street,

12 (E) Octavia Street from Hayes Street to Fell Street,

13 (F) Embarcadero in the DTR Districts,

14 (G) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,

15 (H) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT District,

16 (I) Mission Street for the entirety of the Mission Street NCT District,

17 (J) 24th Street for the entirety of the 24th Street-Mission NCT,

18 (K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT
19 and Mission Street NCT Districts,

20 (L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D
21 Districts,

22 (M) 6th Street for its entirety within the SoMa NCT District,

23 (N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100
24 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI
25 and MUO District,

- 1 (O) Ocean Avenue within the Ocean Avenue NCT District,
2 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,
3 (Q) Columbus Avenue between Washington and North Point Streets,
4 (R) Broadway from the Embarcadero on the east to Polk Street on the west, and
5 (S) All alleyways in the Chinatown Mixed Use Districts,
6 (T) Diamond Street within the Glen Park NCT District,
7 (U) Chenery Street within the Glen Park NCT District,
8 (~~F~~ V) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,
9 (~~U~~ W) Ecker Alley in its entirety,
10 (~~V~~ X) Shaw Alley in its entirety,
11 (~~W~~ Y) 2nd Street from Market to Folsom Streets.
- 12 (3) Not permitted except with a Conditional Use authorization, except that in the C-3-
13 O(SD) District, the Planning Commission may grant such permission as an exception
14 pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of
15 parking proposed does not exceed the amounts permitted as accessory according to Section
16 151.1.
- 17 (A) The entire portion of California Street, The Embarcadero, Folsom Street, Geary
18 Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts,
19 (B) Grant Avenue from Market Street to Bush Street,
20 (C) Montgomery Street from Market Street to Columbus Avenue,
21 (D) Haight Street from Market Street to Webster Street,
22 (E) Church Street and 16th Street in the RTO District,
23 (F) Duboce Street from Noe Street to Market Street,
24 (G) Duboce Street from Noe Street to Market Street,
25 (H) Octavia Street from Fell Street to Market Street, and

1 (l) 1st, Fremont and Beale Streets from Market to Folsom Street.

2 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading
3 shall be created or utilized on street frontages identified along any Transit Preferential,
4 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the
5 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,
6 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
7 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
8 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
9 unless the officially adopted alignment is along the left side of the street. Where an alternative
10 frontage is not available, parking or loading access along any Transit Preferential, Citywide
11 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
12 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
13 streets not listed in subsection (2) above as an exception in the manner provided in Section
14 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be
15 clearly demonstrated that the final design of the parking access minimizes negative impacts to
16 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

17 (5) A "development lot" shall mean any lot containing a proposal for new construction,
18 building alterations which would increase the gross square footage of a structure by 20
19 percent or more, or change of use of more than 50 percent of the gross floor area of a
20 structure containing parking. Pre-existing access to off-street parking and loading on
21 development lots that violates the restrictions of this Section 155(r) may not be maintained.

22
23 **SEC. 156. PARKING LOTS.**

24 (a) A "parking lot" is hereby defined as an off-street open area or portion thereof
25 solely for the parking of passenger automobiles. Such an area or portion shall be considered

1 a parking lot whether or not on the same lot as another use, whether or not required by this
2 Code for any structure or use, and whether classified as an accessory, principal or conditional
3 use.

4 (b) Where parking lots are specified in Articles 2 or 7 of this Code as a use for
5 which conditional use approval is required in a certain district, such conditional use approval
6 shall be required only for such parking lots in such district as are not qualified as accessory
7 uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however,
8 apply to all parking lots whether classified as accessory, principal or conditional uses.

9 (c) In considering any conditional use application ~~for a conditional use~~ for a parking
10 lot for a specific use or uses, where the amount of parking provided exceeds the amount
11 classified as accessory parking in Section 204.5 of this Code, the Planning Commission shall
12 consider the criteria set forth in Section 157.

13 (d) Any vehicle use area that is less than 25 linear feet adjacent to a public right-
14 of-way or is a parking lot for the parking of two or more automobiles which adjoins a lot in any
15 R District, or which faces a lot in any R District across a street or alley, shall be screened from
16 view therefrom, except at driveways necessary for ingress and egress, by a solid fence, a
17 solid wall, or a compact evergreen hedge, not less than four feet in height.

18 . . .

19 (f) All artificial lighting used to illuminate a parking lot for any number of
20 automobiles in any District shall be ~~se~~ arranged so that all direct rays from such lighting fall
21 entirely within such parking lot.

22 . . .

23 (k) **Street Tree Requirement.** All parking lots shall meet the street tree
24 requirements specified in Section 138.1(c)(1)443.

25

1 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND**
2 **TRANSPORTATION BROKERAGE SERVICES IN C-3, EASTERN NEIGHBORHOODS**
3 **MIXED USE, AND SOUTH OF MARKET MIXED USE DISTRICTS.**

4 . . .

5 (b) **Applicability.** The requirements of this Section apply to any project meeting one of
6 the following conditions:

7 (1) In the C-3, Eastern Neighborhoods, Mixed Use and South of Market Mixed Use
8 Districts, projects where the gross square feet of new construction, conversion, or added floor
9 area for office use equals at least 100,000 square feet;

10 (2) In the C-3-O(SD) District, where new construction, conversion, or added floor area
11 for residential use equals at least 100,000 square feet *equals at least or* 100 dwelling units;

12 (3) In the C-3-O(SD) District, projects where the gross square feet of new construction
13 or added floor area for any non-residential use equals at least 100,000 square feet; or

14 (4) In the case of the SSO or MUO District, where the gross square feet of new,
15 converted or added floor area for office use equals at least 25,000 square feet.

16
17 **SEC. 171. COMPLIANCE OF USES REQUIRED.**

18 Except as otherwise provided in this Code, structures and land in any district shall
19 be used only for the purposes listed in this Code as permitted in that district, and in
20 accordance with the regulations established for that district. A Permit of Occupancy shall be
21 issued by the *Department of Building Inspection* ~~Department of Public Works~~ (Central Permit
22 Bureau) to the effect that the use or proposed use of a structure or land conforms to the
23 provisions of this and related ordinances, prior to the occupancy of any structure erected,
24 enlarged or structurally altered, or where any vacant land is proposed to be occupied or used
25 except for permitted agricultural uses. Such a permit shall also be issued whenever the use of

1 any structure or land is proposed to be changed from a use first permitted in any district to a
2 use that is more widely permitted by the use districts of the City. Upon written request from
3 the owner, such a permit shall also be issued covering any lawful use of a structure or land
4 existing on the effective date of this Code, including nonconforming uses.

5
6 **SEC. 176. ENFORCEMENT AGAINST VIOLATIONS.**

7 . . .

8 **(c) Penalties.**

9
10 **(1) Administrative Penalties.** In the notice requiring the cessation, removal or correction of
11 any violation of this Code, the Zoning Administrator may assess upon the responsible party an
12 administrative penalty for each violation in an amount up to \$250.00 for each day the violation
13 continues unabated. The "responsible party" is the owner(s) of the real property on which the
14 code violation is located, as listed in the records of the San Francisco Assessor, and the
15 current leaseholder if different from the current owner(s) of the real property.

16 The responsible party may request a Zoning Administrator's hearing in order to show cause
17 why the notice requiring the cessation, removal or correction of the violation and any
18 assessment of administrative penalties is in error and should be rescinded. The Zoning
19 Administrator may designate a member of Department staff to act as the hearing officer in his
20 or her place. The Department shall send a notice of the date, hour, and place of the hearing to
21 the responsible party at the address specified in the request for hearing and to any member of
22 the public who has expressed an interest in the matter.

23
24 The responsible party may also request that the Zoning Administrator terminate abatement
25 proceedings under Section 176 and refer the matter to the Director for enforcement action

1 under the process set forth in Section 176.1 of this Code. If the Zoning Administrator
2 determines that the enforcement case will proceed under Section 176, that determination shall
3 be made as part of the final written decision and is not appealable separately from the
4 decision on the merits.

5 The responsible party may waive the right to a Zoning Administrator's hearing and proceed
6 directly to an appeal to the Board of Appeals under Section 308.2 of this Code. Administrative
7 penalties shall not accrue during the period of time that the matter is pending before the
8 Zoning Administrator on a request for hearing or before the Board of Appeals on appeal. If the
9 responsible party elects to request a Zoning Administrator's hearing, the request for hearing
10 must be in writing and submitted to the Zoning Administrator prior to ~~expiration of the time for~~
11 ~~appeal of the Zoning Administrator's determination to the Board of Appeals~~ the expiration date of the
12 Notice of Violation and Penalty. If a request for a Zoning Administrator's hearing is timely filed,
13 any appeal to the Board of Appeals shall be from the decision of the Zoning Administrator
14 rendered after the hearing.
15

16 **SEC. 178. CONDITIONAL USES.**

17 The following provisions shall apply to conditional uses:

18 . . .

19 (f) Notwithstanding the foregoing provisions of this Section 178, a structure occupied by
20 a permitted conditional use that is damaged or destroyed by fire, or other calamity, or by Act
21 of God, or by the public enemy, may be restored to its former condition and use without the
22 approval of a new conditional use application, provided that such restoration is permitted by
23 the Building Code, and is started within ~~one year~~ 18 months and diligently pursued to
24 completion. Except as provided in Subsection (g) below, no structure occupied by a permitted
25

1 conditional use that is voluntarily razed or required by law to be razed by the owner thereof
2 may thereafter be restored except upon approval of a new conditional use application
3 pursuant to the provisions of Article 3 of this Code.

4 (g) None of the provisions of this Section 178 shall be construed to prevent any
5 measures of construction, alteration or demolition necessary to correct the unsafe or
6 dangerous condition of any structure, other feature, or part thereof, where such condition has
7 been declared unsafe or dangerous by the Superintendent of the Bureau of Building
8 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the
9 proposed measures have been declared necessary, by such official, to correct the said
10 condition; provided, however, that only such work as is absolutely necessary to correct the
11 unsafe or dangerous condition may be performed pursuant to this Section.

12

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

15 The purpose of this Section is to provide for the further continuance in RH, RM,
16 RTO, and RED Districts of nonconforming uses of a limited commercial and industrial
17 character, as herein described, which are beneficial to, or can be accommodated within, the
18 residential areas in which they are located. It is hereby found and declared that, despite the
19 general incompatibility of nonconforming uses with the purposes of this Code, and with other
20 nearby uses, these limited commercial uses may be tolerated in residential areas, and tend to
21 provide convenience goods and services on a retail basis to meet the frequent and recurring
22 needs of neighborhood residents within a short distance of their homes or, within the South of
23 Market RED Districts, tend to provide jobs and continuation of small scale service and light
24 industrial activities. These uses tend to be small in scale, to serve primarily a walk-in trade,
25 and cause a minimum of interference with nearby streets and properties. Accordingly, this

1 Section recognizes the public advantages of these uses and establishes conditions for their
2 continued operation.

3 (a) The following nonconforming uses in R Districts shall be exempt from the
4 termination provisions of Section 185, provided such uses comply with all the conditions
5 specified in Subsection (b) below:

6 (1) Any nonconforming use at any story in an RTO, RH or RM District which is
7 located more than ¼ mile from the nearest Individual Area Neighborhood Commercial District
8 or Restricted Use Subdistrict described in Article 7 of this Code, and which complies with the
9 use limitations specified for the first story and below of an NC-1 District, as set forth in
10 Sections 710.10 through 710.95 of this Code.

11 (2) Any nonconforming use in an RH or RM District which is located within ¼
12 mile from any Individual Area Neighborhood Commercial District or restricted use subdistrict
13 and which complies with the most restrictive use limitations specified for the first story and
14 below of:

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

17 (B) Any Individual Area Neighborhood Commercial District within ¼ mile of
18 the use, as set forth in Sections 714.10 through 729.95 of this Code;

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

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

SEC. 201. CLASSES OF USE DISTRICTS.

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

Public Use (P) Districts <i>(Defined in Sec. 234)</i>	
Residential (R) Districts <i>(Defined in Sec. 206)</i>	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings) <i>(Defined in Sec. 206.1)</i>
RH-1	Residential, House Districts, One-Family <i>(Defined in Sec. 206.1)</i>
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit <i>(Defined in Sec. 206.1)</i>
RH-2	Residential, House Districts, Two-Family <i>(Defined in Sec. 206.1)</i>
RH-3	Residential, House Districts, Three-Family <i>(Defined in Sec. 206.1)</i>
RM-1	Residential, Mixed Districts, Low Density <i>(Defined in Sec. 206.2)</i>
RM-2	Residential, Mixed Districts, Moderate Density <i>(Defined in Sec. 206.2)</i>
RM-3	Residential, Mixed Districts, Medium Density

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

	<i>(Defined in Sec. 206.3)</i>
RM-4	Residential, Mixed Districts, High Density <i>(Defined in Sec. 206.3)</i>
<u>RTO</u>	<u>Residential, Transit-Oriented Neighborhood</u> <i>(Defined in Sec. 206.4)</i>
<u>RTO-M</u>	<u>Residential, Transit-Oriented – Mission</u> <i>Defined in Sec. 206.5)</i>
Residential-Commercial Districts <i>(Defined in Sec. 206.3)</i>	
<i>RC-1</i>	Residential-Commercial Combined Districts, <i>Low Density</i>
<i>RC-2</i>	Residential-Commercial Combined Districts, <i>Moderate Density</i>
RC-3	Residential-Commercial Combined Districts, Medium Density <i>(Defined in Sec. 206.3)</i>
RC-4	Residential-Commercial Combined Districts, High Density <i>(Defined in Sec. 206.4)</i>
Neighborhood Commercial Districts (Also see Article 7) General Area <u>Neighborhood Commercial</u> Districts <i>(Defined in Sec. 702.1)</i>	
NC-1	Neighborhood Commercial Cluster District

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

	<i>(Defined in Sec. 710.1)</i>
NC-2	Small-Scale Neighborhood Commercial District <i>(Defined in Sec. 711.1)</i>
NC-3	Moderate-Scale Neighborhood Commercial District <i>(Defined in Sec. 712.1)</i>
NC-S	Neighborhood Commercial Shopping Center District <i>(Defined in Sec. 713.1)</i>
<i>Individual Area <u>Named Neighborhood Commercial</u> Districts</i> <i>(Defined in Sec. 702.1)</i>	
Broadway Neighborhood Commercial District <i>(Defined in Sec. 714.1)</i>	
Castro Street Neighborhood Commercial District <i>(Defined in Sec. 715.1)</i>	
Inner Clement Street Neighborhood Commercial District <i>(Defined in Sec. 716.1)</i>	
Outer Clement Street Neighborhood Commercial District <i>(Defined in Sec. 717.1)</i>	
Upper Fillmore Street Neighborhood Commercial District <i>(Defined in Sec. 718.1)</i>	
Haight Street Neighborhood Commercial District <i>(Defined in Sec. 719.1)</i>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Inner Sunset Neighborhood Commercial District (<i>Defined in Sec. 730.1</i>)
Upper Market Street Neighborhood Commercial District (<i>Defined in Sec. 721.1</i>)
North Beach Neighborhood Commercial District (<i>Defined in Sec. 722.1</i>)
Pacific Avenue Neighborhood Commercial District (<i>Defined in Sec. 732.1</i>)
Polk Street Neighborhood Commercial District (<i>Defined in Sec. 723.1</i>)
Sacramento Street Neighborhood Commercial District (<i>Defined in Sec. 724.1</i>)
Union Street Neighborhood Commercial District (<i>Defined in Sec.725.1</i>)
24th Street-Noe Valley Neighborhood Commercial District (<i>Defined in Sec. 728.1</i>)
West Portal Avenue Neighborhood Commercial District (<i>Defined in Sec. 729.1</i>)
<i>Noriega Street Neighborhood Commercial District (Defined in Sec. 739.1)</i>
<i>Irving Street Neighborhood Commercial District (Defined in Sec. 740.1)</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<i>Taraval Street Neighborhood Commercial District (Defined in Sec. 741.1)</i>	
<i>Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)</i>	
Neighborhood Commercial Transit Districts (NCT) <i>(Defined in Sec. 702.1)</i>	
NCT-1	Neighborhood Commercial Transit Cluster District <i>(Defined in Sec. 733A.1)</i>
NCT-2	Small-Scale Neighborhood Commercial Transit District <i>(Defined in Sec. 734.1)</i>
NCT-3	Moderate Scale Neighborhood Commercial Transit District <i>(Defined in Sec. 731.1)</i>
<i>Individual Area Named</i> Neighborhood Commercial Transit (NCT) Districts <i>(Defined in Sec. 702.1)</i>	
<i>Hayes-Gough NCT (Defined in Sec. 720.1)</i>	
<i>Upper Market Street NCT (Defined in Sec. 733.1)</i>	
<i>Valencia Street NCT (Defined in Sec. 726.1)</i>	
<i>24th Street - Mission NCT (Defined in Sec. 727.1)</i>	
<i>Mission Street NCT (Defined in Sec. 736.1)</i>	
<i>SoMa NCT (Defined in Sec. 735.1)</i>	
<i>Ocean Avenue NCT (Defined in Sec. 737.1)</i>	

1	Glen Park NCT <i>(Defined in Sec. 738.1)</i>	
2	Neighborhood Commercial Special Use Districts	
3		<i>(Defined in Sec. 702.2)</i>
4	Lakeshore Plaza Special Use District <i>(Defined in Sec. 780.1)</i>	
5	Bayshore-Hester Special Use District <i>(Defined in Sec. 780.2)</i>	
6	North Beach Special Use District <i>(Defined in Sec. 780.3)</i>	
7	Taraval Street Restaurant Subdistrict <i>(Defined in Sec. 726)</i>	
8	<i>Mission-Harrison Special Use District (Defined in Sec. 780.4)</i>	
9	Irving Street Restaurant Subdistrict <i>(Defined in Sec. 781.2)</i>	
10	Geary Boulevard <i>Formula Retail Pet Supply Store and Formula Retail</i>	
11	<i>Eating and Drinking Fast Food</i> Subdistrict <i>(Defined in Sec. 781.4)</i>	
12	Mission Street Formula Retail Restaurant Subdistrict <i>(Defined in</i>	
13	<i>Sec. 781.5)</i>	
14	North Beach Financial Service, Limited Financial Service, and	
15	Business or Professional Service Subdistrict <i>(Defined in Sec. 781.6)</i>	
16	Chestnut Street Financial Subdistrict <i>(Defined in Sec. 781.7)</i>	
17	Neighborhood Commercial Restricted Use Districts <u>and</u>	
18		<u>Subdistricts</u>
19		<i>(Defined in Sec. 781)</i>
20	<i>Irving Street Restaurant and Fast-Food Subdistrict (Defined in Sec.</i>	
21		
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>781.2)</u>	
<u>Mission Alcoholic Beverage Special Use District (Defined in Sec. 781.8</u>	
<u>Haight Street Alcohol Special Use District (Defined in Sec. 781.9)</u>	
Third Street Alcohol Restricted Use District <u>(Defined in Sec. 782)</u>	
<u>17th and Rhode Island Street Grocery Store Special Use District</u> <u>(Defined in Sec. 781.10)</u>	
Divisadero Street Alcohol Restricted Use District <u>(Defined in Sec.</u> <u>783)</u>	
Lower Haight Street Alcohol Restricted Use District <u>(Defined in</u> <u>Sec. 784)</u>	
Excelsior Alcohol Restricted Use District <u>(Defined in Sec. 785)</u>	
Lower Haight Street Tobacco Paraphernalia Restricted Use District <u>(Defined in Sec. 786)</u>	
Fringe Financial Service Restricted Use District <u>(Defined in Sec.</u> <u>249.35)</u>	
Commercial Districts <u>(Defined in Sec. 210)</u>	
C-1	<i>Neighborhood Shopping Districts</i>
C-2	Community Business Districts <u>(Defined in Sec.</u> <u>210.2)</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C-M	Heavy Commercial Districts (<i>Defined in Sec. 210.4</i>)
C-3-O	Downtown Office District (<i>Defined in Sec. 210.3</i>)
C-3-R	Downtown Retail District (<i>Defined in Sec. 210.3</i>)
C-3-G	Downtown General Commercial District (<i>Defined in Sec. 210.3</i>)
C-3-S	Downtown Support District (<i>Defined in Sec. 210.3</i>)
Industrial Districts <i>(Defined in Sec. 210 and Sec 802.4)</i>	
M-1	Light Industrial Districts (<i>Defined in Sec. 210.5</i>)
M-2	Heavy Industrial Districts (<i>Defined in Sec. 210.6</i>)
<u>Production Distribution Repair (PDR) Districts Category</u> <i>(Defined in Sec. 210.7)</i>	
PDR-1-B	Production Distribution and Repair - Light Industrial Buffer (<i>Defined in Sec. 210.8</i>)
PDR-1-D	Production Distribution and Repair - Design (<i>Defined in Sec. 210.9</i>)
PDR-1-G	Production Distribution and Repair – General (<i>Defined in Sec. 210.10</i>)
PDR-2	Core Production Distribution and Repair - Bayview (<i>Defined in Sec. 210.11</i>)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Chinatown Mixed Use Districts (Also see <i>Article 8 Sec. 802.3</i>)	
CCB	Chinatown Community Business District (<i>Defined in Sec. 810.1</i>)
CR/NC	Chinatown Residential/Neighborhood Commercial District (<i>Defined in Sec. 812.1</i>)
CVR	Chinatown Visitor Retail District (<i>Defined in Sec. 811.1</i>)
South of Market Use Mixed Use Districts (Also see <i>Article 8 Sec. 802.5</i>)	
RED	Residential Enclave Districts (<i>Defined in Sec. 813</i>)
RSD	Residential Service District (<i>Defined in Sec. 815</i>)
SLR	Service/Light Industrial/Residential District (<i>Defined in Sec. 816</i>)
SLI	Service/Light Industrial District (<i>Defined in Sec. 817</i>)
SSO	Service/Secondary Office District (<i>Defined in Sec. 818</i>)
Eastern Neighborhoods Mixed Use Districts (Also see <i>Article 8 Sec. 802.4</i>)	
SPD	South Park District (<i>Defined in Sec. 814</i>)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MUG	Mixed Use - General (<i>Defined in Sec. 840</i>)
MUO	Mixed Use - Office(<i>Defined in Sec. 842</i>)
MUR	Mixed Use - Residential (<i>Defined in Sec. 841</i>)
UMU	Urban Mixed Use (<i>Defined in Sec. 843</i>)
Downtown Residential Districts (Also see <i>Article 8 Sec. 802.6</i>)	
RH-DTR	Rincon Hill Downtown Residential(<i>Defined in Sec 827</i>)
SB-DTR	South Beach Downtown Residential (<i>Defined in Sec 829</i>)
TB-DTR	Transbay Downtown Residential District(<i>Defined in Sec 828</i>)
Mission Bay Districts (Also see <i>Article 9 Sec. 902</i>)	
MB-R-1	Mission Bay Lower Density Residential District (<i>Defined in Sec 906</i>)
MB-R-2	Mission Bay Moderate Density Residential District (<i>Defined in Sec 907</i>)
MB-R-3	Mission Bay High Density Residential District (<i>Defined in Sec 908</i>)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District <i>(Defined in Sec 909)</i>
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District <i>(Defined in Sec 910)</i>
MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District <i>(Defined in Sec 911)</i>
MB-O	Mission Bay Office District <i>(Defined in Sec 912)</i>
MB-CI	Mission Bay Commercial-Industrial District <i>(Defined in Sec 913)</i>
MB-H	Mission Bay Hotel District <i>(Defined in Sec 914)</i>
MB-CF	Mission Bay Community Facilities District <i>(Defined in Sec 915)</i>
MB-OS	Mission Bay Open Space District <i>(Defined in Sec 916)</i>
Parkmerced Districts (Also see Section 249.64)	
PM-R	Parkmerced Residential District <i>(Defined in Sec 249.64(b)(2)(i))</i>
PM-MU1	Parkmerced Mixed Use - Social Heart District <i>(Defined in Sec 249.64(b)(2)(ii))</i>
PM-MU2	Parkmerced Mixed Use - Neighborhood

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

	Commons(<i>Defined in Sec 249.64(b)(2)(iii)</i>)
PM-S	Parkmerced School District (<i>Defined in Sec 249.64(b)(2)(iv)</i>)
PM-CF	Parkmerced Community/Fitness District(<i>Defined in Sec 249.64(b)(2)(v)</i>)
PM-OS	Parkmerced Open Space District(<i>Defined in Sec 249.64(b)(2)(vi)</i>)
Treasure Island and Yerba Buena Island Districts (Also see Section 249.52)	
TI-R	Treasure Island-Residential (<i>Defined in Sec 249.52</i>)
TI-MU	Treasure Island-Mixed Use (<i>Defined in Sec 249.52</i>)
TI-OS	Treasure Island-Open Space (<i>Defined in Sec 249.52</i>)
TI-PCI	Treasure Island-Public/Civic/Institutional (<i>Defined in Sec 249.52</i>)
YBI-R	Yerba Buena Island-Residential (<i>Defined in Sec 249.52</i>)
YBI-MU	Yerba Buena Island-Mixed Use (<i>Defined in Sec 249.52</i>)
YBI-OS	Yerba Buena Island-Open Space (<i>Defined in Sec</i>

	<u>249.52)</u>
YBI-PCI	Yerba Buena Island-Public/Civic/Institutional <i>(Defined in Sec 249.52)</i>

SEC. 206.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

These districts are intended to recognize, protect, conserve and enhance areas characterized by structures combining residential uses with neighborhood-serving commercial uses. The predominant residential uses are preserved, while provision is made for supporting commercial uses, usually in or below the ground story, which meet the frequent needs of nearby residents without generating excessive vehicular traffic. The RC Districts are composed of ~~two~~ *four* separate districts, as follows:

RC-1 Districts: Low Density. These districts are no longer in use.

RC-2 Districts: Moderate Density. These districts are no longer in use.

RC-3 Districts: Medium Density. These districts provide for a mixture of medium-density dwellings similar to those in RM-3 Districts, with supporting commercial uses. Open spaces are required for dwellings in the same manner as in RM-3 Districts, except that rear yards need not be at ground level and front setback areas are not required.

RC-4 Districts: High Density. These districts provide for a mixture of high-density dwellings similar to those in RM-4 Districts with supporting commercial uses. Open spaces are required for dwellings in the same manner as in RM-4 Districts, except that rear yards need not be at ground level and front setback areas are not required. The high-density and mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements.

1 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, NCT, DTR, AND**
2 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

3 (a) Purpose. In order to foster flexible and creative infill development while maintaining
4 the character of the district, dwelling unit density is not controlled by lot area in RTO, NCT,
5 and Eastern Neighborhoods Mixed Use Districts but rather by the physical constraints of this
6 Code (such as height, bulk, setbacks, open space, and dwelling unit exposure). However, to
7 ensure an adequate supply of family-sized units in existing and new housing stock, new
8 residential construction must include a minimum percentage of units of at least 2 bedrooms.

9 (b) Applicability.

10 (1) This Section shall apply in the RTO, NCT, DTR and Eastern Neighborhoods
11 Mixed Use Districts.

12 (2) This Section shall apply to all applications for building permits and/or Planning
13 Commission entitlements which propose the creation of five or more dwelling units.

14 (3) This Section does not apply to buildings for which 100 percent of the residential
15 uses are: group housing, dwelling units which are provided at below market rates pursuant to
16 Section ~~326.3(h)(2)(B)~~ 406(b)(1) of this Code, Single Room Occupancy Units, student housing
17 (as defined in Sec. ~~315.1.38~~ 102.36), or housing specifically and permanently designated for
18 seniors or persons with physical disabilities.

19 (c) Controls.

20 (1) For the RTO, ~~Hayes-Gough~~ Hayes-Gough NCT, Upper Market Street NCT, and
21 NCT-3 districts, no less than 40 percent of the total number of dwelling units on site shall
22 contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to
23 the nearest whole number of dwelling units. While existing dwelling units in buildings which do
24 not comply with this Subsection need not be expanded to meet this requirement, all new
25

1 dwelling units shall provide at least two bedrooms when less than 40 percent of the total
2 number of dwelling units contain less than two bedrooms.

3 (2) For all other RTO and NCT districts, as well as DTR and Eastern Neighborhoods
4 Mixed Use Districts, one of the following two must apply;

5 (A) no less than 40 percent of the total number of proposed dwelling units shall
6 contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to
7 the nearest whole number of dwelling units. or

8 (B) no less than 30 percent of the total number of proposed dwelling units shall
9 contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded
10 to the nearest whole number of dwelling units.

11 (d) Modifications.

12 (1) In NCT and RTO Districts, these requirements may be waived or modified with
13 Conditional Use Authorization. In addition to those conditions set forth in Section 303, the
14 Planning Commission shall consider the following criteria:

15 (A) The project demonstrates a need or mission to serve unique populations, or

16 (B) The project site or existing building(s), if any, feature physical constraints that
17 make it unreasonable to fulfill these requirements.

18 (2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be
19 waived in return for provision of family-sized affordable units, pursuant to Section 319.4(b). To
20 receive this waiver, 100 percent of the total number of inclusionary units required under
21 Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also in Eastern
22 Neighborhoods Mixed Use Districts, these requirements may be waived or modified through
23 the Variance process set forth in Section 305, or in the case of projects subject to Section
24 329, through the procedures of that section.

25

1 (3) In DTR Districts, these requirements may be modified per the procedures of
 2 Section 309.1.

3

4 **SEC. 209.8. COMMERCIAL ESTABLISHMENTS IN R DISTRICTS.**

5

6	RH -1 (D)	RH -1	RH -1 (S)	RH -2	RH -3	RM -1	RM -2	RM -3	RM -4	RT O	RTO -M	RC -3	RC -4	
7														
8														SEC. 209.8. COMMERCIAL ESTABLISHMENTS
9														.
10												P	P	(a) Except for
11														massage
12														establishments as
13														noted in Section
14														218.1, retail,
15														personal service or
16														other commercial
17														establishment is
18														permitted as a
19														<i>principle principal</i>
20														use on the ground
21														floor or below of a
22														building if permitted
23														as a principal use on
24														the ground floor in
25														

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

													an NC-3 District, unless otherwise specified in this Code.
											P	P	(i) Walk-up Facility, as defined in Section 790.140 of this Code, is permitted as a <i>principle principal</i> use on the ground floor if recessed 3 feet; requires a conditional use if not recessed.
											P	P	(j) Outdoor Activity Area, as defined in Section 790.70 of this Code, if in front; requires a conditional use if elsewhere.

22 **SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M DISTRICTS.**

23 In the following C and M Districts, the permitted uses indicated in Sections 215 through
24 227 shall be subject to the additional requirements contained in this Section 212.

25

1 (a) **Uses in enclosed buildings.** In C-1 and C-2 Districts, all permitted uses, and all
2 storage, servicing, fabricating, processing or repair uses accessory thereto, shall be
3 conducted within enclosed buildings, with the exceptions of:

- 4 (1) Those uses indicated by an asterisk (*) in the column for the district;
- 5 (2) Accessory off-street parking and loading areas where permitted;
- 6 (3) Accessory outdoor dining areas where permitted;
- 7 (4) Accessory recreation areas where permitted; and,
- 8 (5) Mobile Food Facilities as defined in Section ~~102.31~~ 102.34.

9 (b) **Drive-in uses.** In ~~C-1, and~~ C-3 Districts, no permitted use shall include an
10 establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with
11 the exception of automobile service stations and automobile washes where permitted.

12 (c) **Required ground-floor commercial frontage in the C-3 Districts.**

13 (1) **Purpose.** The purpose of this section is to assure continuity of retail and
14 consumer service uses in the C-3-R ~~district~~ District, and in other important commercial streets
15 in C-3 Districts.

16 (2) **Applicability.**

17 (A) In the C-3-R District, along any block frontage that is entirely within such
18 district or partly in such district and partly in the C-3-O District, where such block frontage
19 faces a street 40 feet or more in width;

20 (B) On building frontages facing Destination Alleyways, as defined in the
21 Downtown Streetscape Plan;

22 (C) Along any street frontage facing Market Street in all C-3 Districts except the
23 Van Ness and Market Downtown Residential Special Use District.

24 (3) **Controls.**

1 ~~(e)(1)~~ (A) Ground story. Permitted uses listed in Sections 218 and ~~227~~ 221 shall be
 2 located facing such street in the ground story of any building. At least 1/2 the total width of any
 3 new or reconstructed building, parallel to and facing such street, shall be devoted at the
 4 ground story to entrances, show windows or other displays of such uses.

5 ~~(e)(2)~~ (B) All levels. All other permitted uses shall be located either on stories above
 6 or below the ground story or at a distance of not less than 20 feet behind ~~the front of the~~
 7 ~~building~~ each street frontage at the ground story. No more than 1/3 the width of any lot, parallel
 8 to and facing such street, shall be devoted to entrances to such other permitted uses.

9 **SEC. 218. RETAIL SALES AND PERSONAL SERVICES.**

10	€	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
11	±													
12														
13														SEC. 218.
14														RETAIL
15														SALES AND
16														PERSONAL
17														SERVICES.
18														
19														The uses
20														specified in
21														this Section
22														shall not
23														include any
24														use first
25														specifically

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

													listed in a subsequent Section of this Code.
<i>P</i>	<i>N</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>(a) — Retail business or personal service establishment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.</i>							
	<i>A</i>												
	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>(a/b)</i>								
									under 2,500 gsf per lot; C above for	under 5,000 gsf per lot; C above for	under 2,500	under 2,500	Retail business or personal

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

								Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or exercise facility when including equipment and space for weight-lifting and cardiovascular activities.	Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or exercise facility when including equipment and space for weight-lifting and cardiovascular activities.	0 gsf	0 gsf per lot*#	service establishments not limited to sales or services primarily for residents in the immediate vicinity, and not restricted to sale of new commodities.
												*Subject to the limitations of Section 121.8.

1 **SEC. 218.1. MASSAGE ESTABLISHMENTS.**

2 (a) Definition. Massage establishments are defined by Section 1900 of the San Francisco
3 Health Code. Any massage establishment shall have first obtained a permit from the Department of
4 Public Health pursuant to Section 1908 of the San Francisco Health Code.

5 (b) Controls. Massage establishments shall generally be subject to Conditional Use
6 authorization. Certain exceptions to the Conditional Use for accessory use massage are described in
7 subsection (c) below. When considering an application for a conditional use permit pursuant to this
8 subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c),
9 the additional criteria described in Section 303(o).

10 (c) Exceptions. Certain exceptions would allow a massage use to be “permitted” without a
11 Conditional Use authorization including:

12 (1) Certain Accessory Use Massage, provided that the massage use is accessory to a principal
13 use and the massage use is accessed by the principal use; and

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

16 (B) the principal use is a tourist hotel, as defined in Section 790.46 of this Code, that
17 contains 100 or more rooms,

18 (C) the principal use is a large institution as defined in Section 790.50 of this Code, or

19 (D) the principal use is a hospital or medical center, as defined in Section 790.44 of this Code.

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

22 (3) California State Certification. A State certified massage establishment, as defined by
23 Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California
24 Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California
25 Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California

1 Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant
 2 to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only
 3 persons certified by the state's Massage Therapy Organization, pursuant to the California Business and
 4 Professions Code Section 4600 et seq., shall be regulated as a “Medical Service” use as defined by
 5 Section 790.114 or 890.114 provided that the massage establishment has first obtained a permit from
 6 the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.

7 (d) **Enforcement.** Any massage establishment or exempted massage use found to be operating,
 8 conducted or maintained contrary to the provisions of this Code shall be found to be operating in
 9 violation of the Code and will be subject to enforcement as provided in Section 176. No application or
 10 building permit to establish a massage establishment or exempted massage use will be accepted within
 11 one year after the subject property if found operating in violation of the provisions of this Code.

C-1	C-2	C-3- O	C-3- R	C-3- G	C-3- S	C-M	M-1	M-2	PDR- 1	PDR- 2	
											SEC. 218.1. MASSAGE ESTABLISHMENTS.

1	€	€	€	€	€	€	€	€	€	€	€	<i>Certain Accessory</i>
2	<u>P</u>	<i>Massage as defined above</i>										
3												<i>in 218.1(c)(1)Massage</i>
4												<i>establishments, as defined</i>
5												<i>by Section 1900 of the San</i>
6												<i>Francisco Health Code,</i>
7												<i>except a use that is a sole</i>
8												<i>proprietorship, as defined</i>
9												<i>in California Business and</i>
10												<i>Professions Code Section</i>
11												<i>4612(b)(1), and where the</i>
12												<i>sole proprietor is certified</i>
13												<i>pursuant to the California</i>
14												<i>Business and Professions</i>
15												<i>Code Section 4600 et seq.,</i>
16												<i>or one that employs or</i>
17												<i>uses only persons certified</i>
18												<i>by the state's Massage</i>
19												<i>Therapy Organization,</i>
20												<i>pursuant to the California</i>
21												<i>Business and Professions</i>
22												<i>Code Section 4600 et seq.,</i>
23												<i>provided that the massage</i>
24												<i>establishment has first</i>
25												

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

										<p><i>obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, and provided that:</i></p> <p><i>(a) — the massage use is accessory to a principal use, if the massage use is accessed by the principal use and:</i></p> <p><i>— (1) — the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or</i></p> <p><i>— (2) — the principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms, a large institution as defined in</i></p>
--	--	--	--	--	--	--	--	--	--	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

											<p><i>Section 790.50 of this Code, or a hospital or medical center, as defined in Section 790.44 of this Code, or</i></p>
<u>P</u>	<p><i><u>Chair Massage as defined above in 218.1(c)(2) The only massage service provided is chair massage, such service is visible to the public, and customers are fully clothed at all times.</u></i></p>										
<u>C</u>	<p><i><u>All other massage.</u> If the massage use does not</i></p>										

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

											<p>meet <u>the definition of California State Certification per 218.1(c)(3) or the requirements of (a) 218.1(c)(1) or (b) 218.1(c)(2), above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303(c), the additional criteria described in Section 303(o) and 218.1(b) of this Code. When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following criteria:</u></p>
--	--	--	--	--	--	--	--	--	--	--	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

											<p>—(1)— Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;</p>
											<p>-(2)— Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include: i) active street frontage of at least 25' in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii)</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

										<p><i>windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;</i></p>
										<p><i>(3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset</i></p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

										<i>hours of the massage use are encouraged;</i>
										<i>-(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.</i>
										<i>(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

										<i>P in designated landmark buildings.</i>	<i>P in designated landmark buildings.</i>			square feet in size and offering on-site services to the general public.
P	P	P	P	C	P	P	P	P	P	NP ₁ <i>unless in a designated landmark building.</i> <i>P in designated landmark buildings.</i>	NP ₁ <i>unless in a designated landmark building.</i> <i>P in designated landmark buildings.</i>	P under 5,000 gsf *#	P under 5,000 gsf *#	(c) Other professional and business offices, as defined in 890.70, above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer services.
P	P	C	C		C	C	P	P	P	NP ₁ <i>unless in a designated landmark building.</i> <i>P in designated landmark buildings.</i>	NP ₁ <i>unless in a designated landmark building.</i> <i>P in designated landmark buildings.</i>	P under 5,000 gsf*#	P under 5,000 gsf *#	(d) Other professional and business offices, as defined in 890.70, at or below the ground floor.
-	-	-		-	-	-	-	-	-	<i>P</i>	<i>P</i>	-	-	<i>(e) Offices in designated landmark buildings.</i>
														<i>*See Ordinance 99- & Subject to</i>

*limitations of
Section 121.8*

SEC. 227 OTHER USES.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
C	C	C	C	C	C	C	C	C			C	C	(v) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one

	any Planned Unit Development in these districts.]
--	---

	[*See Section 212(a)]
--	-----------------------

1
2
3
4 **SEC. 235. SPECIAL USE DISTRICTS.**

5 In addition to the use districts that are established by Section 201 of this Code, there shall
6 also be in the City such special use districts as are established in this Section and Sections
7 236 through ~~249.5~~ 249.66, in order to carry out further the purposes of this Code. The
8 designations, locations and boundaries of these special use districts shall be as provided in
9 Sections 236 through ~~249.5~~ 249.66, and as shown on the Zoning Map referred to in Section 105
10 of this Code, subject to the provisions of Section 105. *The original of the numbered sectional*
11 *maps of the Zoning Map for Special Use Districts referred to in Sections 236 through 249.5 is on file*
12 *with the Clerk of the Board of Supervisors under File No. 191-67-2. and No. 273.80.* In any special
13 use district the provisions of the applicable use district established by Section 201 shall
14 prevail, except as specifically provided in Sections 236 through ~~249.5~~ 249.66.

15
16 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

17 (c) **Controls.** The following zoning controls are applicable in the North of Market Residential
18 Special Use District. Certain controls are set forth in other Sections of this Code and are
19 referenced herein.

20 (1) **Conditional Use Criteria.** In making determinations on applications for conditional use
21 authorizations required for uses located within the North of Market Residential Special Use
22 District, the ~~City~~ Planning Commission shall consider the purposes as set forth in Subsection
23 (b) above, in addition to the criteria of Section 303(c) of this Code.

24 (2) Notwithstanding the provisions of Section 209.8 of this Code, commercial establishments
25 shall be limited to the ground floor and the first basement floor, except that such

1 establishments may be permitted on the second story as a conditional use if authorized
2 pursuant to Section 303 and Section 249.5(c)(1) of this Code.

3 ~~(3) Garment shops that meet the qualifications set forth in Section 236(a) may be permitted on the~~
4 ~~ground floor and first basement floor as a conditional use if authorized pursuant to Section 303 and~~
5 ~~Section 249.5(c)(1) of this Code.~~

6 (34) The following uses are not permitted: (A) A hotel, inn, hostel or motel; and (B) massage
7 establishments which are not incidental to the institutional uses permitted in Sections 217(a)
8 through (d) of the Planning Code or are not incidental to a health club, gymnasium or other
9 facility with a regular membership or other facility which is used primarily for instruction and
10 training in body building, exercising, reducing, sports, dancing or other similar physical
11 activities.

12 (45) In the portion of the area designated as Subarea No. 1 of the North of Market Residential
13 Special Use District, as shown on Section Map 1Sub of the Zoning Map, the density ratio
14 shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2, as shown on
15 Section Map 1Sub of the Zoning Map, the density ratio shall be one dwelling unit for each 200
16 feet of lot area. The double density provisions of Section 209.1(m) shall not result in greater
17 density than that permitted in an RC-4 District.

18 (56) ~~Off-street parking requirements may be modified by the City Planning Commission, There are no~~
19 ~~minimum parking requirements in this Special Use District,~~ as provided in Section 161(h) of this
20 Code.

21 (67) A bulk district "T" shall apply pursuant to the provisions of Section 270, Table 270 of this
22 Code.

23 (78) Special exceptions to the 80-foot base height limit in height and bulk districts 80-120-T
24 and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

25

1 (~~89~~) Building setbacks are required in this district pursuant to Section 132.2; provisions for
2 exceptions are also set forth in Section 132.2 of this Code.

3 (~~910~~) Exceptions to the rear yard requirements for an RC-4 District may be granted pursuant
4 to Section ~~134(f)~~ 134(g) of this Code.

5

6 **SEC. 249.23. FOURTH AND FREELON STREETS SPECIAL USE DISTRICT.**

7 There shall be a special use district known as the Fourth Street, Freelon Street, Zoe Street
8 and Welsh Street, as designated on Sectional Map No. 1SU of the Zoning Map of the City and
9 County of San Francisco. The following controls shall apply within this Special Use District.
10

11 . . .

12

13 (f) **Sunlight and Dwelling Unit Exposure Requirements.** The Planning Commission may
14 grant an exception to Section 135(g)(2) and Section 140 of this Code pursuant to Subsection
15 (~~i~~) of this Section 249.23.

16 **SEC. 249.33 VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE**
17 **DISTRICT.**

18 . . .

19 (b) **Use Controls.**

20 (1) **Non-residential uses.** For newly-constructed buildings or additions which exceed
21 20 percent or more of an existing structure's gross floor area, non-residential uses are not
22 permitted above the 4th story, and at least two occupied square feet of residential use shall be
23 provided for each occupied square foot of non-residential use. In order to accommodate local
24 government office uses near City Hall, publicly-owned or leased buildings or lots are
25 exempted from the requirements of this subsection.

1 (2) **Residential Density.** There shall be no density limit for residential uses by lot
2 area, but by the applicable requirements and limitations elsewhere in this Code, including but
3 not limited to height, bulk, setbacks, open space, and exposure, as well as by the Market &
4 Octavia Area Plan Fundamental Principals for Design, other applicable design guidelines,
5 applicable elements and area plans of the General Plan, and design review by the Planning
6 Department. The limitations of Section 215 shall not apply.

7 (3) **Residential Affordable Housing Program.** All projects in this district shall be
8 subject to all the terms of Section 415 and following of the Inclusionary Affordable Housing
9 Program. ~~Notwithstanding~~ Notwithstanding the foregoing, projects within the Van Ness and
10 Market Downtown Residential Special Use District shall at a minimum fulfill the requirements
11 to the levels specified in this section. Should Section 415 require greater contributions to the
12 affordable housing program, those requirements shall supercede this section. Proposed
13 exceptions to these requirements due to hardships associated with construction type,
14 specifically heights above 120 feet, are not applicable in this Special Use District because
15 parcels are receiving an up zoning through increased density and benefits through the general
16 transformation of the district to a transit oriented neighborhood with a mixed use character.
17 Requirements and administration of this program shall follow the conditions outlined in
18 Section 415 of the Planning Code unless otherwise specified in this section.

19 (A) **Payment of Affordable Housing Fee.** Except as provided in Section
20 415.5(g), all development projects subject to Section 415 et seq. in the Van Ness Market
21 Special Use District shall be required to pay an Affordable Housing Fee under Section 415.5
22 equivalent to 20 percent of the number of units in the principal project.

23 (B) **Alternatives to Payment of Affordable Housing Fee.** If a project sponsor
24 both qualifies for and chooses to meet the requirements through an Alternative to the
25 Program, the project sponsor may choose one of the Alternatives in Section 415.5(g).

1 (i) **On Site Housing Requirements and Benefits.** For projects that qualify for
2 and choose to fulfill the requirements of Section 415 through the provision of onsite housing,
3 the Planning Department shall require that 15% of all units constructed on the project site
4 shall be affordable to qualifying households so that a project applicant must construct .15
5 times the total number of units produced in the principal project. If the total number of units is
6 not a whole number, the project applicant shall round up to the nearest whole number for any
7 portion of .5 or above.

8 (ii) **Compliance Through Off-Site Housing Development.** For projects that
9 qualify for and choose to fulfill the requirements of Section 415 through the provision of off-site
10 housing, the Planning Department shall require that 20% of all units constructed on the project
11 site shall be affordable to qualifying households so that a project applicant must construct .20
12 times the total number of units produced in the principal project. If the total number of units is
13 not a whole number, the project applicant shall round up to the nearest whole number for any
14 portion of .5 or above.

15 (4) **Open Space Provider.** The off-site open space permitted by this Section may be
16 provided individually by the project sponsor or jointly by the project sponsor and other project
17 sponsors, provided that each square foot of jointly developed open space may count toward
18 only one sponsor's requirement. With the approval of the Planning Commission, a public or
19 private agency may develop and maintain the open space, provided that (i) the project
20 sponsor or sponsors pay for the cost of development of the number of square feet the project
21 sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the
22 continued maintenance of the open space for the actual lifetime of the building giving rise to
23 the open space requirement, and (iii) the Commission finds that there is reasonable
24 assurance that the open space to be developed by such agency will be developed and open
25

1 for use by the time the building, the open space requirement of which is being met by the
2 payment, is ready for occupancy.

3 (A) **Off-Site Provision of Required Open Space.** Up to 40 percent of usable
4 open space required by Sections 135 and 138 may be provided off-site if it is within the SUD
5 or within 900 feet of the project site and meets the standards described below for publicly
6 accessible open space described below.

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

8 (C) Open space must be of one or more of the following types:

9 (i) An unenclosed park or garden at street grade or following the natural
10 topography, including improvements to hillsides or other unimproved public areas according to
11 the Market & Octavia Area Plan;

12 (ii) An unenclosed plaza at street grade, with seating areas and landscaping
13 and no more than 10 percent of the floor area devoted to food or beverage service;

14 (iii) An unenclosed pedestrian pathway that meets the minimum standards
15 described in Section 827(g)(3)(A) - (E);

16 (iv) A terrace or roof garden with landscaping;

17 (v) Streetscape improvements with landscaping and pedestrian amenities that
18 result in additional space beyond the pre-existing sidewalk width and conform to the Market &
19 Octavia Area Plan, such as sidewalk widening or building setbacks; and

20 (vi) Streetscape improvements with landscaping and pedestrian amenities on
21 alleyways from building face to building face, beyond basic street tree planting or street
22 lighting as otherwise required by this Code, in accordance with the Market & Octavia Area
23 Plan.

24 (D) **Open space must meet the following standards:**

25

- 1 (i) Be in such locations and provide such ingress and egress as will make the
2 area convenient, safe, secure and easily accessible to the general public;
- 3 (ii) Be appropriately landscaped;
- 4 (iii) Be protected from uncomfortable winds;
- 5 (iv) Incorporate ample seating and, if appropriate, access to limited amounts of
6 food and beverage service, which will enhance public use of the area;
- 7 (v) Be well signed and accessible to the public during daylight hours;
- 8 (vi) Be well lighted if the area is of the type requiring artificial illumination;
- 9 (vii) Be designed to enhance user safety and security;
- 10 (viii) Be of sufficient size to be attractive and practical for its intended use; and
- 11 (ix) Have access to drinking water and toilets if feasible.

12 (E) **Maintenance.** Open spaces shall be maintained at no public expense, except
13 as might be provided for by any community facilities district that may be formed. The owner of
14 the property on which the open space is located shall maintain it by keeping the area clean
15 and free of litter and keeping in a healthy state any plant material that is provided. Conditions
16 intended to assure continued maintenance of the open space for the actual lifetime of the
17 building giving rise to the open space requirement may be imposed in accordance with the
18 provisions of Section 309.1.

19 (F) **Informational Plaque.** Prior to issuance of a permit of occupancy, a plaque of
20 no less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location
21 outside the building at street level, or at the site of any publicly-accessible open space,
22 identifying said open space feature and its location, stating the right of the public to use the
23 space and the hours of use, describing its principal required features (e.g., number of seats,
24 availability of food service) and stating the name and address of the owner or owner's agent
25 responsible for maintenance.

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

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

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

15 (A) The maximum FAR allowed, except as allowed in this Section, shall be that
16 described in Section 123(c), provided that it shall not be greater than 9:1. The definition of
17 Gross Floor Area shall be that in Section 102.9 as of the date of approval of this Ordinance,
18 and shall include all residential uses. The provisions of Section 124(g) shall not apply in this
19 special use district.

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

23 (i) The gross floor area of a structure or structures on a lot may exceed the
24 maximum ratio described in Section 123(c) through participation in the Van Ness and Market
25

1 Affordable Housing and Neighborhood Infrastructure Program, according to the procedures
2 described ~~below in subsection (b)(7)~~ in Section 424.

3 (ii) Notwithstanding the provisions of Sections 127 and 128 projects in this
4 Special Use District are not eligible to acquire Transferable Development Rights from a
5 Transfer Lot or Lots pursuant to the provisions of Sections 127- 128 for that increment of FAR
6 above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c).
7 Instead, a project may pay to the City's Citywide Affordable Housing Fund thirty dollars (\$30)
8 per additional gross square foot for that increment of FAR above the base FAR limit in Section
9 124 up to the maximum FAR described in Section 123(c). Any monies deposited into the
10 Citywide Affordable Housing Fund shall be administered as provided for in Section 315 et seq.

11
12 **SEC. 249.52. TREASURE ISLAND/YERBA BUENA ISLAND SPECIAL USE DISTRICT.**

13 . . .

14
15 (e) **Development Controls.** Development and uses of property within this Special Use District
16 shall be regulated by the controls contained herein and in the Design for Development,
17 provided, however, that if there is any inconsistency between this Special Use District and the
18 Design for Development, this Special Use District shall control.

19 . . .

20
21 (6) **Building Standards.**

22
23 (A) **Building Height.** The applicable height limits for this Special Use District shall be
24 as set forth on Sectional Map HT14 of the Zoning Maps of the City and County of San
25 Francisco. As more particularly described on Section Map HT14, underlying height zones

1 range from 25 feet to 125 feet on Treasure Island and 35 feet to 75 feet on Yerba Buena
2 Island. "Flex Height Zones" have been established on Treasure Island to allow for the
3 flexibility in locating tall buildings within the overall built form of the island, and range from 240
4 feet to 450 feet. The Flex Height Zones allow for a variety of building types to be built up to
5 the indicated maximum height for their zone as long as they conform to the relevant
6 applicable Standards for Bulk, Massing and Tower Separation as described herein, and
7 Figure 6, Bulk and Massing Controls Matrix. The location of tall buildings in relation to each
8 other and to the lower buildings is controlled by the building separation requirements set forth
9 in subsection ~~(d)(5)(B)~~ (e)(6)(B), Tower Separation, below. Height shall be measured and
10 regulated as provided in the Design for Development and not as provided in Article 2.5.

11

SEC. 249.54. EXECUTIVE PARK SPECIAL USE DISTRICT.

12

13

...

14

15 (c) **Controls.** The Planning Code provisions for the underlying use district shall control except
16 as provided below.

17

18 (1) **Executive Park Design Guidelines.** In addition to the Planning Code provisions,
19 developments in the SUD shall comply with the Executive Park Subarea Plan of the Bayview
20 Hunters Point Area Plan of the General Plan, approved by the Board of Supervisors by
21 Ordinance No. 143-11, on file with the Clerk of the Board of Supervisors in File No. 110624
22 and the Executive Park Design Guidelines as established by Planning Commission Resolution
23 18352, on file with the Clerk of the Board of Supervisors in File No. 110626 and incorporated
24 into this Section by this reference. The Executive Park Design Guidelines also are on file with
25 the Planning Department in File No. 2006.0422EMUTZ.

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

2 . . .

3 (c) Exceptions.

4 (1) Bona Fide Eating Place. A Restaurant Use, as defined in Section ~~790.69~~, 790.91,
5 operating as a Bona Fide Eating Place, as defined in Section 790.142, shall be permitted to
6 serve alcoholic beverages in this special use district.

7 (2) Non-Profit Theaters. A non-profit theater shall be permitted to serve alcoholic
8 beverages in this special use district. A "non-profit theater" shall mean a building or part of a
9 building intended to be used for the specific purposes of presenting any act, play, revue,
10 pantomime, scene, song, dance act, or song and dance act, conducted or participated in by
11 one or more persons, whether or not such person or persons are compensated for such
12 performance, and which is exempted from payment of income tax under Section 23701d of
13 the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue
14 Code of the United States. A "non-profit theater" does not include any dance hall as defined in
15 Section ~~1060~~ 1022 of the San Francisco Police Code, billiard parlor, pool hall, bowling alley, or
16 adult entertainment business as defined in Planning Code Section 790.36.

17 (3) Bowling Alleys. A bowling alley shall be permitted to serve alcoholic beverages
18 along with any Restaurant use which is functionally and/or physically integrated with such
19 bowling alley.

20 (4) Single Screen Movie Theatres. A single screen movie theatre shall be permitted
21 to serve alcoholic beverages, provided that (1) such use is defined as a movie theater in
22 Planning Code Section 790.64 and contains only a single screen and auditorium, (2) only beer
23 and wine are offered for consumption, and (3) such beer and wine are: (i) only consumed on
24 the premises and primarily in the main theater auditorium, (ii) only sold to and consumed by
25 ticketholders and only immediately before and during performances, and (iii) only offered in

1 conjunction with the screening of films and not as an independent element of the
2 establishment that is unrelated to the viewing of films.

3 (d) Fringe Financial Services. In addition to all other applicable controls set forth in this
4 Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within the
5 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject
6 to the controls and exemptions set forth in Section 249.35.

7 ~~**SEC. 249.63. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE**~~
8 ~~**SUBDISTRICT.**~~

9 ~~*—In order to facilitate the development of a neighborhood grocery store at 17th and Rhode Island*~~
10 ~~*Street in the Potrero Hill neighborhood, in an area that does not have a proliferation of off-sale Type*~~
11 ~~*20 or Type 21 liquor establishments and previously was zoned M-1 (which permitted liquor stores as a*~~
12 ~~*principal permitted use), there shall be a 17th and Rhode Island Street Grocery Store Special Use*~~
13 ~~*Subdistrict, applicable to the NC-3 zoned block bounded by 17th Street, Rhode Island Street, Mariposa*~~
14 ~~*Street and Kansas Street (Assessor's Block 3978, Lot 1). The following provisions shall apply within the*~~
15 ~~*Special Use Subdistrict:*~~

16 ~~*—(a)—One off-sale Type 20 and Type 21 liquor store, as defined by Section 790.55 of this Code, is*~~
17 ~~*permitted as a conditional use on the first or second story, provided that it is operated as an integral*~~
18 ~~*element of a grocery store of not less than 30,000 gross square feet.*~~

19 ~~*—(b)—Nighttime Entertainment, as defined by 102.17 of this Code, shall not be permitted.*~~

20

21 ~~**SEC. 249.65. BAYSHORE BOULEVARD HOME IMPROVEMENT SPECIAL USE**~~
22 ~~**DISTRICT.**~~

23 . . .

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

1 (1) A retail sales and personal service use as defined in Section 218 of this Code
2 shall be permitted regardless of the use size limitations in Sections 218~~(b) through (d)~~,
3 however the use size controls set forth in Section 121.6 and 121.8 shall continue to apply.

4 (2) Establishment of any of the following uses shall require Conditional Use
5 Authorization under Section 303 of this Code:

6 (A) a formula retail use as defined in Section 703.3(b) of this Code that is 10,000
7 square feet or larger;

8 (B) a liquor store as defined in Section 790.55 of this Code;

9 (C) a drive up facility as defined in Section 790.30 of this Code;

10 (D) an adult entertainment establishment as defined in Section 221(k) of this
11 Code;

12 (E) an automotive use as defined in Section 223 of this Code; and

13 (F) a fringe financial service as defined in Section 249.35 of this Code.

14 (3) No off-street parking spaces shall be required. The maximum permitted number
15 of accessory off-street parking spaces shall be that which would apply to accessory off-street
16 parking for a PDR-2 District absent this Special Use District.

17 (4) The following projects shall be consistent with the policies and guidelines of the
18 "Bayshore Boulevard Home Improvement District Design Guidelines" as adopted by the
19 Planning Commission and amended from time to time:

20 (A) New construction; or

21 (B) An increase in gross floor area of more than 25 percent.

22 (5) The provisions set forth in Section ~~231A~~ 230 of this Code, which relate to
23 demolition of industrial buildings in PDR districts, ~~PDR buildings~~, shall not apply.

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

(7) Formula retail uses as defined in Section 703.3(b) of this Code that are 10,000 square feet or larger shall be subject to the Redevelopment Agency's Bayview Hunters Point "Employment and Contracting Policy."

SEC. 270. BULK LIMITS: MEASUREMENT.

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300

M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		
CP	This table not applicable. But see Section 263.24.		
HP	This table not applicable. But see Section 263.25.		
PM	This table not applicable. But see Section 249.46 <u>249.64</u> Parkmerced Special Use District.		
TI	This table not applicable. But see Section 263.26.		
EP	This table not applicable. But see Section 263.27.		

SEC. 303. CONDITIONAL USES.

(a) **General.** The ~~City~~ Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this Section and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, medical institutions and post-secondary educational institutions shall in addition be subject to the

1 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit
2 Development applications filed pursuant to Article 7, or otherwise required by this Code for
3 uses or features in Neighborhood Commercial Districts, and conditional use applications
4 within South of Market Districts, shall be subject to the provisions set forth in Sections 316
5 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this
6 Code, with respect to scheduling and notice of hearings, and in addition to those provided for
7 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and
8 reconsideration.

9 . . .

10 (c) **Determination.** After its hearing on the application, or upon the recommendation
11 of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of
12 this Code and no hearing is required, the ~~City~~ Planning Commission shall approve the
13 application and authorize a conditional use if the facts presented are such to establish:

14 (1) That the proposed use or feature, at the size and intensity contemplated and at
15 the proposed location, will provide a development that is necessary or desirable for, and
16 compatible with, the neighborhood or the community:

17 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at
18 a location in which the square footage exceeds the limitations found in Planning Code §
19 121.2(a) or 121.2(b), the following shall be considered:

20 (i) The intensity of activity in the district is not such that allowing the larger use
21 will be likely to foreclose the location of other needed neighborhood-servicing uses in the
22 area; and

23 (ii) The proposed use will serve the neighborhood, in whole or in significant
24 part, and the nature of the use requires a larger size in order to function; and

25

1 (iii) The building in which the use is to be located is designed in discrete
2 elements which respect the scale of development in the district; and

3 (2) That such use or feature as proposed will not be detrimental to the health, safety,
4 convenience or general welfare of persons residing or working in the vicinity, or injurious to
5 property, improvements or potential development in the vicinity, with respect to aspects
6 including but not limited to the following:

7 (A) The nature of the proposed site, including its size and shape, and the
8 proposed size, shape and arrangement of structures;

9 (B) The accessibility and traffic patterns for persons and vehicles, the type and
10 volume of such traffic, and the adequacy of proposed off-street parking and loading and of
11 proposed alternatives to off-street parking, including provisions of car-share parking spaces,
12 as defined in Section 166 of this Code.

13 (C) The safeguards afforded to prevent noxious or offensive emissions such as
14 noise, glare, dust and odor;

15 (D) Treatment given, as appropriate, to such aspects as landscaping, screening,
16 open spaces, parking and loading areas, service areas, lighting and signs; and

17 (3) That such use or feature as proposed will comply with the applicable provisions of
18 this Code and will not adversely affect the ~~Master Plan~~ General Plan; and

19 (4) With respect to applications filed pursuant to Article 7 of this Code, that such use
20 or feature as proposed will provide development that is in conformity with the stated purpose
21 of the applicable Neighborhood Commercial District, ~~as set forth in zoning control category 1 of~~
22 ~~Sections 710 through 729 of this Code~~; and

23 (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), for a movie
24 theater use as defined in Planning Code Section 790.64, an Adult Entertainment use as defined in
25

1 Planning Code Section 790.36, or Other Entertainment uses as defined in Planning Code Section
2 790.38, that such use or feature will:

3 (i) Not be located within 1,000 feet of another such use, if the proposed use or
4 feature is ~~included in zoning category~~ an Adult Entertainment Use, as defined by Section 790.36
5 of this Code; and/or

6 (ii) Not be open between two a.m. and six a.m.; and

7 (iii) Not use electronic amplification between midnight and six a.m.; and

8 (iv) Be adequately soundproofed or insulated for noise and operated so that
9 incidental noise shall not be audible beyond the premises or in other sections of the building
10 and fixed-source equipment noise shall not exceed the decibel levels specified in the San
11 Francisco Noise Control Ordinance.

12 (B) Notwithstanding the above, the ~~City~~ Planning Commission may authorize a
13 conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above,
14 if facts presented are such to establish that the use will be operated in such a way as to
15 minimize disruption to residences in and around the district with respect to noise and crowd
16 control.

17 (C) The action of the Planning Commission approving a conditional use does not
18 take effect until the appeal period is over or while the approval is under appeal.

19 (6) With respect to applications for live/work units in RH, RM and RTO Districts filed
20 pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

21 (A) Each live/work unit is within a building envelope in existence on the effective
22 date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the
23 building which lawfully contains at the time of application a nonconforming, nonresidential use;

24 (B) There shall be no more than one live/work unit for each 1,000 gross square
25 feet of floor area devoted to live/work units within the subject structure; and

1 (C) The project sponsor will provide any off-street parking, in addition to that
2 otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by
3 residents of and visitors to the project.

4 Such action of the ~~City~~ Planning Commission, in either approving or disapproving the
5 application, shall be final except upon the filing of a valid appeal to the Board of Supervisors
6 as provided in Section 308.1.

7 (d) **Conditions.** When considering an application for a conditional use as provided
8 herein with respect to applications for development of "dwellings" as defined in Chapter 87 of
9 the San Francisco Administrative Code, the Commission shall comply with that Chapter which
10 requires, among other things, that the Commission not base any decision regarding the
11 development of "dwellings" in which "protected class" members are likely to reside on
12 information which may be discriminatory to any member of a "protected class" (as all such
13 terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when
14 authorizing a conditional use as provided herein, the ~~City~~ Planning Commission, or the Board
15 of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in
16 this Code, as are in its opinion necessary to secure the objectives of the Code. Once any
17 portion of the conditional use authorization is utilized, all such conditions pertaining to such
18 authorization shall become immediately operative. The violation of any condition so imposed
19 shall constitute a violation of this Code and may constitute grounds for revocation of the
20 conditional use authorization. Such conditions may include time limits for exercise of the
21 conditional use authorization; otherwise, any exercise of such authorization must commence
22 within a reasonable time.

23 (e) **Modification of Conditions.** Authorization of a change in any condition previously
24 imposed in the authorization of a conditional use shall be subject to the same procedures as a
25 new conditional use. Such procedures shall also apply to applications for modification or

1 waiver of conditions set forth in prior stipulations and covenants relative thereto continued in
2 effect by the provisions of Section 174 of this Code.

3 (f) **Conditional Use Abatement.** The Planning Commission may consider the possible
4 revocation of a conditional use or the possible modification of or placement of additional
5 conditions on a conditional use when the Planning Commission determines, based upon
6 substantial evidence, that the applicant for the conditional use had submitted false or
7 misleading information in the application process that could have reasonably had a substantial
8 effect upon the decision of the Commission or the conditional use is not in compliance with a
9 condition of approval, is in violation of law if the violation is within the subject matter
10 jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,
11 noxious or offensive conditions enumerated in Section 202(c) if the violation is within the
12 subject matter jurisdiction of the Planning Commission and these circumstances have not
13 been abated through administrative action of the Director, the Zoning Administrator or other
14 City authority. Such consideration shall be the subject of a public hearing before the Planning
15 Commission but no fee shall be required of the applicant or the subject conditional use
16 operator.

17 (1) The Director of Planning or the Planning Commission may seek a public hearing
18 on conditional use abatement when the Director or Commission has substantial evidence
19 submitted within one year of the effective date of the Conditional Use authorization that the
20 applicant for the conditional use had submitted false or misleading information in the
21 application process that could have reasonably had a substantial effect upon the decision of
22 the Commission or substantial evidence of a violation of conditions of approval, a violation of
23 law, or operation which creates hazardous, noxious or offensive conditions enumerated in
24 Section 202(c).

1 (2) The notice for the public hearing on a conditional use abatement shall be subject
2 to the notification procedure as described in Sections 306.3 and 306.8 except that notice to
3 the property owner and the operator of the subject establishment or use shall be mailed by
4 regular and certified mail.

5 (3) In considering a conditional use revocation, the Commission shall consider
6 whether and how the false or misleading information submitted by the applicant could have
7 reasonably had a substantial effect upon the decision of the Commission, or the Board of
8 Supervisors on appeal, to authorize the conditional use, substantial evidence of how any
9 required condition has been violated or not implemented or how the conditional use is in
10 violation of the law if the violation is within the subject matter jurisdiction of the Planning
11 Commission or operates in such a manner as to create hazardous, noxious or offensive
12 conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction
13 of the Planning Commission. As an alternative to revocation, the Commission may consider
14 how the use can be required to meet the law or the conditions of approval, how the
15 hazardous, noxious or offensive conditions can be abated, or how the criteria of Section
16 303(c) can be met by modifying existing conditions or by adding new conditions which could
17 remedy a violation.

18 (4) **Appeals.** A decision by the Planning Commission to revoke a conditional use, to
19 modify conditions or to place additional conditions on a conditional use or a decision by the
20 Planning Commission refusing to revoke or amend a conditional use, may be appealed to the
21 Board of Supervisors within 30 days after the date of action by the Planning Commission
22 pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the
23 action of the Planning Commission in an abatement matter by the same vote necessary to
24 overturn the Commission's approval or denial of a conditional use. The Planning
25

1 Commission's action on a conditional use abatement issue shall take effect when the appeal
2 period is over or, upon appeal, when there is final action on the appeal.

3 (5) **Reconsideration.** The decision by the Planning Commission with regards to a
4 conditional use abatement issue or by the Board of Supervisors on appeal shall be final and
5 not subject to reconsideration within a period of one year from the effective date of final action
6 upon the earlier abatement proceeding, unless the Director of Planning determines that:

7 (A) There is substantial new evidence of a new conditional use abatement issue
8 that is significantly different than the issue previously considered by the Planning
9 Commission; or

10 (B) There is substantial new evidence about the same conditional use abatement
11 issue considered in the earlier abatement proceeding, this new evidence was not or could not
12 be reasonably available at the time of the earlier abatement proceeding, and that new
13 evidence indicates that the Commission's decision in the earlier proceeding *has* ~~has~~ not been
14 implemented within a reasonable time or raises significant new issues not previously
15 considered by the Planning Commission. The decision of the Director of Planning regarding
16 the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use
17 abatement issue within a period of one year from the effective date of final action on the
18 earlier abatement proceeding shall be final.

19 (g) **Hotels and Motels.**

20 (1) With respect to applications for development of tourist hotels and motels, the
21 Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and
22 (d) above:

23 (A) The impact of the employees of the hotel or motel on the demand in the City
24 for housing, public transit, childcare, and other social services. To the extent relevant, the
25

1 Commission shall also consider the seasonal and part-time nature of employment in the hotel
2 or motel;

3 (B) The measures that will be taken by the project sponsor to employ residents of
4 San Francisco in order to minimize increased demand for regional transportation; and

5 (C) The market demand for a hotel or motel of the type proposed.

6 (2) Notwithstanding the provisions of ~~Sub-sections~~ Subsection (g)(1) above, the
7 Planning Commission shall not consider the impact of the employees of a proposed hotel or
8 motel project on the demand in the City for housing where:

9 (A) The proposed project would be located on property under the jurisdiction of
10 the San Francisco Port Commission; and

11 (B) The sponsor of the proposed project has been granted exclusive rights to
12 propose the project by the San Francisco Port Commission prior to June 1, 1991.

13 (3) Notwithstanding the provisions of Subsection (g)(1) above, with respect to the
14 conversion of residential units to tourist hotel or motel use pursuant to an application filed on
15 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco
16 Administrative Code, the Planning Commission shall not consider the criteria contained in
17 Subsection (g)(1) above; provided, however, that the Planning Commission shall consider the
18 criteria contained in Subsection (g)(1) at a separate public hearing if the applicant applies for
19 a permit for new construction or alteration where the cost of such construction or alteration
20 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to
21 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed
22 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to
23 Chapter 41 of the San Francisco Administrative Code.

24 . . .

25 (i) **Formula Retail Uses.**

1 (1) **Formula Retail Use.** A formula retail use is hereby defined as a type of retail
2 sales activity or retail sales establishment which has eleven or more other retail sales
3 establishments located in the United States. In addition to the eleven establishments, the
4 business maintains two or more of the following features: a standardized array of
5 merchandise, a standardized facade, a standardized decor and color scheme,~~and~~ uniform
6 apparel, standardized signage, a trademark or a servicemark.

7 (A) Standardized array of merchandise shall be defined as 50% or more of in-
8 stock merchandise from a single distributor bearing uniform markings.

9 (B) Trademark shall be defined as a word, phrase, symbol or design, or a
10 combination of words, phrases, symbols or designs that identifies and distinguishes the
11 source of the goods from one party from those of others.

12 (C) Servicemark shall be defined as word, phrase, symbol or design, or a
13 combination of words, phrases, symbols or designs that identifies and distinguishes the
14 source of a service from one party from those of others.

15 (D) Decor shall be defined as the style of interior furnishings, which may include
16 but is not limited to, style of furniture, wall coverings or permanent fixtures.

17 (E) Color Scheme shall be defined as selection of colors used throughout, such as
18 on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

19 (F) ~~(F)~~ Facade shall be defined as the face or front of a building, including awnings,
20 looking onto a street or an open space.

21 (G) ~~(G)~~ Uniform Apparel shall be defined as standardized items of clothing including
22 but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other
23 than name tags) as well as standardized colors of clothing.

24 (H) ~~(H)~~ Signage shall be defined as business sign pursuant to Section 602.3 of the
25 Planning Code.

1 (2) **"Retail Sales Activity or Retail Sales Establishment."** For the purposes of
2 subsection (i), a retail sales activity or retail sales establishment shall include the following
3 uses, as defined in Article 7 and Article 8 of this Code: "Bar," "Drive-up Facility," "Eating and
4 Drinking Use," "Liquor Store," "Sales and Service, Other Retail," "Restaurant," "Limited-
5 Restaurant," "Take-Out Food," "Sales and Service, Retail," "Service, Financial," "Movie
6 Theater," and "Amusement and Game Arcade."

7 (3) **Conditional Use Criteria.** With regard to a conditional use authorization
8 application for a formula retail use, the Planning Commission shall consider, in addition to the
9 criteria set forth in Subsection (c) above:

10 (A) The existing concentrations of formula retail uses within the district.

11 (B) The availability of other similar retail uses within the district.

12 (C) The compatibility of the proposed formula retail use with the existing
13 architectural and aesthetic character of the district.

14 (D) The existing retail vacancy rates within the district.

15 (E) The existing mix of Citywide-serving retail uses and neighborhood-serving
16 retail uses within the district.

17 (4) **Conditional Use Authorization Required.** A Conditional Use Authorization shall
18 be required for a formula retail use in the following zoning districts unless explicitly exempted:

19 (A) All Neighborhood Commercial Districts in Article 7;

20 (B) All Mixed Use-General Districts in ~~Article 8~~ Section 840;

21 (C) All Urban Mixed Use Districts in ~~Article 8~~ Section 843;

22 ~~(D) RC-3 and RC-4 zoned parcels along Van Ness Avenue;~~

23 ~~(D) All Residential-Commercial Districts as defined in Section 206.3;~~

24 (E) Japantown Special Use District as defined in Section 249.31;

25 (F) Chinatown Community Business District as defined in ~~Section 810~~ Section 810.1;

1 (G) Chinatown Residential/Neighborhood Commercial District as defined in *Section*
2 ~~812~~ *Section 812.1*;

3 (H) Western SoMa Planning Area Special Use District as defined in ~~802.5~~ 823;

4 *(I) Residential Transit-Oriented Districts as defined in 206.4 and 206.5;*

5 *(J) Limited Conforming Use /Non-Conforming Use in RH-RM-RTO and RED Districts*

6 (5) **Formula Retail Uses Not Permitted.** Formula Retail Uses are not permitted in
7 the following zoning districts:

8 (A) Hayes-Gough Neighborhood Commercial Transit District;

9 (B) North Beach Neighborhood Commercial District;

10 (C) Chinatown Visitor Retail District;

11 *(D) Upper Fillmore District does not permit Formula Retail uses which are also*
12 *Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;*

13 *(E) Broadway Neighborhood Commercial District does not permit Formula Retail uses*
14 *which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90*
15 *and 790.91;*

16 *(F) Mission Street Formula Retail Restaurant Subdistrict does not permit Formula Retail*
17 *uses which are also Restaurant or Limited-Restaurant uses as defined in Section*
18 *790.90 and 790.91;*

19 *(G) Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and*
20 *Drinking Subdistrict does not permit Formula Retail uses that are also either a Retail*
21 *Pet Supply Store or an Eating and Drinking use as set forth in Section 781.4;*

22 *(H) Taraval Street Restaurant Subdistrict does not permit Formula Retail uses which are*
23 *also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;*

24 (6) **Neighborhood Commercial Notification and Design Review.** Any building
25 permit application for a "formula retail use" as defined in this section and located within a

1 Neighborhood Commercial District in Article 7 shall be subject to the Neighborhood
2 Commercial Notification and Design Review Procedures of Section 312 of this Code.

3 (7) **Change in Use.** A change from one formula retail use to another requires a new
4 Conditional Use Authorization, whether or not a Conditional Use Authorization would
5 otherwise be required by the particular change in use in question. This Conditional Use
6 Authorization requirement also applies in changes from one Formula Retail operator to
7 another within the same use category. A new Conditional Use Authorization shall not apply to
8 a change in a formula use retailer that meets the following criteria:

9 (A) the formula use operation remains the same in terms of its size, function and
10 general merchandise offering as determined by the Zoning Administrator, and

11 (B) the change in the formula retail use operator is the result of the business being
12 purchased by another formula retail operator who will retain all components of the existing
13 retailer and make minor alterations to the establishment(s) such as signage and branding.

14 The new operator shall comply with all conditions of approval previously imposed on
15 the existing operator, including but not limited to signage programs and hours of operation;
16 and shall conduct the operation generally in the same manner and offer essentially the same
17 services and/or type of merchandise; or seek and be granted a new Conditional Use
18 Authorization.

19 (8) **Determination of Formula Retail Use.** In those areas in which "formula retail
20 uses" are prohibited, any building permit application determined by the City to be for a
21 "formula retail use" that does not identify the use as a "formula retail use" is incomplete and
22 cannot be processed until the omission is corrected. Any building permit approved that is
23 determined by the City to have been, at the time of application, for a "formula retail use" that
24 did not identify the use as a "formula retail use" is subject to revocation at any time. If the City
25 determines that a building permit application or building permit subject to this Section of the

1 Code is for a "formula retail use," the building permit application or holder bears the burden of
2 proving to the City that the proposed or existing use is not a "formula retail use."

3 (j) **Large-Scale Retail Uses.** With respect to applications for the establishment of large-
4 scale retail uses under Section 121.6, in addition to the criteria set forth in Subsections (c) and
5 (d) above, the Commission shall consider the following:

6 (A) The extent to which the retail use's parking is planned in a manner that creates or
7 maintains active street frontage patterns;

8 (B) The extent to which the retail use is a component of a mixed-use project or is
9 designed in a manner that encourages mixed-use building opportunities;

10 (C) ~~This~~ The shift in traffic patterns that may result from drawing traffic to the location
11 of the proposed use; and

12 (D) The impact that the employees at the proposed use will have on the demand in
13 the City for housing, public transit, childcare, and other social services.

14 (k) **Movie Theater Uses.**

15 (1) With respect to a change in use or demolition of a movie theater use as set forth
16 in Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(~~21~~)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the
17 criteria set forth in Subsections (c) and (d) above, the Commission shall make the following
18 findings:

19 (A) Preservation of a movie theater use is no longer economically viable and
20 cannot effect a reasonable economic return to the property owner;

21 (i) For purposes of defining "reasonable economic return," the Planning
22 Commission shall be guided by the criteria for "fair return on investment" as set forth in
23 Section 228.4(a).

24 (B) The change in use or demolition of the movie theater use will not undermine
25 the economic diversity and vitality of the surrounding Neighborhood Commercial District; and

1 (C) The resulting project will preserve the architectural integrity of important
2 historic features of the movie theater use affected.

3 (I) **Relocation of Existing General Advertising Signs pursuant to a General**
4 **Advertising Sign Company Relocation Agreement.**

5 (1) Before the Planning Commission may consider an application for a conditional
6 use to relocate an existing lawfully permitted general advertising sign as authorized by
7 Section 611 of this Code, the applicant sign company must have:

8 (A) Obtained a current Relocation Agreement approved by the Board of
9 Supervisors under Section 2.21 of the San Francisco Administrative Code that covers the sign
10 or signs proposed to be relocated; and

11 (B) Submitted to the Department a current sign inventory, site map, and the other
12 information required under Section 604.2 of this Code; and

13 (C) Obtained the written consent to the relocation of the sign from the owner of
14 the property upon which the existing sign structure is erected.

15 (D) Obtained a permit to demolish the sign structure at the existing location.

16 (2) The Department, in its discretion, may review in a single conditional use
17 application all signs proposed for relocation by a general advertising company or may require
18 that one or more of the signs proposed for relocation be considered in a separate application
19 or applications. Prior to the Commission's public hearing on the application, the Department
20 shall have verified the completeness and accuracy of the general advertising sign company's
21 sign inventory.

22 (3) Only one sign may be erected in a new location, which shall be the same square
23 footage or less than the existing sign proposed to be relocated. In no event may the square
24 footage of several existing signs be aggregated in order to erect a new sign with greater
25

1 square footage; provided however the square footage of one or more existing signs may be
2 disaggregated in order to erect multiple smaller signs with lesser total square footage.

3 (4) In addition to applicable criteria set forth in subsection (c) above, the Planning
4 Commission shall consider the size and visibility of the signs proposed to be located as well
5 as the following factors in determining whether to approve or disapprove a proposed
6 relocation:

7 (A) The factors set forth in this subsection (A) shall weigh in favor of the
8 Commission's approval of the proposed relocation site:

9 (i) The sign or signs proposed for relocation are lawfully existing but are not in
10 conformity with the sign regulations that existed prior to the adoption of Proposition G on
11 March 5, 2002.

12 (ii) The sign or signs proposed for relocation are on a City list, if any, of
13 priorities for sign removal or signs preferred for relocation.

14 (iii) The sign or signs proposed for relocation are within, adjacent to, or visible
15 from property under the jurisdiction of the San Francisco Port Commission, the San Francisco
16 Unified School District, or the San Francisco Recreation and Park Commission.

17 (iv) The sign or signs proposed for relocation are within, adjacent to, or visible
18 from an Historic District or conservation district designated in Article 10 or Article 11 of the
19 Planning Code.

20 (v) The sign or signs proposed for relocation are within, adjacent to, or visible
21 from a zoning district where general advertising signs are prohibited.

22 (vi) The sign or signs proposed for relocation are within, adjacent to, or visible
23 from a designated view corridor.

24 (B) The factors set forth in this Subsection (B) shall weigh against the
25 Commission's approval of the proposed relocation:

1 (i) The sign or signs proposed for relocation are or will be obstructed, partially
2 obstructed, or removed from public view by another structure or by landscaping.

3 (ii) The proposed relocation site is adjacent to or visible from property under
4 the jurisdiction of the San Francisco Port Commission, the San Francisco Unified School
5 District, or the San Francisco Recreation and Park Commission.

6 (iii) The proposed relocation site is adjacent to or visible from an Historic
7 District or conservation district designated in Article 10 or Article 11 of the Planning Code.

8 (iv) The proposed relocation site is within, adjacent to, or visible from a zoning
9 district where general advertising signs are prohibited.

10 (v) The proposed relocation site is within, adjacent to, or visible from a
11 designated view corridor.

12 (vi) There is significant neighborhood opposition to the proposed relocation
13 site.

14 (5) In no event may the Commission approve a relocation where:

15 (A) The sign or signs proposed for relocation have been erected, placed,
16 replaced, reconstructed, or relocated on the property, or intensified in illumination or other
17 aspect, or expanded in area or in any dimension in violation of Article 6 of this Code or without
18 a permit having been duly issued ~~therefore~~; or

19 (B) The proposed relocation site is not a lawful location under Planning Code
20 Section 611(c)(2); or

21 (C) The sign in its new location would exceed the size, height or dimensions, or
22 increase the illumination or other intensity of the sign at its former location; or

23 (D) The sign in its new location would not comply with the Code requirements for
24 that location as set forth in Article 6 of this Code; or

25 (E) The sign has been removed from its former location; or

1 (F) The owner of the property upon which the existing sign structure is erected
2 has not consented in writing to the relocation of the sign.

3 (6) The Planning Commission may adopt additional criteria for relocation of general
4 advertising signs that do not conflict with this Section 303(l) or Section 611 of this Code.

5 (m) **General Grocery Store Uses.**

6 (1) With respect to a change in use or demolition of general grocery store use as set
7 forth in Sections 218.2, 703.2(b)(1)(B)(iii), 803.2(b)(1)(B)(iv) or 803.3 (b)(1)(B)(iii) which use
8 exceeds 5,000 gross square feet, in addition to the criteria set forth in Subsections (c) and (d)
9 above, the Commission shall make the following findings:

10 (A) Preservation of a general grocery store use is no longer economically viable
11 and cannot effect a reasonable economic return to the property owner. The Commission may
12 disregard the above finding if it finds that the change in use or replacement structure in the
13 case of demolition will contain a general grocery store that is of a sufficient size to serve the
14 shopping needs of nearby residents and offers comparable services to the former general
15 grocery store.

16 (i) For purposes of defining "reasonable economic return," the Planning
17 Commission shall be guided by the criteria for "fair return on investment" as set forth in
18 Section 228.4(a).

19 (B) The change in use or demolition of the general grocery store use will not
20 undermine the economic diversity and vitality of the surrounding neighborhood.

21 (n) **Tobacco Paraphernalia Establishments.**

22 (1) With respect to a Tobacco Paraphernalia Establishment, as ~~set forth~~ defined in
23 Section 227(v) of this Code, in addition to the criteria set forth in Subsections (c) and (d)
24 above, the Commission shall make the following findings:

25

1 (A) The concentration of such establishments in the particular zoning district for
2 which they are proposed does not appear to contribute directly to peace, health, safety, and
3 general welfare problems, including drug use, drug sales, drug trafficking, other crimes
4 associated with drug use, loitering, and littering, as well as traffic circulation, parking, and
5 noise problems on the district's public streets and lots;

6 (B) The concentration of such establishments in the particular zoning district for
7 which they are proposed does not appear to adversely impact the health, safety, and welfare
8 of residents of nearby areas, including fear for the safety of children, elderly and disabled
9 residents, and visitors to San Francisco; and

10 (C) The proposed establishment is compatible with the existing character of the
11 particular district for which it is proposed.

12 (o) **Massage Establishments.**

13 (1) With respect to Massage Establishments that are subject to Conditional Use
14 authorization, as defined in Sections 218.1, 790.60, and 890.60 of this Code, in addition to the
15 criteria set forth in Subsection (c) above, the Commission shall make the following findings:

16 (A) Whether the applicant has obtained, and maintains in good standing, a permit
17 for a Massage Establishment from the Department of Public Health pursuant to Section 1908
18 of the San Francisco Health Code;

19 (B) Whether the use's facade is transparent and open to the public. Permanent
20 transparency and openness are preferable. Elements that lend openness and transparency to
21 a facade include: i) active street frontage of at least 25' in length where 75% of that length is
22 devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii)
23 windows that use clear, untinted glass, except for decorative or architectural accent; iii) any
24 decorative railings or decorative grille work, other than wire mesh, which is placed in front of
25

1 or behind such windows, should be at least 75 percent open to perpendicular view and no
2 more than six feet in height above grade;

3 (C) Whether the use includes pedestrian-oriented lighting. Well lit establishments
4 where lighting is installed and maintained along all public rights-of-way adjacent to the
5 building with the massage use during the post-sunset hours of the massage use are
6 encouraged:

7 (D) Whether the use is reasonably oriented to facilitate public access. Barriers
8 that make entrance to the use more difficult than to an average service-provider in the area
9 are to be strongly discouraged. These include (but are not limited to) foyers equipped with
10 double doors that can be opened only from the inside and security cameras.

11

12 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

13 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, the DTR
14 Districts, or the South of Market Mixed Use Districts, the Planning Commission may authorize
15 as conditional uses, in accordance with the provisions of Section 303, Planned Unit
16 Developments subject to the further requirements and procedures of this Section. After review
17 of any proposed development, the Planning Commission may authorize such development as
18 submitted or may modify, alter, adjust or amend the plan before authorization, and in
19 authorizing it may prescribe other conditions as provided in Section 303(d). The development
20 as authorized shall be subject to all conditions so imposed and shall be excepted from other
21 provisions of this Code only to the extent specified in the authorization.

22 (d) **Criteria and Limitations.** The proposed development must meet the criteria
23 applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In
24 addition, it shall:

25 (1) Affirmatively promote applicable objectives and policies of the General Plan;

- 1 (2) Provide off-street parking adequate for the occupancy proposed;
- 2 (3) Provide open space usable by the occupants and, where appropriate, by the
3 general public, at least equal to the open spaces required by this Code;
- 4 (4) Be limited in dwelling unit density to less than the density that would be allowed
5 by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit
6 Development will not be substantially equivalent to a reclassification of property;
- 7 (5) In R Districts, include commercial uses only to the extent that such uses are
8 necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1
9 Districts under this Code, and in RTO Districts include commercial uses only according to the
10 provisions of Section 230 of this Code;
- 11 (6) Under no circumstances be excepted from any height limit established by Article
12 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In
13 the absence of such an explicit authorization, exceptions from the provisions of this Code with
14 respect to height shall be confined to minor deviations from the provisions for measurement of
15 height in Sections 260 and 261 of this Code, and no such deviation shall depart from the
16 purposes or intent of those sections;
- 17 (7) In NC Districts, be limited in gross floor area to that allowed under the floor area
18 ratio limit permitted for the district in Section 124 and Article 7 of this Code;
- 19 (8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this
20 Code; and
- 21 (9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto
22 or through the site, and/or the creation of new publicly-accessible streets or alleys through the
23 site as appropriate, in order to break down the scale of the site, continue the surrounding
24 existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular
25 circulation.

1 (10) Provide street trees as per the requirements of Section ~~143(j)~~ 138.1 of the Code.

2 (11) Provide landscaping and permeable surfaces in any required setbacks in
3 accordance with Section 132 (g) and (h).

4

5 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

6 In addition to those specified in Sections 302 through 306, and Sections 316 through ~~316.8~~
7 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in
8 administration and enforcement of this Code. The duties described in this Section shall be
9 performed under the general supervision of the Director of Planning, who shall be kept
10 informed of the actions of the Zoning Administrator.

11

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

13 The provisions and procedures set forth in this Section shall govern the review of project
14 authorization and building and site permit applications for (1) the construction or substantial
15 alteration of structures in C-3 Districts, (2) the granting of exceptions to certain requirements
16 of this Code where the provisions of this Section are invoked, and (3) the approval of open
17 space and streetscape requirements of the Planning Code. When any action authorized by
18 this Section is taken, any determination with respect to the proposed project required or
19 authorized pursuant to CEQA may also be considered. This Section shall not require
20 additional review in connection with a site or building permit application if review hereunder
21 was completed with respect to the same proposed structure or alteration in connection with a
22 project authorization application pursuant to Section 322.

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

25

- 1 (1) Exceptions to the setback and rear yard requirements as permitted in Sections
2 132.1 and 134(d);
- 3 (2) Exceptions to the ground-level wind current requirements as permitted in Section
4 148;
- 5 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section
6 146;
- 7 (4) Exceptions to the limitation on residential accessory parking as permitted in
8 Section 151.1(e);
- 9 (5) Exceptions to the limitation on curb cuts for parking access as permitted in
10 Section 155(r);
- 11 (6) Exceptions to the limitations on above-grade residential accessory parking as
12 permitted in Section 155(s);
- 13 (7) Exceptions to the freight loading and service vehicle space requirements as
14 permitted in Section ~~161(h)~~ 161(i);
- 15 (8) Exceptions to the off-street tour bus loading space requirements as permitted in
16 Section 162;
- 17 (9) Exceptions to the height limits for vertical extensions as permitted in Section
18 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;
- 19 (10) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk
20 Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as
21 permitted in Section 263.8;
- 22 (11) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

23 (b) **Design Review.** In addition to the requirements set forth in this Code, additional
24 design requirements and limitations (hereafter referred to as modifications) may be imposed
25

1 on the following aspects of a proposed project, through the imposition of conditions, in order
2 to achieve the objectives and policies of the ~~Master~~ General Plan or the purposes of this Code:

3 (1) Building siting, orientation, massing and facade treatment, including proportion,
4 scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building
5 tops;

6 (2) Aspects of the project affecting views and view corridors, shadowing of sidewalks
7 and open spaces, openness of the street to the sky, ground-level wind current, and
8 maintenance of predominant streetwalls in the immediate vicinity;

9 (3) Aspects of the project affecting parking, traffic circulation and transit operation
10 and loading points;

11 (4) Aspects of the project affecting its energy consumption;

12 (5) Aspects of the project related to pedestrian activity, such as placement of
13 entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and
14 location and design of open space features;

15 (6) Aspects of the project affecting public spaces adjacent to the project, such as the
16 location and type of street trees and landscaping, sidewalk paving material, and the design
17 and location of street furniture as required by Section 138.1;

18 (7) Aspects of the project relating to quality of the living environment of residential
19 units, including housing unit size and the provisions of open space for residents;

20 (8) Aspects of the design of the project which have significant adverse environmental
21 consequences;

22 (9) Aspects of the project that affect its compliance with the provisions of Sections
23 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations in
24 conservation districts;

1 (10) Other aspects of the project for which modifications are justified because of its
2 unique or unusual location, environment, topography or other circumstances.

3 . . .

4 **(e) Hearing and Determination of Applications for Exceptions.**

5 (1) **Hearing.** The Planning Commission shall hold a public hearing on an application
6 for an exception as provided in Subsection (a).

7 (2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days
8 prior to the date of the hearing to the project applicant, to property owners within 300 feet of
9 the project that is the subject of the application, using for this purpose the names and
10 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
11 person who has requested such notice. The notice shall state that the written
12 recommendation of the Director of Planning regarding the request for an exception will be
13 available for public review at the office of the Planning Department.

14 (3) **Decision and Appeal.** The *Planning* Commission may, after public hearing and
15 after making appropriate findings, approve, disapprove or approve subject to conditions, the
16 application for an exception. The decision of the Planning Commission may be appealed to
17 the Board of Appeals by any person aggrieved within 15 days after the date of the decision by
18 filing a written notice of appeal with that Body, setting forth wherein it is alleged that there was
19 an error in the interpretation of the provisions of this Code or abuse of discretion on the part of
20 the Planning Commission.

21 (4) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may,
22 subject to the same limitations as are placed on the Planning Commission by Charter or by
23 this Code, approve, disapprove or modify the decision appealed from. If the determination of
24 the Board differs from that of the Commission it shall, in a written decision, specify the error in
25

1 interpretation or abuse of discretion on the part of the Commission and shall specify in the
2 findings, as part of the written decision, the facts relied upon in arriving at its determination.

3 (f) **Administrative Approval of Design Review.**

4 (1) **Recommendations.** If the Director of Planning determines that modifications
5 through the imposition of conditions are warranted as provided in Subsection (b), or that the
6 open space requirements or the streetscape requirements of the Planning Code have not
7 been complied with, the matter shall be scheduled for hearing before the Planning
8 Commission. If the Director determines that the open space and streetscape requirements of
9 the Planning Code have been complied with and the applicant does not oppose the imposition
10 of conditions which the Director has determined are warranted, the applicant may waive the
11 right to a hearing before the Planning Commission in writing and agree to the conditions. The
12 Zoning Administrator shall provide notice of the proposed approval of the application
13 according to the notice given for applications governed by Subsection (d), so that any person
14 seeking additional modifications or objecting to the open space or streetscape requirements
15 determination may make such a request for Planning Commission review as provided in
16 Subsection (g). If no request is made within 10 days of such notice, the Zoning Administrator
17 shall approve the application subject to the conditions.

18 (2) **Notice.** If the proposed application will be heard by the Planning Commission,
19 notice of such hearing shall be mailed not less than 10 days prior to the hearing to the project
20 applicant, to property owners immediately adjacent to the site of the application using for this
21 purpose the names and addresses as shown on the citywide Assessment Roll in the
22 Assessor's Office, and to any person who has requested such notice. The notice shall state
23 that the Director's written recommendation will be available for public review at the Planning
24 Department.

1 (3) **Commission Action.** The Planning Commission may, after public hearing and
2 after making appropriate findings, approve, disapprove or approve subject to conditions
3 applications considered pursuant to Subsection (b) or for compliance with the open space and
4 streetscape requirements of the Planning Code.

5 (g) **Planning Commission Review Upon Request.**

6 (1) **Requests.** Within 10 days after notice of the proposed approval has been given,
7 as provided in Subsection (d), any person may request in writing that the Planning
8 Commission impose additional modifications on the project as provided in Subsection (b) or
9 consider the application for compliance with the open space and streetscape requirements of
10 the Planning Code. The written request shall state why additional modifications should be
11 imposed notwithstanding its compliance with the requirements of this Code and shall identify
12 the policies or objectives that would be promoted by the imposition of conditions, or shall state
13 why the open space and streetscape requirements have not been complied with.

14 (2) **Commission Consideration.** The Planning Commission shall consider at a
15 public hearing each written request for additional modifications and for consideration of the
16 open space and streetscape requirements of the Planning Code compliance and may, by
17 majority vote, direct that a hearing be conducted to consider such modifications or
18 compliance, which hearing may be conducted at the same meeting that the written request is
19 considered and decided. Notice of such hearing shall be mailed to the project applicant, to
20 property owners immediately adjacent to the site of the application using for this purpose the
21 names and addresses as shown on the Citywide Assessment Roll in the Assessor's Office, to
22 any person who has requested such notice, and to any person who has submitted a request
23 for additional requirements. In determining whether to conduct such a hearing, the Planning
24 Commission shall determine whether, based upon a review of the project, reasonable grounds
25

1 exist justifying a public hearing in order to consider the proposed additional modifications and
2 the open space and streetscape requirements of the Planning Code compliance.

3 (3) **Commission Action.** If the *Planning* Commission determines to conduct a
4 hearing to consider the imposition of additional modifications or the open space and
5 streetscape requirements compliance, it may, after such hearing and after making appropriate
6 findings, approve, disapprove, or approve subject to conditions the building or site permit or
7 project authorization application. If the *Planning* Commission determines not to conduct a
8 hearing, the Zoning Administrator shall approve the application subject to any conditions
9 imposed by the Director of Planning to which the applicant has consented.

10 (h) **Mandatory Planning Commission Hearing for Projects Over 50,000 Square Feet**
11 **of Gross Floor Area or Over 75 Feet in Height.** The Planning Commission shall hold a
12 public hearing not otherwise required by this Section on all building and site permit and
13 Section 309 applications for projects which will result in a net addition of more than 50,000
14 square feet of gross floor area of space or which will result in a building that is greater than 75
15 feet in height. Notice of such hearing shall be mailed not less than 10 days prior to the date of
16 the hearing to the project applicant, to property owners immediately adjacent to the site of the
17 application using for this purpose the names and addresses as shown on the citywide
18 Assessment Roll in the Assessor's Office, and to any person who has requested such notice.

19 (i) **Imposition of Conditions, General.** If, pursuant to the provisions of this Section, the
20 ~~City~~ Planning Commission determines that conditions should be imposed on the approval of a
21 building or site permit application, or Section 309 application and the applicant agrees to
22 comply, the *Planning* Commission may approve the application subject to those conditions,
23 and if the applicant refuses to so agree, the *Planning* Commission may disapprove the
24 application.

25 **SEC. 309.2. PERMIT REVIEW IN THE EXECUTIVE PARK SPECIAL USE DISTRICT.**

1 The provisions and procedures set forth in Section 309.1, applicable in Downtown Residential
2 Districts, shall also apply in the Executive Park Special Use District (SUD) to achieve the
3 objectives and policies of the General Plan and the purposes of this Code, including but not
4 limited to Section 249.54 and Section 263.27, except that Section 309.2(a) and (b) shall apply
5 instead of the provisions in Section 309.1(a) and (b), the provisions of Section 309.1(c) are
6 modified as provided in Section 309.2(c) and Section 309.1(e) is inapplicable in the SUD.

7 **(a) Design Review.**

8 (1) In addition to the standard permit review process, the design of projects for all new
9 construction shall be subject to design review and approval by Department staff. A detailed
10 design review will be initiated by Department staff working with the project sponsor, at the
11 time an application for Section 309.2 review or building permit is filed, and may take place in
12 advance of filing a building permit application. This comprehensive review shall resolve issues
13 related to the project's design, including the following:

14 (A) Overall building massing and scale;

15 (B) Architectural treatments, facade design and building materials;

16 (C) The design of lower floors, including building setback areas, townhouse-style units and
17 entries, and parking and loading access;

18 (D) The provision of required open space, both on- and off-site;

19 (E) Streetscape and other public improvements, including tree planting, street furniture, and
20 lighting and adherence to all relevant regulations, plans and guidelines;

21 (F) Circulation, including streets, alleys and mid-block pedestrian pathways.

22 (2) For review of projects that include retail space as specified in Planning Code Section ~~287~~
23 218 of 10,000 gross square feet or more, the Planning Commission shall consider the criteria
24 in Section 121.2(a)(1)-(3).

25

1 (3) Other changes necessary to bring a project into conformance with the Executive Park
2 Subarea Plan of the Bayview Hunters Point Area Plan, approved by the Board of Supervisors
3 on July 12, 2011, the Executive Park Design Guidelines, approved by the Planning
4 Commission by Resolution No. 18352 and incorporated by this reference into this Section,
5 and other elements and area plans of the General Plan. If the project sponsor opposes project
6 modifications and conditions recommended by the Director of Planning pursuant to the design
7 review, the Director shall prepare a report of recommended modifications which shall be
8 presented to the Planning Commission for a hearing pursuant to Subsection (c) and which
9 shall be available to the public upon mail notification of said hearing.

10
11 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC, RED, AND EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS.**

13 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
14 building permit applications for lots in NC, RED, and Eastern Neighborhoods Mixed Use
15 Districts in order to determine compatibility of the proposal with the neighborhood and for
16 providing notice to property owners, occupants and residents neighboring the site of the
17 proposed project and to interested neighborhood organizations, so that concerns about a
18 project may be identified and resolved during the review of the permit.

19 (b) Applicability. Except as indicated herein, all building permit applications for
20 demolition, new construction, changes in use to a formula retail use as defined in Section
21 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be
22 subject to the notification and review procedures required by Subsection 312(d). Subsection
23 312(f) regarding demolition permits and approval of replacement structures shall apply to all
24 NC, RED, and Eastern Neighborhoods Mixed Use Districts. For the purposes of this Section,
25

1 addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and
2 136(c)(26) shall not be subject to notification under this Section.

3 (c) Changes of Use. In NC Districts, all building permit applications for a change of use
4 to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a walkup
5 facility, as defined in Section 790.140, other large institutions, as defined in Section 790.50,
6 other small institutions, as defined in Section 790.51, ~~limited restaurant~~ Limited Restaurant, as
7 defined in Section 790.90, a Restaurant, as defined in Section 790.91, a massage
8 establishment, as defined in Section 790.60, an outdoor activity, as defined in Section 790.70,
9 an adult or other entertainment use, as defined in Sections 790.36 and 790.38, or a fringe
10 financial service use, as defined in Section 790.111, shall be subject to the provisions of
11 Subsection 312(d); provided, however, that a change of use from a Restaurant to a Limited-
12 Restaurant shall not be subject to the provisions of Subsection 312(d). In all RED and Eastern
13 Neighborhoods Mixed Use Districts all building permit applications for a change of use from
14 any one land use category to another land use category shall be subject to the provisions of
15 Subsection 312(d). In addition, any accessory massage use in the Ocean Avenue
16 Neighborhood Commercial Transit District shall be subject to the provisions of Subsection
17 312(d).

18 For the purposes of this Subsection, "land use category" shall mean those categories
19 used to organize the individual land uses which appear in the use tables in Article 8,
20 immediately preceding a group of individual land uses, and include the following: residential
21 use, institutional use, retail sales and service use, assembly, recreation and entertainment
22 use, office use, motor vehicle services use, industrial home and business service use, or other
23 use.

24 . . .

25

1 (g) Wireless Telecommunications Services Facility as Accessory Use, Notification
2 and Review Required. Building permit applications for new construction of a wireless
3 telecommunications services facility as an accessory use under Article 7 or 8 of the Planning
4 Code in all NC, RED, or Eastern Neighborhoods Mixed Use Districts shall be subject to the
5 notification and review procedures required by this Section.

6 **SEC. 350. FEES, GENERAL.**

7 . . .

8 (g) Fee Adjustments.

9 (1) The Controller will annually adjust the fee amounts specified in Sections ~~351~~ 350-
10 358(d), (e), (f), (g), (h), (i) and Section 352(b), (d), (e), (g), (i), (j), (k), (l), (m), and Section 353(a), (c),
11 (d), and Section 355(a), (2), (3), (4), (5), (6), (7)(b), (c), (d), (e), and Section 356(c), (d), (e), and
12 Section 357 and Section 358 (a), (b), (c), (d) by the two-year average consumer price index (CPI)
13 change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA). For a
14 listing of the Department's current fees inclusive of annual indexing for inflation, reference the
15 Schedule of Application Fees available on the Department website.

16 **SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.**

17 (a) **Conditional Use (Section 303), Planned Unit Development (Section 304).**

18 The initial fee amount is not to exceed 50% of the construction cost. A \$111 surcharge shall be
19 added to the fees for a conditional use or planned unit development to compensate the City for the costs
20 of appeals to the Board of Supervisors.

21 [Table omitted; no changes to Table]

22 . . .

23 (n) ~~Conditional Use~~ Appeals to the Board of Supervisors:
24
25

1 (1) The fee for appeals shall be \$521.00, plus any inflation indexing as described in Section
2 350(g) \$500.00 for the appellant of a ~~conditional used authorization~~ decision by the Planning
3 Commission as described in Section 308.1 or certain disapproval actions by the Historic Preservation
4 Commission as described in Sections 1004.4, 1006, and 1006.7, ~~decision~~ to the Board of
5 Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a
6 neighborhood organization that: (1) has been in existence for 24 months prior to the appeal
7 filing date, (2) is on the Planning Department's neighborhood organization notification list, and
8 (3) can demonstrate to the Planning Director or his/her designee that the organization is
9 substantially affected by the proposed project.

10 (2) Such fees shall be used to defray the cost of an appeal to the Planning
11 Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect
12 such fee and forward the fee amount to the Planning Department.

13 **SEC. 355. PERMIT APPLICATIONS.**

14 (a) Building permit applications for a change in use or alteration of an existing building, to
15 be collected by Central Permit Bureau; provided, however, that the fees charged for Planning
16 Department approval over-the-counter for the replacement of windows, roofs, siding, and
17 doors shall be reduced to ½ the fee set forth below. The Planning Department initial fee
18 amount shall not ~~to~~ exceed 50% of the construction cost; notwithstanding the foregoing;
19 ~~applications~~ Applications for permit revisions are excluded from this limitation.

21 **SEC. 415.5. AFFORDABLE HOUSING FEE.**

22 Except as provided in Section 415.5(g), all development projects subject to this Program
23 shall be required to pay an Affordable Housing Fee subject to the following requirements:
24
25

1 (a) **Payment of a Fee.** Payment of a fee to the Development Collection Unit at DBI for
2 deposit into the Citywide Affordable Housing Fund for the purposes of that Fund.

3 (b) **Amount of Fee.** The amount of the fee which may be paid by the project sponsor
4 subject to this Program shall be determined by MOH utilizing the following factors:

5 (1) The number of units equivalent to the applicable percentage of the number of
6 units in the principal project. The applicable percentage shall be 20 percent or the percentage
7 that applied to the project if the project is subject to the requirements of an earlier version of
8 this Program due to the date it submitted its application. For the purposes of this Section, the
9 City shall calculate the fee using the direct fractional result of the total number of units
10 multiplied by the applicable percentage, rather than rounding up the resulting figure as
11 required by Section 415.6 5(a).

12 (2) The affordability gap using data on the cost of construction of residential housing
13 from the "San Francisco Sensitivity Analysis Summary Report: Inclusionary Housing Program"
14 prepared by Keyser Marston Associates, Inc. in August 2006 for the Maximum Annual Rent or
15 Maximum Purchase Price for the equivalent unit sizes. The Department and MOH shall
16 update the technical report from time to time as they deem appropriate in order to ensure that
17 the affordability gap remains current.

18 (3) Commencing on January 1, 2012, no later than January 1 of each year, MOH
19 shall adjust the fee. No later than November 1 of each year, MOH shall provide the Planning
20 Department, DBI, and the Controller with information on the adjustment to the fee so that it
21 can be included in the Planning Department's and DBI's website notice of the fee adjustments
22 and the Controller's Annual Citywide Development Fee and Development Impact
23 Requirements Report described in Section 409(b). MOH is authorized to develop an
24 appropriate methodology for indexing the fee, based on adjustments in the costs of
25

1 constructing housing and in the price of housing in San Francisco. The method of indexing
 2 shall be published in the Procedures Manual.

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

5 The requirements of Sections 415.1 through 415.9 shall apply in the Market and Octavia
 6 Plan Area and the Upper Market NCD in addition to the following additional affordable housing
 7 requirement:

8 (a) **Amount of Fee:** All development projects that have not received Department or
 9 Commission approval as of the effective date of May 30, 2008 and that are subject to the
 10 Residential Inclusionary Affordable Housing Program shall pay an additional affordable
 11 housing fee per the fee schedule in Table 416.3A.

12 TABLE 416.3A
 13 AFFORDABLE HOUSING FEE SCHEDULE IN THE MARKET AND OCTAVIA PROGRAM
 14 AREA

	Van Ness and Market Special Use District	NCT	RTO
Net addition of residential use or change of use to residential use	\$7.20/gross square foot	\$3.60/gross square foot	\$0.00/gross square foot
<i>Replacement of, or change of use from, non-residential to residential use</i>	<i>\$3.80/gross square foot</i>	<i>\$0.20/gross square foot</i>	<i>\$0.00/gross square foot</i>
<i>Replacement of, or change of use</i>	<i>\$5.50/gross square foot</i>	<i>\$1.90/gross</i>	<i>\$0.00/gross</i>

<i>from, PDR to residential use</i>		<i>square foot</i>	<i>square foot</i>
-------------------------------------	--	--------------------	--------------------

419.1. FINDINGS.

~~A.~~ (a) **Need for New Housing and Other Land Uses.** San Francisco is experiencing a severe shortage of housing available to people at all income levels. In addition, San Francisco has an ongoing affordable housing crisis. Many future San Francisco workers will be earning below 80% of the area's median income, and even those earning moderate or middle incomes, above the City's median, are likely to need assistance to continue to live in San Francisco. In 2007, the median income for a family of four in the city was about \$86,000. Yet median home prices suggest that nearly twice that income is needed to be able to a dwelling suitable for a family that size. Only an estimated 10% of households in the city can afford a median-priced home.

The Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND) forecasts that San Francisco must produce over 31,000 new units in the next five years, or over 6,000 new units of housing annually, to meet projected needs. At least 60%, or over 18,000, of these new units should be available to households of very low, low, and moderate incomes. With land in short supply in the City, it is increasingly clear that the City's formerly industrial areas offer a critical source of land where this great need for housing, particularly affordable housing, can be partially addressed.

~~B.~~ (b) **Target Area For New Housing.** San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offers an opportunity to

1 achieve higher affordability, and meet a greater range of need. The Mission, Showplace
2 Square - Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan
3 (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to
4 meet San Francisco's housing needs, through higher affordability requirements and through
5 greater flexibility in the way those requirements can be met.

6
7 New affordable units are currently funded through a variety of sources, including inclusionary
8 housing and in lieu fees leveraged by new market rate residential development pursuant to
9 Sections 413 and 415; as well as City, State, and federal funding. Using these existing
10 sources, the Planning Department projects that approximately 1,000 to 1,500 new units of
11 affordable housing will be developed in the Eastern Neighborhoods.

12 Recognizing that this number of affordable units is not sufficient, the Plans call for further
13 measures beyond the existing inclusionary requirements and Citywide funding, including new
14 funding sources for affordable housing programs such as an impact fee; and new zoning
15 districts in formerly industrial areas which require deeper affordability.

16
17 **€ (c) Requirements for New Development To Contribute Towards Housing Objectives.**

18 A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of
19 new housing affordable to low, moderate and middle income families and individuals, along
20 with "complete neighborhoods" that provide appropriate amenities for these new residents.
21 The Plans obligate all new development within the Eastern Neighborhoods to contribute
22 towards these goals, by providing a contribution towards affordable housing needs and by
23 paying for a reasonable share of their impact on the neighborhood's infrastructure. They
24 further require new development in transitioning formerly industrial areas to contribute a
25 higher share towards the City's exponentially high affordability needs.

1 To address the full range of housing needs of all income categories, including low, moderate
2 and middle income families and individuals, the Plans provide programs which address all of
3 these income levels, as follows:

4
5 (1) **Low:** Current housing programs funded by federal and State funds, private equity raised
6 through Low-Income Housing Tax Credits, and local funds such as inclusionary in-lieu and
7 Jobs-Housing Linkage fees and run by MOH and the San Francisco Redevelopment Agency
8 fund affordable housing primarily at very low and low income levels, to households making
9 below 80% of the area median income; but due to the low supply and high costs of land in the
10 City, are at a disadvantage for sites upon which to provide such housing. An alternative to the
11 city's Inclusionary Housing Program will allow developers to dedicate sites for very low and
12 low income level units.

13 (2) **Moderate:** The City's Inclusionary Housing Program funds affordable housing primarily at
14 the moderate income levels through on-site provision of below-market rate units, to
15 households making between 80% and 120% of the San Francisco median income.
16 Continuation and expansion of the Inclusionary Housing Program will allow provision of these
17 moderate income units to increase.

18
19 (3) **Middle:** The City has no current programs to fund affordable housing to those at "middle"
20 income levels, below the 200% area median income level estimated to be required to
21 purchase market rate housing yet above the 120% threshold required for the City's
22 Inclusionary Housing Program. An alternative to the city's Inclusionary Housing Program will
23 allow developers to provide "middle" income level units.

1 The Eastern Neighborhoods Plans structure requirements and fees by tiers to ensure
2 feasibility. This feasibility amount remains below the nexus established in the Residential
3 Nexus Analysis, April 2007, on file with the Planning Department. Within these districts, new
4 development of market-rate housing will be required to meet affordable housing requirements
5 above the City's ordinary affordable housing requirements for Residential and Live/Work
6 Development Projects (Section 415), as described in Sections ~~419A.2-419A.4~~419.2-419.4 These
7 housing requirements may be met through increased inclusionary requirements under the
8 City's traditional Inclusionary Program, or through alternative methods contained herein.

9
10 **SEC. 419.5. ALTERNATIVES TO THE INCLUSIONARY HOUSING COMPONENT.**

11
12 (b) **Rental Incentive.** Qualified rental housing projects, as defined in Section ~~419A.2(g)~~,
13 419.2(a)(1) are allowed a reduction in their inclusionary housing requirements as follows:

14 (1) If the rental housing project chooses to meets its inclusionary housing requirements
15 through on-site construction, off-site construction, or an in-lieu fee, then the project is entitled
16 to a 3% reduction in the requirements specified above in subsection (a).

17
18 (2) If the rental housing project chooses to meet its inclusionary housing requirements through
19 the land dedication option for projects less than 30,000 square feet, then the project is entitled
20 to a 5% reduction in the requirements specified above in the subsection (b)(2).

21 (3) In addition, a rental housing project shall receive a fee waiver from the Eastern
22 Neighborhood Public Benefit Fee as set forth in Section 427.3 in the amount of \$1.00 per
23 gross square foot.
24
25

(4) No rental incentive shall be provided for project that chooses the land dedication alternative for projects over 30,000 square feet.

SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE.

...

(c) Fee Calculation for the Eastern Neighborhoods Infrastructure Impact Fee.

For development projects for which the Eastern Neighborhoods Infrastructure Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 423.3A. and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 423.3B.

TABLE 423.3A
FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE EASTERN NEIGHBORHOODS PROGRAM PLAN AREAS

Tier (per Sec. 423.3(a)) <u>(per Sec. 423.2(a))</u>	Residential	Non-residential	<u>Net TIDF</u>
1	\$8/gsf	\$6/gsf	<u>\$10/gsf</u>
2	\$12/gsf	\$10/gsf	<u>\$10/gsf</u>
3	\$16/gsf	\$14/gsf	<u>\$10/gsf</u>

1 TABLE 423.3B
 2 FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE EASTERN
 3 NEIGHBORHOODS PROGRAM AREA

4 Tier 5 (per Sec. 422.3(a)) 6 (per Sec. 423.3(a))	7 Residential to 8 Residential or 9 Non-residential; or 10 Non-residential to 11 Non-residential	12 Non-Residential to 13 Residential	14 PDR to Residential	15 PDR to Non- 16 residential
17 1	18 \$0	19 \$2/gsf	20 \$5/gsf	21 \$3/gsf
22 2	23 \$0	24 \$2/gsf	25 \$9/gsf	\$7/gsf
26 3	\$0	\$2/gsf	\$13/gsf	\$11/gsf

27 (d) **Option for In-Kind Provision of Community Improvements and Fee Credits.**

28 Project sponsors may propose to directly provide community improvements to the City. In
 29 such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor
 30 and issue a fee waiver for the Eastern Neighborhoods Infrastructure Impact Fee from the
 31 Planning Commission, subject to the following rules and requirements:

- 32 (1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless the
 33 proposed in-kind improvements meet an identified community need as analyzed in the
 34 Eastern Neighborhoods Community Improvements Program and where they substitute for
 35 improvements that could be provided by the Eastern Neighborhoods *Community Improvements*
 36 *Public Benefits* Fund (as described in Section 423.5). The City may reject in-kind improvements
 37 if they are not consistent with the priorities identified in the Eastern Neighborhoods Area Plans
 38 (Central Waterfront, East SoMa, Mission, and Showplace Square/Potrero Hill), by the

1 Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the
2 Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related
3 to Eastern Neighborhoods Citizens community improvements programming. No physical
4 improvement or provision of space otherwise required by the Planning Code or any other City
5 Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

6 (2) **Valuation.** The Director of Planning shall determine the appropriate value of the
7 proposed in-kind improvements. For the purposes of calculating the total value, the project
8 sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind
9 improvement(s) from two independent sources or, if relevant, real estate appraisers. If the City
10 has completed a detailed site-specific cost estimate for a planned improvement this may
11 serve as one of the cost estimates provided it is indexed to current cost of construction.

12 (3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements
13 Agreement shall include at least the following items:

14 (i) A description of the type and timeline of the proposed in-kind improvements.

15 (ii) The appropriate value of the proposed in-kind improvement, as determined in
16 subsection (2) above.

17 (iii) The legal remedies in the case of failure by the project sponsor to provide the
18 in-kind improvements according to the specified timeline and terms in the agreement. Such
19 remedies shall include the method by which the City will calculate accrued interest.

20 (4) **Approval Process.** The Planning Commission must approve the material terms
21 of an In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must
22 approve the agreement as to form and to substance. The Director of Planning is authorized to
23 execute the Agreement on behalf of the City. If the Planning Commission approves the In-
24 Kind Agreement, it shall waive the amount of the Eastern Neighborhoods Infrastructure
25 Impact Fee by the value of the proposed In-Kind Improvements Agreement as determined by

1 the Director of Planning. No credit shall be made for land value unless ownership of the land
2 is transferred to the City or a permanent public easement is granted, the acceptance of which
3 is at the sole discretion of the City. The maximum value of the In-Kind Improvements
4 Agreement shall not exceed the required Eastern Neighborhoods Infrastructure Impact Fee.

5 (5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements
6 Agreement will be billed time and materials for any administrative costs that the Planning
7 Department or any other City entity incurs in negotiating, drafting, and monitoring compliance
8 with the In-Kind Improvements Agreement.

9
10 **SEC. 423.5. THE EASTERN NEIGHBORHOODS PUBLIC BENEFITS FUND.**

11 (a) There is hereby established a separate fund set aside for a special purpose entitled the
12 Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected by the
13 Development Fee Collection Unit at DBI pursuant to Section 423.3(~~be~~) shall be deposited in a
14 special fund maintained by the Controller. The receipts in the Fund to be used solely to fund
15 Public Benefits subject to the conditions of this Section.

16
17 (b) Expenditures from the Fund shall be recommended by the Planning Commission, and
18 administered by the Board of Supervisors.

19
20 (1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop
21 and improve public open space and recreational facilities; transit, streetscape and public
22 realm improvements; and community facilities including child care and library materials, as
23 defined in the Eastern Neighborhoods Nexus Studies; or housing preservation and
24 development within the Eastern Neighborhoods Plan Area. Funds may be used for childcare
25 facilities that are not publicly owned or "publicly-accessible." Funds generated for library

1 resources' should be used for materials in branches that directly service Eastern
2 Neighborhoods residents. Monies from the Fund may be used by the Planning Commission to
3 commission economic analyses for the purpose of revising the fee, and/or to complete an
4 updated nexus study to demonstrate the relationship between development and the need for
5 public facilities if this is deemed necessary.

6
7 (2) Funds may be used for administration and accounting of fund assets, for additional studies
8 as detailed in the Eastern Neighborhoods Public Benefits Program Document, and to defend
9 the Community Stabilization fee against legal challenge, including the legal costs and
10 attorney's fees incurred in the defense. Administration of this fund includes time and materials
11 associated with reporting requirements, facilitating the Eastern Neighborhoods Citizens
12 Advisory Committee meetings, and maintenance of the fund. All interest earned on this
13 account shall be credited to the Eastern Neighborhoods Public Benefits Fund.

14 (c) Funds shall be deposited into specific accounts according to the improvement type for
15 which they were collected. Funds from a specific account may be used towards a different
16 improvement type, provided said account or fund is reimbursed over a five-year period of fee
17 collection. Funds shall be allocated to accounts by improvement type as described below:

18
19 (1) Funds collected from all zoning districts in the Eastern Neighborhoods Program Area,
20 excluding Designated Affordable Housing Zones shall be allocated to accounts by
21 improvement type according to Table 423.5.

22 (2) Funds collected in designated affordable housing zones (Mission NCT and MUR (as
23 defined in 401), shall be allocated to accounts by improvement type as described in
24
25

1 423.5A. The revenue devoted to affordable housing preservation and development shall be
2 deposited into a specific amount to be held by the Mayor's Office of Housing.

3
4 A. All funds collected from projects in the Mission NCT that are earmarked for affordable
5 housing preservation and development shall be expended on housing programs and projects
6 within the Mission Area Plan boundaries.

7 B. All funds collected from projects in the MUR that are earmarked for affordable housing
8 preservation and development shall be expended on housing programs and projects shall be
9 expended within the boundaries of 5th to 10th Streets/Howard to Harrison Streets.

10
11 C. Collectively, the first \$10 million in housing fees collected between the two Designated
12 Affordable Housing Zones shall be utilized for the acquisition and rehabilitation of existing
13 housing.

14 (3) All funds are supported by the Eastern Neighborhoods Nexus Studies, San Francisco
15 Planning Department, Case No. 2004.0160, and monitored according to the Eastern
16 Neighborhoods Area Plans Monitoring Program required by the Administrative Code Section
17 10E and detailed by separate resolution.

18
19 TABLE 423.5
20 BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND
21 BY IMPROVEMENT TYPE*

Improvement Type	Residential	Non-residential
Open space and recreational facilities	50%	7%
Transit, streetscape and public realm improvements	42%	90%
Community facilities (child care and library materials)	8%	3%

1 *Does not apply to Designated Affordable Housing Zones, which are addressed in Table
2 423.6A-423.5A

3 TABLE 423.5A
4 BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND
5 BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

Improvement Type	Residential	Non-residential
Affordable housing preservation and development	75%	n/a
Open space and recreational facilities	13%	7%
Transit, streetscape and public realm improvements	10%	90%
Community facilities (child care and library materials)	2%	3%

11
12 **SEC. 429.3. IMPOSITION OF PUBLIC ART FEE REQUIREMENT.**

13 . . .

14
15 (d) **Options to Fulfill Requirements.**

16
17 (1) **Non-Residential Development Projects.** Non-residential buildings with public open
18 space requirements greater than 1,499 square feet but less than 3,000 square feet that
19 provide ground floor open space shall comply with Section 429.3 by providing on-site public
20 art of a value equivalent to the Public Art Fee; provided, however, that if the required Public
21 Art Fee exceeds \$500,000, only on-site public art valued at \$500,000 is required to be
22 provided on-site. Non-residential buildings with public open space requirements greater than
23 or equal to 3,000 square feet that provide ground floor open space shall comply with Section
24 429.3 by providing on-site public art of a value equivalent to the Public Art Fee; provided,
25 however, that if the required Public Art Fee exceeds \$750,000, only on-site public art valued

1 at \$750,000 is required to be provided on-site. In any case where the Public Art Fee
2 requirement exceeds the amount required on-site, prior to issuance of a building or site permit
3 the project sponsor shall elect one of the following options to fulfill any requirements imposed
4 as a condition of approval and to notify the Arts Commission and the Department of their
5 choice: ~~(a) to expend the remainder of the Public Art Fee on-site, or (b) to deposit the remainder of the~~
6 ~~Public Art Fee into the Public Artwork Trust Fund established in Section 10.100-29 of the San~~
7 ~~Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the~~
8 ~~creation, installation, exhibition, conservation, preservation, and restoration of works of public art and~~
9 ~~for capital improvements to non-profit arts facilities ("In-Lieu Fee for Public Artwork Trust") within~~
10 ~~the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within~~
11 ~~another zoning district, within a half mile of the project boundary, or (c) to expend a portion of the~~
12 ~~remainder on-site and deposit the rest into the Public Artwork Trust Fund.~~

13 (A) to expend the remainder of the Public Art Fee on-site, or

14
15 (B) to deposit the remainder of the Public Art Fee into the Public Artwork Trust Fund established in
16 Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in

17 Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and
18 restoration of works of public art and for capital improvements to non-profit arts facilities ("In-Lieu
19 Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3
20 District or, if the project is within another zoning district, within a half mile of the project boundary, or

21 (C) to expend a portion of the remainder on-site and deposit the rest into the Public Artwork Trust
22 Fund.

23
24
25

1 As provided in Section 402, the project sponsor shall pay the fee to the Development Fee
2 Collection Unit at DBI.

3
4 **(2) Residential Development Projects.** Prior to issuance of a building or site permit for a
5 residential development project subject to the requirements of Section 429.1 *et seq.*, the
6 sponsor shall elect one of the options listed below to fulfill any requirements imposed as a
7 condition of approval and to notify the Arts Commission and the Department of their choice of
8 the following:

9 (A)(i) **Option to Use 100% of Public Art Fee to Provide On-Site Public Artwork.** Unless
10 otherwise provided below, the project sponsor may elect to provide on-site public art of a
11 value at least equivalent to the Public Art Fee.

12
13 (B)(ii) **Option to Contribute 100% of Public Art Fee Amount to Public Artwork Trust**
14 **Fund.** Effective on the effective date of Ordinance No. 62-12 for a project that has not
15 received its first construction document, and except as provided herein, the project sponsor
16 may pay the Public Art Fee for deposit in the Public Artwork Trust Fund established in Section
17 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in
18 Section 429.5(b), including the creation, installation, exhibition, conservation, preservation,
19 and restoration of works of public art and for capital improvements to nonprofit arts facilities
20 ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the
21 boundary of the C-3 District or, if the project is within another zoning district, within a half mile
22 of the project boundary. As provided in Section 402, the project sponsor shall pay the fee to
23 the Development Fee Collection Unit at DBI.

1 ~~(C)(iii)~~ **Option to Expend a Portion of the Public Art Fee Amount to On-Site Public**
2 **Artwork and the Remainder to the Public Artwork Trust Fund.** Effective on the effective
3 date of Ordinance No. 62-12 a project that has not received its first construction document
4 may elect to expend a portion of the Public Art Fee for the acquisition of On-Site Public
5 Artwork that shall be subject to the requirements of subsection (d)(2)(a)~~(H)~~ above regarding
6 On-Site Public Artwork, and deposit the remaining balance of the Public Art Fee into the
7 Public Artwork Trust Fund. As provided in Section 402, the project sponsor shall pay the fee
8 to the Development Fee Collection Unit at DBI.

9 **SEC. 429.5. ARTS COMMISSION PUBLIC ARTWORK TRUST FUND.**

10
11 . . .

12 (b) With the above objective, through a competitive public process the Public Artwork Trust
13 Fund shall be overseen by the Arts Commission and used to fund:

14 ~~(1)(i)~~ the creation, installation, and exhibition of temporary and permanent public works of art
15 in the public realm and within the C-3 District or within a half mile of the boundary of the C-3
16 District or, if the project is within another zoning district, within a half mile of the project
17 boundary;

18 ~~(2)(ii)~~ the conservation, preservation, and restoration, but not maintenance of temporary and
19 permanent public works of art in the public realm and within the C-3 District or within a half
20 mile of the boundary of the C-3 District or, if the project is within another zoning district, within
21 a half mile of the project boundary;

22 ~~(3)(iii)~~ distribution of funds to San Francisco nonprofit arts entities and artists to fund
23 temporary public art projects, performance, film and video screenings, and capital
24 improvements for publicly accessible cultural facilities within the C-3 District or within a half
25

1 mile of the boundary of the C-3 District or, if the project is within another zoning district, within
2 a half mile of the project boundary; and

3 ~~(4)(iv)~~ the reasonable administrative expenses of the Arts Commission staff in connection
4 with administering compliance with the requirements of this Section on a time and materials
5 basis for managing projects funded through the Public Artworks Trust, not to exceed 20% of
6 the costs for any one project.

7 (c) The Arts Commission shall administer and expend the Public Artwork Trust Fund, and
8 shall have the authority to prescribe rules and regulations governing the Fund that are
9 consistent with this Section.

10

11 **SEC. 606. RESIDENTIAL DISTRICTS.**

12 Signs in R Districts, other than those signs exempted by Section 603 of this Code, shall
13 conform to the following provisions:

14 . . .

15 (b) Signs for Uses Permitted in R Districts. The following types of signs, subject to the
16 limitations prescribed for them, shall be the only signs permitted for uses authorized as
17 principal or conditional uses in R Districts, except that signs for any commercial
18 establishments so authorized in RC Districts shall be subject to the limitations of Paragraph
19 (c)(3) below.

20 (1) One nonilluminated or indirectly illuminated nameplate for each street frontage of
21 the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot
22 in RH Districts or two square feet in RM or RED Districts.

23 (2) One identifying sign for each street frontage of the lot, not exceeding a height of
24 12 feet, and meeting the following additional requirements:

25

1 (A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12
2 square feet;

3 (B) In ~~RM-1~~ RM or RED Districts: maximum area eight square feet if directly
4 illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

5 (C) In RTO Districts: nonilluminated or indirectly illuminated only; maximum area
6 12 square feet; signage related to commercial uses permitted under Sections 209.8(e) and
7 230 is regulated according to the provisions described in Section 230.

8 (3) One temporary nonilluminated or indirectly illuminated sale or lease sign for each
9 street frontage of the total parcel involved, not exceeding a height of 24 feet if freestanding
10 and not above the roofline if attached to a building, and having an area not exceeding six
11 square feet for each lot or for each 3,000 square feet in such total parcel, whichever ratio
12 permits the larger area, provided that no such sign shall exceed 50 square feet in area and
13 any such sign exceeding 18 square feet in area shall be set back at least 25 feet from all
14 street property lines. Any sale or lease sign shall be removed within seven days following
15 removal of the property from the market.

16 (4) Temporary nonilluminated signs of persons and firms connected with work on
17 buildings under actual construction or alteration, giving their names and information pertinent
18 to the project, not exceeding a height of 12 feet, with the combined area of all such signs not
19 to exceed 10 square feet for each street frontage of the project.

20

21 **SEC. 607 COMMERCIAL AND INDUSTRIAL DISTRICTS.**

22 Signs in C, M, and PDR Districts, other than those signs exempted by Section 603 of this
23 Code, shall conform to the following provisions:

24 (a) **General Advertising Signs.** No general advertising sign shall be permitted in any C-
25 1 District or within 200 feet of the park known as Union Square and visible from said park,

1 except that a replacement sign of the same size or smaller, of the same type as defined in this
2 Code or as interpreted by the Zoning Administrator, and at the same approximate location as
3 an existing sign would be allowed within 200 feet of said park provided that the sign is
4 otherwise permitted by the Planning Code, would cast no additional shadow upon Union
5 Square, has no intensification of lighting as determined by the Zoning Administrator, and is
6 not internally lighted or backlighted. Use of neon is not precluded by this provision. Temporary
7 general advertising signs determined by the Zoning Administrator to be at pedestrian level
8 and less than 50 square feet in size are not precluded by this provision.

9 (b) **Roof Signs.** Roof signs shall be permitted in all C, M and PDR Districts other than
10 C-1 only if Subsections (1) through (3) below are satisfied; except that a roof sign that is
11 designated historic pursuant to Sections ~~303 and~~ 608.14 of this Code may be permitted without
12 regard to Subsections (1) through (3) below:

13 (1) The sign does not extend more than 25 feet above the roofline of the building on
14 or over which the sign is placed; and

15 (2) All parts of the sign are within 25 feet of, and the sign is mounted at not more than
16 a 45-degree angle from, a wall of a building the roofline of which is at least as high as the top
17 of the sign; and

18 (3) Such wall forms a complete backdrop for the sign, as the sign is viewed from all
19 points from which the sign is legible from a public street or alley.

20 . . .

21 (d) **Moving Parts.** No sign shall have or consist of any moving, rotating, or otherwise
22 physically animated part (as distinguished from lights that give the appearance of animation
23 by flashing, blinking or fluctuating), except as follows:

24 (1) Moving or rotating or otherwise physically animated parts may be used for the
25 rotation of barber poles and the indication of time of day and temperature.

1 (2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, M-2, and PDR
2 Districts, ~~except for signs located within 200 feet of the park known as Union Square and visible from~~
3 ~~said park~~ and signs located so as to be primarily viewed by persons traveling on any portion of
4 a freeway, moving or otherwise physically animated parts may be used if such parts do not
5 exceed a velocity of one complete cycle in a four-second period where such parts constitute
6 less than 30 percent of the area of the sign or if, where such parts constitute a greater area of
7 the sign, they do not exceed a velocity of one complete cycle in a four-second period and are
8 stationary at least half of each eight-second period; except that signs designated historic
9 pursuant to Section ~~s 303 and~~ 608.14 of this Code may have such moving features otherwise
10 prohibited for signs located so as to be primarily viewed by persons traveling on any portion of
11 a freeway.

12 (3) Notwithstanding the type of signs permissible under Subparagraph (d), a video
13 sign is prohibited.

14 (4) Notwithstanding the type of signs permissible under Subparagraph (d)(2), a sign
15 that rotates is prohibited.

16 . . .

17 (g) **Height and Extension Above Roofline.**

18 (1) **Signs Attached to Buildings.** Except as provided in Section 260 for historic
19 signs in historic districts, no sign attached to a building shall extend or be located above the
20 roofline of the building to which it is attached; except that up to ½ the area of a business sign
21 attached to the street wall of a building may extend above the roofline, up to the maximum
22 height permitted for freestanding signs in the same district or 10 feet above the roofline,
23 whichever is the lesser. In addition, no sign attached to a building shall under any
24 circumstances exceed the following maximum heights:

25 In C-1: 40 feet;

1 In C-3: 100 feet;

2 In all other C, ~~and M, and Districts~~ PDR Districts: 60 feet.

3 The 100-foot height limitation stated herein shall not apply to the modification or
4 replacement of any currently existing wall signs so long as such modified or replacement sign
5 is generally in the same location and not larger in surface area and projection than existing
6 signs being modified or replaced. Such signs may contain letters, numbers, a logo, service
7 mark and/or trademark and may be nonilluminated or indirectly illuminated.

8 (2) **Freestanding Signs.** The maximum height for freestanding signs shall be as
9 follows:

10 In C-1: 24 feet;

11 In C-2: 36 feet;

12 In all other C, M, and PDR Districts: 40 feet.

13
14 **SEC. 608.13. RINCON HILL AREA.**

15 Within the boundaries of the Rincon Hill Downtown Residential Mixed Use District set forth
16 in Section ~~249.1 of the City Planning Code and as designated on Sectional Map 1Sub of the Zoning~~
17 ~~Map, 827~~ and generally bounded by Folsom Street, The Embarcadero, Bryant Street, and
18 Essex Street, notwithstanding any other provisions of this Code, the existing signs and/or sign
19 towers may be changed, modified or replaced provided that all the following criteria are met:

20 (a) Such changed, modified or replacement sign is in the same general location as the
21 existing signage;

22 (b) The total area and height of the changed, modified or replacement sign is not
23 increased from the total area and height of the existing sign or sign tower;

24 (c) Such sign or sign tower may contain letters, numbers, a logo, service mark and/or
25 trademark, and may be nonilluminated, or directly or indirectly illuminated;

(d) Such sign or sign tower may only reflect the identity of the owner or a tenant of the building, including a parent corporation, subsidiary and/or affiliate of the owner or of the tenant.

SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.

(a) The following districts are established for the purpose of implementing the Commerce and Industry element and other elements of the General Plan, according to the objective and policies stated therein. Description and Purpose Statements outline the main functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

The description and purpose statements and land use controls applicable to each of the general and individual area districts are set forth in *Sections 710.1 through 784 of* this Code for each district class. The boundaries of the various Neighborhood Commercial Districts are shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the provisions of that Section.

Neighborhood Commercial General Area Districts	Section Number
NC-1 - Neighborhood Commercial Cluster District	§ 710
NC-2 - Small-Scale Neighborhood Commercial District	§ 711
NC-3 - Moderate-Scale Neighborhood Commercial District	§ 712
NC-S - Neighborhood Commercial Shopping Center District	§ 713
<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<i>§ 733A</i>
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<i>§ 734</i>
<i>NCT-3 — Moderate Scale Neighborhood Commercial Transit District</i>	<i>§ 731</i>
<u>Named</u> Neighborhood Commercial <i>Individual Area</i> Districts	Section Number
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715

1	Inner Clement Street Neighborhood Commercial District	§ 716
2	Outer Clement Street Neighborhood Commercial District	§ 717
3	Upper Fillmore Street Neighborhood Commercial District	§ 718
4	Haight Street Neighborhood Commercial District	§ 719
5	<i>Hayes Gough Neighborhood Commercial Transit District</i>	§ 720
6	Upper Market Street Neighborhood Commercial District	§ 721
7	North Beach Neighborhood Commercial District	§ 722
8	Polk Street Neighborhood Commercial District	§ 723
9	Sacramento Street Neighborhood Commercial District	§ 724
10	Union Street Neighborhood Commercial District	§ 725
11	<i>Valencia Street Neighborhood Commercial District</i>	§ 726
12	<i>24th Street Mission Neighborhood Commercial District</i>	§ 727
13	24th Street-Noe Valley Neighborhood Commercial District	§ 728
14	West Portal Avenue Neighborhood Commercial District	§ 729
15	Inner Sunset Neighborhood Commercial District	§ 730
16	<i>Upper Market Street Neighborhood Commercial Transit District</i>	§ 732
17	<i>Noriega Street Neighborhood Commercial District</i>	§ 739.1
18	<i>Irving Street Neighborhood Commercial District</i>	§ 735 § 740.1
19	<i>Taraval Street Neighborhood Commercial District</i>	§ 736 § 741.1
20	<i>Judah Street Neighborhood Commercial District</i>	§ 737 § 742.1

(b) The following districts are Neighborhood Commercial Transit (NCT) Districts, including both general area districts and individual area districts identified by street or area name. These districts are a subset of the Neighborhood Commercial (NC) Districts.

<i>Neighborhood Commercial Transit Districts</i>	<i>Section Number</i>
<i>Hayes Gough Neighborhood Commercial Transit District</i>	§ 720

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<i>Valencia Street Neighborhood Commercial Transit District</i>	§ 726
<i>24th Street – Mission Neighborhood Commercial Transit District</i>	§ 727
<i>NCT-3 – Moderate-Scale Neighborhood Commercial Transit District</i>	§ 731
<i>Upper Market Street Neighborhood Commercial Transit District</i>	§ 732
<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	§ 733A
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	§ 734
<i>SoMa Neighborhood Commercial Transit District</i>	§ 735
<i>Mission Street Neighborhood Commercial Transit District</i>	§ 736
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	§ 737
<i>Glen Park Neighborhood Commercial Transit District</i>	§ 738

<u>Neighborhood Commercial Transit Districts</u>	<u>Section Number</u>
<i><u>NCT-1 Neighborhood Commercial Transit Cluster District</u></i>	<u>§ 733A</u>
<i><u>NCT-2 Small Scale Neighborhood Commercial Transit District</u></i>	<u>§ 734</u>
<i><u>NCT-3 - Moderate-Scale Neighborhood Commercial Transit District</u></i>	<u>§ 731</u>
<u>Named Neighborhood Commercial Transit (NCT) Districts</u>	<u>702.1</u>
<i><u>Hayes-Gough Neighborhood Commercial Transit District</u></i>	<u>§ 720</u>
<i><u>Valencia Street Neighborhood Commercial Transit District</u></i>	<u>§ 726</u>
<i><u>24th Street - Mission Neighborhood Commercial Transit District</u></i>	<u>§ 727</u>
<i><u>Upper Market Street Neighborhood Commercial Transit District</u></i>	<u>§ 732</u>
<i><u>SoMa Neighborhood Commercial Transit District</u></i>	<u>§ 735</u>

<i>Mission Street Neighborhood Commercial Transit District</i>	<u>§ 736</u>
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<u>§ 737</u>
<i>Glen Park Neighborhood Commercial Transit District</i>	<u>§ 738</u>

NCT Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.

In addition to the Neighborhood Commercial Use Districts established by Section 702.1 of this Code, certain Neighborhood Commercial Special Use Districts are established for the purpose of controlling the expansion of certain kinds of uses which if uncontrolled may adversely affect the character of certain Neighborhood Commercial Districts.

1 The purposes and provisions set forth in Sections 781.1 through 781.6, ~~and Sections 783 -~~
 2 786, and Sections 249.35-249.99 of this Code shall apply respectively within these districts. The
 3 boundaries of the districts are as shown on the Zoning Map as referred to in Section 105 of
 4 this Code, subject to the provisions of that Section.

Neighborhood Commercial Restricted Use Subdistricts	Section Number
Taraval Street Restaurant <i>and Fast-Food</i> Subdistrict	§ 781.1
Irving Street Restaurant <i>and Fast-Food</i> Subdistrict	§ 781.2
Ocean Avenue Fast-Food Subdistrict	§ 781.3
Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict	§ 781.4
Mission Street Formula Retail Restaurant Subdistrict	§ 781.5
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	§ 781.6
Chestnut Street Financial	§ 781.7
Haight Street Alcohol Restricted Use District	§ 781.9
Divisadero Street Alcohol Restricted Use District	§ 783
Lower Haight Street Alcohol Restricted Use District	§ 784
Excelsior Alcohol Special Use District	§ 785
Lower Haight Tobacco Paraphernalia Restricted Use District	§ 786
<u><i>Fringe Financial Service Restricted Use District</i></u>	<u>§ 249.35</u>
<u><i>Mission Alcohol Restricted Use District</i></u>	<u>§ 249.60 (formerly 781.8)</u>

<i>Third Street Alcohol Restricted Use District</i>	§ 249.62 (formerly 782)
---	-------------------------

SEC. 702.4. SPECIAL USE DISTRICTS.

In addition to the Neighborhood Commercial Use Districts and Neighborhood Commercial Special Use Districts established by Sections 702.1 and 702.2 of this Code, certain special use districts established in ~~Section 235 236 through 249.9~~ of this Code are located within certain Neighborhood Commercial District boundaries. The designations, locations, and boundaries of the special use districts are as provided below.

Special Use Districts	Section Number
<i>Fringe Financial Service Restricted Use District</i>	§ 249.35
Third Street Special Use District	§ 249.14
<i>Mission Alcohol Restricted Use District</i>	§ 249.60 (formerly 781.8)
17th – Rhode Island Street Special Use District	§ 249.61 (formerly 781.10)
<i>Third Street Alcohol Restricted Use District</i>	§ 249.62 (formerly 782)
Geary Boulevard/Divisadero Street Special Use District	§ 249.13
California Street & Presidio Avenue Community Central Special Use District	§ 249.21
Japantown Special Use District	§ 249.31
Fulton Street Grocery Store Special Use District	§ 249.35
Upper Market Special Sign District	§ 608.10

1 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

2 A use is the specific purpose for which a property or building is used, occupied, maintained, or
3 leased. Whether or not a use is permitted in a specific district is set forth or summarized and
4 cross-referenced in Article 7 Sections 710.1 through 730.95 of this Code for each district class.

5 . . .

6 (b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are
7 either principal, conditional, accessory, or temporary uses as stated in this Section, and
8 include those uses set forth or summarized and cross-referenced in the zoning control
9 categories as listed in paragraph (a) in Sections 710.1 through 737.1 of this Code for each district
10 class.

11 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed building in
12 Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code.
13 Exceptions from this requirement are: uses which, when located outside of a building, qualify
14 as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street
15 parking and loading and other uses listed below which function primarily as open-air uses, or
16 which may be appropriate if located on an open lot, outside a building, or within a partially
17 enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

No.	Zoning Control Category
.56	Automobile Parking
.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental
.81	Other Institutions, Large (selected)

.83	Public Use (selected)
.95	Community Residential Parking

If there are two or more uses in a structure and none is classified below under Section 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as independent principal, conditional or temporary uses.

(A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood Commercial District, when so indicated in *Sections 710.1 through 737.1* of this Code for each district class.

(B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated *in this Code. Sections 710.10 through 737.1*. Conditional uses are subject to the provisions set forth in Sections 178, 179, 303, and 316 through 316.6 of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 790.64, shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iv) Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require conditional use authorization.

(C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts),

1 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as
2 Accessory Uses) of this Code, a related minor use which is either necessary to the operation
3 or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and
4 subordinate to any such use, shall be permitted as an accessory use when located on the
5 same lot. Any use which does not qualify as an accessory use shall be classified as a
6 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
7 205.4 of this Code.

8 No use will be considered accessory to a permitted principal or conditional use which involves
9 or requires any of the following:

10 (i) The use of more than 1/3 of the total floor area occupied by such use and the principal or
11 conditional use to which it is accessory, except in the case of accessory off-street parking and
12 loading and accessory wholesaling, manufacturing or processing of foods, goods, or
13 commodities;

14 (ii) Any Bar or Restaurant, or any other retail establishment which serves liquor for
15 consumption on-site;

16 (iii) Any Take-Out Food use, as defined in Section 790.122, except for a Take-Out Food use
17 which occupies 1/3 of the total floor area or up to 500 s/f whichever is more restrictive in a
18 general grocery or specialty grocery store. This Take-Out Food use includes the area devoted
19 to food preparation and service and excludes storage and waiting areas;

20 (iv) Any Take-Out Food use, as defined in Section 790.122, except for a Take-Out Food use
21 operating as a minor and incidental use within a Restaurant or Limited-Restaurant use;

22 (v) The wholesaling, manufacturing or processing of foods, goods, or commodities on the
23 premises of an establishment which does not also use or provide for retail sale of such foods,
24 goods or commodities at the same location where such wholesaling, manufacturing or
25 processing takes place.

1 (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or liquor
2 sales for the consumption off the premises with a State of California Alcoholic Beverage
3 Control ("ABC") Board License type 20 (off-sale beer and wine) or type 21 (off-sale general)
4 which occupy less than 15% of the gross square footage of the establishment (including all
5 areas devoted to the display and sale of alcoholic beverages) in a general grocery store or
6 specialty grocery store, or Limited-Restaurant use (ABC license type 20 only).
7 (vii) Medical Cannabis Dispensaries as defined in 790.141.

8 The foregoing rules shall not prohibit take-out food activity which operates in conjunction with
9 a Limited-Restaurant or a Restaurant. A Limited-Restaurant or a Restaurant, by definition,
10 includes take-out food as an accessory and necessary part of its operation.

11 ~~(viii)~~ Any other entertainment use, as defined in Section 790.38, except for one that
12 involves a Limited Live Performance Permit as set forth in Police Code Section 1060 *et seq.*

13 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the provisions
14 set forth in Section 205 of this Code.

15 (2) **Not Permitted Uses.**

16 (A) Uses which are not specifically listed in this Article are not permitted unless they
17 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
18 determined by the Zoning Administrator to be permitted uses in accordance with Section
19 307(a) of this Code.

20 (B) No use, even though listed as a permitted use, shall be permitted in a
21 Neighborhood Commercial District which, by reason of its nature or manner of operation,
22 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
23 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
24 noise.

25

1 (C) The establishment of a use that sells alcoholic beverages, other than beer and
2 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.
3 Except in the SoMa NCT, where these uses are permitted accessory uses.
4

5 **SEC. 703.3. FORMULA RETAIL USES.**

6 (a) **Findings.**

7 (1) San Francisco is a city of diverse and distinct neighborhoods identified in large
8 part by the character of their commercial areas.

9 (2) San Francisco needs to protect its vibrant small business sector and create a
10 supportive environment for new small business innovations. One of the eight Priority Policies
11 of the City's General Plan resolves that "existing neighborhood-serving retail uses be
12 preserved and enhanced and future opportunities for resident employment in and ownership
13 of such businesses enhances."

14 (3) Retail uses are the land uses most critical to the success of the City's commercial
15 districts.

16 (4) Formula retail businesses are increasing in number in San Francisco, as they are
17 in cities and towns across the country.

18 (5) Money earned by independent businesses is more likely to circulate within the
19 local neighborhood and City economy than the money earned by formula retail businesses
20 which often have corporate offices and vendors located outside of San Francisco.

21 (6) Formula retail businesses can have a competitive advantage over independent
22 operators because they are typically better capitalized and can absorb larger startup costs,
23 pay more for lease space, and commit to longer lease contracts. This can put pressure on
24 existing businesses and potentially price out new startup independent businesses.
25

1 (7) San Francisco is one of a very few major urban centers in the State in which
2 housing, shops, work places, schools, parks and civic facilities intimately co-exist to create
3 strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and
4 the City's mix of architecture contributes to a strong sense of neighborhood community within
5 the larger City community.

6 (8) Notwithstanding the marketability of a retailer's goods or services or the visual
7 attractiveness of the storefront, the standardized architecture, color schemes, decor and
8 signage of many formula retail businesses can detract from the distinctive character of certain
9 Neighborhood Commercial Districts.

10 (9) The increase of formula retail businesses in the City's neighborhood commercial
11 areas, if not monitored and regulated, will hamper the City's goal of a diverse retail base with
12 distinct neighborhood retailing personalities comprised of a mix of businesses. Specifically,
13 the unregulated and unmonitored establishment of additional formula retail uses may unduly
14 limit or eliminate business establishment opportunities for smaller or medium-sized
15 businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of
16 businesses towards national retailers in lieu of local or regional retailers, thereby decreasing
17 the diversity of merchandise available to residents and visitors and the diversity of purveyors
18 of merchandise.

19 (10) If, in the future, neighborhoods determine that the needs of their Neighborhood
20 Commercial Districts are better served by eliminating the notice requirements for proposed
21 formula retail uses, by converting formula retail uses into conditional uses in their district, or
22 by prohibiting formula retail uses in their district, they can propose legislation to do so.

23 (b) **Formula Retail Use.** Formula retail use is hereby defined as a type of retail sales
24 activity or retail sales establishment which, along with eleven or more other retail sales
25 establishments located in the United States, maintains two or more of the following features: a

1 standardized array of merchandise, a standardized facade, a standardized decor and color
2 scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

3 (1) Standardized array of merchandise shall be defined as 50% or more of in-stock
4 merchandise from a single distributor bearing uniform markings.

5 (2) Trademark shall be defined as a word, phrase, symbol or design, or a
6 combination of words, phrases, symbols or designs that identifies and distinguishes the
7 source of the goods from one party from those of others.

8 (3) Servicemark shall be defined as word, phrase, symbol or design, or a
9 combination of words, phrases, symbols or designs that identifies and distinguishes the
10 source of a service from one party from those of others.

11 (4) Decor shall be defined as the style of interior finishings, which may include but is
12 not limited to, style of furniture, wallcoverings or permanent fixtures.

13 (5) Color Scheme shall be defined as selection of colors used throughout, such as on
14 the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.

15 (6) Facade shall be defined as the face or front of a building, including awnings,
16 looking onto a street or an open space.

17 (7) Uniform Apparel shall be defined as standardized items of clothing including but
18 not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than
19 name tags) as well as standardized colors of clothing.

20 (8) Signage shall be defined as business sign pursuant to Section 602.3 of the
21 Planning Code.

22 . . .

23 (d) **Formula Retail Uses Permitted.** Any use permitted in *a Neighborhood Commercial*
24 *District in certain districts defined in Section 303(i)(5.A)*, which is ~~at~~ also a "formula retail use" as
25 defined in this Section, is hereby permitted.

1 (e) **Formula Retail Use Prohibited.** Notwithstanding subsection (d), ~~any use permitted in~~
2 ~~the Hayes-Gough Neighborhood Commercial District, or the North Beach Neighborhood Commercial~~
3 ~~District, which is also a "formula retail use" as defined in this Section, is hereby prohibited. Any~~
4 ~~Restaurant, Limited Restaurant permitted in the Upper Fillmore or Broadway Neighborhood~~
5 ~~Commercial District which is also a "formula retail use" certain districts may prohibit formula retail~~
6 ~~uses or a subset of formula retail uses as described in this Section 303(i)(5) is hereby prohibited.~~

7 (f) **Conditional Uses.** Notwithstanding subsections (d) or (e), ~~any use permitted in the~~
8 ~~Haight Street Neighborhood Commercial District, the Japantown Special Use District as defined in~~
9 ~~Section 249.31, or in the Small-Scale Neighborhood Commercial District along Divisadero Street,~~
10 ~~bounded by Haight Street to the south and Turk Street to the north (Block 1128, Lot 20, Block 1129,~~
11 ~~Lots 93-106, Block 1153, Lots 1-4, 6, and 21-22 Block 1154, Lots 13-17B and 35-40, Block 1155,~~
12 ~~Lots 16-21, Lots 23, 24, and 36-38, Block 1156, Lots 4-6, 8, 38 and 40-41, Block 1179, Lots 1-~~
13 ~~1C, 27, and 28, Block 1180, Lots 12-17, Block 1181, Lots 14-9, Block 1182, Lots 2-6, 8, 22-23, 30~~
14 ~~-60, Block 1201, Lots 1-4, 8-10, 39-54 and 57-61, Block 1202, Lots 2A, 2B, 2J and 7, Block 1203,~~
15 ~~Lots 17-22, 24 and 37, Block 1204, Lots 1-11A, Block 1215, Lots 8-16, Block 1216, Lots 5, 1 and 17~~
16 ~~-18, Block 1217, Lots 20-29, Block 1218, Lots 1-8, 29, 32, and 50, Block 1237, Lots 1-7, Block~~
17 ~~1238, Lots 21-27, Block 1239, Lot 27, Block 1240, Lot 1), or in the Neighborhood Commercial~~
18 ~~Cluster Districts located at Cole and Carl Streets (Block 1267, Lot 9, Block 1268, Lots 26, 27, 28 and~~
19 ~~29, Block 1271, Lots 24, 24A, 24B, 25 and 26, Block 1272, Lots 1, 2, 3, 4, and 5, Block 1278, Lot 22),~~
20 ~~and at Parnassus and Sanyan Streets (Block 1276, Lot 21) a Conditional Use Authorization shall be~~
21 ~~required for a formula retail use in the zoning districts listed in Section 303(i)(4) unless explicitly~~
22 ~~exempted.~~

23 ~~which is also a "formula retail use" as defined in this Section, is hereby permitted only as a conditional~~
24 ~~use.~~ Additional criteria to be used by the Planning Commission when considering granting
25 conditional use permits to formula retail uses in these districts are listed in Section 303(i).

SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

			NC-1
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
710.13	Street Frontage	§ <u>145.1</u>	Required §
			NC-1
No.	Zoning Category	§ References	Controls by Story
RETAIL SALES AND SERVICE			
710.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>	

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

ZONING CONTROL TABLE

			NC-2
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
711.13	Street Frontage	§ <u>145.1</u>	Required §
			NC-2
No.	Zoning Category	§ References	Controls by Story
RETAIL SALES AND SERVICE			
711.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#
711.69B	Amusement Game	§ 790.04 <u>§790.4</u>	

	Arcade (Mechanical Amusement Devices)				
--	---------------------------------------	--	--	--	--

SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 711.54</u>	<u>§ 790.60, § 1900 Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i></p>

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

ZONING CONTROL TABLE

No.	Zoning Category	§ References	NC-3 Controls		
BUILDING STANDARDS					
712.13	Street Frontage	<u>§ 145.1</u>	Required		
RETAIL SALES AND SERVICE					
712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	

1	712.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>	C		
---	---------	--	-----------------------------------	---	--	--

3 **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

5 Article 7 Code Section	6 Other Code Section	Zoning Controls
7 <u>§ 712.54</u>	8 <u>§ 790.60,</u> 9 <u>§ 1900</u> 10 <u>Health Code</u>	<p>11 <u>MASSAGE ESTABLISHMENT</u></p> <p>12 <i><u>Controls. Massage Establishments shall generally be subject to</u></i></p> <p>13 <i><u>Conditional Use authorization. Certain exceptions to the Conditional</u></i></p> <p>14 <i><u>Use requirement for massage are described in §790.60(c). When</u></i></p> <p>15 <i><u>considering an application for a conditional use permit pursuant to this</u></i></p> <p>16 <i><u>subsection, the Planning Commission shall consider, in addition to the</u></i></p> <p>17 <i><u>criteria listed in Section 303(c), the additional criteria described in</u></i></p> <p>18 <i><u>§303(o).</u></i></p>

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

18 **ZONING CONTROL TABLE**

			NC-S
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
713.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1
			NC-S
No.	Zoning Category	§ References	Controls by Story
RETAIL SALES AND SERVICE			

1	713.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
2						
3	713.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>	C		
4						

5 **SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

7 Article 7 Code Section	8 Other Code Section	Zoning Controls
9 <u>§ 713.54</u>	10 <u>§ 790.60,</u> 11 <u>§ 1900</u> 12 <u>Health Code</u>	<p>13 <u>MESSAGE ESTABLISHMENT</u></p> <p>14 <i><u>Controls. Massage shall generally be subject to Conditional</u></i></p> <p>15 <i><u>Use authorization. Certain exceptions to the Conditional Use</u></i></p> <p>16 <i><u>requirement for massage are described in §790.60(c). When considering</u></i></p> <p>17 <i><u>an application for a conditional use permit pursuant to this subsection,</u></i></p> <p>18 <i><u>the Planning Commission shall consider, in addition to the criteria</u></i></p> <p>19 <i><u>listed in Section 303(c), the additional criteria described in §303(o).</u></i></p>

20 **SEC. 714.1. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

21 The Broadway Neighborhood Commercial District, located in the northeast quadrant of

22 San Francisco, extends along Broadway from ~~west~~ east of Columbus Avenue to Osgood Place.

23 It is part of a larger commercial area which includes North Beach to the north, Chinatown to

24 the south and west, and Jackson Square to the southeast. Broadway's fame and popularity as

25 a Citywide and regional entertainment district is derived from a concentration of nightclubs,

music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery

Street. These places attract locals and visitors alike, mainly in the evening and late-night

1 hours. In addition to the entertainment and some retail businesses, Broadway contains many
 2 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
 3 develop upper-story offices.

4 The Broadway District controls are designed to encourage development that is compatible
 5 with the existing moderate building scale and mixed-use character, and maintain the district's
 6 balance of entertainment uses, restaurants, and small-scale retail stores. New buildings
 7 exceeding 40 feet in height will be carefully reviewed and rear yards at residential levels are
 8 protected. Most commercial uses in new buildings are permitted at the first two stories.
 9 Neighborhood-serving businesses are strongly encouraged. In order to protect the livability of
 10 the area, limitations apply to new fast-food restaurants and adult entertainment uses at the
 11 first and second stories, as well as late-night activity. Financial services are allowed on the
 12 ground story subject to certain limitations. Nonretail offices are prohibited in order to prevent
 13 encroachment of the adjoining downtown office uses. Due to the high traffic volume on
 14 Broadway, most automobile and drive-up uses are prohibited in order to prevent further traffic
 15 congestion. Parking garages are permitted if their ingress and egress do not disrupt the traffic
 16 flow on Broadway.

17 Housing development in new buildings is encouraged above the second story. Existing
 18 housing is protected by limitations on demolitions and upper-story conversions.

19 **SEC. 714 BROADWAY NEIGHBORHOOD-COMMERCIAL DISTRICT ZONING CONTROL**

20 **TABLE**

21

			Broadway
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
714.13	Street Frontage	§ <u>145.1</u>	Required

22

23

24

25

			§ 145.1		
			Broadway		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
714.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>	C		

SPECIFIC PROVISIONS FOR BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 714.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MESSAGE ESTABLISHMENT</u> <i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i>
§722.94 <u>714.94</u>	§§ 150, 153- 157, 159- 160, 204.5	(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code;

		<p>(2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount;</p> <p>(3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years,</p> <p>(4) the garage would not front on a public right-of-way narrower than 41 feet, and</p> <p>(5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p>
--	--	---

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Castro Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
715.13	Street Frontage	§ <u>145.1</u>	Required § 145.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
715.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P to 1,999 sq. ft.; C# 2,000 sq. ft. C 2,000 sq. ft. to 3,999 sq. ft.; NP 4,000 sq. ft. & above

			§ 121.2		
			Castro		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
715.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
715.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>			

SPECIFIC PROVISIONS FOR CASTRO NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 715.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<p><u>MESSAGE ESTABLISHMENT</u></p> <p><i>Controls.</i> <i>Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</i></p>

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Inner Clement
No.	Zoning Category	§ References	Controls

BUILDING STANDARDS					
716.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>		
			Inner Clement		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
716.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
716.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>			

SPECIFIC PROVISIONS FOR INNER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 716.41	§ 790.22	<p>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls:</p> <p>(a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

		<p>(1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and</p> <p>(2) The establishment maintains only an ABC license type 42. Other ABC license types, except those that are included within the definition of a Restaurant pursuant to § 790.61 <u>790.91</u>, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the <i>Planning</i> Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
<p><u>§ 716.54</u></p>	<p><u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u></p>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i></p>

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Outer Clement
No.	Zoning Category	§ References	Controls

BUILDING STANDARDS			
717.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
Retail Sales and Services			
717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>790.4</u>	

**SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 717.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</p> <p>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Outer <u>Outer</u> Clement Street Neighborhood Commercial District.</p> <p>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>

**SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Upper Fillmore		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
718.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>		
			Upper Fillmore Street		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
718.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>			

**SPECIFIC PROVISIONS FOR UPPER FILLMORE STREET NEIGHBORHOOD
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 718.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u> <i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i>
714.43	§ 790.90	UPPER FILLMORE FORMULA RETAIL RESTAURANT AND

1 2 3 4	714.44 <u>718.43</u> <u>718.44</u>	§ 790.91	LIMITED-RESTAURANT USES Boundaries: Upper Fillmore NCD Controls: Formula Retail Restaurant and Limited-Restaurant Uses are NP.
------------------	---	----------	---

6 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
7 **ZONING CONTROL TABLE**

			Haight Street		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
719.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1		
			Haight Street		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
719.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
719.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§ 790.4</u>			

19 **SPECIFIC PROVISIONS FOR HAIGHT STREET NEIGHBORHOOD COMMERCIAL**
20 **DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 719.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>

		<p><u>Controls. <i>Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</i></u></p>
--	--	---

SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			Hayes-Gough
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
720.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1
720.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(e), (e)
720.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Hayes Street; Octavia Street, from Fell to Hayes Streets portions of Octavia Street § 145.1(d), (e)
720.13c	Street Frontage, Parking and Loading Access Restrictions	<u>§ 155(r)</u>	NP: <u>portions of Hayes Street and Octavia Street, § 155(r)</u>
			Hayes-Gough Clement
No.	Zoning Category	§ References	Controls by Story
RETAIL SALES AND SERVICE			
720.54	_Massage Establishment	§ 790.60,	C#

		§ 1900 Health Code			
720.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>			

SPECIFIC PROVISIONS FOR HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 720.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u> <i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i>

SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.

No.	Zoning Category	§ References	Upper Market Street Controls
BUILDING STANDARDS			
721.13	Street Frontage	<u>§ 145.1</u>	Required <u>§ 145.1</u>
721.13a	Street Frontage, Above-	<u>§ 145.1</u>	Minimum 25 feet on ground

	Grade Parking Setback and Active Uses		floor, 15 feet on floors above § 145.1(e), (e)		
721.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Market Street § 145.4		
721.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	§ 155(r) NP: Market Street		
			Upper Market Street		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
721.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
721.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			

SPECIFIC PROVISIONS FOR UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 721.44	§ 790.91	<p>UPPER MARKET STREET LIQUOR LICENSES FOR RESTAURANTS</p> <p>Boundaries: Applicable to the Castro <u>Upper Market Street</u> Neighborhood Commercial District.</p> <p>Controls: A Restaurant Use may only add ABC license types 47, 49 or 75 as a conditional use on the around level if, in addition to the criteria set forth in Section 303 the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.</p>

<p>1 <u>§ 721.54</u></p>	<p>2 <u>§ 790.60,</u> <p>3 <u>§ 1900</u> <p>4 <u>Health Code</u></p> </p></p>	<p>5 <u>MASSAGE ESTABLISHMENT</u></p> <p>6 <u>Controls. Massage shall generally be subject to Conditional</u></p> <p>7 <u>Use authorization. Certain exceptions to the Conditional Use</u></p> <p>8 <u>requirement for massage are described in §790.60(c). When considering</u></p> <p>9 <u>an application for a conditional use permit pursuant to this subsection,</u></p> <p>10 <u>the Planning Commission shall consider, in addition to the criteria</u></p> <p>11 <u>listed in Section 303(c), the additional criteria described in §303(o).</u></p>
--------------------------	---	--

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

13 **ZONING CONTROL TABLE**

			North Beach		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
722.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>		
North Beach					
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
722.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ <u>790.102</u>	<u>P# P</u>	<u>P# P</u>	
722.54	Massage Establishment	§ <u>790.60,</u> § <u>1900</u> <u>Health Code</u>	<u>C#</u>		
722.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>			

1 **SPECIFIC PROVISIONS FOR NORTH BEACH NEIGHBORHOOD COMMERCIAL**
 2 **DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 722.43 § 722.44	§ <u>780.3</u>	<p>NORTH BEACH SPECIAL USE DISTRICT</p> <p>Boundaries: North Beach NCD.</p> <p>Controls: Restaurants and Limited-Restaurants as defined in Sections 790.90 and 790.91 of this Code and Bars as defined in Section 780.22 <u>790.22</u> may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant, Limited-Restaurant, or Bar does not occupy:</p> <p>(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or</p> <p>(2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.</p>
<u>§ 722.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><i>Controls. <u>Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i></p>

22
23 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

24 **ZONING CONTROL TABLE**

			Polk Street
--	--	--	--------------------

No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
723.13	Street Frontage	§ <u>145.1</u>	Required § 145.1
			Polk Street
No.	Zoning Category	§ References	Controls by Story
RETAIL SALES AND SERVICE			
723.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#
723.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>	

SPECIFIC PROVISIONS FOR POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 723.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i></p>

**SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Sacramento Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
724.13	Street Frontage	§ <u>145.1</u>	Required § 145.1
No.	Zoning Category	§ References	Union Street
			Controls by Story
RETAIL SALES AND SERVICE			
724.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § <u>790.4</u>	

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Union Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
725.13	Street Frontage	§ <u>145.1</u>	Required § 145.1
No.	Zoning Category	§ References	Union Street
			Controls by Story
RETAIL SALES AND SERVICE			

1	725.69B	Amusement Game	§ 790.04			
2		Arcade (Mechanical	<u>§ 790.4</u>			
3		Amusement Devices)				

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 725.44	§ 790.91	<p>UNION STREET RESTAURANTS</p> <p>Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to § 178(c) of the Planning Code.</p> <p>Controls: The Planning Commission may approve a Restaurant if, in addition to meeting the criteria set forth in Section 303, the use (1) is located on the ground floor, and (2) the Planning Commission finds that an additional restaurant would not result in a net total of more than 44 Restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street Full Service Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.</p>

1
2 **SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

3 **DISTRICT ZONING CONTROL TABLE**

			Valencia Street		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
726.13	Street Frontage	§ 145.1	Required § 145.1		
726.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1		
726.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply. See Portions of Valencia Street, 16th Street, and 22nd Street § 145.4		
726.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. See § 155(r)		
			Valencia Street Transit		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
726.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
726.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			

21 **SPECIFIC PROVISIONS FOR VALENCIA STREET TRANSIT NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls

<p>1 <u>§ 726.54</u></p>	<p>2 <u>§ 790.60,</u> <p>3 <u>§ 1900</u> <p>4 <u>Health Code</u></p> </p></p>	<p>5 <u>MASSAGE ESTABLISHMENT</u></p> <p>6 <u>Controls. Massage shall generally be subject to Conditional</u></p> <p>7 <u>Use authorization. Certain exceptions to the Conditional Use</u></p> <p>8 <u>requirement for massage are described in §790.60(c). When considering</u></p> <p>9 <u>an application for a conditional use permit pursuant to this subsection,</u></p> <p>10 <u>the Planning Commission shall consider, in addition to the criteria</u></p> <p>11 <u>listed in Section 303(c), the additional criteria described in §303(o).</u></p>
--------------------------	---	--

12 **SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT**

13 **DISTRICT ZONING CONTROL TABLE**

			24th Street – Mission Transit		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
<p>14 731.13 <p>15 <u>727.13</u></p> </p>	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>		
727.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § <u>145.1</u>		
727.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply See § <u>145.4</u>		
727.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. See § <u>155(r)</u>		
			24th Street Mission Transit		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
727.54	_Massage Establishment	§ 790.60,	C#		

		§ 1900 Health Code			
727.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			

SPECIFIC PROVISIONS FOR 24th STREET MISSION TRANSIT NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 727.54	§ 790.60, § 1900 <u>Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><i>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</i></p>

SEC. 728.1. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

The 24th Street – Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

1 The 24th Street – Noe Valley District controls are designed to allow for development that is
 2 compatible with the existing small-scale, mixed-use neighborhood commercial character and
 3 surrounding residential area. The small scale of new buildings and neighborhood-serving uses
 4 is encouraged and rear yard open space corridors at all levels are protected. Most commercial
 5 uses are directed to the ground story and limited at the second story of new buildings. In order
 6 to maintain the variety and mix of retail sales and services along the commercial strip and to
 7 control the problems of traffic, congestion, noise and late-night activity, certain potentially
 8 troublesome commercial uses are regulated. ~~Additional large fast food restaurants are prohibited,~~
 9 ~~other eating~~ Eating and drinking establishments require conditional use authorization, and
 10 ground-story entertainment and financial service uses are restricted to and at the ground
 11 story. Prohibitions on drive-up and most automobile uses help prevent additional traffic and
 12 parking congestion.

13 Housing development in new buildings is encouraged above the ground story. Existing
 14 housing units are protected by prohibitions on upper-story conversions and limitations on
 15 demolitions.

16

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

18 **ZONING CONTROL TABLE**

19

			24th Street Noe Valley
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
728.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>
			24 TH Street Noe Valley
No.	Zoning Category	§ References	Controls by Story

25

RETAIL SALES AND SERVICE					
728.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P P#	€ C#	
728.41	Bar	§ 790.22	C		
728.43	Limited-Restaurant	§ 790.90	P #		
728.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
728.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			

SPECIFIC PROVISIONS FOR 24th STREET NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 728.40 <u>§728.43</u>	§ 703.2(b)(1)(C); § 703.3 ; § 790.102(b) and (n)	24TH STREET – NOE VALLEY SPECIALTY RETAIL USES Boundaries: Only the area within the 24th Street – Noe Valley Neighborhood Commercial District. The controls shall not apply to NC-1 Districts or nonconforming uses within ¼ mile of this District asset forth in Code §§ 710.10 and 186. Controls: Formula Retail Limited-Restaurants are NP.
<u>§ 728.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u> <i>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria</i>

		<i>described in §303(o).</i>
--	--	------------------------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEC. 729.1. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Located in the southwestern part of the City, the West Portal Avenue Neighborhood Commercial District stretches for three long blocks along West Portal Avenue from Ulloa Street to 15th Avenue and extends one block east along Ulloa Street from the Twin Peaks Tunnel entrance to Claremont Boulevard. West Portal Avenue provides a selection of goods and services for customers coming mainly from the surrounding west of Twin Peaks and Sunset single-family residential neighborhoods. The lively, small-scale retail frontage is interrupted at several locations by large-scale financial institutions which take up a large amount of commercial ground-story frontage. More than half of the number of medical, professional and business offices are located at the ground level. Except for one three-movie theater complex, West Portal offers no entertainment uses and its restaurants are mainly family-oriented.

The West Portal Avenue District controls are designed to preserve the existing family-oriented, village character of West Portal Avenue. The building standards limit building heights to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level and above. The height, bulk and design of new development, especially on large lots, should respect the small-scale character of the district and its surrounding residential neighborhoods. Lot mergers creating large lots are discouraged. Individual nonresidential uses require conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an absolute limit to conform with the existing small use sizes in the district.

1 Special controls on commercial uses are designed to protect the existing mix of ground-
 2 story retail uses and prevent further intensification and congestion in the district. No new
 3 financial services are permitted. Because the district and surrounding neighborhoods are well
 4 served by the existing number of eating and drinking establishments, new bars, restaurants
 5 and take-out food generally are discouraged: any proposed new establishment should be
 6 carefully reviewed to ensure that it is neighborhood-serving and family-oriented, and will not
 7 involve high-volume take-out food or generate traffic, parking, or litter problems. ~~Large fast-~~
 8 ~~food restaurants and small self-service restaurants are prohibited.~~ Medical, business or
 9 professional services are permitted at the first two stories, but additional ground-story
 10 locations are to be closely monitored to ensure that the current balance between retail and
 11 office uses is maintained. Existing service stations are encouraged to continue operating, but
 12 changes in their size, operation, or location are subject to review. Other automotive uses are
 13 prohibited. The neighborhood-oriented, retail character of the district is further protected by
 14 prohibiting hotels and nonretail uses. The daytime orientation of the district is maintained by
 15 prohibitions of entertainment uses and late-night commercial operating hours.

16
 17 Housing development is limited. Existing residential units are protected by limitations on
 18 demolition and prohibition of upper-story conversions; new construction is to be carefully
 19 reviewed to ensure appropriate scale, design and compatibility with adjacent development.

20
 21 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 22 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	West Portal Avenue Controls

BUILDING STANDARDS			
729.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>
			West Portal Avenue
No.	Zoning Category	§ References	Controls by Story
RETAIL SALES AND SERVICE			
729.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ <u>790.04</u> § <u>790.4</u>	

SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Inner Sunset
No.	Zoning Category	§ References	Controls
730.1 <u>730.10</u>	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	40-X Height Sculpting on Alleys: § 261.1
730.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
730.2 <u>730.20</u>	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § <u>124(a)-(b)</u>
No.	Zoning Category	§ References	Inner Sunset
			Controls by Story
730.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#

1	730.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			
2						
3	730.7-730.70	Administrative Service	§ 790.106			
4	730.8-730.80	Hospital or Medical Center	§ 790.44			
5	RESIDENTIAL STANDARDS AND USES					
6	730.9	Residential Use	§ 790.88	P	P	P
7						

8 **SPECIFIC PROVISIONS FOR INNER SUNSET NEIGHBORHOOD COMMERCIAL**
9 **DISTRICT**

10 Article 7 Code Section	11 Other Code Section	12 Zoning Controls
13 <u>§ 730.54</u>	14 <u>§ 790.60,</u> 15 <u>§ 1900</u> 16 <u>Health Code</u>	17 <u>MASSAGE ESTABLISHMENT</u> 18 <u>Controls. Massage shall generally be subject to Conditional</u> 19 <u>Use authorization. Certain exceptions to the Conditional Use</u> 20 <u>requirement for massage are described in §790.60(c). When considering</u> 21 <u>an application for a conditional use permit pursuant to this subsection,</u> 22 <u>the Planning Commission shall consider, in addition to the criteria</u> 23 <u>listed in Section 303(c), the additional criteria described in §303(o).</u>
24 § 730.68	25 § 249.35	<u>Fringe financial services are P subject to the restrictions set forth in</u> <u>Section 249.35, including, but not limited to, the proximity restrictions</u> <u>set forth in Subsection 249.35(c)(3).</u> <u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT</u> <u>(FFSRUD)</u>

		<p><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Inner Sunset Neighborhood Commercial District.</u></p> <p><u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>
--	--	--

**SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
NCT-3 ZONING CONTROL TABLE**

			NCT-3		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
731.13	Street Frontage	§ <u>145.1</u>	Required § <u>145.1</u>		
731.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ <u>145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above § <u>145.1(e), (e)</u>		
731.13b	Street Frontage, Required Ground Floor Commercial	§ <u>145.4</u>	Market Street, Church Street § <u>145.1(d)</u>		
731.13c	Street Frontage, Parking and Loading access restrictions	§ <u>155(r)</u>	§ <u>155(r)</u> NP: Market Street, Church Street, Mission Street C: Duboce Street, Haight Street		
			NCT- 3		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
731.54	Massage Establishment	§ 790.60,	C#	C#	

		§ 1900 Health Code			
731.68	<i>Fringe Financial Services</i>	§ 790.11 - § 790.111	P#	P#	P#
731.69B	<i>Amusement Game Arcade (Mechanical Amusement Devices)</i>	§ 790.04 - § 790.4			

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 731.54</u>	<u>§ 790.60, § 1900 Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i></p>

SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Pacific Avenue Controls
BUILDING STANDARDS			
732.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1
732.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)

			<i>Pacific Avenue</i>		
<i>No.</i>	<i>Zoning Category</i>	<i>§ References</i>	<i>Controls by Story</i>		
732.38	Residential Conversion	§ 790.84	C		
RETAIL SALES AND SERVICES					
732.68	Fringe Financial Services	§ 790.111	P#		
732.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§ 790.4</u>			

SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT ZONING CONTROL TABLE

			Upper Market NCT		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
733.13	Street Frontage	§ 145.1	Required § 145.1		
733.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(e), (e)		
733.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Market Street; Church Street § 145.4(d)		
733.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	§ 155(r) NP: Market Street, Church Street		
733.23	Off-Street Frigh Freight Loading	§§ 150, 153 - 155, 204.5, <u>§§ 152, 161(b)</u>	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152.161(b)		
			Upper Market NCT		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					

1	733.44	Restaurant	§ 790.91	€ C#	-	-
2	733.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
3						
4	733.68	Fringe Financial Services	§ 790.111	P#		
5	733.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			
6						

7 **SPECIFIC PROVISIONS FOR UPPER MARKET NEIGHBORHOOD COMMERCIAL**
8 **TRANSIT DISTRICT**

9 Article 7 Code Section	Other Code Section	Zoning Controls
11 <u>§ 733.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<p>12 <u>MASSAGE ESTABLISHMENT</u></p> <p>13 <i>Controls.</i> <i>Massage shall generally be subject to Conditional</i></p> <p>14 <i>Use authorization. Certain exceptions to the Conditional Use</i></p> <p>15 <i>requirement for massage are described in §790.60(c). When considering</i></p> <p>16 <i>an application for a conditional use permit pursuant to this subsection,</i></p> <p>17 <i>the Planning Commission shall consider, in addition to the criteria</i></p> <p>18 <i>listed in Section 303(c), the additional criteria described in §303(o).</i></p>

20 **SEC. 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1**

21 **ZONING CONTROL TABLE**

22			NCT-1
23 No.	Zoning Category	§ References	Controls
24 BUILDING STANDARDS			
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

733A.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1		
733.13a -733A.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1		
733A.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	<u>Portions of Geneva Avenue, § 145.4</u>		
733A.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	§ 155(r) NP: Geneva Avenue		
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES					
733.26 -733A.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
No.	Zoning Category	§ References	NCT-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
733A.38	Residential Conversion	§ 790.84	P		
733A.39	Residential Demolition	§ 790.86	C	C	C

1	733A.39a	Residential Division	§ 207.8	P	P	P
2	<u>Non-Retail Sales and Services</u>					
3	<u>Retail Sales and Services</u>					
4	733A.40	Other Retail Sales and	§ 790.102	P #		
5		Services [Not Listed				
6		Below]				
7	733A.69B	<u>Amusement Game</u>	§ 790.04 <u>§ 790.4</u>			
8		<u>Arcade (Mechanical</u>				
9		<u>Amusement Devices)</u>				
10						

11 **SPECIFIC PROVISIONS FOR NCT-1 DISTRICTS**

12 Article 7 Code Section	13 Other Code Section	Zoning Controls
14 § 733A.68	15 § 249.35	<p>16 <i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT</i></p> <p>17 <i>(FFSRUD)</i></p> <p>18 <i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not</i></p> <p>19 <i>limited to, the NCT-1 Neighborhood Commercial District.</i></p> <p>20 <i>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial</i></p> <p>21 <i>services are NP pursuant to Section 249.35. Outside the FFSRUD and</i></p> <p>22 <i>its 1/4 mile buffer, fringe financial services are P subject to the</i></p> <p>23 <i>restrictions set forth in Subsection 249.35(e)(3).</i></p>

24 **SEC. 734.1. NCT-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**

25 **DISTRICT.**

			NCT-2		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
734.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4		
734.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1		
734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	<i>Requirements apply Portions of Geneva Avenue; Portions of 22nd Street §145.4</i>		
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply <i>NP: Geneva Avenue- § 155(r)</i> <i>NP: Portions of Geneva Avenue; Portions of 22nd Street.</i>		
			NCT-2		
No.	Zoning Category	§ References	Controls by Story		
		§ 790.118	1st	2nd	3rd+
734.37	Residential Conversion	§ 790.84	C	C	
734.38	Residential Demolition	§ 790.86	C	C	C
734.39 <u>734.39</u>	Residential Division	§ 207.8	P	P	P
<u><i>Non-Retail Sales and Services</i></u>					
Retail Sales and Services					
734.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		

1	734.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
2						
3						
4	734.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>§790.4</u>			
5						
6						
7						

8 **SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS**

9	Article 7 Code Section	Other Code Section	Zoning Controls
10	<u>§ 734.54</u>	<u>§ 790.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u>
11			<u><i>Controls. Massage shall generally be subject to Conditional</i></u>
12			<u><i>Use authorization. Certain exceptions to the Conditional Use</i></u>
13			<u><i>requirement for massage are described in §790.60(c). When considering</i></u>
14			<u><i>an application for a conditional use permit pursuant to this subsection,</i></u>
15			<u><i>the Planning Commission shall consider, in addition to the criteria</i></u>
16			<u><i>listed in Section 303(c), the additional criteria described in §303(o).</i></u>
17			
18			
19	§ 734.68	§ 249.35	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT</u>
20			<u><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not</i></u>
21			<u><i>limited to, the NCT-2 Neighborhood Commercial District.</i></u>
22			<u><i>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial</i></u>
23			<u><i>services are NP pursuant to Section 249.35. Outside the FFSRUD and</i></u>
24			<u><i>its 1/4 mile buffer, fringe financial services are P subject to the</i></u>
25			<u><i>restrictions set forth in Subsection 249.35(e)(3).</i></u>

1 **SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

2 **ZONING CONTROL TABLE**

			SoMa-NCT		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
735.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4		
735.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1		
735.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	<i>Requirements apply <u>Sixth Street</u></i>		
735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply		
			SoMa NCT		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
735.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
735.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			

20 **SPECIFIC PROVISIONS FOR SOMA NCT DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 735.54</u>	<u>§ 790.60, § 1900 Health Code</u>	<u>MASSAGE ESTABLISHMENT</u> <i>Controls. Massage shall generally be subject to Conditional</i>

		<u>Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u>
§ 735.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) <i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the SoMa Neighborhood Commercial District.</i> <i>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(e)(3).</i>

SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Mission Street NCT			
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
736.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1
736.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floor above § 145.1(e), (e)
736.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Required along Mission St. § 145.4 (d) Mission Street; Portions of 16th Street; Portions of 22nd Street
736.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	NP along Mission St. § 155(r)
Mission Street NCT			
No.	Zoning Category	§ References	Controls by Story

RETAIL SALES AND SERVICE					
736.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#	C#	
736.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4	C		

SPECIFIC PROVISIONS FOR MISSION NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 736.54</u>	<u>§ 790.60, § 1900 Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><i><u>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</u></i></p>

SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Ocean Avenue Neighborhood Commercial Transit District is located on Ocean Avenue from Phelan to Manor Avenues. Ocean Avenue is a multi-purpose transit-oriented small-scale commercial district that is modeled on the NCT-2 District. Ocean Avenue was developed as a streetcar-oriented commercial district in the 1920s and continues to serve this function, with the K-line streetcar on Ocean Avenue. Numerous other bus lines serve the area, especially the eastern end, where the Phelan Loop serves as a major bus terminus. The eastern end of

1 the district is anchored by the main City College campus at Phelan and direct linkages to the
2 Balboa Park BART/MUNI rail station a couple blocks to the east, which serves as the
3 southernmost San Francisco station for BART and the terminus of the J, K, and M streetcar
4 lines. Because of the immediate proximity of the BART/MUNI station the district has quick and
5 easy transit access to downtown.

6 The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one- and
7 two-story retail district to include neighborhood-serving commercial uses on lower floors and
8 housing above. Housing density is limited not by lot area, but by the regulations on the built
9 envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for
10 residential uses, including open space and exposure, and urban design guidelines. Access
11 (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on
12 Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit
13 function of the street. Residential and commercial parking are not required.

14 The Ocean Avenue NCT District is intended to provide convenience goods and services to
15 the surrounding neighborhoods as well as limited comparison shopping goods for a wider
16 market. The range of comparison goods and services offered is varied and often includes
17 specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may range in
18 height, with height limits generally allowing up to four or five stories. Lots are generally small
19 to medium in size and lot consolidation is prohibited to preserve the fine grain character of the
20 district, unless the consolidation creates a corner parcel that enables off-street parking to be
21 accessed from a side street.

22 Rear yard requirements above the ground story and at residential levels preserve open
23 space corridors of interior blocks.

24 Commercial uses are required at the ground level and permitted at the second story. *Large*
25 *Fast Food uses are not permitted.*

1 Housing development in new buildings is encouraged above the ground story. Existing
 2 residential units are protected by limitations on demolition and upper-story conversions.

3
 4 **SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 5 **ZONING CONTROL TABLE**

			Ocean Avenue NCT		
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
737.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1		
737.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(e)		
737.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	<i>Portions of Ocean Avenue</i> § 145.4		
737.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	§ 155(r) NP: Ocean Avenue		
			Ocean Avenue NCT		
No.	Zoning Category	§ References	Controls by Story		
		§ 790.118	1st	2nd	3rd+
737.38	Residential Conversion	§ 790.84	P		
737.39	Residential Demolition	§ 790.86	C	C	C
737.39a	Residential Division	§ 207.8	P	P	P
<u><i>Non-Retail Sales and Services</i></u>					
<i>Retail Sales and Services</i>					

1	737.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		
2						
3						
4	737.54	Massage Establishment	§ 790.60, § 1900 Health Code	C#		
5						
6	737.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 § 790.4			
7						
8						

9 **SPECIFIC PROVISIONS FOR OCEAN AVENUE NCT DISTRICT**

10 Article 7 Code Section	11 Other Code Section	Zoning Controls
12 <u>§ 737.54</u>	13 <u>§ 790.60,</u> 14 <u>§ 1900</u> 15 <u>Health Code</u>	<p>16 <u>MASSAGE ESTABLISHMENT</u></p> <p>17 <u><i>Controls. Massage shall generally be subject to Conditional</i></u> 18 <u><i>Use authorization. Certain exceptions to the Conditional Use</i></u> 19 <u><i>requirement for massage are described in §790.60(c). When considering</i></u> 20 <u><i>an application for a conditional use permit pursuant to this subsection,</i></u> 21 <u><i>the Planning Commission shall consider, in addition to the criteria</i></u> 22 <u><i>listed in Section 303(c), the additional criteria described in §303(o).</i></u></p>
23 <u>§ 737.68</u>	24 <u>§ 249.35</u>	<p>25 <u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Ocean Avenue NCT Neighborhood Commercial District.</i></u> <u><i>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(e)(3).</i></u></p>

1 **SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING**

2 **CONTROL TABLE**

			Glen Park NCT
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
738.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	45-X & 35-X 30-X & 40-X; <u>additional 5' height allowed for ground floor active uses in 30-X and 40-X</u> ; See Zoning Map
738.13	Street Frontage	<u>§ 145.1</u>	Required § 145.1
738.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	<u>§ 145.1</u>	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(e)
738.13b	Street Frontage, Required Ground Floor Commercial	<u>§ 145.4</u>	Glen Park § 145.4 Required along Diamond Street, Chenery Street
738.13c	Street Frontage, Parking and Loading access restrictions	<u>§ 155(r)</u>	§ 155(r) NP: Required along Diamond Street, Chenery Street

			Glen Park NCT		
No.	Zoning Category	§ References	Controls by Story		
RETAIL SALES AND SERVICE					
738.42	Full Service Restaurant	§ 790.92	P		
738.43	Large Fast Food Limited Restaurant	§ 790.90	P		
738.44	Small Self-Service Restaurant	§ 790.91	P		
738.54	Massage Establishment	§ 790.60, § 1900	C#		

		Health Code			
738.67	<i>Video Store</i>	§ 790.135	€	€	
738.69A	<i>Self-Service Specialty Food</i>	§ 790.93	P		
738.69B	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	§ 790.04 - <u>§ 790.4</u>			

SPECIFIC PROVISIONS FOR GLEN PARK NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 738.54</u>	<u>§ 790.60, § 1900 Health Code</u>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><u>Controls.</u> <i>Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in §303(o).</i></p>

SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.

In order to preserve and maintain the mix and variety of neighborhood-serving retail sales and personal services of a type which supplies commodities or offers personal services to residents of North Beach and nearby neighborhoods, there shall be a North Beach Special Use District applicable to the North Beach Neighborhood Commercial District, as designated on the Sectional Map SU01 of the Zoning Maps. The following provisions shall apply within such district:

1 (a) Restaurants as defined in Section 790.91 of this Code and Bars as defined in Section
2 ~~780.22~~ 790.22 of this Code may be permitted as a conditional use on the ground level if, in
3 addition to the criteria set forth in Section 303, the Planning Commission finds that the
4 Restaurant or Bar does not occupy:

5 (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as
6 defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach
7 Controls); or

8 (2) a vacant space last occupied by a nonconforming use or a permitted conditional use under
9 Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to
10 Section 186.1(d) or Section 178(d) of this Code.

11

12 **SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT.**

13 In order to preserve the mix and variety of goods and services provided to the Sunset and
14 Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses
15 and prevent further aggravation of parking and traffic congestion in this district, there shall be
16 a Taraval Street Restaurant Subdistrict, generally applicable for the NC-1-zoned portion of
17 Taraval Street located between 40th and 41st Avenues and between 45th and 47th Avenues,
18 and for the NC-2-zoned portion of Taraval Street located between 12th and 36th Avenues, as
19 designated on Sectional Maps ~~5SU and GSU~~ SU05 and SU06 of the Zoning Map. The following
20 provisions shall apply within such subdistrict:

21 (a) Restaurants and Limited-Restaurants, as defined in Sections 790.90 and 790.91 of
22 this Code, are permitted as conditional uses on the first story and below.

23 (b) Restaurants and Limited-Restaurants also defined as formula retail, as defined in
24 Section 703.3 of this Code, shall not be permitted in this subdistrict.

25

1 (c) The provisions of Sections 180 through 186.1 of this Code shall govern Restaurants
2 and Limited-Restaurants also defined as formula retail, which existed lawfully at the effective
3 date of this Code in this subdistrict.

4 **SEC. 781.5. MISSION STREET FORMULA RETAIL RESTAURANT SUBDISTRICT.**

5 In order to preserve the mix and variety of goods and services provided to the Mission
6 neighborhood and City residents and prevent further proliferation of formula retail restaurant
7 uses, there shall be a Mission Street Formula Retail Restaurant Subdistrict, generally
8 applicable for the NC-3-zoned portion of Mission Street between 14th and Randall Streets, as
9 designated on Sectional Map 7SU of the Zoning Map. The following provisions shall apply
10 within such subdistrict:

11 (a) A Limited-Restaurant use, as defined by Planning Code Section 790.90, and a
12 Restaurant Use, as defined by Planning Code Section 790.91, that are also Formula Retail
13 Uses, as defined in Planning Code Section 703.3, shall not be permitted in this subdistrict.

14
15 **~~SEC. 786. LOWER HAIGHT STREET TOBACCO PARAPHERNALIA RESTRICTED USE~~**
16 **~~DISTRICT.~~**

17 ~~—(a)—Findings. There are an unusually large number of Tobacco Paraphernalia Establishments, as~~
18 ~~defined in Section 227(v), in the Neighborhood Commercial Districts located generally along lower~~
19 ~~Haight Street—specifically, the Small Scale Neighborhood Commercial District located generally~~
20 ~~along Haight Street at Divisadero Street; the Neighborhood Commercial District located generally~~
21 ~~along Haight Street at Scott Street; the Neighborhood Commercial District located generally along~~
22 ~~Haight Street at Pierce Street; and the Small Scale Neighborhood Commercial District located~~
23 ~~generally along Haight Street at and between Steiner and Webster Streets. The existence of this~~
24 ~~inordinate number of Tobacco Paraphernalia Establishments appears to contribute directly to~~
25 ~~numerous peace, health, safety, and general welfare problems in the area, including drug use, drug~~

1 ~~sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic~~
2 ~~circulation, parking and noise problems on public streets and neighborhood lots. The existence of such~~
3 ~~problems creates serious impacts on the health, safety, and welfare of residents of nearby areas,~~
4 ~~including fear for the safety of children, elderly residents and visitors to the area. These problems also~~
5 ~~contribute to the deterioration of the neighborhood and concomitant devaluation of property and~~
6 ~~destruction of community values and quality of life, and discourage more desirable and needed~~
7 ~~commercial uses in the area.~~

8 ~~—(b)—Establishment of the Lower Haight Street Tobacco Paraphernalia Restricted Use District. In~~
9 ~~order to preserve the residential character and the neighborhood-serving commercial uses of the area,~~
10 ~~and to alleviate the problems associated with the inordinate number of Tobacco Paraphernalia~~
11 ~~Establishments in the area, the Lower Haight Street Tobacco Paraphernalia Restricted Use District~~
12 ~~(Lower Haight Street Tobacco Paraphernalia RUD) is hereby established for the following:~~

13 ~~——(1)—Properties in the Small-Scale Neighborhood Commercial District located generally along~~
14 ~~Haight Street at Divisadero Street;~~

15 ~~——(2)—Properties in the Neighborhood Commercial Cluster District located generally along~~
16 ~~Haight Street at Scott Street;~~

17 ~~——(3)—Properties in the Neighborhood Commercial Cluster District located generally along~~
18 ~~Haight Street at Pierce Street;~~

19 ~~——(4)—Properties in the Small-Scale Neighborhood Commercial District located generally along~~
20 ~~Haight Street at and between Steiner and Webster Streets.~~

21 ~~—The above Neighborhood Commercial Cluster Districts and Small-Scale Neighborhood Commercial~~
22 ~~Districts are designated on Zoning Use and District Map ZN 07 of the Zoning Map of the City and~~
23 ~~County of San Francisco. Block and lot numbers for the properties included in these districts are on file~~
24 ~~with the Clerk of the Board of Supervisors in File No. , and are incorporated herein by reference. The~~
25

1 ~~Lower Haight Street Tobacco Paraphernalia RUD is designated on Special Use District Map SU-07 of~~
2 ~~the Zoning Map of the City and County of San Francisco.~~

3 ~~—(c)—Controls.~~

4 ~~——(1)—No new Tobacco Paraphernalia Establishments shall be permitted in the Lower Haight~~
5 ~~Street Tobacco Paraphernalia RUD.~~

6 ~~——(2)—The prohibition on Tobacco Paraphernalia Establishments shall not be interpreted to~~
7 ~~prohibit temporary uses, as described in Planning Code Section 205.1 to 205.3.~~

8 ~~——(3)—Continuation of Existing Tobacco Paraphernalia Establishments. In the Lower Haight~~
9 ~~Street Tobacco Paraphernalia RUD, any Tobacco Paraphernalia Establishment in existence as to the~~
10 ~~effective date of this Ordinance may continue its operations in accordance with Planning Code section~~
11 ~~180 through 186.2, subject to the following provisions:~~

12 ~~———(A)—For purposes of this Section, the period for discontinuance for Tobacco Paraphernalia~~
13 ~~Establishments shall be eighteen (18) months, as provided in Section 186.1(d).~~

14 ~~———(B)—A break in continuous operations shall not be interpreted to include the following: a~~
15 ~~change in ownership; or to the re-establishment or repair of a Tobacco Paraphernalia Establishment~~
16 ~~on the same lot after destruction or damage due to fire, riot, insurrection or act of God; provided,~~
17 ~~however, that there is no expansion or significant change in mode or character of the enterprise which~~
18 ~~intensifies the area devoted to selling Tobacco Paraphernalia.~~

19 ~~—(d)—Definitions: The following definitions shall apply to this Section 786.~~

20 ~~——(1)—"Tobacco Paraphernalia" shall mean, in accordance with Section 277(v) and 790.123 of~~
21 ~~this Code, paraphernalia, devices, or instruments that are designed or manufactured for the smoking,~~
22 ~~ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco,~~
23 ~~or controlled substances as defined in California Health and Safety Code Sections 11054 et seq.~~

24 ~~"Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to~~
25 ~~store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of~~

1 ~~tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section 3201(f)~~
2 ~~of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.~~

3 ~~—— (2) — A "Tobacco Paraphernalia Establishment" shall mean, in accordance with Sections 227(v)~~
4 ~~and 790.123 of this Code, a retail use where Tobacco Paraphernalia is sold, distributed, delivered,~~
5 ~~furnished or marketed from one person to another.~~

6 ~~—— (d) — Sunset Provision. This Section 786 shall be repealed three years after its initial effective date~~
7 ~~unless the Board of Supervisors, on or before that date, extends or re-enacts it.~~

8 **SEC. 790.22. BAR.**

9 A retail use which provides on-site alcoholic beverage sales for drinking on the
10 premises, including bars serving beer, wine and/or liquor to the customer where no person
11 under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 42,
12 48, or 61) and drinking establishments serving liquor (with ABC licenses 42 or 60) in
13 conjunction with other uses which admit minors, such as restaurants, movie theaters, and
14 other entertainment. This use must comply with the controls set forth in Section 703.5.

15

16 **SEC. 790.55. LIQUOR STORE.**

17 A retail use which sells beer, wine, or distilled spirits to a customer in an open or closed
18 container for consumption off the premises and which needs a State of California Alcoholic
19 Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general)
20 This classification shall not include retail uses that:

21 (1 ~~2~~) are ~~both~~ (1 ~~2~~) classified as a general grocery store use as set forth in Section
22 790.102(a), or a specialty grocery store use as set forth in Section 790.102(b), and (2 ~~1~~) have
23 a gross floor area devoted to alcoholic beverages that is within the accessory use limits set
24 forth in Section 703.2(b)(1)(C)(vi); or

25

1 (~~b 2~~) have ~~both~~ (~~1 a~~) a use size as defined in Section 790.130 of this Code of greater than
2 10,000 gross square feet and (~~2 b~~) a gross floor area devoted to alcoholic beverages that is
3 within accessory use limits as set forth in Section 204.2 or 703.2(b)(1)(c) of this Code,
4 depending on the zoning district in which the use is located.

5 (~~c~~) For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784, the retail
6 uses explicitly exempted from this definition as set forth above shall only apply to general
7 grocery and specialty grocery stores that exceed 5,000s/f in size, ~~shall~~ that do not:

8 (~~1 a~~) sell any malt beverage with an alcohol content greater than 5.7% by volume; any wine
9 with an alcohol content of greater than 15% by volume, except for "dinner wines" that have
10 been aged two years or more and maintained in a corked bottle; or any distilled spirits in
11 container sizes smaller than 600 ml;

12 (~~2 b~~) devote more than 15% of the gross square footage of the establishment to the display
13 and sale of alcoholic beverages; and

14 (~~3 e~~) sell single servings of beer in container sizes 24 oz. or smaller.

15
16 **SEC. 790.60. MESSAGE ESTABLISHMENT.**

17 *A retail use as defined in Section 1900 of the Health Code, except a use that is a sole*
18 *proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where*
19 *the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600*
20 *et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization,*
21 *pursuant to the California Business and Professions Code Section 4600 et seq., provided that the*
22 *massage establishment has first obtained a permit from the Department of Public Health pursuant to*
23 *Section 1908 of the San Francisco Health Code, and provided that:*
24
25

1 ~~(a) The massage use is accessory to a principal use, if the massage use is accessed by the~~
2 ~~principal use and: (1) the principal use is a dwelling unit and the massage use conforms to the~~
3 ~~requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the~~
4 ~~principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more~~
5 ~~rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as~~
6 ~~defined in Section 790.44 of this Code, or~~

7 ~~(b) the only massage service provided is chair massage, such service is visible to the public, and~~
8 ~~customers are fully clothed at all times.~~

9 ~~(c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use~~
10 ~~shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this~~
11 ~~Code. When considering an application for a conditional use permit pursuant to this subsection, the~~
12 ~~Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following~~
13 ~~criteria:~~

14 ~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a~~
15 ~~Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San~~
16 ~~Francisco Health Code;~~

17 ~~(2) Whether the use's facade is transparent and open to the public. Permanent transparency and~~
18 ~~openness are preferable. Elements that lend openness and transparency to a facade include: i) active~~
19 ~~street frontage of at least 25' in length where 75% of that length is devoted to entrances to~~
20 ~~commercially used space or windows at the pedestrian eye level; ii) windows that use clear, untinted~~
21 ~~glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille~~
22 ~~work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75~~
23 ~~percent open to perpendicular view and no more than six feet in height above grade;~~

1 ~~(3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting~~
2 ~~is installed and maintained along all public rights-of-way adjacent to the building with the massage use~~
3 ~~during the post-sunset hours of the massage use are encouraged;~~

4 ~~(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make~~
5 ~~entrance to the use more difficult than to an average service provider in the area are to be strongly~~
6 ~~discouraged. These include (but are not limited to) foyers equipped with double doors that can be~~
7 ~~opened only from the inside and security cameras.~~

8 ~~(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive~~
9 ~~provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the~~
10 ~~City.~~

11
12 (a) Definition. Massage establishments are defined by Section 1900 of the San Francisco
13 Health Code. The massage establishment shall first obtain a permit from the Department of Public
14 Health pursuant to Section 1908 of the San Francisco Health Code.

15 (b) Controls. Massage establishments shall generally be subject to Conditional Use
16 authorization. Certain exceptions to the Conditional Use requirement for accessory use massage are
17 described in subsection (c) below. When considering an application for a conditional use permit
18 pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in
19 Section 303(c), the additional criteria described in Section 303(o).

20 (c) Exceptions. Certain exceptions would allow a massage use to be “permitted” without a
21 Conditional Use authorization including:

22 (1) Certain Accessory Use Massage, provided that the massage use is accessory to a principal
23 use; the massage use is accessed by the principal use; and
24
25

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

3 (B) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that
4 contains 100 or more rooms,

5 (C) the principal use is a large institution as defined in Section 790.50 of this Code, or

6 (D) the principal use is a hospital or medical center, as defined in Section 790.44 of this Code.

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

9 (3) California State Certification. State certified massage establishments, as defined by Section
10 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California Business
11 and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the
12 California Business and Professions Code Section 4600 et seq., or one that employs or uses only
13 persons certified by the state's Massage Therapy Organization, pursuant to the California Business and
14 Professions Code Section 4600 et seq., shall be regulated as a "Medical Service" use as defined by
15 Section 790.114 or 890.114 provided that the massage establishment has first obtained a permit from
16 the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.

17 (d) Enforcement. Any massage establishment or exempted massage use found to be operating,
18 conducted or maintained contrary to the provisions of this Code shall be found to be operating in
19 violation of this Code and will be subject to enforcement as provided in Section 176. No application or
20 building permit to establish a massage establishment or exempted massage use will be accepted within
21 one year after the subject property if found operating in violation of the provisions of this Code.

22 **SEC. 790.90. LIMITED-RESTAURANT.**
23

1 (a) A retail eating and/or drinking use which serves ~~ready-to-eat~~ foods and/or drinks to
2 customers for consumption on or off the premises, that may or may not have seating. It may
3 include wholesaling, manufacturing, or processing of foods, goods, or commodities on the
4 premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v).

5 (b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and
6 confectioneries meeting the above characteristics but is distinct from a Restaurant, as defined
7 in Section 790.91, and a Bar, as defined in Section 790.22. It may also operate as a Take-
8 Out Food use as defined in Section 790.122.

9 (c) It shall not provide on-site beer and/or wine sales for consumption on the premises, but
10 may provide off-site beer and/or wine sales for consumption off the premises with a California
11 Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the
12 accessory use limits as set forth in Section 703.2(b)(1)(C)(vi). This use must comply with the
13 controls set forth in Section 703.5.

14

15 **SEC. 790.91. RESTAURANT.**

16 A retail eating or eating and drinking use which serves ~~prepared, ready-to-eat cooked~~ foods to
17 customers for consumption on or off the premises and which has seating. It may have a
18 Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental
19 use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with
20 ABC licenses 41, 47, 59, or 75); however, if it does so it shall be required to operate as a
21 Bona Fide Eating Place as defined in Section 790.142. It is distinct and separate from the
22 Limited-Restaurant definition, as defined in Sections 790.90 of this Code. This use must comply
23 with the controls set forth in section 703.5.

24

25

1 **SEC. 790.123. TOBACCO PARAPHERNALIA ESTABLISHMENT**

2 A Tobacco Paraphernalia Establishment shall be, as established in Section 227(v) of this
3 code, a retail use where more than 10% of the square footage of occupied floor area, as
4 defined in Section 102.10, or more than 10 linear feet of display area projected to the floor,
5 whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of
6 Tobacco Paraphernalia from one person to another. For purposes of Sections 719, 719.1,
7 786, 723 and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail
8 uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished or marketed from
9 one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or
10 instruments that are designed or manufactured for the smoking, ingesting, inhaling, or
11 otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled
12 substances as defined in California Health and Safety Code Sections 11054 et seq. "Tobacco
13 Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store
14 or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of
15 tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in
16 Section ~~3201(f)~~ 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia
17 Establishments.

18 **SEC. 802.2. SPECIAL USE DISTRICTS.**

19 Portions of the area covered by this Article are also subject to the provisions of Section 235
20 ~~236~~ of this Code.

21
22 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

23 (b) **Use Limitations.** Uses in Chinatown Mixed Use Districts are either permitted, conditional,
24 accessory, temporary, or are not permitted.

1 (1) **Permitted Uses.** All permitted uses in Chinatown Mixed Use Districts shall be conducted
2 within an enclosed building, unless otherwise specifically allowed in this Code. Exceptions
3 from this requirement are: accessory off-street parking and loading; uses which, when located
4 outside of a building, qualify as an outdoor activity area, as defined in Section 890.71 of this
5 Code; as Neighborhood Agriculture, as defined in Section 102.35; and uses which by their
6 nature are to be conducted in an open lot or outside a building, as described in Sections 890
7 through 890.140 of this Code. If there are two or more uses in a structure and none is
8 classified under Section 803.2(b)(1)(C) of this Code as accessory, then each of these uses
9 will be considered separately as an independent permitted, conditional, temporary or not
10 permitted use.

11 (A) **Principal Uses.** Principal uses are permitted as of right in a Chinatown Mixed Use District,
12 when so indicated in Sections 810.1 through 812.96 of this Code for each district class.

13 (B) **Conditional Uses.** Conditional uses are permitted in a Chinatown Mixed Use District
14 when authorized by the Planning Commission; whether a use is conditional in a given district
15 is indicated in Sections 810 through 812. Conditional uses are subject to the provisions set
16 forth in Section 303 of this Code. In the case of formula retail uses, the provisions of Planning
17 Code Section 303(i) shall apply.

18 (i) An establishment which sells beer and wine with motor vehicle fuel is a conditional use,
19 and shall be governed by Section 229.

20 (ii) Any use or feature which lawfully existed and was permitted as a principal or conditional
21 use on the effective date of these controls which is not otherwise nonconforming or
22 noncomplying as defined in Section 180 of this Code, and which use or feature is not
23 permitted under this Article is deemed to be a permitted conditional use subject to the
24 provisions of this Code.

25

1 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of a
2 movie theater use, as set forth in Section 890.64, shall require conditional use authorization.
3 This Subsection shall not authorize a change in use if the new use or uses are otherwise
4 prohibited.

5 (iv) Notwithstanding any other provision of this Article, a change in use or demolition of a
6 general grocery store use, as set forth in Section 890.102(a) and as further defined in Section
7 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use
8 authorization. This Subsection shall not authorize a change in use if the new use or uses are
9 otherwise prohibited.

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

- 14 (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or
15 "conversion of residential unit," as those terms are defined in Section 317 of this Code;
16 (2) the proposed garage opening/addition of off-street parking will not substantially decrease
17 the livability of a dwelling unit without increasing the floor area in a commensurate amount;
18 (3) the building has not had two or more "no-fault" evictions, as defined in Section 37.9(a)(7) -
19 (13) of the San Francisco Administrative Code, with each eviction associated with a separate
20 unit(s) within the past ten years, and
21 (4) the proposed garage/addition of off-street parking installation is consistent with the Priority
22 Policies of Section 101.1 of this Code.

23 Prior to the Planning Commission hearing, or prior to issuance of notification under Section
24 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project
25 sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify.

1 The Department shall also have made a determination that the project complies with (4)
2 above.

3 ~~(vi)(+)~~ Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require
4 conditional use authorization.

5 (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
6 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as
7 Accessory Uses) of this Code, a related minor use which is either necessary to the operation
8 or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and
9 subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an
10 accessory use when located on the same lot. Any use not qualified as an accessory use shall
11 only be allowed as a principal or conditional use, unless it qualifies as a temporary use under
12 Sections 205 through 205.2 of this Code.

13 No use in a Chinatown Mixed Use District will be considered accessory to a principal use
14 which involves or requires any of the following:

15 (i) The use of more than 1/3 of the total floor area occupied by both the accessory use and the
16 principal use to which it is accessory, combined, except in the case of accessory off-street
17 parking;

18 (ii) Any bar or restaurant, or any other retail establishment which serves liquor for
19 consumption on-site;

20 (iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or
21 less (including the area devoted to food preparation and service and excluding storage and
22 waiting areas) in a retail grocery or specialty food store;

23 (iv) The wholesaling, manufacturing or processing of foods, goods, or commodities on the
24 premises of an establishment which does not also provide for primarily retail sale of such
25

1 foods, goods or commodities at the same location where such wholesaling, manufacturing or
2 processing takes place.

3 (v) Medical Cannabis Dispensaries as defined in 890.133.

4 ~~(vi)(+)~~ Any other entertainment use, as defined in Section 890.37, except for one that involves
5 a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq.

6 No part of this subsection (C) shall prohibit take-out food activity which operates in
7 conjunction with a fast-food restaurant. A fast-food restaurant, by definition, includes take-out
8 food as an accessory and necessary part of its operation.

9 (D) **Temporary Uses.** Uses not otherwise permitted are permitted in Chinatown Mixed
10 Use Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this Code.

11 (2) **Not Permitted Uses.**

12 (A) Uses which are not listed in this Article are not permitted in a Chinatown Mixed Use
13 District unless determined by the Zoning Administrator to be permitted uses in accordance
14 with Section 307(a) of this Code.

15 (B) No use, even though listed as a permitted use or otherwise allowed, shall be
16 permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of
17 operation, creates conditions that are hazardous, noxious, or offensive through the emission
18 of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
19 excessive noise.

20 (C) The establishment of a use that sells alcoholic beverages, other than beer and
21 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

22 (D) No off-street parking garage installations or new curb cuts are permitted on the
23 alleyways in the Chinatown Mixed-Use Districts.

24

25

1 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS**
2 **AND SOUTH OF MARKET USE MIXED USE DISTRICTS.**

3 (a) **Use Categories.** A use is the specified purpose for which a property or building is used,
4 occupied, maintained, or leased. Whether or not a use is permitted in a specific Eastern
5 Neighborhood Mixed Use District and South of Market Mixed Use District is generally set
6 forth, summarized or cross-referenced in Sections 813.3 through 818 and 840 through 843 of
7 this Code for each district class.

8 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and South of Market
9 Mixed Use Districts are either permitted, conditional, accessory, temporary or are not
10 permitted.

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

14 (A) **Principal Uses.** Principal uses are permitted as of right in an Eastern Neighborhood
15 Mixed Use District and South of Market Mixed Use District, when so indicated in Sections 813
16 through 818 and 840 through 843 of this Code for the district. Additional requirements and
17 conditions may be placed on particular uses as provided pursuant to Section 803.5 through
18 803.9 and other applicable provisions of this Code.

19 (B) **Conditional Uses.** Conditional uses are permitted in an Eastern Neighborhood Mixed Use
20 District and South of Market Mixed Use District, when authorized by the Planning
21 Commission; whether a use is conditional in a given district is generally indicated in Sections
22 813 through 818 and 840 through 843 of this Code. Conditional uses are subject to the
23 applicable provisions set forth in Sections 178, 179, 263.11, 303, 316, and 803.5 through
24 803.9 of this Code.

1 (i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and
2 shall be governed by Section 229.

3 (ii) Notwithstanding any other provision of this Article, a change in use or demolition of a
4 movie theater use, as set forth in Section 890.64, shall require conditional use authorization.
5 This Section shall not authorize a change in use if the new use or uses are otherwise
6 prohibited.

7 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of a
8 general grocery store use, as set forth in Section 890.102(a) and as further defined in Section
9 790.102(a), shall require conditional use authorization. This Subsection shall not authorize a
10 change in use if the new use or uses are otherwise prohibited.

11 (iv) Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require conditional
12 use authorization.

13 (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
14 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses
15 Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other Uses), and
16 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related
17 minor use which is either necessary to the operation or enjoyment of a lawful principal use or
18 conditional use, or is appropriate, incidental and subordinate to any such use, and shall be
19 permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of
20 Market Mixed Use District. In order to accommodate a principal use which is carried out by
21 one business in multiple locations within the same general area, such accessory use need not
22 be located in the same structure or lot as its principal use provided that (1) the accessory use
23 is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April
24 6, 1990 (the effective date of this amendment). Accessory uses to non-office uses (as defined
25 in Section 890.70) may occupy space which is non-contiguous or on a different story as the

1 principal use so long as the accessory use is located in the same building as the principal use
2 and complies with all other restrictions applicable to such accessory uses. Any use which
3 does not qualify as an accessory use shall be classified as a principal use.

4 No use will be considered accessory to a principal use which involves or requires any of the
5 following:

6 (i) The use of more than one-third of the total occupied floor area which is occupied by both
7 the accessory use and principal use to which it is accessory, combined, except in the case of
8 accessory off-street parking or loading which shall be subject to the provisions of Sections
9 151, 156 and 157 of this Code;

10 (ii) A hotel, motel, inn, hostel, adult entertainment, massage establishment, large fast food
11 restaurant, or movie theater use in a RED, SPD, RSD, SLR, SLI, SSO, DTR, MUG, MUR,
12 MUO, or UMU District;

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

17 (iv) Any sign not conforming to the limitations of Section 607.2(f)(3).

18 (v) Medical Cannabis Dispensaries as defined in 890.133.

19 ~~(vi)(+)~~ Any nighttime entertainment use, as defined in Section 102.17; provided, however, that
20 a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq. is allowed
21 in any District except for (a) an SLI District that is included in the Western SoMa Planning
22 Area Special Use District or (b) an RED, RSD, SLR, MUR, or MUG District.

23 (D) **Temporary Uses.** Temporary uses not otherwise permitted are permitted in Eastern
24 Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts to the extent
25 authorized by Sections 205 through 205.3 of this Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEC. 803.6. FORMULA RETAIL USES IN THE *MUG DISTRICT, UMU DISTRICT,*
CHINATOWN MIXED USE DISTRICTS, AND IN THE WESTERN SOMA PLANNING AREA
SPECIAL USE DISTRICT.

(a) Findings.

(1) San Francisco is a city of diverse and distinct neighborhoods identified in large part by the character of their commercial areas.

(2) San Francisco needs to protect its vibrant small business sector and create a supportive environment for new small business innovations. One of the eight Priority Policies of the City's General Plan resolves that "existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced."

(3) Retail uses are the land uses most critical to the success of the City's commercial districts.

(4) Formula retail businesses are increasing in number in San Francisco, as they are in cities and towns across the country.

(5) Money earned by independent businesses is more likely to circulate within the local neighborhood and City economy than the money earned by formula retail businesses which often have corporate offices and vendors located outside of San Francisco.

(6) Formula retail businesses can have a competitive advantage over independent operators because they are typically better capitalized and can absorb larger startup costs, pay more for lease space, and commit to longer lease contracts. This can put pressure on existing businesses and potentially price out new startup independent businesses.

(7) San Francisco is one of a very few major urban centers in the state in which housing, shops, work places, schools, parks and civic facilities intimately co-exist to create strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and the

1 City's mix of architecture contributes to a strong sense of neighborhood community within the
2 larger City community.

3 (8) Notwithstanding the marketability of a retailer's goods or services or the visual
4 attractiveness of the storefront, the standardized architecture, color schemes, decor and
5 signage of many formula retail businesses can detract from the distinctive character of certain
6 neighborhood commercial and mixed use districts.

7 (9) The increase of formula retail businesses in the City's neighborhood commercial and
8 mixed use areas, if not monitored and regulated, will hamper the City's goal of a diverse retail
9 base with distinct neighborhood retailing personalities comprised of a mix of businesses.
10 Specifically, the unregulated and unmonitored establishment of additional formula retail uses
11 may unduly limit or eliminate business establishment opportunities for smaller or medium-
12 sized businesses, many of which tend to be non-traditional or unique, and unduly skew the
13 mix of businesses towards national retailers in lieu of local or regional retailers, thereby
14 decreasing the diversity of merchandise available to residents and visitors and the diversity of
15 purveyors of merchandise.

16 (b) **Formula Retail Uses.**

17 (1) **Formula Retail Uses Permitted as a Conditional Use.** Formula retail uses are permitted
18 in the *MUG District*, *UMU District*, Western SoMA Planning Area Special Use District, the
19 Chinatown Community Business District and the Chinatown Residential Neighborhood
20 Commercial District only as a conditional use. When considering an application for a
21 conditional use permit under this Section, the Planning Commission shall consider the criteria
22 defined in Section 303(i) of this Code.

23 (2) **Formula Retail Uses Prohibited.** The establishment of new formula retail uses in the
24 Chinatown Visitor Retail District is prohibited. The establishment of new Restaurant or
25

1 Limited-Restaurant uses that are also defined as formula retail in any Chinatown Mixed Use
2 Districts is prohibited.

3 **SEC. 803.7. PERMIT REVIEW PROCEDURES IN THE WESTERN SOMA PLANNING**
4 **AREA SPECIAL USE DISTRICT ESTABLISHED PURSUANT TO SECTION 823 OF THIS**
5 **CODE.**

6 All building permit applications for demolition, new construction, alterations which expand the
7 exterior dimensions of a building, or changes in use to a formula retail use as defined in
8 Section 803.6 of this Code, a bar as defined in Section ~~890.22~~ 790.22, a walk-up facility as
9 defined in Section 890.140, other institution as defined in Section 890.50, ~~a full-service~~
10 ~~restaurant as defined in Section 890.92, a large fast-food restaurant as defined in Section 890.91, a~~
11 ~~small fast-food restaurant as defined in Section 890.90, a limited restaurant as defined in Section~~
12 ~~790.90, a restaurant as defined in Section 790.91~~, a massage establishment as defined in Section
13 890.60, an outdoor activity area as defined in Section 890.71, or an adult or other
14 entertainment use as defined in Sections 890.36 and 890.37, respectively, shall be subject to
15 the notification and review procedures required by Section 312 of this Code.

16

17 **SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.**

18 . . .

19 (h) **Vertical Controls for Office Uses.**

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

24 (2) **Applicability.** This Section shall apply to all office uses in the MUG and UMU Districts,
25 where permitted.

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

2 (4) **Controls.**

3 (A) **Designated Office Story or Stories.** Office uses are not permitted on the ground floor,
4 except as specified in Sections 840.65A and 843.65A. Office uses may be permitted on
5 stories above the ground floor if they are designated as office stories. On any designated
6 office story, office uses are permitted, subject to any applicable use size limitations. On any
7 story not designated as an office story, office uses are not permitted. When an office use is
8 permitted on the ground floor per Sections ~~840.065A~~ 840.65A and 843.65A, it shall not be
9 considered a designated office story for the purposes of Subsection ~~D~~ (h)(4)(D) below.

10 (B) **Timing of designation.** In the case of new construction, any designated office story or
11 stories shall be established prior to the issuance of a first building permit or along with any
12 associated Planning Commission action, whichever occurs first. In the case of buildings that
13 were constructed prior to the effective date of this Section, any such story or stories shall be
14 designated prior to the issuance of any building permit for new or expanded office uses or
15 along with any associated Planning Commission action, whichever occurs first.

16 (C) **Recordation of designation.** Notice of the designation of office stories shall be recorded
17 as a restriction on the deed of the property along with plans clearly depicting the designated
18 story or stories in relation to the balance of the building. A designated office story may only be
19 re-allocated when the designated office story is first returned to a permitted non-office use and
20 associated building modifications to the designated office story are verified by the Zoning
21 Administrator.

22 (D) **Maximum Number of Designated Stories.** The maximum number of designated office
23 stories shall correspond to the total number of stories in a given building, as set forth in the
24 table below. The designation of a particular story shall apply to the total floor area of that story
25 and no partial designation, split designation, or other such subdivision of designated floors

1 shall be permitted. For the purposes of the following table, the total number of stories in a
 2 given building shall be counted from grade level at curb and shall exclude any basements or
 3 below-grade stories.

4 **Table 803.9(h)**

Total Number of Stories	Maximum Number of Designated Office Stories
1-story	0 stories (office use NP)
2 - 4 stories	1-story
5 - 7 stories	2-stories
8 or more stories	3-stories

5
6
7
8
9
10
11
12 (E) For projects with multiple buildings, consolidation of permitted office stories may be
13 permitted, pursuant to the controls set forth in 329(d)(8).
14

15 **TABLE. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL**
16 **TABLE.**
17

			Chinatown Community Business District		
No.	Zoning Category	§ References	1st	2nd	3rd+
.54	Massage Establishment	§ 890.60 § 1900 Health Code	C#	C#	C#

1 **SPECIFIC PROVISIONS FOR**
 2 **CHINATOWN COMMUNITY BUSINESS DISTRICT**

Section		Zoning Controls
<u>§ 810.54</u>	<u>§ 890.60,</u> <u>§ 1900</u> <u>Health Code</u>	<i>MASSAGE ESTABLISHMENT</i> <i>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §890.60(b).</i>

12 **TABLE 811. CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE.**

No.	Zoning Category	§ References	Chinatown Visitor Retail District		
			1st	2nd	3rd+
.54	Massage Establishment	§ 890.60 § 1900 Health Code	C#	C#	C#

19 **SPECIFIC PROVISIONS FOR**
 20 **CHINATOWN VISITOR RETAIL DISTRICT**

Section		Zoning Controls
<u>§ 811.54</u>	<u>§ 890.60,</u> <u>§ 1900</u> <u>Health Code</u>	<i>MASSAGE ESTABLISHMENT</i> <i>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement</i>

		<p><i>for massage are described in §303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §303(o) and 890.60(b).</i></p>
--	--	--

TABLE 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.

No.	Zoning Category	§ References	Chinatown Residential Neighborhood Commercial District		
			1st	2nd	3rd+
.45	Take-Out Food	§ 890.122 790.122	C		
.54	Massage Establishment	§ 890.60 § 1900 Health Code	C#		

SPECIFIC PROVISIONS FOR CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

Section	Zoning Controls
<p><u>§ 812.54</u></p> <p><u>§ 890.60,</u> <u>§ 1900</u> <u>Health Code</u></p>	<p><u>MASSAGE ESTABLISHMENT</u></p> <p>Controls. <i>Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o). When considering an</i></p>

		<i>application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in 303(o) and §890.60(b).</i>
--	--	---

TABLE 815. RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE.

			Residential/Service Mixed Use Districts
			Controls
No.	Zoning Category	§ References	
815.34A	Massage Establishment	§ 890.60 § 1900 Health Code	C#

SPECIFIC PROVISIONS FOR RESIDENTIAL/SERVICE MIXED USE DISTRICTS

<u>Section</u>		<u>Zoning Controls</u>
<u>§ 815.34A</u>	<u>§ 890.60,</u> <u>§ 1900</u> <u>Health Code</u>	<u>MASSAGE ESTABLISHMENT</u> <u>Controls. Massage shall generally be subject to Conditional Use authorization. Only those businesses that can demonstrate to the satisfaction of the Planning Commission that massage services are provided in conjunction with full-service spa services are authorized to provide massage services.</u>

		<p><i>Certain exceptions to the Conditional Use authorization for massage are described in § 303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §303(o) and 890.60(b).</i></p>
--	--	---

SEC. 823. WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.

(a) The Western SoMa Planning Area Special Use District, as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map, is governed ~~by~~ by Sections 80-3.6 and 803.7 of this Code, and Board of Supervisors Resolution No. 731-04.

SEC. 825. DTR - DOWNTOWN RESIDENTIAL DISTRICTS.

(c) Use. A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted. If there are two or more uses in a structure, any use not classified in Section 825(c)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(1) Permitted Uses.

(A) Principal Uses. All uses are permitted as principal uses as of right in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not Permitted in this Section 825 of this Code or any other Section governing an individual DTR District. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 and other applicable provisions of this Code.

1 (B) Conditional Uses. Conditional uses are permitted in a Downtown Residential
2 district, when authorized by the Planning Commission; whether a use is conditional in a given district
3 is indicated in the Section of this Code governing the individual DTR District. Conditional uses are
4 subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316, and 803.5 of this
5 Code.

6 (i) Notwithstanding any other provision of this Article, a change in use or demolition of
7 a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This
8 Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

9 (C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and
10 elsewhere in this Code, an accessory use is a related minor use which is either necessary to the
11 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and
12 subordinate to any such use, and shall be permitted as an accessory use in a Downtown Residential
13 district. In order to accommodate a principal use which is carried out by one business in multiple
14 locations within the same general area, such accessory use need not be located in the same structure or
15 lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal
16 use, (2) the multiple locations existed on the effective date of this amendment; and (3) the existence
17 of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after
18 the effective date of this amendment. Any use, which does not qualify as an accessory use, shall be
19 classified as a principal use. No use will be considered accessory to a principal use, which involves or
20 requires any of the following:

21 (i) The use of more than one-third of the total occupied floor area which is occupied by
22 both the accessory use and principal use to which it is accessory, combined, except in the case of
23 accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 151.1,
24 156 and 157 of this Code;

25 (ii) Nighttime entertainment, massage establishment, or movie theater use;

1 (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

2 (D) Temporary Uses. Temporary uses not otherwise permitted are permitted in
3 Downtown Residential districts to the extent authorized by Sections 205 through 205.4 of this Code.

4 (E) Prohibited Uses.

5 (i) Uses which are specifically listed as Not Permitted (NP) in any Section governing an
6 individual DTR District are not permitted. The use provisions of an individual DTR District shall apply
7 in case of conflict with use limitations in Section 825. Signs not specifically permitted in Article 6 are
8 not permitted.

9 (ii) No use, even though listed as a permitted use or otherwise allowed, shall be
10 permitted in a Downtown Residential district which, by reason of its nature or manner of operation,
11 creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes,
12 smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

13 (iii) The establishment of a use that sells alcoholic beverages, other than beer and wine,
14 concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

15 (2) Residential Use Controls.

16 Unless otherwise specified in a Section governing an individual DTR district, the following residential
17 use controls shall apply:

18 (A) Required Residential to Non-Residential Use Ratio. For newly constructed buildings
19 or additions which exceed 20 percent or more of an existing structure's gross floor area, at least six
20 occupiable square feet of residential use shall be provided for each occupiable square foot of non-
21 residential use, excluding accessory parking, on any lot legally existing. Hotels, inns, or hostels as
22 defined under Section 209.2(d) and (e), time-share or fractional-ownership condominiums, and
23 lawfully existing live/work units shall be considered as non-residential uses for the purpose of this
24 section, and do not satisfy the residential requirement. Exemption from the required use ratio for
25 building additions of less than 20 percent may not be granted for any single lot if such an exemption

1 would increase the total square footage of the building to an amount 20 percent greater than existed on
2 the lot since the adoption of this Section.

3 (B) For newly constructed buildings or additions, which exceed 20 percent or more of
4 an existing structure's gross floor area, all building area above 85 feet in height shall be devoted to
5 residential use.

6 (C) Residential Density. There shall be no density limit for residential uses in
7 Downtown Residential districts. The provisions of Sections 207 through 208 related to residential
8 density shall not apply.

9 **(d) Reduction of Ground Level Wind Currents.**

10 (1) Requirement. New buildings and additions to existing buildings shall be shaped, or other
11 wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind
12 currents to exceed, more than 10 percent of the time year-round, between 7:00 a.m. and 6:00 p.m., the
13 comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h.
14 equivalent wind speed in public seating areas. The term "equivalent wind speed" shall mean an hourly
15 mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

16 (2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed
17 building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be
18 designed to reduce the ambient wind speeds to meet the requirements.

19 (3) Exception. The Zoning Administrator may allow the building or addition to add to the
20 amount of time the comfort level is exceeded by the least practical amount if (i) it can be shown that a
21 building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the
22 foregoing requirements without creating an unattractive and ungainly building form and without
23 unduly restricting the development potential of the building site in question, and (ii) the Zoning
24 Administrator concludes that, because of the limited amount by which the comfort level is exceeded, the
25 addition is insubstantial. The Zoning Administrator shall not grant an exception, and, no building or

1 addition shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of
 2 26 miles per hour for a single hour of the year.

3 (4) Procedures. Procedures and methods for implementing this Section shall be specified by the
 4 Environmental Review Officer of the Planning Department.

5
 6 **TABLE 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR)**
 7 **ZONING CONTROL TABLE.**

			Rincon Hill Downtown Residential Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
.35	Massage Establishment	§ 890.60 § 1900 Health Code	C#

15 **SPECIFIC PROVISIONS FOR**
 16 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE**

<u>Section</u>		<u>Zoning Controls</u>
§ 827.35	§ 890.60, § 1900 <u>Health Code</u>	<p data-bbox="594 1360 1006 1398"><u>MASSAGE ESTABLISHMENT</u></p> <p data-bbox="594 1465 1521 1818"><u>Controls.</u> <i>Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o)When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in § 303(o) and</i></p>

		<u>890.60(b).</u>
--	--	-------------------

TABLE 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR)

ZONING CONTROL TABLE.

			South Beach Downtown Residential District Zoning
No.	Zoning Category	§ References	Controls
.35	Massage Establishment	§ 890.60 § 1900 Health Code	C#

**SPECIFIC PROVISIONS FOR
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT**

<u>Section</u>	<u>Zoning Controls</u>
§ 829.35 § 890.60, § 1900 Health Code	<p><u>MASSAGE ESTABLISHMENT</u></p> <p><u>Controls.</u> <i>Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in §303(o)When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in §303(o) and</i></p>

		<u>890.60(b).</u>
--	--	-------------------

1
2
3 **SEC. 890.60. MESSAGE ESTABLISHMENT.**

4 ~~(a) The message use is accessory to a principal use, if the message use is accessed by the~~
5 ~~principal use and: (1) the principal use is a dwelling unit and the message use conforms to the~~
6 ~~requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the~~
7 ~~principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more~~
8 ~~rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as~~
9 ~~defined in Section 790.44 of this Code, or~~

10 ~~(b) the only message service provided is chair massage, such service is visible to the public, and~~
11 ~~customers are fully clothed at all times.~~

12
13 ~~(c) If the message use does not meet the requirements of (a) or (b), above, then the message use~~
14 ~~shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this~~
15 ~~Code. When considering an application for a conditional use permit pursuant to this subsection, the~~
16 ~~Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following~~
17 ~~criteria:~~

18 ~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a~~
19 ~~Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San~~
20 ~~Francisco Health Code;~~

21 ~~(2) Whether the use's facade is transparent and open to the public. Permanent transparency~~
22 ~~and openness are preferable. Elements that lend openness and transparency to a facade include: i)~~
23 ~~active street frontage of at least 25' in length where 75% of that length is devoted to entrances to~~
24 ~~commercially used space or windows at the pedestrian eye level; ii) windows that use clear, untinted~~
25

1 ~~glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille~~
2 ~~work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75~~
3 ~~percent open to perpendicular view and no more than six feet in height above grade;~~

4 ~~—— (3) — Whether the use includes pedestrian-oriented lighting. Well lit establishments where~~
5 ~~lighting is installed and maintained along all public rights-of-way adjacent to the building with the~~
6 ~~massage use during the post-sunset hours of the massage use are encouraged;~~

7 ~~—— (4) — Whether the use is reasonably oriented to facilitate public access. Barriers that make~~
8 ~~entrance to the use more difficult than to an average service provider in the area are to be strongly~~
9 ~~discouraged. These include (but are not limited to) foyers equipped with double doors that can be~~
10 ~~opened only from the inside and security cameras.~~

11
12 ~~—— (d) — Nothing herein shall preclude the Board of Supervisors from adopting more restrictive~~
13 ~~provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the~~
14 ~~City.~~

15 (a) Definition. Massage establishments are defined by Section 1900 of the San Francisco
16 Health Code; provided that the massage establishment has first obtained a permit from the Department
17 of Public Health pursuant to Section 1908 of the San Francisco Health Code.

18 (b) Controls. Massage establishments shall generally be subject to Conditional Use
19 authorization. Certain exceptions to the Conditional Use for accessory use massage are described in
20 subsection (c) below. When considering an application for a conditional use permit pursuant to this
21 subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c),
22 the additional criteria described in Section 303(o).

23
24 (c) Exceptions. Certain exceptions would allow a massage use to be “permitted” without a
25 Conditional Use authorization including:

1 (1) **Certain Accessory Use Massage** and provided that the massage use is accessory to a
2 principal use; the massage use is accessed by the principal use; and

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

5 (B) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that
6 contains 100 or more rooms,

7
8 (C) the principal use is a large institution as defined in Section 790.50 of this Code, or

9 (D) the principal use is a hospital or medical center, as defined in Section 790.44 of this Code.

10 (2) **Chair Massage.** The only massage service provided is chair massage, such service is
11 visible to the public, and customers are fully-clothed at all times.

12 (3) **California State Certification.** State certified massage establishments, as defined by Section
13 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California Business
14 and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the
15 California Business and Professions Code Section 4600 et seq., or one that employs or uses only
16 persons certified by the state's Massage Therapy Organization, pursuant to the California Business and
17 Professions Code Section 4600 et seq., shall be regulated as a "Medical Service" use as defined by
18 Section 790.114 or 890.114 provided that the massage establishment has first obtained a permit from
19 the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.

20
21 (d) **Enforcement.** Any massage establishment or exempted massage use found to be operating
22 conducted or maintained contrary to the provisions of this Code shall be found to be operating in
23 violation of the Code and will be subject to enforcement as provided in Section 176. No application or
24 building permit to establish a massage establishment or exempted massage use will be accepted within
25 one year after the subject property if found operating in violation of the provisions of this Code.

1 **SEC. 890.123. TOBACCO PARAPHERNALIA ESTABLISHMENT**

2 A Tobacco Paraphernalia Establishment shall be, as established in Section 227(v) of this
3 Code, a retail use where more than 10% of the square footage of occupied floor area, as
4 defined in Section 102.10, or more than 10 linear feet of display area projected to the floor,
5 whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of
6 Tobacco Paraphernalia from one person to another. "Tobacco Paraphernalia" means
7 paraphernalia, devices, or instruments that are designed or manufactured for the smoking,
8 ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from
9 tobacco, or controlled substances as defined in California Health and Safety Code Sections
10 11054 et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders,
11 any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or
12 any other preparation of tobacco that is permitted by existing law. Medical Cannabis
13 Dispensaries, as defined in Section ~~3201(f)~~ 3301(f) of the San Francisco Health Code, are not
14 Tobacco Paraphernalia Establishments.

15
16 **SEC. 890.124. TRADE SHOP.**

17 A retail service use which provides custom-crafted goods and/or services for sale directly
18 to the consumer, reserving some storefront space for display and retail service; if conducted
19 within an enclosed building having no openings other than fixed windows or exits required by
20 law located within 50 feet of any R District. A trade shop includes, but is not limited to:

- 21 (a) Repair of personal apparel, accessories, household goods, appliances, furniture and
22 similar items, but excluding repair of motor vehicles and structures;
- 23 (b) Upholstery services;
- 24 (c) Carpentry;

1 (d) Printing of a minor processing nature, including multicopy and blueprinting services
2 and printing of pamphlets, brochures, resumes and small reports, but excluding printing of
3 books, magazines or newspapers;

4 (e) Tailoring; and

5 (f) Other artisan craft uses, including fine arts uses.

6 (g) Within the South of Market Districts, arts activities falling within Section 102.2 shall
7 not be considered trade shops.

8 ~~(g)~~ (h) Within South of Market and Eastern Neighborhoods Mixed Use Districts, this use
9 shall include the offices of building, plumbing, electrical, painting, masonry, roofing, furnace or
10 pest control contractors and storage of incidental equipment and supplies used by them, if
11 located entirely within an enclosed building having no openings other than fixed windows or
12 exits required by law within 50 feet of an R District. No processing of building materials, such
13 as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking,
14 loading and unloading of all vehicles used by the contractor shall be located entirely within the
15 building containing the use.

16 (i) Within the Chinatown Mixed Use Districts, it does not include any shop which uses a
17 single machine of more than five horsepower capacity, or a shop in which the mechanical
18 equipment, together with related floor space used primarily by the operators of such
19 equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use. A
20 trade shop is distinct from light manufacturing, as defined in Section 890.54(a) of this Code.

21
22 **SEC. 911. MISSION BAY NEIGHBORHOOD COMMERCIAL SHOPPING CENTER**
23 **DISTRICT (MB-CN-S).**
24
25

TABLES 909, 910, 911
MISSION BAY NEIGHBORHOOD COMMERCIAL DISTRICTS
(MB-NC-2, MB-NC-3 and MB-CN-S) CONTROL TABLES

No.	Zoning Category	§ References	§ 909 MB-NC-2	§ 910 MB-NC-3	§ 911 MB-NC-S
.51	Bar	§ 790.22	P	P	P
.52	Full Service Restaurant	§ 790.92	P	P	
.53	Large Fast Food Limited Restaurant	§ 790.90	€ P	P	P
.54	Small Self-Service Restaurant	§ 790.91	P	P	P

SEC. 916. MISSION BAY OPEN SPACE DISTRICTS.

TABLE 916

MISSION BAY OPEN SPACE DISTRICTS (MB-OS) CONTROL TABLE

No.	Zoning Category	§ References	§ 916 MB-OS
			Controls
	Full Service, Small Self-Service Restaurant Limited Restaurant, Restaurant	§ 790.92 790.90, 790.91	P

~~TEMPORARY LAND USE CONTROLS~~

In order of expiration date

Status as of August 1, 2002

<i>Expiration</i>	<i>Subject</i>	<i>File</i>	<i>Legislation</i>

		<i>Number</i>	
12/2/2002	<i>Interim controls regulating certain uses in the Mission District in the area bounded by Guerrero Street, Cesar Chavez Street, Potrero Avenue and the Central Freeway, in the Valencia Street Neighborhood Commercial District, in the 24th Street Neighborhood Commercial District, on Mission Street from 15th Street to Cesar Chavez Street Zoned NC-3, and in the NEMIZ</i>	011363	<i>Res. 841-01</i>
2/1/2003	<i>Interim controls regulating certain industrially-zoned properties on Third Street between Islais Creek and Paul Street</i>	011373	<i>Res. 63-02</i>
3/9/2003	<i>Visitacion Valley interim controls extension</i>	020207	<i>Res. 101-02</i>
7/7/2003	<i>Interim controls regulating, amending, and extending certain uses in the Mission District.</i>	020916	<i>Res. 500-02</i>

NOTE: Legislation adopted by the Board of Supervisors and the City Planning Commission concerning interim land use controls may be obtained from the Planning Department at 1660 1650 Mission Street, Suite #400, San Francisco, California 94103.

Section 3. The San Francisco Planning Code is hereby amended by replacing the existing graphics in Section 134(c)(4), 144, 261, 263.20, and 270 with the new graphics below.

1 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR,**
2 **SLI AND SSO DISTRICTS.**

3 (c) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2
4 Districts. The rear yard requirement stated in Paragraph (a)(2) above, for RH-2, RH-3, RTO,
5 RTO-M, RM-1 and RM-2 Districts, and as stated in Paragraph (a)(1) above, for single room
6 occupancy buildings located in either the South of Market Mixed Use or Eastern
7 Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in
8 specific situations as described in this Subsection (c), based upon conditions on adjacent lots.
9 Except for those SRO buildings referenced above in this paragraph whose rear yard can be
10 reduced in the circumstances described in Subsection (c) to a 15-foot minimum, under no
11 circumstances, shall the minimum rear yard be thus reduced to less than a depth equal to 25
12 percent of the total depth of the lot on which the building is situated, or to less than 15 feet,
13 whichever is greater.

14 (1) General Rule. In such districts, the forward edge of the required rear yard
15 shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an
16 average between the depths of the rear building walls of the two adjacent buildings. Except for
17 single room occupancy buildings in the South of Market Mixed Use Districts, in any case in
18 which a rear yard requirement is thus reduced, the last 10 feet of building depth thus
19 permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by
20 Section 260 of this Code, or to such lesser height as may be established by Section 261 of
21 this Code.

22 (2) Alternative Method of Averaging. If, under the rule stated in Paragraph
23 (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively
24 be averaged in an irregular manner; provided that the area of the resulting reduction shall be
25 no more than the product of the width of the subject lot along the line established by

1 Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph
2 (c)(1); and provided further that all portions of the open area on the part of the lot to which the
3 rear yard reduction applies shall be directly exposed laterally to the open area behind the
4 adjacent building having the lesser depth of its rear building wall.

5 (3) Method of Measurement. For purposes of this Subsection (c), an "adjacent
6 building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all
7 cases the location of the rear building wall of an adjacent building shall be taken as the line of
8 greatest depth of any portion of the adjacent building which occupies at least ½ the width
9 between the side lot lines of the lot on which such adjacent building is located, and which has
10 a height of at least 20 feet above grade, or two stories, whichever is less, excluding all
11 permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining
12 the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an
13 RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P
14 District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be
15 considered to have an adjacent building upon it whose rear building wall is at a depth equal to
16 75 percent of the total depth of the subject lot.

17 (4) Applicability to Special Lot Situations. In the following special lot situations, the
18 general rule stated in Paragraph (c)(1) above shall be applied as provided in this Paragraph
19 (c)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so
20 indicate and if all other requirements of this Section 134 are met.

21
22
23
24
25

1

Note to Publisher: Delete This Graphic

2

3

4

5

6

7

8

9

10

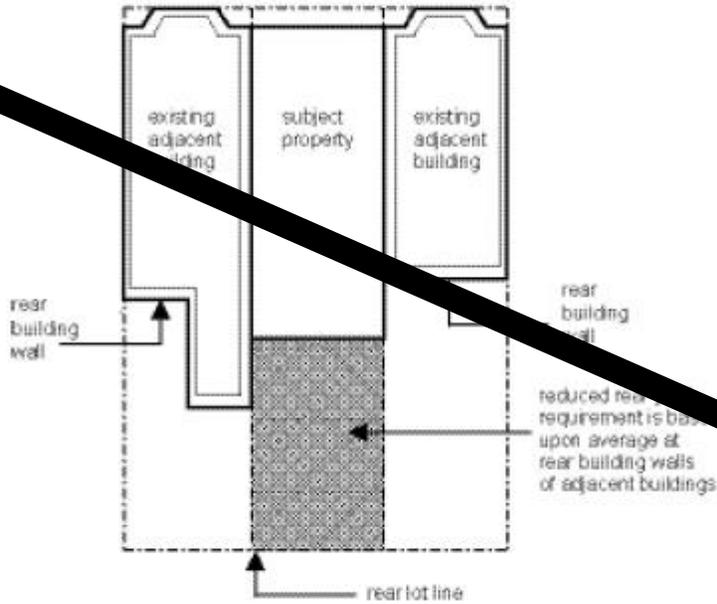
11

12

13

14

STREET OR ALLEY



15

Note to Publisher: Insert This Graphic

16

17

18

19

20

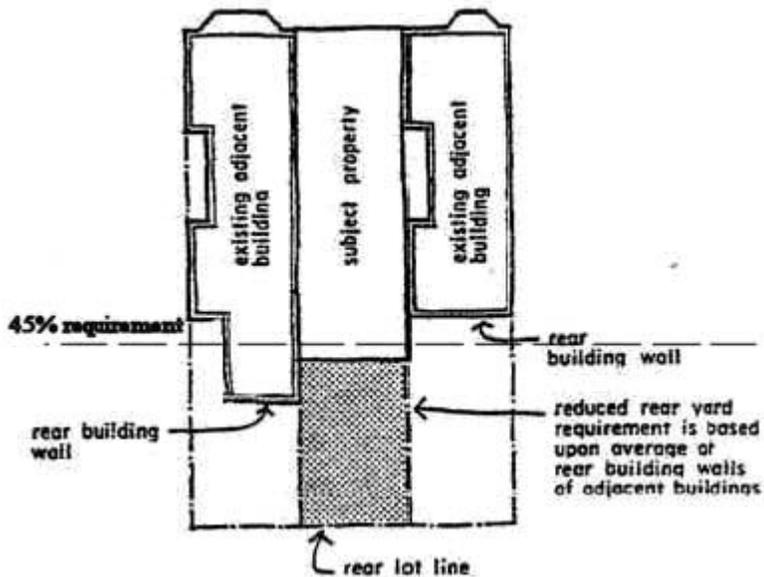
21

22

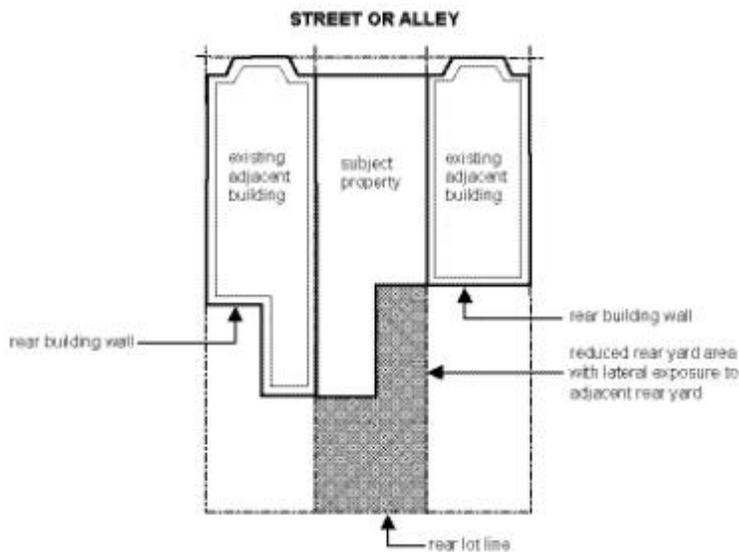
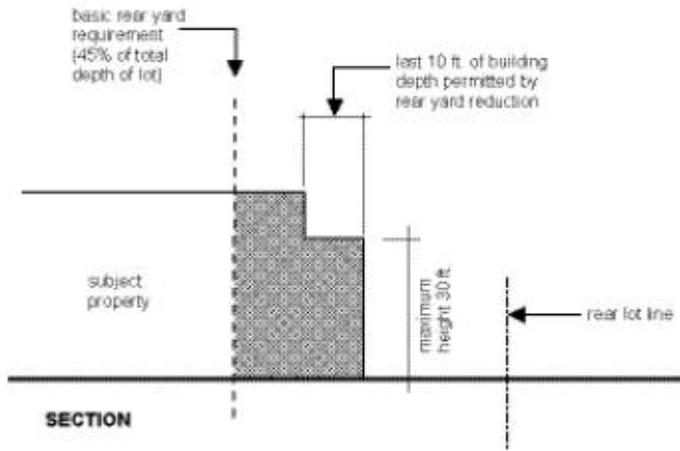
23

24

25



Note to Publisher: Retain the Remaining Graphics



SEC. 144. STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.

(a) Purpose. This Section is enacted to assure that in RH, RM, RTO and RTO-M Districts the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to

1 the pattern of the neighborhood, and so designed that adequate areas are provided for front
2 landscaping, street trees and on-street parking between driveways. The design of ground
3 story frontages subject to this Section shall also be reviewed for consistency with applicable
4 design guidelines, including the Ground Floor Residential Design Guidelines.

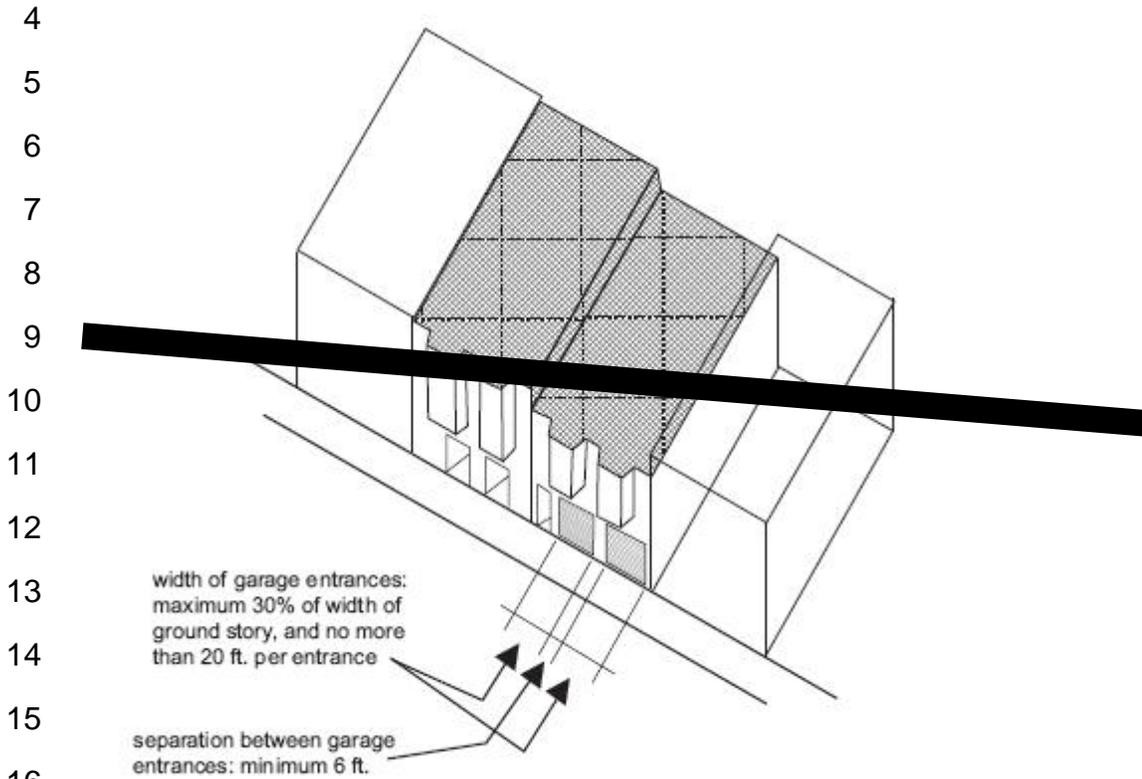
5 (b) Controls.

6 (1) Entrances to Off-Street Parking. Except as otherwise provided herein, in
7 the case of every dwelling in such districts no more than one-third of the width of the ground
8 story along the front lot line, or along a street side lot line, or along a building wall that is set
9 back from any such lot line, shall be devoted to entrances to off-street parking, except that in
10 no event shall a lot be limited by this requirement to a single such entrance of less than ten
11 feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In
12 addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where
13 two or more separate entrances are provided there shall be a minimum separation between
14 such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per
15 block frontage devoted to entrances to off-street parking. Street-facing garage structures and
16 garage doors may not extend closer to the street than a primary building facade unless the
17 garage structure and garage door are consistent with the features listed in Section 136 of this
18 Code. Entrances to off-street parking shall be located at least six feet from a lot corner located
19 at the intersection of two public rights-of-way.

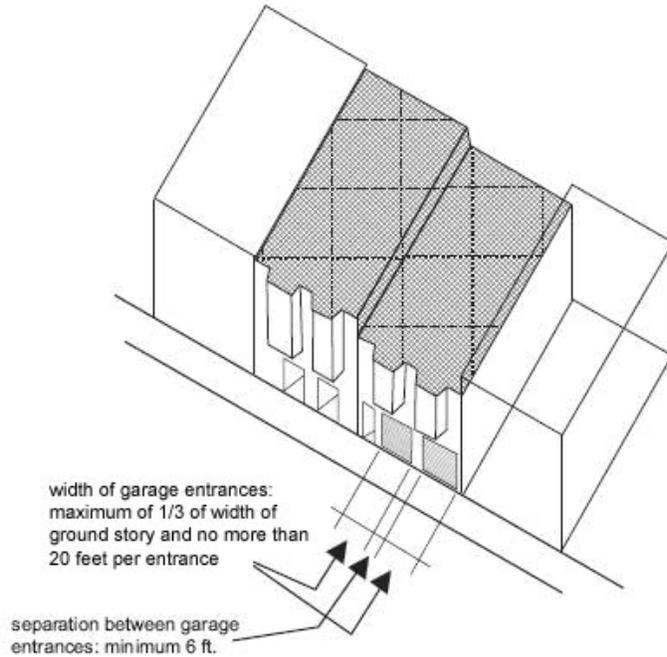
20
21 (A) Exceptions. The requirements of this Subsection (1) shall not be
22 applicable where the lot has an upward or downward slope from the front lot line to the
23 forward edge of the required rear yard, along the centerline of the building, of more than 20
24 percent; or where the lot depth and the requirements of this Code for dimensions, areas and
25

1 open spaces are such that the permitted building depth is less than 40 feet in an RH-2 District
2 or less than 65 feet in an RH or RM District.

3 Note to Publisher: Delete This Graphic



Note to Publisher: Insert This Graphic



(2) Features To Be Provided. In the case of every dwelling in such districts, no less than one-third of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

(3) Parking Setback. In RTO and RTO-M districts off-street parking is not permitted on the ground floor within the first 20 feet of building depth from any facade facing a

1 street at least 30 feet in width, unless such parking occupies the space otherwise used as the
2 drive-aisle or driveway (such as in cases of tandem parking). All off-street parking along these
3 frontages must be wrapped with dwelling units, entrances to dwelling units, commercial uses
4 where permitted, and other uses (other than storage) and building features that generate
5 activity or pedestrian interest.

6 **SEC. 261. ADDITIONAL HEIGHT LIMITS APPLICABLE TO CERTAIN USE DISTRICTS.**

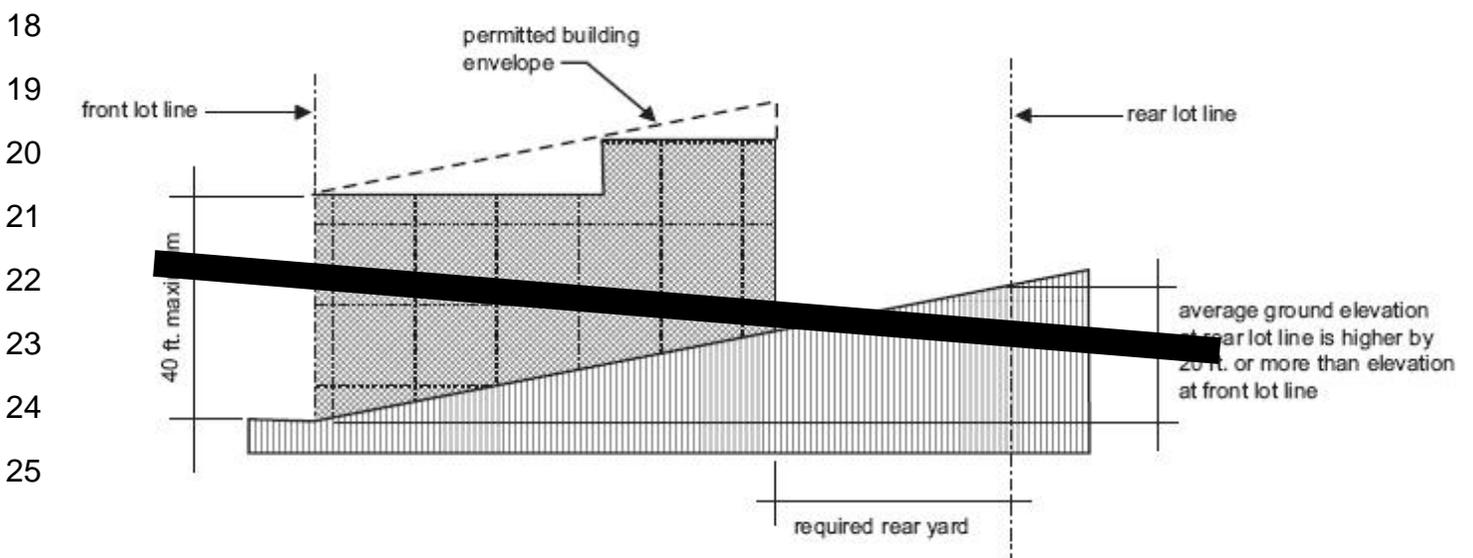
7 (a) **General.** Notwithstanding any other height limit established by this Article 2.5
8 to the contrary, the height of dwellings in certain use districts established by Article 2 of this
9 Code shall be further limited by this Section 261. The measurement of such height shall be as
10 prescribed by Section 260.

11 (b) **Height Limits Applicable to the Entire Property.**

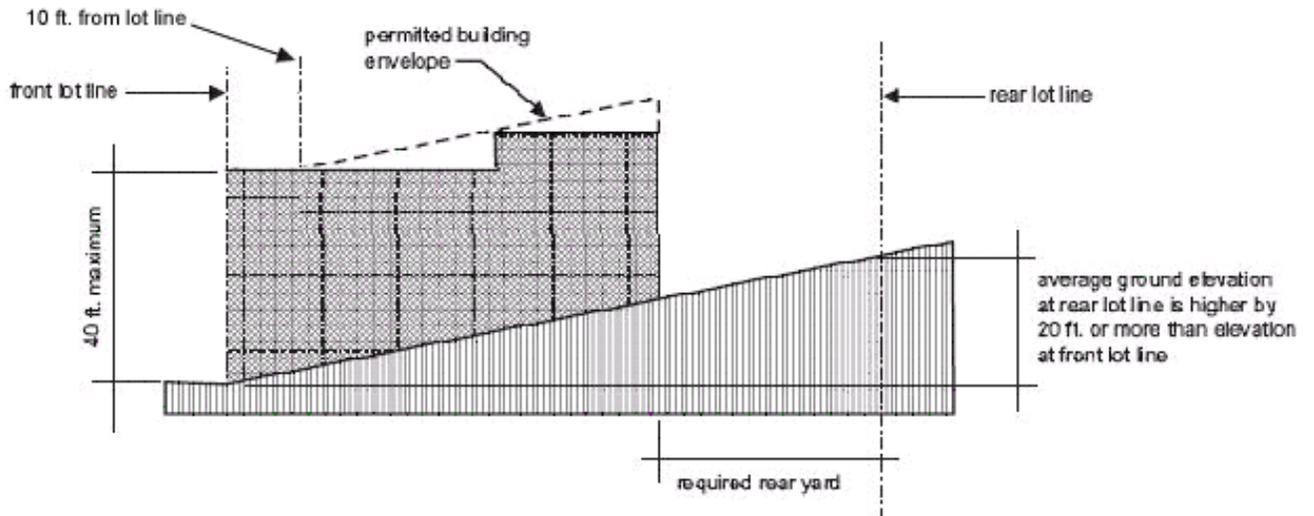
12 (1) No portion of a dwelling in any RH-1(D), RH-1 or RH-1(S) District shall
13 exceed a height of 35 feet, except that:

14 (A) The permitted height shall be increased to 40 feet, *as measured at curb*
15 *per Section 102.12*, where the average ground elevation at the rear line of the lot is higher by 20
16 or more feet than at the front line thereof;

17 *Note to Publisher: Delete This Graphic*



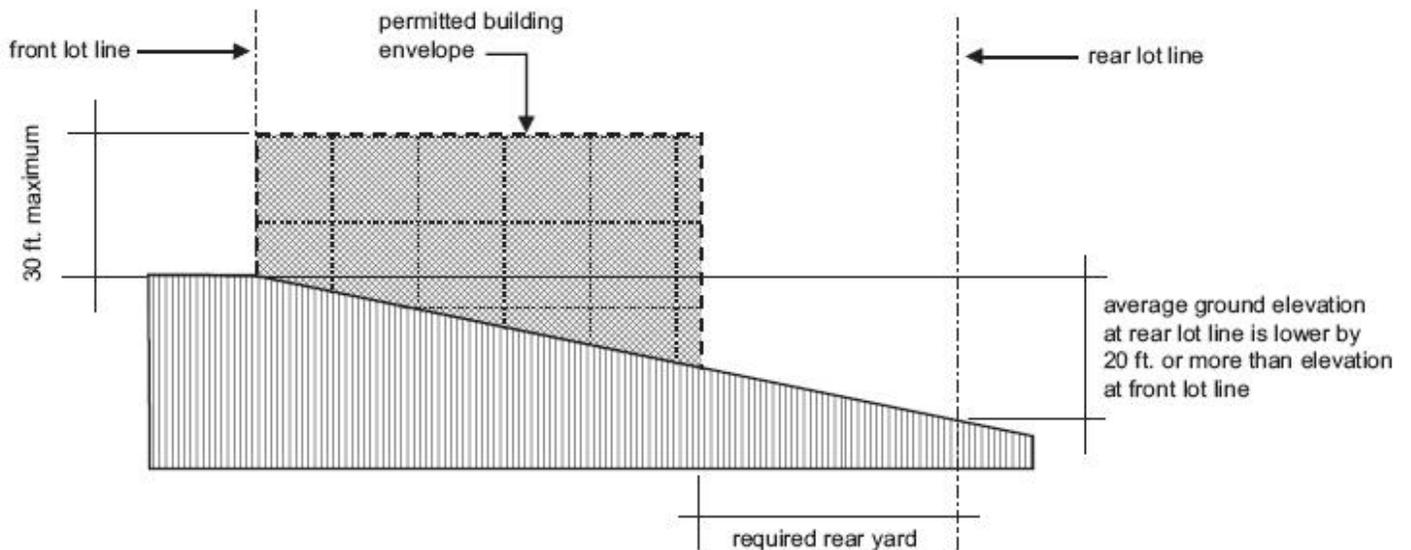
1 *Note to Publisher: Insert This Graphic*



11 (B) The permitted height shall be reduced to 30 feet where the average ground

12 elevation at the rear line of the lot is lower by 20 or more feet than at the front line thereof; and

13



1 (C) The permitted height shall be reduced to 25 feet where the average
2 ground elevation at the rear line of the lot is lower by 40 or more feet than at the front line
3 thereof.

4 (2) No portion of a dwelling in any RH-2 District shall exceed a height of 40
5 feet, except that the permitted height shall be reduced to 35 feet where the average ground
6 elevation at the rear line of the lot is lower by 20 or more feet than at the front line thereof.
7

8 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**
9 **GROUND FLOOR USES IN NCT 30-X, 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN**
10 **NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER**
11 **AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED**
12 **PARCELS AND IN SPECIFIED NC DISTRICTS.**

13 (a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial
14 and other active uses, encourage additional light and air into ground floor spaces, allow for
15 walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and
16 usability of front stoops, and create better building frontage on the public street, up to an
17 additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-
18 2, or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for
19 non-residential uses or ground floor residential units (that have direct walk-up access from the
20 sidewalk) raised up from sidewalk level.

21 (b) **Applicability.** The special height exception described in this section shall only apply
22 to projects that meet all of the following criteria:

23 (1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as designated
24 on the Zoning Map;

25 (2) project is located:

- 1 (A) in an NCT district as designated on the Zoning Map;
- 2 (B) in the Upper Market Street NCD;
- 3 (C) a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue
4 to the Daly City border;
- 5 (D) on a NC-1 designated parcel within the boundaries of Sargent Street to
6 Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose
7 Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and
8 back to Sargent Street; or
- 9 (E) on a NC-1 designated parcel within the boundaries of Sargent Street to Orizaba
10 Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to
11 Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to
12 Sargent Street; or
- 13 (F) on a NC-3 designated parcel fronting on Geary Boulevard from Masonic Avenue to
14 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm Avenue
15 and Parker Avenue;
- 16 (G) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on
17 Noriega Street west of 19th Avenue;
- 18 (H) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on
19 Irving Street west of 19th Avenue;
- 20 (I) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on
21 Taraval Street west of 19th Avenue;
- 22 (J) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on
23 Judah Street west of 19th Avenue;
- 24
- 25

1 (3) project features ground floor commercial space or other active use as defined by
2 Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in
3 the case of residential uses, such walk-up residential units are raised up from sidewalk level;

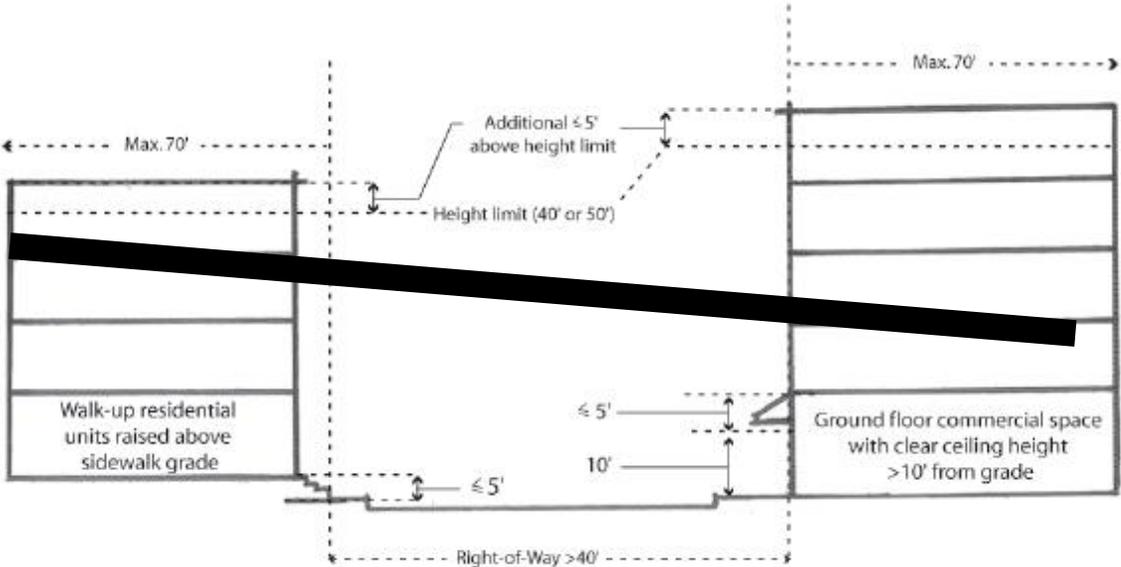
4 (4) said ground floor commercial space, active use, or walk-up residential use is
5 primarily oriented along a right-of-way wider than 40 feet;

6 (5) said ground floor commercial space or active use occupies at least 50% of the
7 project's ground floor area; and

8 (6) except for projects located in NCT districts, the project sponsor has conclusively
9 demonstrated that the additional 5' increment allowed through Section 263.20 would not add
10 new shadow to any public open spaces.

11 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
12 designated height limit for each additional foot of ground floor clear ceiling height in excess of
13 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
14 above sidewalk grade.

15 Note to Publisher: Delete This Graphic



1 Note to Publisher: Insert This Graphic

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

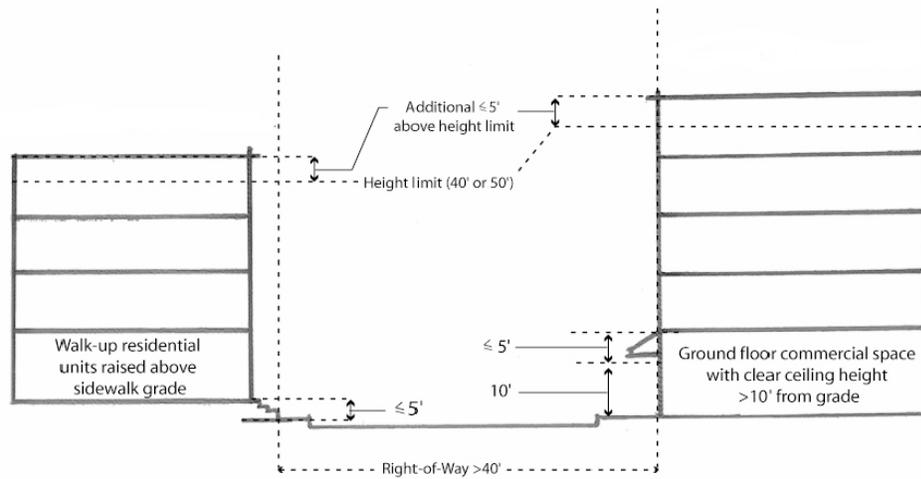
21

22

23

24

25



SEC. 270. BULK LIMITS: MEASUREMENT.

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE 270			
BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		
CP	This table not applicable. But see Section 263.24.		

1 2 3 4 5 6 7	HP	This table not applicable. But see Section 263.25.
8 9 10 11 12	PM	This table not applicable. But see Section 249.46 <u>249.64</u> Parkmerced Special Use District.
13 14 15 16	TI	This table not applicable. But see Section 263.26.
17 18 19 20 21 22	EP	This table not applicable. But see Section 263.27.

(e) **Rincon Hill and South Beach.** In Bulk District R (Rincon Hill and South Beach DTR Districts), bulk limitations are as follows:

(1) There are no bulk limits below the podium height as described in Section 263.19, except for the lot coverage limitations and setback requirements described in Sections 825 and 827.

(2) **Tower Bulk and Spacing.** All portions of structures above the podium height as described in Section 263.19 shall meet the following bulk limitations, as illustrated in Chart C.

(A) Buildings between the podium height limit and 240 feet in height may not exceed a plan length of 90 feet and a diagonal dimension of 120 square feet.

(B) Buildings between 241 and 300 feet in height may not exceed a plan length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor area of 8,500 gross square feet.

(C) Buildings between 301 and 350 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 9,000 ~~less~~ gross square feet.

(D) Buildings between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 10,000 gross square feet.

1 (E) To allow variety in the articulation of towers, the floor plates of individual floors
2 may exceed the maximums described above by as much as 5 percent, provided the maximum
3 average floor plate is met.

4 (F) To encourage tower sculpting, the gross floor area of the top one-third of the
5 tower shall be reduced by 10 percent from the maximum floor plates described in (A) - (D)
6 above, unless the overall tower floor plate is reduced by an equal or greater volume.

7 (G) In order to provide adequate sunlight and air to streets and open spaces, a
8 minimum distance of 115 feet must be preserved between all structures above 110 feet in
9 height at all levels above 110 feet in height. Spacing shall be measured horizontally from the
10 outside surface of the exterior wall of the subject building to the nearest point on the closest
11 structure above 110 feet in height. Any project that is permitted pursuant to the exception
12 described in Section 270(e)(3) shall not be considered for the purposes of measuring tower
13 spacing pursuant to this Section.

14 (H) The procedures for granting special exceptions to bulk limits described in
15 Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and
16 270(e)(4).

17 (I) Additional setback, lot coverage, and design requirements for the DTR Districts
18 are described in Sections 825 and 827.

19 (3) Exceptions to tower spacing and upper tower sculpting requirements in Rincon
20 Hill DTR. An exception to the 115 feet tower spacing requirement and the upper tower
21 sculpting requirement described in (e)(2) (F) and (G) above may be granted to a project only
22 on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006,
23 pursuant to the procedures described in 309.1 of this Code provided that projects meet the
24 following criteria:
25

1 ~~(i)~~ (A) Applications for environmental review and conditional use related to a
2 building above 85 feet in height on the subject lot have been filed with the Department prior to
3 March 1, 2003 and February 1, 2005, respectively;

4 ~~(ii)~~ (B) Given the 115 tower spacing requirement described in (F) above, the
5 existence of an adjacent building greater than 85 feet in height precludes the development of
6 a tower on the subject lot;

7 ~~(iii)~~ (C) The subject lot has a total area of no less than 35,000 square feet;

8 ~~(iv)~~(D) The proposed project is primarily residential and has an area of no more
9 than 528,000 gross square feet;

10 ~~(v)~~ (E) The proposed project conforms to all other controls described or referenced
11 in Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

12 ~~(vi)~~ (F) For the purposes of subsection (iv) above, the term "gross square feet"
13 shall be the sum of the gross areas of all floors of a building or buildings above street grade
14 measured from the exterior faces of exterior walls or from the center lines of walls separating
15 two buildings, excluding area below street grade. Where columns are outside and separated
16 from an exterior wall (curtain wall) which encloses the building space or are otherwise so
17 arranged that the curtain wall is clearly separated from the structural members, the exterior
18 face of the curtain wall shall be the line of measurement, and the area of the columns
19 themselves at each floor shall also be counted.

20 (4) **Allowance for limited reduction in spacing from existing towers in Rincon**
21 **Hill DTR.** To allow limited variation in tower placement from towers for which a certificate of
22 occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described
23 in (e)(2) (G) above may be granted pursuant to the procedures described in 309.1 of this
24 Code if all the following criteria are met:

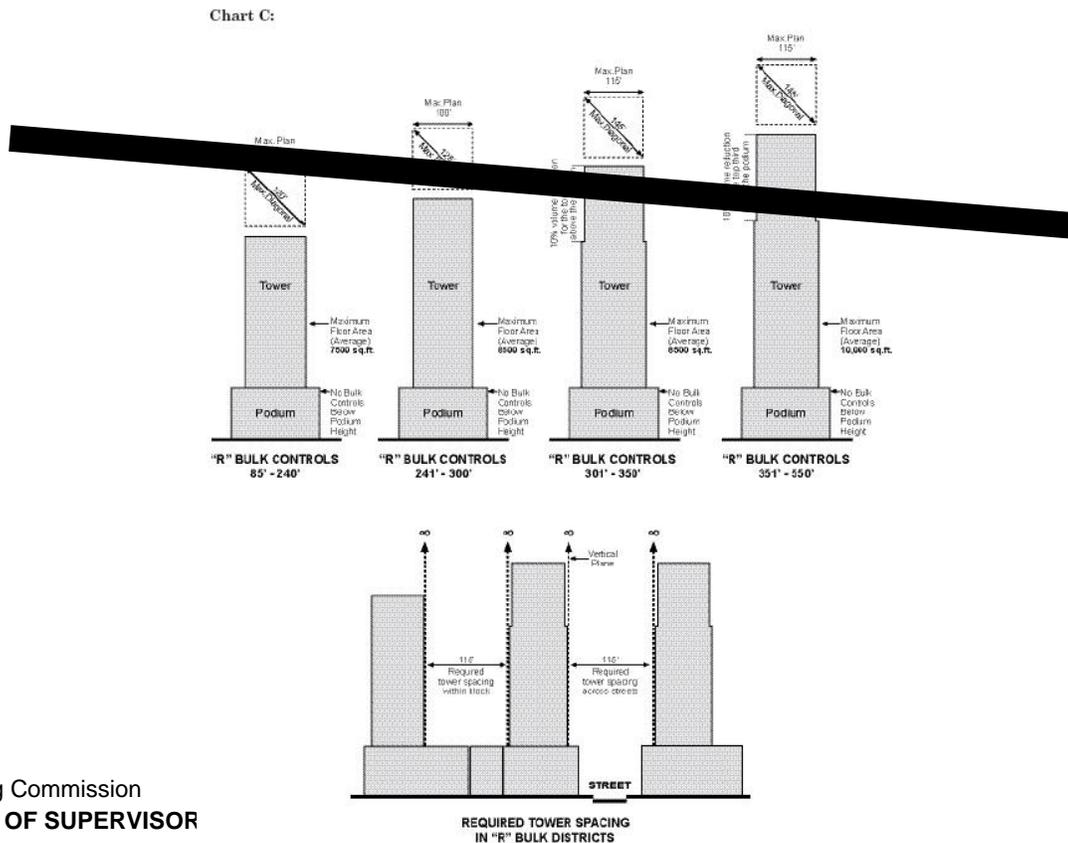
25

1 (i) (A) For every percent reduction from the maximum average floor area as
2 described in (2) above, an equal percent reduction in tower separation may be granted
3 subject to the following limits:

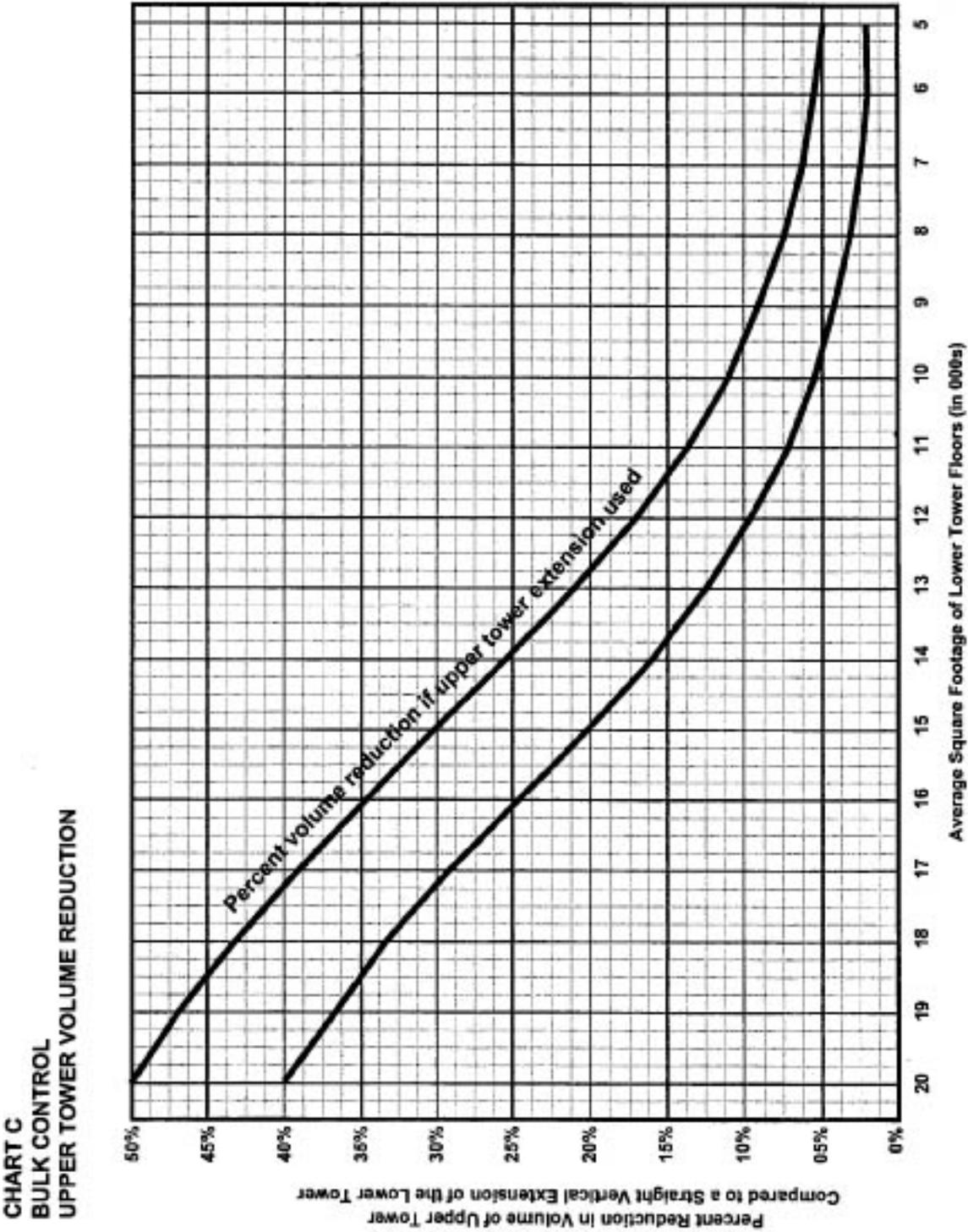
4 (ii) Up to a height of one-and-one-half times the maximum permitted podium
5 height, tower spacing described in (e)(2)(G) above may be reduced by not more than 15
6 percent; (iii) up to a height of 180 feet, tower spacing described in (e)(2)(G) above may be
7 reduced by not more than 10 percent; and (iii+) all floors above 180 feet achieve the full 115-
8 foot minimum tower spacing requirement described in (e)(2)(G) above. A project may average
9 the tower separation of all floors below 180 feet so long as the requirements of (ii) and (iii)
10 *herein* are satisfied.

11 Chart C:

12 *Note to Publisher: Delete This Graphic*



Note to Publisher: Insert This Chart.



1 (f) **Van Ness and Market Downtown Residential Special Use District.** In Bulk District R-
2 2 (Van Ness and Market Downtown Special Use District), bulk limitations are as follows:

3 (1) **Tower Bulk and Spacing.** In height districts 120/200-R-2, 120/300-R-2, 120/320-
4 R-2, and 120/400-R-2, there are no bulk limitations below 120 feet in height, and structures
5 above 120 feet in height shall meet the bulk limitations described in subsection (e)(2)(A)-(F).
6 In height district 85/250-R-2 there are no bulk limitations below 85 feet in height, and
7 structures above 85 feet in height shall meet the bulk limitations described in subsections
8 (e)(2)(A) - (F).

9 (2) In order to provide adequate sunlight and air to streets and open spaces, a
10 minimum distance of 115 feet must be preserved between all structures above 120 feet in
11 height at all levels above 120 feet in height. Spacing shall be measured horizontally from the
12 outside surface of the exterior wall of the subject building to the nearest point on the closest
13 structure above 120 feet in height.

14 (3) No exceptions shall be permitted. The procedures for granting special exceptions
15 to bulk limits described in Section 272 shall not apply.

16
17 Section 4. The San Francisco Administrative Code is hereby amended by amending Sub-
18 section 31.22 to read as follows:

19
20 **SEC. 31.22. BASIC FEES.**

21 (a) The Planning Department shall charge the following basic fees to applicants for projects
22 located outside of recently adopted Plan Areas (adopted after July 1, 2005) that do not require
23 one or more of the following, which will be initiated through the adoption of an Area Plan:
24
25

1 Code amendments for the height or bulk district and General Plan amendments, as specified
2 in Section 31.21 above:

3 (1) For an initial study of a project excluding use of special expertise or technical
4 assistance, as described in Section 31.23 below, the initial fee shall be:
5

6 Where the total estimated construction cost as defined by the San Francisco Building Code is
7 between \$0 and \$9,999: \$1,092;

8
9 Where said total estimated construction cost is \$10,000 or more, but less than \$200,000:
10 \$4,249 PLUS 2.066% of the cost over \$10,000;

11 Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000:
12 \$8,251 PLUS 1.562% of the cost over \$200,000;

13
14 Where said total estimated construction cost is \$1,000,000 or more, but less than
15 \$10,000,000: \$20,987 PLUS 1.311% of the cost over \$1,000,000;

16 Where said total estimated construction cost is \$10,000,000 or more, but less than
17 \$30,000,000: \$141,220 PLUS 0.404% of the cost over \$10,000,000;

18
19 Where said total estimated construction cost is \$30,000,000 or more, but less than
20 \$50,000,000: \$ 223,531 PLUS 0.152% of the cost over \$30,000,000;

21 Where said total estimated construction cost is \$50,000,000 or more, but less than
22 \$100,000,000: \$254,453 PLUS 0.037% of the cost over \$50,000,000;

23
24
25

1 Where said total estimated construction cost is \$100,000,000 or more: \$272,962 PLUS
2 0.016% of the cost over \$100,000,000.

3
4 An applicant proposing major revisions to a project application that has been inactive for more
5 than six months and is assigned shall submit a new application. An applicant proposing
6 significant revisions to a project which has not been assigned and for which an application is
7 on file with the Planning Department shall be charged time and materials to cover the full
8 costs in excess of the initial fee paid.

9 (2) For preparation of an environmental impact report excluding use of special
10 expertise or technical assistance, as described in Section [31.23](#) below, the initial fee shall be:

11
12 Where the total estimated construction cost as defined in the San Francisco Building Code is
13 between \$0 to \$199,999: \$24,255;

14 Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000:
15 \$24,255 PLUS 0.596% of the cost over \$200,000;

16
17 Where said total estimated construction cost is \$1,000,000 or more, but less than
18 \$10,000,000: \$29,248 PLUS 0.404% of the cost over \$1,000,000;

19 Where said total estimated construction cost is \$10,000,000 or more, but less than
20 \$30,000,000: \$66,289 PLUS 0.165% of the cost over \$10,000,000;

21
22 Where said total estimated construction cost is \$30,000,000 or more, but less than
23 \$50,000,000: \$100,041 PLUS 0.045% of the cost over \$30,000,000;

24
25

1 Where said total construction cost is \$50,000,000 or more, but less than \$100,000,000:
2 \$109,240 PLUS 0.045% of the cost over \$50,000,000;

3 Where said total estimated construction cost is \$100,000,000 or more: \$132,433 PLUS
4 0.016% of the cost over \$100,000,000.
5

6 An applicant proposing major revisions to a project application that has been inactive for more
7 than six months and is assigned shall submit a new application. An applicant proposing
8 significant revisions to a project which has not been assigned and for which an application is
9 on file with the Planning Department shall be charged time and materials to cover the full
10 costs in excess of the initial fee paid.
11

12 (3) For an appeal to the Planning Commission: The fee shall be \$500.00 to the
13 appellant; provided, however, that the fee shall be waived if the appeal is filed by a
14 neighborhood organization that: (a) has been in existence for 24 months prior to the appeal
15 filing date, (b) is on the Planning Department's neighborhood organization notification list, and
16 (c) can demonstrate to the Planning Director or his/her designee that the organization is
17 affected by the proposed project. An exemption from paying this appeal fee may be granted
18 when the requestor's income is not enough to pay for the fee without affecting their abilities to
19 pay for the necessities of life, provided that the person seeking the exemption demonstrates
20 to the Planning Director or his/her designee that they are substantially affected by the
21 proposed project.

22 (4) For an appeal to the Board of Supervisors of environmental determinations,
23 including the certification of an EIR, a negative declaration, or determination of a categorical
24 exemption, the fee shall be \$500.00 to the appellant; provided, however, that the fee shall be
25 waived if the appeal is filed by a neighborhood organization that: (a) has been in existence for

1 24 months prior to the appeal filing date, (b) is on the Planning Department's neighborhood
2 organization notification list, and (c) can demonstrate to the Planning Director or his/her
3 designee that the organization is affected by the proposed project. Fees shall be used to
4 defray the cost of appeal for the Planning Department. Such fee shall be refunded to the
5 appellant in the event the Planning Department rescinds its determination or the Board of
6 Supervisors remands or rejects the environmental impact report, negative declaration, or
7 determination of a categorical exemption to the Planning Commission for revisions based on
8 issues related to the adequacy and accuracy of the environmental determination. An
9 exemption from paying this appeal fee may be granted when the requestor's income is not
10 enough to pay for the fee without affecting their ability to pay for the necessities of life,
11 provided that the person seeking the exemption demonstrates to the Clerk of the Board of
12 Supervisors or his/her designee that they are substantially affected by the proposed project.

13 (5) For preparation of an addendum to an environmental impact report that has
14 previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: or
15 reevaluation of a modified project for which a negative declaration has been prepared:
16 \$22,844 plus time and materials as set forth in Subsection (b)(2).

17 (6) For preparation of a supplement to a draft or certified final environmental impact
18 report: One-half of the fee that would be required for a full environmental impact report on the
19 same project, as set forth in Paragraph (2) above, plus time and materials as set forth in
20 Subsection (b)(2).

21 (7) (~~#i~~) For preparation of a Certificate of Exemption from Environmental Review
22 determining that a project is categorically exempt, statutorily exempt, ministerial/nonphysical,
23 an emergency, or a planning and feasibility study: \$291 for applications that require only a
24 stamp, \$5,697 as an initial fee for applications that require an Exemption Certificate, plus time
25 and materials as set forth in Subsection (b)(2).

1 (*b-ii*) For preparation of a Class 32 Certificate of Exemption from Environmental Review

2 determining that a project is categorically exempt, the initial fee shall be:

3 Where the total estimated construction cost as defined by the San Francisco Building Code is
4 between \$0 and \$9,999: \$10,476;

5 Where said total estimated construction cost is \$10,000 or more, but less than \$200,000:
6 \$10,476 PLUS 0.182% of the cost over \$10,000;

7
8 Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000:
9 \$10,822 PLUS 0.172% of the cost over \$200,000;

10
11 Where said total estimated construction cost is \$1,000,000 or more, but less than
12 \$10,000,000: \$12,201 PLUS 0.053% of the cost over \$1,000,000;

13
14 Where said total estimated construction cost is \$10,000,000 or more: \$16,978 PLUS 0.386%
15 of the cost over \$10,000,000.

16 (8) For preparation of an exemption that requires review of historical resource issues
17 only, the following fees apply. For a determination of whether a property is an historical
18 resource under CEQA, the fee is \$2,387. For a determination of whether a project would
19 result in a substantial adverse change in the significance of an historical resource, the fee is
20 \$3,310.

21 (9) For preparation of a letter of exemption from environmental review: \$291, plus time
22 and materials as set forth in Subsection (b)(2).

23 (10) For review of a categorical exemption prepared by another City Agency, such as
24 the Municipal Transportation Agency or the Public Utilities Commission: \$245, plus time and
25 materials as set forth in Subsection (b)(2).

1 (11) For reactivating an application that the Environmental Review Officer has deemed
2 withdrawn due to inactivity and the passage of time, subject to the approval of the
3 Environmental Review Officer and within six months of the date the application was deemed
4 withdrawn: \$237 plus time and materials to cover any additional staff costs.

5 (12) Monitoring Conditions of Approval and Mitigation Monitoring: Upon adoption of conditions
6 of approval and/or mitigation measures which the Environmental Review Officer determines
7 require active monitoring, the fee shall be \$1,153, as an initial fee, plus time and materials as
8 set forth in Section 31.22(b).

9
10 *A \$111 surcharge shall be added to the fees in Section 31.22(a) to compensate the City for the costs of*
11 *appeals to the Board of Supervisors.*

12 **(b) Payment.**

13 (1) The fee specified in Subsection (a)(1) shall be paid to the Planning Department at
14 the time of the filing of the environmental evaluation application, and where an environmental
15 impact report is determined to be required, the fee specified in Subsection (a)(2) shall be paid
16 at the time the Notice of Preparation is prepared, except as specified below. However, the
17 Director of Planning or his/her designee may authorize phased collection of the fee for a
18 project whose work is projected to span more than one fiscal year. A nonrefundable
19 processing fee of \$53 is required to set-up any installment payment plan for all application
20 fees. The balance of phased payments must be paid in full one week in advance of the first
21 scheduled public hearing before the Planning Commission in consider the project or before
22 any Environmental Impact Report is published.

23 (2) The Planning Department shall charge the applicant for any time and material
24 costs incurred in excess of the initial fee charged if required to recover the Department's costs
25

1 for providing services. Provided, however, that where a different limitation on time and
2 materials is set forth elsewhere in this section, then that limitation shall prevail.

3 (3) Fee Adjustments. The Controller will annually adjust the project application fee
4 amounts specified in Section 31.22(a)(1), (2), (5), (7), (8), (9), (10), (11), and (12), Section
5 ~~31.22(b)(1) and (6), and Section 31.22 (c), Section 31.23(d) and Section 31.23.1(a) and (b)~~ by the
6 two-year average consumer price index (CPI) change for the San Francisco/San Jose Primary
7 Metropolitan Statistical Area (PMSA). For a listing of the Department's current fees inclusive of
8 annual indexing for inflation, reference the Schedule of Application Fees available on the Planning
9 Department website.

10 (4) Any fraternal, charitable, benevolent or any other nonprofit organization, that is
11 exempt from taxation under the Internal Revenue laws of the United States and the Revenue
12 and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or
13 other nonprofit organization, or public entity that submits an application for the development of
14 residential units or dwellings all of which are affordable to low and moderate income
15 households, as defined by the United State Housing and Urban Development Department, for
16 a time period that is consistent with the policy of the Mayor's Office of Housing and the San
17 Francisco Redevelopment Agency may defer payment of the fees specified herein, with the
18 exception of the fees payable pursuant to Section 31.22(a)(3) and (4) and Section
19 31.22(a)(11) herein, until the time of issuance of the building permit, before the building permit
20 is released to the applicant; or (2) within one year of the date of completion of the
21 environmental review document, whichever is sooner. This exemption shall apply
22 notwithstanding the inclusion in the development of other nonprofit ancillary or accessory
23 uses.

1 (5) An exemption from paying the full fees set forth in Section 31.22(a) (3) and (4)
2 herein may be granted when the requestor's income is not enough to pay the fee without
3 affecting his or her ability to pay for the necessities of life, provided that the person seeking
4 the exemption demonstrates to the Director of Planning or his/her designee that he or she is
5 substantially affected by the proposed project.

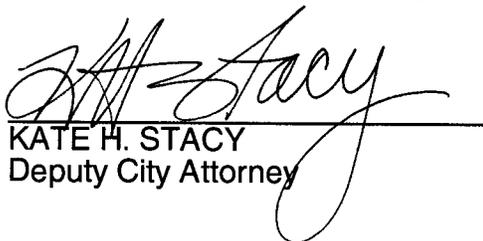
6 (6) Exceptions to the payment provisions noted above may be made when the
7 Director of Planning or his/her designee has authorized phased collection of the fee for a
8 project whose work is projected to span more than one fiscal year. A nonrefundable
9 processing fee of \$53 is required to set-up any installment payment plan for all application
10 fees. The balance of phased payments must be paid in full one week in advance of the first
11 scheduled public hearing before the Planning Commission to consider the project or before
12 any Environmental Impact Report is published.

13 Section 5. Effective Date. This ordinance shall become effective 30 days from the date
14 of passage.

15 Section 6. This section is uncodified. In enacting this Ordinance, the Board intends to
16 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
17 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
18 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
19 Board amendment deletions in accordance with the "Note" that appears under the official title
20 of the legislation.

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

23
24 By:


KATE H. STACY
Deputy City Attorney

25
Planning Commission
BOARD OF SUPERVISORS



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. _____

HEARING DATE: OCTOBER 18, 2012

Case No.: 2012.0543T
Project: Planning Code Corrections
Initially Prepared by: Thayer Mullins, Legislative Intern
Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Initiate Draft Ordinance for Consideration of Adoption On or After November 29, 2012**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

INITIATING AMENDMENTS TO THE PLANNING CODE TO (1) CORRECT CLERICAL ERRORS, MAKE LANGUAGE REVISIONS AND UPDATES TO VARIOUS SECTIONS, REVISING GRAPHICS TO BE CONSISTENT WITH TEXT, AMENDING VARIOUS SECTIONS AND TABLES IN ARTICLES 7 AND 8, AND (2) ADOPT FINDINGS, INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on January 3, 2012, the Planning Director requested that amendments be made to the Planning Code under Case Number 2012.0543T; 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, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on October 18, 2012; and

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

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

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

WHEREAS, the Commission has reviewed the proposed Ordinance:

MOVED, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution of Intent to Initiate amendments to the Planning Code on or after November 29, 2012.

AND BE IT FURTHER RESOLVED, That pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in **Exhibit A**, to be considered at a publicly noticed hearing on or after November 29, 2012.

I hereby certify that the foregoing Resolution was **ADOPTED** by the San Francisco Planning Commission on October 18, 2012.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

DATE:

Item No.	Item title	Section(s) amended	Description
1	recent ordinance	102.5, 155, 163	Regarding Section 102.5, Ordinance 176-12 deleted a listing of specific districts which tends to become obsolete. The next day a separate Ordinance 182-12 reinserted the obsolete references. This change would again delete the listing of districts and reference the reader to a current list. Ordinance 182-12 also created renumbering issues in Sections 155 and 163 which are being corrected with this proposal.
2	table labeling error	121.2	The tables in 121.2(a) and (b) are related to USE size limits in NCDs. The tables, however, are labeled "LOT size limits".
3	landscaping	132	Section 132(i)(2) allows the ZA to modify "additional landscaping requirements". The proposal would change this to "landscaping". Section 132(g) currently neglects to specify which permitted obstructions should not be counted towards the calculation of required permeable surface. This change specifies that permeable surface calculations need not be based on the area occupied by egress stairs, chimneys, and underground garages.
4	illustration of process for "rear yard averaging"	134	The current figure illustrating rear yard averaging is wrong. The proposal inserts the proper illustration.
5	Section 136(c)12	136	New leg. allowing awnings for LCUs has been added to 136(c)12 with reference to PDR districts.
6	garage door graphic	144	Section 144 was amended on 47/2011 (BF 101053), such that the previous limit for garage entrances to "30%" was replaced with "1/3" of the width of the lot. This is not reflected in the illustration accompanying Section 144.
7	And vs. Or in 151.1	151.1	References to properties in the SB-DTR AND (emphasis added) C-3. Elsewhere in 151.1 there is discussion of properties in the C-3 AND the Van Ness SUD. In the former, it is thought that the intention is to apply to properties in EITHER ONE of the two districts, while in the latter, it is thought that the intention is to apply to properties that are in BOTH districts. The proposal would amend the former to reflect the intent.
8	added "C" in table as it was omitted	151.1	In multiple places the table lists the "P" amount of parking, it then follows with what would be "conditional" but does not include the "C".
9	Section 156	156	156 refers to Section 143, which is now Section 428- the Street Tree In-Lieu fee. The reference in 156(k) should be to the Street Tree requirement in 138.1
10	outdated reference	171	Section 171 is currently written as "A Permit of Occupancy shall be issued by the Department of Public Works (Central Permit Bureau)..." This section should be updated to state "A Permit of Occupancy shall be issued by the Department of Building Inspection..."
11	error and structure	176	176(c)(1) Paragraph 4 Line 3 has an error as follows: "If the responsible party elects to request a Zoning Administrator's hearing, the request for hearing must be in writing and submitted to the Zoning Administrator prior to (begin delete)expiration of the time for appeal of the Zoning Administrator's determination to the Board of Appeals (end delete) (begin add new text) the expiration date of the Notice of Violation and Penalty (end add).
12	classes of use districts	201	Cross-references are added. SUD and RUD list should be updated. Headers are amended for clarity. New Sunset Districts have been added to this list.
13	incorrect number of RC districts	206.3	Ord. 63-11 deleted RC-1 and RC-2 which are no longer in use. However, the description "four separate districts" was erroneously retained. Now there are only two districts RC-3 and RC-4.
14	table for commercial establishments in R Districts	209.8	Two changes: "principle" is used where "principal" is the intent and (j) was inadvertently not numbered.
15	Commercial Uses in R Districts	209.9	This section refers you to RC-1 Zoning; however, RC-1 Zoning has been removed. The proposal uses the language from the pending Chiu Ordinance to fix this.
16	209.9(e) (Other Uses)	209.9	209.9(e) (Other Uses) allows RC-1 Uses in Landmarks in Residential Districts by CU. The RC-1 and RC-2 Districts were eliminated. These districts should be eliminated in the chart. The pending Chiu Ordinance amends references within this table which rely on permitted uses for RC-1 to now reference NC-1. This pending change has also been included here.
17	incorrect reference	212	Section 212 references Sec. 102.31 for the mobile food facilities definition, this should be 102.34. The proposal also removes references to the defunct C-1 district, and fixes renumbering issues.

Item No.	Item title	Section(s) amended	Description
18	incorrect reference	212	Section 212(c)(3)(A) and (B) should reference Section 221 (assembly & entertainment) instead of Code Section 227 (other uses). Clarify ambiguous language.
19	Reference to an Ordinance which is now codified.	219	The proposal removes "see ordinance 99-8" and replaces it with "subject to limitations of section 121.8". For clarity and ease of use this is now referenced directly.
20	Office uses in landmark buildings	219	Section 219(e) seems to indicate that office uses are NP in designated historic structures except in PDR 1-G and PDR 1-D districts. This is a mistake -- the intention was to allow office uses w/in PDR 1 G and D districts <i>only</i> in designated landmark buildings, but not to limit the use in other districts.
21	Executive Park SUD	249.54	The ordinance reference was left blank for the Clerk to fill in upon adoption. This did not happen. This proposal adds the proper number of ordinance.
22	redundant section	249.63	Sections 249.63 and 249.61 are redundant. The proposal would keep Section 249.61 because it is listed under 702.4 special use districts.
23	incorporate other controls that are relevant.	249.65	First, use size controls that still apply include 121.8. Second Section 231A was renumbered as Section 230 via Ordinance 196-11.
24	Height Controls	261	The height diagram under Sec 261 does not match the height description stated under Sec 102.12. Sec. 102.12 states that height measurement is taken from the top of curb and is held for the first 10 feet of the lot and then the height limit may increase with the slope of the lot. The diagram under Sec 261 shows that the height limit may increase immediately with the slope of the lot (and is not held to the height limit for the first 10 feet of the lot depth). The proposal has retrieved the previous illustration for reinsertion into the Code.
25	Height Exceptions	263.2	The Code Section for 263.20 currently has the incorrect illustration. The illustration in 263.20 SHOULD actually be placed in 263.21. <input type="checkbox"/>
26	Measurement of Bulk Limits	270	In Section 270 (Bulk Limits: Measurement) Chart B refers to refers to Chart C to determine the Upper Tower Bulk Reduction based upon the square footage of the Lower Tower Average floor plate. Unfortunate Chart C has been deleted and replaced with the Rincon Hill Chart, now named Chart C. The proposal places the proper illustrations from prior Code.
27	missing text	303	Section 303(c)(5)(A) is void of text in the on-line Code. The proper text is proposed to be added back.
28	disaggregation of general advertising signs through CU	303(l)(3)	This codifies a 2010 Zoning Administrator interpretation which clarified that a single general advertising sign may be 'disaggregated' into multiple smaller signs through the existing Conditional Use process for general advertising sign relocations.
29	Planned Unit Developments	304	The criteria listed as applicable for PUDs (Section 304(d)(10)) includes a reference to Street Trees per the requirements of Section 143(j). This section has been replaced/reference should be to 138.1.
30	loading requirements	309	Section 309(a)(8) references off-street loading requirements in Section 161(h), but the correct reference would be to section 161(i)
31	date inserted by codifier	309.2	The date was inadvertently left blank in Ordinance No. 144-11
32	notice requirements out of date with adopted Commission policy	312	Section 312 should be amended to include East SOMA RED Districts per a Planning Commission policy dated July 9, 2009.
33	fee adjustment	350, 355, and Administrative Code 31.22	Simplify the definition of which fees are indexed annually by the Controller in Section 350 and Administrative Code Section 31.22. This change would not change which fees are indexed nor the process for index updates but instead would simplify the listing to ensure that there are no omissions. Updates the current indexed fee amount into Section 352.
34	fee for appeal of HPC disapproval actions	352	While Sections 1004.4, 1006, and 1006.7 establish that certain HPC disapproval actions may be appealed to the Board of Supervisors, no fee amount was specified. This update sets the fee for HPC appeals at the same amount specified for appeals of Planning Commission decisions.
35	permit applications	355	Fixed sentence structure.
36	typo in header on on-line code	415.5	This Section currently reads: SEC. 415.5. - COMPLIANCE THROUGH PROVISION OF ON-SITE AFFORDABLE HOUSING. AFFORDABLE HOUSING FEE It should read: SEC. 415.5. - AFFORDABLE HOUSING FEE
37	table format errors	423.2	The tables are missing the headings.

Item No.	Item title	Section(s) amended	Description
38	607(d) (2) (Moving Parts for Signs)	607	607(d)(2) (Moving Parts) exempts "signs located within 200 feet of the park known as Union Square. and visible from said park..." This line should be deleted. It is a remnant of the Union Square Special Sign District which was eliminated in the late 80s-early 90s. From the 1960s until that time, the City wanted Union Square to be Times Square West. The proposal would delete (d) (2)-- it was likely inappropriately copied from 607(a).
39	607(g) (1) (Height and Extension Above Roofline)	607	607(g) (1) (Height and Extension Above Roofline) only references C and M districts but (g)(2) references C, M and PDR districts. 607(g) (1) should also reference PDR districts. This was omitted in error.
40	Section 608.13 - Rincon Hill SSD Error	608.13	Section 608.13 defines the Rincon Hill SSD. The Rincon Hill Downtown Residential District is also known as the "RH-DTR" and is "generally bounded by Folsom Street, The Embarcadero, Bryant Street, and Essex Street." The RH-DTR used to be included in Section 249.1, when it was the Rincon Hill SUD; however, Section 249.1 was changed to the Folsom/Main Residential SUD in 2005 (Ord. 217-05). The reference to Section 249.1 and Sectional Map 1Sub should be deleted from Section 608.13 and it should only refer to the RH-DTR.
41	naming of NC Restricted Use Subdistricts	702.3	BF 110592 Inner, Outer Clement & Geary NC Controls. This Ordinance amended the name of a restricted use district from the "Geary Boulevard Fast-Food Subdistrict" to the "Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict". This RUD is currently referenced in Section SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS, however, no conforming amendments were made to change its name within 702.3.
42	error in NCD description	714.1	Section 714.1 of the Planning Code re Broadway Neighborhood commercial District. The second line of the description says "along Broadway from west of Columbus Avenue to Osgood Place..... ". This is incorrect, "west" should be "east".
43	Castro St NCD Use Size	715.21	use size P up to 1,999, C #2,000. The #sign is not connected to any additional provision and therefore unnecessary & confusing.
44	Valencia NCT	726	Section 726 titles the Section as a conventional NCD whereas 726.1 and other Sections title the District as an NCT. References to NCD should be replaced.
45	error from Ordinance 140-19	727.13	Sections 727.13 and 238 lists section 731.13 for street frontage. This error is currently noted in on-line code but needs this ordinance to make final fix.
46	errors in Ordinance 140-22	730	730 251 - 254 sec. 730.1-730.9 are not properly numbered.
47	different specific provision for fringe financial services.	730.68	Changed to be like other specific provisions for fringe financial services
48	controls heading misplaced	732	This proposal would move control heading to its proper place above controls by story but below other controls.
49	Glen Park- proper reference for 5' height bonus	738.1	In this table, the Height and Bulk limit listed should be listed as 30-X and 40-X instead of 35-X and 45-X. While heights in the district are allowed to extend up to 35' & 45', this is only under the provision for taller ground floors (Sec. 263.20). The base heights should be 30' & 40' in the district.
50	Formula Retail	803.6	Ord. 140-11 amended this section without taking into account amendments previously made by Ord. 298-08. The proposal would add MUG and UMU districts to the list governed by Formula Retail for Article 8.
51	Missing Text for DTR Districts	825	The online Code is missing both subsections (c) and (d) for Sec 825. The proposal would add back the correct language from Ord. 298-08, File No. 081153, Approved 12/19/2008.

Item No.	Item title	Section(s) amended	Description
52	Trade Shop uses in Eastern Neighborhoods Districts	890.124	For context, contractors offices had historically been allowed in the old M zones under business service, Section 222, and in the SOMA mixed use districts as a trade shop as defined under 890.124(g). When the M districts were rezoned to UMU, this provision was eliminated because the trade shop definition does not reference EN districts, so contractors offices default to straight up office -- which is restricted in the UMU. However, the goal of UMU is to allow these sorts of "trade-shop" related contractors offices in the UMU. This proposal would change the trade shop 890.124(g) definition to include EN districts -- thereby allowing contractors offices in the UMU and other EN mixed use districts.
53	restaurant ordinance corrections	121.4, 725, 780.3, 781.1 790.55, 803.7, 812.45 911.51-911.54, 916, many article 7 and 8 tables, Police code 21	The code contains many references to out-of-date restaurant classifications.
54	operating conditions for new restaurants	790.22, 790.90, 790.91	The recent restaurant ordinance created uniform operating conditions for eating & drinking uses. However, 703.5 doesn't appear to be referenced within the 3 new definitions. To increase clarity, the proposal would add a sentence to each definition stating that they need to comply with 703.
55	Added NCT for clarity and consistency	121.2, 134	Added not to distinguish between multiple names like upper market. Also added individual upper market nod where it previously only had upper market vaguery.
56	Pacific Avenue NCD - rear yard and open space	134(c) and 732.12	134c does not mention the Pacific Avenue NCD. But since the table is explicitly states that a 45% rear yard is required at the first story and above and all residential levels, the proposal would add Pacific to the list of districts that require rearyard at residential levels.
57	bird-safe glazing treatment	139(a)(b)(1)	There is an error in one word of the bird-safe treatment specifications. It contains the word "minimum" where it should say "maximum": The code should read: "(1) Bird-Safe Glazing Treatment. Bird-Safe Treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. To qualify as Bird-Safe Glazing Treatment vertical elements of window patterns should be at least 1/4 inch wide at a maximum spacing of 4 inches or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches."
58	typos	139(a),(b), 156, 207.6(c), 209.8, 212, 303(g), 303(i),781.5 823, 1060.5.1	These are typos, improper references, and grammatical errors
59	consistency amongst 145 controls	145.4, many article 7 tables with the controls of XXX.13, 13a, 13b, 13c	145 requirements were inconsistently laid out in the various zoning control tables. This proposal would institute consistency throughout the tables.
60	Incorrect section references outside of article 7 tables, organizational changes	151.1, 201, 207.6, 212, 219, 231, 249.23, 249.52, 270, 307, 309, 309.2 419.1, 419.5, 423.5 429.3, 803.9, Police Code 1060.5.1	These errors reference sections that no longer exist or have moved. Many had already been corrected by codifier and left a footnote, so original language was put back in, officially deleted, and new language officially added.
61	178 (f) -- ACTS of GOD	178(f)	Nonconforming uses destroyed by an Act of God was amended to 18 months, but it appears that Section 178 CU was not amended in the same way. Section 178 (f) should have a parallel amendment.
62	Section 186; LCUs in RTO	186(a)(1)	Section 186 refers to LCUs in RH, RM, RED, and RTO. However, the rules for changes of use and exemption from termination in sub (a) only refer to RH, RM and RED. RTO LCUs should be subject to the same rules as RH/RM. RTO needs to be referenced in 186(a)(1).
63	lists of NC SUDs and RUDs	201, 235 702.1 702.2, 702.3, 702.4, 802.2	These Sections have lists for Neighborhood Commercial Special Use Districts and Restricted Use Districts. Make sure always update these Sections with new districts.

Item No.	Item title	Section(s) amended	Description
64	section references in required DU Mix	207.6(b)(3)	This Section references BMR units per §326(h)(2)(B). This Section does not exist. This should reference 406(b)(1). Also, in this Section we correct a reference to student housing as defined in Section 315 to state 401. However, the pending Student Housing ordinance [BF 111374] currently waits for second read at the BOS. If this is adopted, a fix would still be needed to change the definition reference to 102.36.
65	eliminate Section 218(a), and references to it	218, 218.2, 249.65	This Section only applies to C-1 Districts-- there are no parcels with this zoning remaining.
66	Section 218.1--Massage Establishment	218.1, 303(o), and many article 7 and 8 tables, also definitions in 790.60 and 890.60	The table shows that new Massage uses are C / P, this is unclear. Proposal would clarify this section & 790.60 & 890.60 & all related zoning control tables. Remove the additional CU criteria from each of the 3 definitions of massage and instead reference the criteria already listed in 303(o).
67	expired tobacco paraphernalia controls	227, 786, etc.	Section 786 expired on 8/10/12. Therefore deleting all sections that were subject to the more restrictive definition of Tobacco Paraphernalia and reverting to the citywide definitions and controls.
68	Head Shop definition incorrectly references MCD definition	227, 790.123, 890.123	Section 790.123 regarding Tobacco Paraphernalia Establishments refers to MCD definitions incorrectly. The definition section is 3301 (f), not 3201 (f) of the Health Code.
69	moved Code sections are now improperly referenced	249.33(b)6(B)i	PC Sec. 249.33(b)6(B)i states "described below in subsection (b)(7)" which doesn't exist. 249.33(b)6(B)i should be amended such that "according to the procedures described below in subsection (b)(7)" is changed to "according to the procedures described below in Section 424"
70	North of Market SUD	249.5(c)(6), (10)	<p>In May 2011, the minimum off-street parking requirements for the NOMAR SUD were modified so that there's no longer a minimum off-street parking requirement or Conditional Use requirement for the modification of the off-street parking standard in the SUD as stated in Code Section 161(h). However, Code Section 249.5(c)(6) still references the old Code language in 161(h) that required the Planning Commission to approve Conditional Use for the parking modification. The Code language in 249.5(c)(6) needs to be changed so it reflects the new standards of Code Section 161(h).</p> <p>The Garment Shop Special Use District has been repealed via Ordinance 167-07. Previously there had been a special definition for garment shops that had less than 25 sewing machines. This change deletes the reference to Garment Shop and instead would rely on the recently updated definition of "trade shop" for such uses as defined in 175-12.</p> <p>The rear yard requirement in the NOMAR SUD (Section 249.5(c)(10) does not correctly cross-reference the rear yard requirement in Section 134 of the Code. In Section 249.5(c)(10), the Code should reference Section 134(g) instead of 134(f).</p>
71	Mission Alcoholic Beverage SUD	249.60(c)(1)	The reference in this SUD to Restaurant Use cites 790.69 (office) where it should cite in Section 790.91 (restaurant).
72	SEC. 303. CONDITIONAL USES-- regarding Formula Retail (and 703.3 sync)	303 703.3	<p>This Section has been amended to be the main location for formula retail controls by BF 110482 Misc. Tech. Amend. However, newer amendments to the Formula Retail controls were not included in the list of the uses. Section 303 should be updated to reflect the following recent Ordinances:</p> <ul style="list-style-type: none"> •CU now applies to all RC districts--not just RC-3 and RC-4 zoned parcels along Van Ness Avenue and to LCUs in RH, RM, RTO, and RED Districts. (change created by BF 101053 Consistent Street Frontages) •there are additional prohibitions on formula retail, including formula retail pet supply and formula retail eating & drinking establishments (BF 110592 Inner, Outer Clement and Geary NC Controls); and Upper Fillmore formula retail restaurants (BF 110070).
73	Updated references to San Francisco's General Plan	303(c), 309	The proposal changes references to "master plan" to "general plan" but does not make any changes to "institutional master plan".
74	Updating controls for Formula Retail with recent amendments	303(i)(4)	Insert LCU/NCU in RH, RM, RTO, and RED under conditional use authorization required.

Item No.	Item title	Section(s) amended	Description
75	Inadvertent deletion of appeal fee	352(a), admin code 31.22(1)	<p>On June 22, 2005, the Board passed updated fee legislation (ordinance 175-05). Language was included in this legislation that added a Board of Supervisor's surcharge to all Conditional Use and Environmental applications that would "compensate the City for the costs of appeals to the Board of Supervisors."</p> <p>In subsequent fee change legislation, this language was somehow removed from the code.</p> <p>This proposal would add to Planning Code Section 352(a), "A \$111 surcharge shall be added to the fees for a conditional use or planned unit development to compensate the City for the costs of appeals to the Board of Supervisors." immediately following the sentence "The initial fee amount is not to exceed 50% of the construction cost."</p> <p>In the Administrative Code section 31.22(1), please add the language "A \$111 surcharge shall be added to the fees in Section 31.22(a) to compensate the City for the costs of appeals to the Board of Supervisors." immediately following the sentence "Where said total estimated construction cost is \$100,000,000 or more: \$272,962 PLUS 0.016% of the cost over \$100,000,000."</p>
76	Affordable housing fee application market and Octavia	352, 416.3	The fee doesn't apply to commercial use so there should be no credits. This text was added with EN Code Corrections to keep the table consistent in format with other fee changes, however it created confusion instead.
77	TIDF Fee Schedule for EN	423.3 Table 423.3A	The non-residential fees column in this table present the Net TIDF impact fees. The original impact fees approved by the Commission included an additional \$10 for each Tier. This distinction should be clarified in the table, by adding a column that shows the original impact fees and another one for Net TIDF.
78	improper reference within the EN Infrastructure Fee	423.3A	In the written Code, Table 423.3A references the Tier definition in Section 423.3(a). The proper reference should be 423.2(a). Table 423.3B references the Tier in Section 422.3(a) when it also should be 423.2(a).
79	organizational corrections	429.3, 429.5, 703.2, 803.2, 803.3	These changes are to make the code more consistent or clear (e.g. re-lettering, formatting).
80	sings in residential districts	606 (b)(2)(B)	Section 606 (b)(2)(B) addresses signs all "RM or RED Districts." The proposed change would apply this control to all RM districts not just RM-1 districts.
81	arcade uses	725.69 (b) <i>also fixed in many of the other tables, starting at 719.69(b)</i>	Section number reference should be 790.4 instead of 790.04
82	"Large fast food"	728.1, 729.1, 737.1, 738.43	Planning Code Section 737.1 on line (in the introductory paragraph) still refers to "large fast food." This definition no longer exists.
83	error from Ordinance 140-27	733a	733A.13a 277 A missing in 733A.13a corrected in on-line code
84	error from Ordinance 140-28	733a	733A.26 278 A missing in 733A.26 corrected in on-line code
85	specific provision without table entry	734.68, 735.68, 737.68	The proposal would remove fringe financial service provision when no table entry for it.
86	sections 733A.1, 734, 737	sections 733A.1, 734, 737	The subheadings under headings (commercial & institutional standard uses) states "non-retail sales & services".
87	old address	Temporary Land Use Controls conclusion	The Office of the Zoning Administrator is no longer located at 1660 Mission Street.
88	update references to Planning Commission and Department.	Various including: 249.5, 303, 309, Temporary Land Use Control Table and Police Code 1060.5.1	The proposal would change City Planning Commission to Planning Commission and City Planning Department to Planning Department.

Item No.	Item title	Section(s) amended	Description
89	incorrect numerical references in zoning control tables	Various Article 7	many Article 7 tables had incorrect numbers, either referenced, or just typos.
90	Incorrect and outdated lists.	Various including: Temporary Land Use Controls, etc.	Several places in the Code attempt to keep an ongoing catalog of similar controls. While this is good in theory, in practice the lists become lost and the controls are amended while the lists are not.