



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code and Administrative Text Changes

HEARING DATE: NOVEMBER 29, 2012

Project: **Planning Code Corrections**
Case No.: 2012.0543T
Initiated by: Planning Commission
Prepared by: AnMarie Rodgers, Manager Legislative Affairs
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With the assistance of: Thayer Mullins, Legislative Intern

Recommendation: **Recommend Approval**

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The action before the Planning Commission (hereinafter "Commission") is to make a recommendation to the Board of Supervisors of proposed amendments to the Planning Code that are described below. The Commission initiated these proposed amendments on October 18, 2012.

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; (2) revise graphics to be consistent with text; (3) amend fees to be charged for certain kinds of applications and appeals; (4) 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, as initiated by the Planning Commission on October 18th, are cataloged in the attached Exhibit C.

In addition to the initiated changes, the Department has identified five additional Sections that need modifications as described below and as show in detail in Attachment A.

- **Changes to Sections 156 and 424.6.2:** These two sections need to be amended in response to the recently adopted Transit Center District Plan [Board File No. 120665, Ordinance No. 182-12]. The only changes would be renumbering controls consistent with standard organization of the Planning Code.

- **Changes to Section 227:** This section needs to be amended in response to the recently adopted Transit Center District Plan [Board File No. 120665, Ordinance No. 182-12]. The only change would be to insert the new district C-3-O (SD) and using the same use controls as those used by C-3-0. This change is consistent with the explanatory materials that was before the Commission, but did not make it into the proposed Ordinance. In addition, this chart shows the other change to the text of subsection (v) of 227 which was initiated by the Planning Commission.

- **Changes to Sections 702.3:** Two changes are proposed to this Section. First, as initiated this Section would have inserted the words “Fast-Food” into the Taraval and Irving Street Restricted Use Subdistricts. The adoption of Ordinance Number 75-12 (Eating and Drinking Controls) stuck these words properly and “Fast-Food” should not be inserted into the titles for the Taraval and Irving Street Restricted Use Subdistricts. The text below shows the titles for these subdistricts as proposed for adoption, without the “Fast-Food” as in the initiated version. Second, Ordinance Number 61-09 (Balboa Park Station Area Plan), struck Section the Ocean Avenue Fast Food Subdistrict and all references to this district, however, a subsequent ordinance inadvertently reinserted this obsolete district into the list in Section 702.3. The text below shows this subdistrict as proposed for deletion since the subdistrict itself no longer exists.

- **Changes to Sections 740 et. seq.:** The Adopted Ordinance Number 175-12 created the Irving Street NCD (among other changes). This Ordinance established that formula retail Restaurants and Limited-Restaurants would be “not permitted” while other, non-formula retail Restaurants and Limited-Restaurants would be “permitted”. These controls are intended to apply to the “Irving Street Restaurant Subdistrict” which is the same area as the Irving Street NC-2. Therefore, this control does not need to be listed twice.

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 with the modifications* of the proposed Ordinance to amend the Planning and Administrative Codes.

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 per CEQA Section 15060(c)(2).

PUBLIC COMMENT

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

RECOMMENDATION: Recommend Approval to the Board of Supervisors

Attachments

- Exhibit A: Proposed changes to the Draft Ordinance* since the Commission Initiation
- Exhibit B: Resolution to Recommend Approval of the Draft Ordinance
- Exhibit C: Guide to the Draft Ordinance

*Note, the draft Ordinance was provided to the Commission and the public for the Initiation Hearing on 10/18/12. Electronic copies of this draft Ordinance can be retrieved here:

<http://commissions.sfplanning.org/cpcpackets/2012.0543T.pdf>

Individuals who would like a printed copy of the draft Ordinance should contact AnMarie Rodgers.

ATTACHMENT A: NEW CORRECTIONS IDENTIFIED AFTER INITIATION

CHANGES TO SECTIONS 156 AND 424.6.2: THESE TWO SECTIONS NEED TO BE AMENDED IN RESPONSE TO THE RECENTLY ADOPTED TRANSIT CENTER DISTRICT PLAN [BOARD FILE NO. 120665, ORDINANCE NO. 182-12]. THE ONLY CHANGES WOULD BE RENUMBERING CONTROLS CONSISTENT WITH STANDARD ORGANIZATION OF THE PLANNING CODE.

SEC. 156. PARKING LOTS.

....

(l) The conditions of approval for the extension an existing parking lot in the C-3-O(SD) District shall include the following:

~~(A)~~ (1) a minimum of one parking space for car sharing vehicles meeting all of the requirements in Section 166 for every 20 spaces in said lot;

~~(B)~~ (2) a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of frontage in a highly visible area on the property adjacent to a public sidewalk or shall attain approval from the appropriate City agencies to install such bicycle parking on a public sidewalk on the same block;

~~(C)~~ (3) interior landscaping compliant with the requirements in subsection (j) above, provided that if a site permit has been approved by the Planning Department for construction of building on the subject lot that would replace the parking lot in less than 2 years, the trees may be planted in movable planters and the lot need not provide permeable surfaces described in subsection (j).

SEC. 424.6.2. APPLICATION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE.

....

(d) Option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Transit Center District Open Space Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) Approval Criteria. The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Transit Center District Plan Implementation Program Document and where they substitute for improvements that could be provided by the Transit Center District Open Space Fund (as described in Section 424.6.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Transit Center District Plan, by the Interagency Plan Implementation Committee (see Chapter 36 of the Administrative Code), or other prioritization processes related to Transit Center District improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

For a development project on Assessor's Block 3720 Lot 009, an In-Kind Agreement may be approved which credits the project for public open space improvements constructed by either the sponsor of the development project or by the Transbay Joint Powers Authority, in accordance with the Transit Center District Plan Implementation Program Document.

(2) Valuation. The Director of Planning shall determine the appropriate value

of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. A detailed site-specific cost estimate for a planned improvement prepared by the City or the Transbay Joint Powers Authority may satisfy the requirement for cost estimates provided that the estimate is indexed to current cost of construction.

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

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

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

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

CHANGES TO SECTION 227: THIS SECTION NEEDS TO BE AMENDED IN RESPONSE TO THE RECENTLY ADOPTED TRANSIT CENTER DISTRICT PLAN [BOARD FILE NO. 120665, ORDINANCE NO. 182-12]. THE ONLY CHANGE WOULD BE TO INSERT THE NEW DISTRICT C-3-O (SD) AND USING THE SAME USE CONTROLS AS THOSE USED BY C-3-0. THIS CHANGE IS CONSISTENT WITH THE EXPLANATORY MATERIALS THAT WAS BEFORE THE COMMISSION, BUT DID NOT MAKE IT INTO THE PROPOSED ORDINANCE. IN ADDITION, THIS CHART SHOWS THE OTHER CHANGE TO THE TEXT OF SUBSECTION (V) OF 227 WHICH WAS INITIATED BY THE PLANNING COMMISSION.

SEC. 227. OTHER USES.

C - 1	C- 2	C- 3- O	<u>C-</u> <u>3-</u> <u>Q</u> <u>(S</u> <u>D)</u>	C- 3- R	C- 3- G	C- 3- S	C- M	M -1	M- 2	P D R- 1- G	P D R- 1- D	P D R- 1- B	P D R- 2	
P *	P*					P	P	P	P	P	P	P	P	(a) Greenhouse.
P *	P*	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	(b) Urban Agriculture.
	C				C	C	P	P	P	P		P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	P	P	<u>P</u>	P	P	P	P	P	P	C	C	C	C	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure

														or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
P*	P*	C	<u>C</u>	C	P	P	P	P	P	P	P	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(r)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.
C*	C*	C	<u>C</u>	C	C	C	C	C	C	C	C		C	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes:
														(1) Off-street passenger terminal facilities for mass

														transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system; and
														(2) Landing field for aircraft.
C	C*	C	<u>C</u>	C	C	C	C	P	P	P	P		P	(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	C	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or

															of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)
P*	P*	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
	P*	P	<u>P</u>	P	P	P	P	P	P						(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P*	P*	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	(l) Access driveway to property in any C or M District.
C	C						C	C	C	C#	C#	C#	C#	C#	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
									P						(n) Any use that is permitted

C	C	C	<u>C</u>	C	C	C	C	C	C	C	C	C	C	(r) Internet Services Exchange as defined in Section 209.6(c).
P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	(s) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a ¼ miles of an existing fringe financial service.

													ntrol of of of Se c. 12 1. 8 8	
N A	N A	N A	<u>NA</u>	N A	N A	NA	NA	N A	NA	P	P	N P	N P	(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional requirements: (A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in

														<p>the change in floor area.</p> <p>(2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section.</p> <p>(3) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230 limiting demolition of industrial buildings.</p>
N A	N A	N A	<u>NA</u>	N A	N A	NA	NA	N A	NA	P. su bje ct to co ntr ols in Se c. 89	P. su bj ec t to co ntr ols in Se c. 89	N P	N P	<p>(u) Integrated PDR, as defined in Sec. 890.49.</p>

										0. 49	c. 89 0. 49			
C	C	C	<u>C</u>	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 person to another. <i>For purposes of Sections 719, 719.1, 786, 723 and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished</i>

uncontrolled may adversely affect the character of certain Neighborhood Commercial Districts.

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

Neighborhood Commercial Restricted Use Subdistricts	Section Number
Taraval Street Restaurant Subdistrict	§ 781.1
Irving Street Restaurant 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>Fringe Financial Service Restricted Use District</u>	<u>§ 249.35</u>
<u>Mission Alcohol Restricted Use District</u>	<u>§ 249.60 (formerly 781.8)</u>
<u>Third Street Alcohol Restricted Use District</u>	<u>§ 249.62 (formerly 782)</u>

CHANGES TO SECTIONS 740 ET. SEQ.: THE ADOPTED ORDINANCE NUMBER 175-12 CREATED THE IRVING STREET NCD (AMONG OTHER CHANGES). THIS ORDINANCE ESTABLISHED THAT FORMULA RETAIL RESTAURANTS AND LIMITED-RESTAURANTS WOULD BE "NOT PERMITTED" WHILE OTHER, NON-FORMULA RETAIL RESTAURANTS AND LIMITED-RESTAURANTS WOULD BE "PERMITTED". THESE CONTROLS ARE INTENDED TO APPLY TO THE "IRVING STREET RESTAURANT SUBDISTRICT" WHICH IS THE SAME AREA AS THE IRVING STREET NC-2. THEREFORE, THIS CONTROL DOES NOT NEED TO BE LISTED TWICE.

**SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

SPECIFIC PROVISIONS FOR IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls

<p>§ 740.43 § 740.44</p>	<p>§ 703.3</p>	<p>Restaurants and Limited-Restaurants are P; Formula Retail Restaurants and Formula Retail Limited-Restaurants are NP.</p>
<p>§ 740.43 § 740.44</p>	<p>§ 781.2 <u>§ 703.3</u></p>	<p>IRVING STREET RESTAURANT SUBDISTRICT</p> <p>Boundaries: Applicable to only for the portion of theIrving Street NC-2 Neighborhood Commercial District between 19th and 27th Avenues as mapped on Sectional Map SU05.</p> <p>Controls: Restaurants are <u>PC</u>; Formula Retail restaurants and Limited-Restaurant are NP.</p>



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution No. _____ Planning Code and Administrative Text Changes

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Recommendation: **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE AND ADMINISTRATIVE TO (1) CORRECT ERRORS, MAKE LANGUAGE REVISIONS AND UPDATES; (2) REVISE GRAPHICS TO BE CONSISTENT WITH TEXT; (3) AMEND FEES TO BE CHARGED FOR CERTAIN KINDS OF APPLICATIONS AND APPEALS; (4) CLARIFY THE MEANING OF CERTAIN PLANNING CODE SECTIONS; AND (5) ADOPT FINDINGS, INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND PLANNING CODE SECTION 302, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on October 18, 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 Exhibit A and C; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on October 18, 2012; and

WHEREAS the Planning Commission adopted Resolution No. 18718 initiating amendments to the Planning Code 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 15060(c); and

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

WHEREAS, 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 Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors *approve with modifications* the proposed ordinance. Specifically, the proposed modifications are:

1. Changes to Sections 156 and 424.6.2: These two sections need to be amended in response to the recently adopted Transit Center District Plan [Board File No. 120665, Ordinance No. 182-12]. The only changes would be renumbering controls consistent with standard organization of the Planning Code.
2. Changes to Section 227: This section needs to be amended in response to the recently adopted Transit Center District Plan [Board File No. 120665, Ordinance No. 182-12]. The only change would be to insert the new district C-3-O (SD) and using the same use controls as those used by C-3-0. This change is consistent with the explanatory materials that was before the Commission, but did not make it into the proposed Ordinance.
3. Changes to Sections 702.3: Two changes are proposed to this Section. First, as initiated this Section would have inserted the words "Fast-Food" into the Taraval and Irving Street Restricted Use Subdistricts. The adoption of Ordinance Number 75-12 (Eating and Drinking Controls) struck these words properly and "Fast-Food" should not be inserted into the titles for the Taraval and Irving Street Restricted Use Subdistricts. Second, Ordinance Number 61-09 (Balboa Park Station Area Plan), struck Section the Ocean Avenue Fast Food Subdistrict and all references to this district, however, a subsequent ordinance inadvertently reinserted this obsolete district into the list in Section 702.3.
4. Changes to Sections 740 et. seq.: The Adopted Ordinance Number 175-12 created the Irving Street NCD (among other changes). This Ordinance established that formula retail Restaurants and Limited-Restaurants would be "not permitted" while other, non-formula retail Restaurants and Limited-Restaurants would be "permitted". These controls are intended to apply to the "Irving Street Restaurant Subdistrict" which is the same area as the Irving Street NC-2. Therefore, this control does not need to be listed twice.

FINDINGS

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

1. The Planning Code has been amended dozens of times over the past three years.

2. Many factors contribute to the errors that need fixing by this legislation. First, there is a delay between the effective date of a Ordinance and when the online Planning Code is updated to reflect the change.
3. In addition, amendments from the Planning Code are proposed by many sources including the Planning Department, the Board of Supervisors, the Mayor and private parties. Legislation does not march in an orderly manner through the approvals process. An Ordinance considered by the Planning Commission in the spring may sit at the Board for months before it is called to hearing before a Committee. In the meantime, other pieces of legislation may move ahead that were not considered in the original ordinance. The most recent Code changes not yet visible online may not be used as a basis for new Code amendments.
4. As a result, many code amendments were inadvertently removed and controls were amended or omitted. The majority of this legislation addresses these issues. (Attachment B, G, and H) details the Code sections that are being amended and the specific changes being made).
5. With regard to the remainder of the proposed changes to the Planning Code the proposed changes are minor in scope - typographical errors, updating and consolidating definitions, and correcting errors that were inadvertently made by subsequent code changes and/or by the publisher. This proposal contains non-substantive changes not changes in policy.
6. Therefore, the Commission recommends *approval with modifications of the proposed Ordinance*.
7. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable

place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

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

POLICY 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and

its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

III. DOWNTOWN ELEMENT

THE DOWNTOWN PLAN GROWS OUT OF AN AWARENESS OF THE PUBLIC CONCERN IN RECENT YEARS OVER THE DEGREE OF CHANGE OCCURRING DOWNTOWN — AND OF THE OFTEN CONFLICTING CIVIC OBJECTIVES BETWEEN FOSTERING A VITAL ECONOMY AND RETAINING THE URBAN PATTERNS AND STRUCTURES WHICH COLLECTIVELY FOR THE PHYSICAL ESSENCE OF SAN FRANCISCO.

OBJECTIVE 1

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

OBJECTIVE 12

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1

Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The goal of the proposed Ordinance is to make typographical and clerical errors to the Planning Code.

8. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

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

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance will update the Planning Code to reflect Charter Section 4.135 to incorporate the Historic Preservation Commission.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

PC Resolution No.
Hearing Date: November 29, 2012

Case No. No 2012.0543T
Planning Code Corrections

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 29, 2012.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

Exhibit A: Proposed changes to the Draft Ordinance* since the Commission Initiation
Exhibit C: Guide to the Draft Ordinance

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.