



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: NOVEMBER 20, 2014
Continued from the October 23, 2014 Hearing

Project Name: **Article 2 Simplification and Definition Consolidation**
Case Number: 2013.0647T
Initiated by: Planning Department
Staff Contact: Aaron Starr, Acting Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Reviewed by: AnMarie Rodgers, Senior Policy Advisor
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: Approval with Modifications

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BACKGROUND

The Planning Commission initiated the Article 2 Reorganization Ordinance on July 24th, 2014 and held an adoption hearing on October 23, 2014. At the adoption hearing, the Planning Commission voted to continue the adoption of the proposed Ordinance for four weeks so that the Staff could conduct one more public outreach meeting. That outreach meeting was held on Monday, November 10th at the Planning Department. During the meeting, Staff went over a list of requested changes by the Coalition for San Francisco Neighbors (CSFN), which they outlined in a letter sent to Planning Department Staff and the Planning Commission on November 4, 2014 (see Exhibit C). Other attendees, including Doug Engmann and Caroline Guibert, also proposed additional amendments. At the end of the meeting, Staff and the meeting attendees came to a consensus on which changes should be included. These changes are outlined below under the Proposed Amendments section.

CURRENT PROPOSAL

The proposed Ordinance would amend the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make nonsubstantive changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify, and simplify Code language.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval to the Board of Supervisors.

PROPOSED AMENDMENTS

The following are proposed amendments that came out of the November 4th outreach meeting, and continued review of the proposed Ordinance by Staff (see Exhibit C for emails from CSFN and Doug Engmann). All page number and line references correspond to the latest version of the Ordinance, which is published online with this memo. Code sections are also provided to allow cross reference with earlier versions of the Ordinance.

Amendments proposed by CSFN (see Exhibit C):

1. **Page 132, line 6:** Section 202.1(a), add the following text to the end of the paragraph in Section 202.1(a):

Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules that appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between a Table and the relevant governing sections, the latter shall control.

2. **Page 175 Lines 6-10:** Table 209.1, Zoning Control Table for RH Districts, height requirements for RH-1, RH-2 and RH-3. Modify the text as follows:

RH-1 Height Limits: Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot topography.

RH-2 Height Limits: Buildings may not be taller than 40 feet. Per § 261 the height limit may be decreased based on the slope of the lot topography.

RH-3 Height Limit: Varies, but generally 40 feet. See Height and Bulk Map for more information.

3. **Tables 209.1, 209.2, 209.3 and 209.4:** Zoning Control Tables for RH, RM, RC and RTO Districts, Miscellaneous Section. Add a new row titled "Residential Design Guidelines." In the "§ Reference" column add "§311 and Residential Design Guidelines". In the following control columns add the following text:

Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.

Amendments proposed by Doug Engmann (see Exhibit C):

4. **Page 7, Line 4:** Section 102, amend the definition for Bedroom as follows:

Bedroom. A room primarily used for sleeping that meets the minimum requirements ~~Accommodation room as defined~~ in the Building Code for sleeping rooms.

5. **Page 9, Line 2:** Section 102, amend the definition of Commercial Use as follows:

Commercial Use. A land use with the sole or chief emphasis on making ~~a profit~~ financial gain including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses.

6. **Page 27, line 24:** Section 102, remove the definition of Household and add it back to Section 401.

Amendments proposed by Caroline Guibert:

7. **Page 46, Line 23:** Section 102, modify the definition of Residential Use as follows:

Residential Use. A Use Category consisting of uses that provide housing for San Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels, and Senior Housing, and for the purposes of Article 4 only any residential components of Institutional

Uses. Single Room Occupancy and Student Housing designations are consider characteristics of certain Residential Uses.

Amendments proposed by Staff:

8. **Page 182 Lines 21-23:** RM Zoning Control Table, Residential Use Section, Residential Density, Group Housing. Update the controls for each RM district as follows:

P (7). Up to one bedroom for every...

At the end of the RM Zoning Control Table add the following new footnote:

(7) C required if the Group Housing is affiliated with and operated by a Hospital or an Institutional Educational Use as defined in Section 102.

PROPOSED RECOMMENDATION

The Department recommends that the Commission recommend approval with modifications of the proposed Ordinance to the Board of Supervisors. The proposed modifications are as follows:

1. Adopt amendments 1-8 listed above.
2. Allow Staff to continue to find and fix typos, incorrect or missing references and other non-substantive changes in order to maintain consistency with existing Planning Code controls in consultation with the City Attorney's office.
3. Reconcile the proposed Ordinance with recently adopted ordinances, including but not limited to:
 - a. Board File 120796: Divisadero Street NCD
 - b. Board File 120814: Fillmore Street NCD
 - c. Board File 120881: NE Ordinance
 - d. Board File 140844: Formula Retail Ordinance

BASIS FOR RECOMMENDATION

At over 1336 pages and including over 100 zoning districts, the Planning Code is a large and complicated document. This complexity, some of which is necessary, can make it difficult to effectively implement and interpret the City's land use regulations. It also makes it difficult for members of the community to effectively engage in the City's planning and development process. The Department strongly believes that consolidating use definitions and making the Planning Code easier to use by creating zoning control tables for all zoning districts will help mitigate these issues. Further, standardizing how zoning districts are organized will aid future community planning efforts by providing a clear framework for existing land use regulations and use definitions.

Recommendation 1: Adopt amendments 1-8 listed above.

Amendments 1-3: These recommendations were suggested by the CSFN and agreed to by Staff. While not substantive changes, staff finds that the recommendations will help clarify how the tables are to be used, how height is calculated, and will also direct users to the Residential Design Guidelines for RH and RM Districts.

Amendment 4: As Mr. Engman pointed out, a “sleeping room” is not defined in the Building Code; however it is a term used throughout the Buildings Code, and there are several requirements for sleeping rooms in the Building Code. The revised definition will more accurately reference how the Building Code uses the term “sleeping room.”

Amendment 5: Based on discussions Staff had with Mr. Engman at the outreach meeting, Staff agrees that substituting the word “profit” with “financial gain” will encompass a broader list of ways commercial activities can operate. Profit has a specific financial definition, and not all businesses are profitable.

Amendment 6: Household is a term used throughout the Planning Code; however it is used inconsistently and in different contexts. After further considerations, Staff is recommending that this term be removed from Section 102 and placed back in Article 4 as a definition specific to that article.

Amendment 7: As Ms. Guibert pointed out at the outreach meeting, the provision identifying Groups Housing associated with an Institutional Use as a Residential Uses is specific to Article 4 for purposes of calculating fees. However, Group Housing approved as part of a CU for an institution is currently considered an Institutional Use for entitlement purposes. Adding the proposed language will clarify this and maintain current controls.

Amendment 8: Group Housing is currently principally permitted in RC and RM districts; however, Groups Housing associated with Hospitals and Educational Uses requires a CU. While there may be a rational policy reason to treat all Group Housing the same since their land use impacts are similar, existing Planning Code controls differentiate between who occupies the housing. This recommendation is consistent with Staff’s stated commitment to not making any substantive policy changes.

Recommendation 2: Allow Staff to continue to find and fix typos, incorrect or missing references and other non-substantive changes.

Staff has thoroughly reviewed and vetted the proposed Ordinance, and has held or attended several community meetings to seek input and answer questions on the proposed changes. This effort, which has taken over a year-and-a-half to complete has created a more complete and accurate Ordinance; however as with any large undertaking small errors and typos are inevitable. Staff is asking that the Commission included in their recommendation a provision that allows Planning Staff to continue to refine the proposed Ordinance as part of their motion. Any changes would be limited to non-substantive changes and have to be vetted by the City Attorney’s office.

Recommendation 3: Reconcile the proposed Ordinance with recently adopted ordinances.

The ordinances listed in Recommendation 3 are currently moving through the Board of have been recently approve by the Board. In order to ensure that this Ordinance does not remove any change made by those ordinances staff is explicitly recommending that this Ordinance be reconcile with recently adopted ordinances.

RECOMMENDATION: Approve with Modifications
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Attachments:

Exhibit A: Draft Resolution

Exhibit B: Changes made to Ordinance since Initiation

Exhibit C: Letters from CSFN and Doug Engmann

Exhibit D: Proposed Ordinance and City Attorney's signature page



Exhibit A
**SAN FRANCISCO
PLANNING DEPARTMENT**

**Planning Commission
Draft Resolution**

HEARING DATE: NOVEMBER 20, 2014

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE PLANNING CODE TO CONSOLIDATE DEFINITIONS INTO SECTION 102, REORGANIZE ARTICLE 2 TO CREATE ZONING CONTROL TABLES, AND MAKE NONSUBSTANTIVE CHANGES TO VARIOUS SECTIONS IN ARTICLES 1, 2, 3, 4, 6, 7 AND 8 IN ORDER TO UPDATE, CLARIFY, AND SIMPLIFY CODE LANGUAGE; AFFIRMING THE PLANNING DEPARTMENT'S CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

WHEREAS, until 1986, development standards and general definitions were located in Article 1 of the Planning Code, and use definitions and use controls were located in Article 2 of the Planning Code; and

WHEREAS, in 1986, Article 7 was added to the Planning Code to regulate the City's Neighborhood Commercial Districts, which came with their own set of controls, use definitions and organizational structure; and

WHEREAS, a few years after Article 7 was added, Article 8 was added to the Planning Code to regulate the City's South of Market Street Mixed Use Districts and Chinatown Mixed Use Districts, which also came with its own set of controls, use definitions and organizational structure; and

WHEREAS, the addition of these new sections and new set of use definitions made the Planning Code more complicated and inconsistent, and its provisions more difficult to implement and enforce; and

WHEREAS, there is a need to rethink how the Planning Code is organized in order to make it more user-friendly; 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 the proposed Ordinance on October 23, 2014; and

WHEREAS, this Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 1506(c)(2) because it does not result in a physical change in the environment; 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 the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Adopt modifications listed below:

- a) **Page 132, line 6:** Section 202.1(a), add the following text to the end of the paragraph in Section 202.1(a):
 - o Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules that appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between a Table and the relevant governing sections, the latter shall control.
- b) **Page 175 Lines 6-10:** Table 209.1, Zoning Control Table for RH Districts, height requirements for RH-1, RH-2 and RH-3. Modify the text as follows:
 - o **RH-1 Height Limits:** Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot topography.
 - o **RH-2 Height Limits:** Buildings may not be taller than 40 feet. Per § 261 the height limit may be decreased based on the slope of the lot topography.
 - o **RH-3 Height Limit:** Varies, but generally 40 feet. See Height and Bulk Map for more information.
- c) **Tables 209.1, 209.2, 209.3 and 209.4:** Zoning Control Tables for RH, RM, RC and RTO Districts, Miscellaneous Section. Add a new row titled "Residential Design Guidelines." In the "§ Reference" column add "§311 and Residential Design Guidelines". In the following control columns add the following text:

- o *Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.*
 - d) **Page 7, Line 4:** Section 102, amend the definition for Bedroom as follows:
 - o **Bedroom.** A room primarily used for sleeping that meets the minimum requirements ~~Accommodation room as defined~~ in the Building Code for sleeping rooms.
 - e) **Page 9, Line 2:** Section 102, amend the definition of Commercial Use as follows:
 - o **Commercial Use.** A land use with the sole or chief emphasis on making ~~a profit~~ financial gain including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses.
 - f) **Page 27, line 24:** Section 102, remove the definition of Household and add it back to Section 401.
 - g) **Page 46, Line 23:** Section 102, modify the definition of Residential Use as follows:
 - o **Residential Use.** A Use Category consisting of uses that provide housing for San Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels, and Senior Housing, and for the purposes of Article 4 only any residential components of Institutional Uses. Single Room Occupancy and Student Housing designations are consider characteristics of certain Residential Uses.
 - h) **Page 182 Lines 21-23:** RM Zoning Control Table, Residential Use Section, Residential Density, Group Housing. Update the controls for each RM district as follows:
 - o P (7), Up to one bedroom for every.....
At the end of the RM Zoning Control Table add the following new foot note:
 - o (7) C required if the Group Housing is affiliated with and operated by a Hospital or an Institutional Educational Use as defined in Section 102.
2. Allow Staff to continue to find and fix typos, incorrect or missing references and other non-substantive changes in order to maintain consistency with existing Planning Code controls in consultation with the City Attorney's office.
 3. Reconcile the proposed Ordinance with recently adopted ordinances, including but not limited to:
 - a. Board File 120796: Divisadero Street NCD
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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. At over 1,336 pages and including over 100 zoning districts, the Planning Code is a large and complicated document. This complexity, some of which is necessary, can make it difficult to effectively implement and interpret the City's land use regulations. It also makes it difficult for members of the community to effectively engage in the City's development process. The Commission finds that consolidating use definitions and making the Planning Code easier to use by creating zoning control tables for all zoning districts will help address these issues.
2. The Commission finds that standardizing how zoning districts are organized will aid future community planning efforts by providing a clear framework for existing land use regulations and use definitions.
3. The Commission finds that Zoning Control Tables are a more user friendly way to convey zoning information in the Planning Code, and one of the main components of this ordinance is to remove the existing use tables in Article 2, and replace them with zoning controls tables modeled after the ones found in Articles 7 and 8 of the Planning Code.
4. This Ordinance is phase one of a three phase approach that will eventually lead to all zoning districts in the City referencing one set of use definitions. The Commission finds that this three phase approach will help ensure that the proposed ordinances are not overwhelming for Staff, the Commission and members of the public, and that it will reduce the potential for errors and oversights.
5. The Commission finds that while this Ordinance is extremely large, it is not seeking to make any substantive policy changes to the City's land use controls that have not already been reviewed and voted on by this Commission.
6. The Commission finds that Staff has thoroughly reviewed and vetted the proposed Ordinance, and has held or attended several community meetings to seek input and answer questions on the proposed changes. This effort, which has taken over a year to complete, has created a more complete and accurate Ordinance; however as with any large undertaking small errors and typos are inevitable. As such, the Commission has included in its recommendation a provision that allows Planning Staff to continue to refine the proposed Ordinance.
7. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the Objectives and Policies of the General Plan:

OBJECTIVE 10

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

Policy 10.1

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

The proposed Ordinance will bring more consistency to the Planning Code by consolidating uses into one section of the Code. This will ensure that each zoning district references one definition for a particular use. The proposed Ordinance will also reorganize Article 2 so that the zoning controls for each district are displayed in an easy to understand, more complete and consistent table. Both of these improvements will help bring certainty to the development process by providing clear community parameters for development and consistent application of these regulations.

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

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

The proposed Ordinance would not have a negative effect on neighborhood-serving retail uses.

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

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

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

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

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

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 20, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

DATE: November 20, 2014

Exhibit B

Modifications Made to the Article 2 Ordinance Post Initiation

Item	Original		Revised		Change	Reason
	Page	Line	Page	Line		
1	1	4	1	4	Revised title to read: "Ordinance amending the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make non-substantive changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify, and simplify Code language; affirming the Planning Department's California Environmental Quality Act determination and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."	So that title more accurately reflects what the Ordinance is doing (Rose Hilson)
2	4	3	4	6	Should be "A Retail Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
3	10	21	10	24	Delete Administrative Services and replace with Non-Retail Professional Services	This use is replacing the Admin Services. They are essentially the same.
4	11	21	12	1	Should read "See also Entertainment <u>Arts</u> and Recreation Use" and add "Outdoor Entertainment" to the list.	Name changed to more accurately reflect the use category. Not all references were changed.
5	11	23	12	3	Replace definition with: " Entertainment, General. A Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including but not limited to billiard halls, bowling alleys, skating rinks, min-golf and game arcades, when conducted within a completely enclosed building, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises."	Name changed to more accurately reflect the use category. Not all references were changed.
6	12	4	12	8	Should Be "A Retail Entertainment, <u>Arts</u> and Recreation Use that..."	Name changed to more accurately reflect the use category. Not all references were changed.
7	12	12	12	16	Should Read "A Retail Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
8	12	15	12	19	Should Be "A subcategory of Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
9	12	17	12	21	is a space missing between "Arts and" ?	Typo
10	12	20	12	24	Should Be "Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
11	21	16 and 17	21	18 to 19	Delete "ice manufacturing plant" from "Food Fiber and Beverage Processing 2" and move it to the definition of "Heavy Manufacturing 1" on page 33 line 17.	This will maintain current controls for M-1 Districts, which allows ice manufacturing plants, but not "FFBP2". Moving it to "Heavy Manufacturing 1" will maintain existing use controls.
12	22	25	23	4	Add 187.1 and §228 after 202.2(b)	relevant reference
13	28	23	29	3	"Commercial Wireless Facility" changed to "Wireless Telecommunication Services Facility"	correct to reflect new name.
14	31	18	31	23	Should say A Retail Entertainment, Arts and Recreation Use" The words are mixed up on this one.	Name changed to more accurately reflect the use category. Not all references were changed.
15	38	1	38	4	Should be "A Retail Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
16	38	3	38	6	Add text "Removal of a Movie Theater is subject to the controls in 202.4"	relevant reference
17	40	19	40	21	Delete Administrative Services	Redundant use. Non-Retail Professional Service is the same as Admin. Services Definition.
18	40	23	41	1	Delete "Non-Retail Sales and Service uses" after "A grouping of..." ; add "Retail Professional Services" after "General Office" but before "Non-Retail Professional Services"; add "other than Retail Professional Services" after "This use shall exclude retail uses..."	Maintain consistency with the existing office definition.
19	40	24	41	2	Delete Administrative Services	Redundant use. Non-Retail Professional Service is the same as Admin. Services Definition.
20	41	12	41	15	Should be "A Non-Commercial Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
21	43	7	43	9	Should be "A Non-Commercial Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
22	45	8 and 9	45	9	Delete "utility installations" "Internet Service Exchange" and "Wireless Transmission Facility" from the definition of "Public Facility."	These uses are already accounted for in the Code as a separate definition and should not be repeated in this definition.
23	46	23	46	23	Delete "Long-Term Housing" from the definition of "Residential Unit" and replace with "housing."	Long-Term Housing is defined as 32 days or more. If included, it would change how we currently define Residential Unit.
24	47	24	47	24	Should be "Retail Entertainment, Arts and Recreation. See Entertainment, Arts, and Recreation, Retail."	Name changed to more accurately reflect the use category. Not all references were changed.
25	48	4	48	4	Should say: "Retail Use. A Commercial Use that includes uses that involve the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user including, but not limited to, Retail Sales and Service Uses, Commercial Entertainment <u>Arts</u> and Recreation Uses, and Retail Automotive Uses."	Name changed to more accurately reflect the use category. Not all references were changed.
26	48	12	48	12	Delete Administrative Services from Non-Retail Sales and Service Use definition	Redundant use. Non-Retail Professional Service is the same as Admin. Services Definition.
27	49	8	51	23	Service, Philanthropic Administrative is not alphabetical, please make alphabetical	formatting/consistency
28	49	22	n/a	n/a	Delete Administrative Services definition	Redundant use. Non-Retail Professional Service is the same as Admin. Services Definition.
29	53	20	53	12	Should be "A Retail Entertainment, <u>Arts</u> and Recreation Use"	Name changed to more accurately reflect the use category. Not all references were changed.
30	117	2	116	14	"envelop" should be changed to "envelope"	Existing typo (Rose Hilson)
31	133	10	132	19	Add this text at the end of (c)(2) "Any requirements in these sections pertinent to the zoning district shall be followed."	Clarification. (Rose Hilson)
32	134	3	133	13	Change "should" to "shall"	Grammar, consistency (Rose Hilson)
33	134	5 to 9	133	15-21	Change "should" to "shall"	Grammar, consistency (Rose Hilson)

34	148	2 to 3	147	13-14	Delete text "(B) Any non-accessory retail uses are subject to any per parcel size controls of the subject zoning district;"	Typo (Ruben and Junius)
35	175	7	175	8	Add Section 253 to reference column	relevant reference (Rose Hilson)
36	175	7	175	8	For RH-1 height limits, replace text with the following: "Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on topography."	Clarification (Rose Hilson)
37	175	7	175	8	For RH-2 height limits, replace text with the following: "Buildings may not be taller than 40 feet. Per § 261 the height limit may be decreased based on topography."	Clarification (Rose Hilson)
38	177	3	177	4	Add commas to the numbers in the columns, for example 3,000 and 1,500.	consistency/typo
39	177	3	177	4	Under the RH-3 Zoning Districts Column, it should read: "P up to three two units per lot, C up to one unit per 1,000 square feet of lot area."	consistency with current controls
40	182	2	182	2	delete column titles at end of chart	Typo/formatting
41	182	15	182	15	Residential Uses should have a grey background	consistency
42	183	11 to 12	183	11 to 12	Add 102 to reference column	consistency/relevant reference
43	184	9 to 11	84	9 to 11	"Must be located on a landmark site, and..." should be (6) and "Use must be located on a parcel that contains a Hospital or a Post-Secondary should be (5)"	Typo, (5) is associated with Mobile Food Facilities and (6) is associated with Mortuaries.
44	188	4	188	4	Adult Business should be NP for both RC-3 and RC-4	Existing controls do not permit Adult Businesses in RC Districts.
45	188	8 & 18	188	8	Add a (7) next to the C for Tobacco Paraphernalia Store, and add the following at the bottom around line 18 "(7) NP above the second floor"	All other retail sales and services have this restriction in RC Districts, so it makes sense to restrict TP in this way as well.
46	191	11 to 12	191	11 to 12	Add "\$§ 186 and 231" to "\$ References" column	Missing reference
47	191	22-23	191	22-23	Delete this text "(1) P for Limited Commercial Uses per § 136.1(a) and Limited Corner Commercial Uses per Section 231, otherwise NP."	consistency/formatting. This is a reference for Awnings above, but is a duplicate reference. I moved all references to the end of the chart. This one is no longer needed.
48	192	6	192	9 to 10	Use Characteristics should have a grey background and the text should be bold	consistency/formatting
49	192	5 to 6	192	5 to 6	Add text: "No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms; or no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms."	Inadvertently left blank.
50	194	1 to 6	194	7 to 10	Renumber so that "(6) P for Limited Commercial Uses per §136(a) and Limited Corner Commercial Uses per §231, otherwise NP." is number (1), and change the other numbers accordingly. That requires all the numbers in the chart to be modified. So, Line 15 on page 193, Childcare Facilities would then be a (2) instead of a (1). Line 18, Residential Care Facilities would be a (3) rather than a (2), Line 21 Hotel would be a (4), Mobile Food Facility a (5) and Mortuary a (6).	Consistency
51	219	6	219	2	Add 187.1 and §228 to Gas Station Reference column	relevant reference
52	219	11 to 12	219	7 to 8	Add "\$ 142" to "\$ References" column for Vehicle Storage Lot	relevant reference
53	219	8 to 9	219	4 to 5	Add "\$§ 142, 156" to "\$ References" column for Parking Lot Private and Parking Lot Public	relevant reference
54	233	24-25	233	24-25	Old references should be fixed. Should read: "...such that the combined floor area of any and all uses permitted by the Zoning Control Table for PDR Districts may not exceed the limits stated in the table below for any given lot."	Reference fix.
55	224	24 to 25	224	19 to 20	Auto Use should be changed to "Automotive Use Category"	consistency
56	225	3	224	23 to 24	Add 187.1 and §228 to Gas Station Reference column	relevant reference
57	225	5 TO 6	225	1 to 2	Add "\$§ 142, 156" to "\$ References" column for Parking Lots	relevant reference
58	225	9 to 10	225	6	Add "\$ 142" to "\$ References" column for Vehicle Storage Lot	relevant reference
59	226	15-16	226	11 to 12	Add the following language to the end of number (3) "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."	Per Code Section 219(c)
60	230	7	230	2	Project Review should be capitalized.	consistency
61	231	14	231	14	Add "\$ 142" to "\$ References" column for Parking Lots	relevant reference
62	231	1 and 4	230	24 to 25	in columns for PDR-1-B and PDR-2, 210.3(a) should be 210.3A	consistency
63	231	12 to 13	231	7	Add 202.2(c) to reference column	consistency/relevant reference
64	231	16 to 17	231	11 to 12	Add 187.1 and §228 to Gas Station Reference column	relevant reference
65	231	18 to 19	231	14	Add "\$§ 142, 156" to "\$ References" column for Parking Lots	relevant reference
66	231	23 to 24	231	18 to 19	Add 202.4 to Reference column	relevant reference
67	232	1	231	21 to 22	Change "Food Fiber and Beverage Processing 1" from a "C" to a "P" for PDR-1-G.	This change should have been made in the recent PDR legislation so that breweries were principally permitted in all PDR districts except PDR-1-B, but was not. (Steve Wertheim)
68	232	20 to 21	232	16	Add 202.3 to Grocery Store, General	relevant reference
69	232	7 to 8	232	3	Add "Metal Workshop" to chart as Follows PRD-1-B: NP, PDR-1-D: P, PDR-1-G: P, PDR-2: P	Inadvertently left off chart
70	233	12	233	8 to 9	210.3(a) should be 210.3A for both numbers (1) and (2)	consistency/typo
71	233	chart, lines 7-8	234	7 to 9	Change heading text as follows: Total sq. ft. Maximum For All Uses in Chart 210.3 Followed by a (1) or (2) combined, also fix so that chart references (1) and (2)	Typo

72	240	17	240	13	Add "Metal Workshop" to chart as Follows M1: P, M2: P	Inadvertently left off chart
73	240	5 to 6	240	2	Add "\$§ 142, 156" to "\$ References" column for Parking Lots	relevant reference
74	419	14	419	14	Add section 320(f) to correct reference. "Section 219" should be changed to "Office Use as defined in Section 102"	Fix reference
75	n/a	n/a	n/a	n/a	Add Section 219.1(c)(2) to the Ordinance and fix reference to Small Enterprise Workspace: <u>Section 102</u> Section 227(f)	Fix reference. (Ruben and Junius)
76	n/a	n/a	n/a	n/a	Include Section 320 in Ordinance and modify to refer to new definition of Office Use.	missed reference.
77	various	various	n/a	n/a	"Wireless Facility" should be changed to "Wireless Telecommunication Facility" through the document	Name change per planning staff recommendation (Omar Masrey)

November 5, 2014

Exhibit C

Aaron Starr
Acting Manager of Legislative Affairs
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94102

Dear Mr. Starr,

Representatives of the Coalition for San Francisco Neighborhoods (the “Coalition”), Cow Hollow Association, East Mission Improvement Association, Jordan Park Improvement Association, Midtown Terrace Homeowners Association, Miraloma Park Improvement Club, Pacific Heights Residents Association and Telegraph Hill Dwellers have been meeting or otherwise communicating regarding the Article 2 Simplification project (the “Project”) for the Planning Code (the “Code”). The purpose of these efforts has been to create and submit to you a collective final response to the legislative draft regarding the Project (the “Draft”) used for the October 23, 2014 meeting of the Planning Commission (the “Commission”). The Coalition and the enumerated neighborhood groups specified above are hereinafter collectively referred to as the “Participants,” and have all contributed to the preparation of this letter.

The Coalition and one or more of the other Participants may have previously submitted comments to you or the Commission regarding the Project. Your responses to those submissions were found to be acceptable unless otherwise noted herein. Thank you for those responses.

We have some remaining comments which we ask that you consider. We first discuss what can be a global settlement of some serious concerns of the Participants and others, followed by some miscellaneous “cleanups.” All of the changes are clarifying only and do not involve anything of a substantive nature.

Moreover, we are relying on your advice that there were no substantive changes in the use or use categories or approval levels (e.g. “C” from “P”) that might impact their processes for approval or physical limitations and/or expansions.

Zoning Control Tables

Thanks for your efforts in creating the Zoning Control Tables. In addition to being a monumental task, we believe that this approach will be very helpful to everyday users such as planners, builders, architects and residents. The following changes which we are recommending do nothing more than articulate what is clearly implicit in the Executive Summary and borne out by Tables already in use. They are not substantive changes and will put to rest any concern that the Participants and others have as to possible other inferences.

1. Add the following as a new sentence at the end of Section 202.1(a), Page 132: “Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules which appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between a Table and the relevant governing sections, the latter shall control.”
2. In Section 209(b), Page 173, Line 2, of the Draft, delete “listed” and insert “summarized.”

3. Add the following as a footnote to **each** Table, which simply states: “This table contains a brief summary of, and reference guide to, the specific rules which appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between this Table and the relevant governing sections, the latter shall control.” We are referring to Zoning Control Tables in the 209 and 210 series. The note itself can appear in order (e.g. “**”) and should be keyed from the title line in the table.

We understand the purposes of Section 202.1 and the various Zoning Control Tables are to describe, in summary form, the various substantive ground rules/mandates/requirements found elsewhere in the Code; hence the cross-reference column in each of the Tables. The concern which we have is that the Tables, as such, may be deemed by some to be substance mandates, and that by using terms such as “generally” or undefined words which are not used in the substantive sections, such as “topography”, new rules are being created by the Tables which could be seen by some to augment or trump substantive provisions located elsewhere.

As you pointed out, under the caption “Use Chart vs. Zoning Control Table,” in the Executive Summary for the October 23, 2014, Planning Commission Hearing on Article 2 Simplification and Definition Consolidation, the inspiration for the creation of Article 2 Zoning Control Tables came from their development and use under Articles 7 & 8 of the Planning Code. They were seen as providing a user with “a single table that outlines the basic parameters of a particular zoning district. If more information is needed about a development standard, the section where the standard is found is listed in the zoning table for reference.” In other words, these were intended as summaries (“outlines the basic parameters” and “more information” is found in the references) and not as being definitive descriptions of legal requirements. A reading of the sample Article 7 Table bears that out as well.

Moreover, Section 202.1(c)(2), which describes the second column in the Zoning Control Tables, refers to “...numbers of other sections in the Planning Code...in which additional control provisions, including exceptions and definitions where pertinent, are contained” and provides that “[a]ny requirements in these sections pertinent to the zoning districts **shall be followed** (emphasis supplied).”

Height and Bulk Limits

1. Page 175, Lines 7-11, for RH-1(D), RH-1, RH-1(S): In the first sentence of the third box, insert a period after “increased” and delete the words “based on topography.” The deleted words are ambiguous, and do not accurately reflect what is stated in the referenced sections.
2. As noted in your reference to “clerical amendments,” the RH-2 reference will be moved to the RH-2 column. However, the text will be changed by reference to 40 feet rather than 35 feet. As we suggested in Item 1 above, and for the same reason stated therein, the second sentence beginning with “Per §261” should be changed by deleting the words “based on topography.”
3. Page 175, Lines 7-8, for RH-3: Delete “Generally, 40 feet.” and insert “Varies. See also Height and Bulk Maps and referenced sections.” This is how you have stated it under Table 209.2, and is correct.

Rear yards

1. Page 175, Lines 14-15, for all RH-1’s: Insert “Typically” before “25%.”
2. Page 175, Lines 14-16, for RH-2 & RH-3: Insert “Typically” before “45%.”
3. Page 181, Lines 11-13, for RM-1 & RM-2: Insert “Typically” before “45%.”
4. Page 181, Lines 11-12, for RM-3 & RM-4: Insert “Typically” before “25%.”

This is to make clear that the substantive rules need to be consulted for specific differences.

Miscellaneous

1. Page 176 (RH's) under "**Miscellaneous,**" add a new line entitled "**Residential Neighborhood Guidelines,**" and insert "See applicable guidelines." under the "\$References" column. Under the Zoning District columns (e.g. RH's), insert "See also any applicable residential or neighborhood design/building guidelines which are not in the Planning Code."
2. Page 181 (RM's) under "**Miscellaneous,**" add a new line entitled "**Residential Neighborhood Guidelines**" and insert "See applicable guidelines." under the "\$References" column. Under the Zoning District columns (e.g. RM's), insert "See also any applicable residential or neighborhood design/building guidelines which are not in the Planning Code."

Both of these changes are to ensure that the legislation will not pre-empt the more restrictive neighborhood guidelines.

Northeast legislation

What is its status, and, if not yet approved by the Board of Supervisors, it should be removed from the proposed legislation.

Exhibit F

While not part of the proposed legislation, but rather intended as a review aid for the Commissioners, it is confusing and departs from the Zoning Table format. Prospectively, it could be a valuable explanatory piece if it were in the Zoning District format rather than Residential or Commercial use categories, its current format.

We look forward to meeting with you on Monday, November 10, 2014, at 1650 Mission Street, Suite 400, at 5pm. In this regard, we would appreciate it if you would circulate this to the addressees to which you sent the "Stakeholder Notice" of the November 10 meeting, so that other attendees can see our comments.

Finally, we will be strongly urging the Planning Commission to receive a staff report update within a year as to how the new legislation is working and whether there have been any unintended consequences and whether there is a need for any changes.

Thank you very much.

Very Truly Yours,

The list of Participants and representatives appear on the next page and reflect electronic authorizations to use their names and those of the Participants.

cc: President Cindy Wu; Commissioners Rodney Fong, Michael Antonini, Rich Hillis, Christine Johnson, Kathrin Moore, Dennis Richards; Commissions Secretary Jonas Ionin; AnMarie Rodgers, Senior Policy Advisor

List of Persons from Participants

Judith Berkowitz, President, on behalf of the Coalition for San Francisco Neighborhoods

George Wooding, First Vice President, on behalf of the Coalition for San Francisco Neighborhoods

Rose Hillson, Second Vice President, on behalf of the Coalition for San Francisco Neighborhoods

Hiroshi Fukuda, Chair of Land Use and Housing Committee, on behalf of the Coalition for San Francisco Neighborhoods

Brooke Sampson, on behalf of Cow Hollow Association

Geoff Wood, on behalf of Cow Hollow Association

Judith Berkowitz, on behalf of East Mission Improvement Association

Rose Hillson, on behalf of Jordan Park Improvement Association

George Wooding, on behalf of Midtown Terrace Homeowners Association

Dan Liberthson, on behalf of Miraloma Park Improvement Club

Greg Scott, President, on behalf of Pacific Heights Residents Association

Richard Lee, on behalf of Pacific Heights Residents Association

Charlotte Maeck, on behalf of Pacific Heights Residents Association

Hiroshi Fukuda, on behalf of Richmond Community Association

Vedica Puri, President, on behalf of Telegraph Hill Dwellers

Paul Webber, Board member, on behalf of Telegraph Hill Dwellers

**EXTRACTS OF LEGISLATIVE TEXT REFLECTING REQUESTS CONTAINED IN
OUR LETTER DATED NOVEMBER 5, 2014 TO AARON STARR**

November 5 Letter Page 1 of 4, #1 – Page 131 – Add text to end of Sec 202.1(a):

202.1. ZONING CONTROL TABLES.

*(a) All Districts that are provided for in Section 201 of this Code have a corresponding Zoning Control Table that details basic development standards and use controls. Zoning Control Tables for R, C, PDR, and M Districts are located in Article 2; Zoning Control tables for Neighborhood Commercial Districts are located in Article 7; Zoning Control tables for Chinatown and Mixed Use Districts are located in Article 8; and Zoning Control tables for Mission Bay Districts are located in Article 9. Zoning Control Tables are intended to be used in conjunction with other relevant sections of the Code. Descriptions for Zoning Control Tables in Articles 7, 8, and 9 are located in the corresponding Article. **Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules which appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between a Table and the relevant governing sections, the latter shall control.***

November 5 Letter Page 1 of 4, #2 – Page 173, Line 2:

SEC. 209. ~~206.~~ DESCRIPTION AND PURPOSE OF RESIDENTIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS.

...

(b) Uses and Features Permitted in Residential and Residential-Commercial Districts. The uses and features permitted in Residential and Residential-Commercial Districts are ~~listed~~-summarized in the Zoning Control Tables in Sections 209.1 through 209.4

November 5 Letter Page 2 of 4, #3 – for all tables:

Insert “” at end of table titles for all 209 & 210 series Zoning Control Tables; at end of each table insert footnote. (See samples of this change together with text reflecting remaining comments.)**

November 5 Letter Page 2 of 4, for “Height and Bulk Limits,” “Rear yards,” and “Miscellaneous” – see text below reflecting such changes:

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS **

<u>Zoning Category</u>	<u>§ References</u>	<u>RH-1 (D)</u>	<u>RH-1</u>	<u>RH-1(S)</u>	<u>RH-2</u>	<u>RH-3</u>
<u>BUILDING STANDARDS</u>						
<u>Massing and Setbacks</u>						
<u>Height and Bulk Limits.</u>	§§ 102, 105, 106, 250-252, 253, 260, 261, 270, 271. See also <u>Height and Bulk District Maps</u>	<u>In RH-1 Districts, buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased.</u>			<u>In RH-2 Districts, buildings may not be taller than 40 feet. Per § 261 the height limit may be decreased.</u>	<u>Varies. See also Height and Bulk Maps and reference sections.</u>
<u>Front Setback</u>	§§ 131, 132	<u>Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.</u>				
<u>Rear Yard</u>	§§ 130, 134	<u>Typically 25% of lot depth, but in no case less than 15 feet</u>			<u>Typically 45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.</u>	
<u>Side Yard</u>	§ 133	<u>Required for lots 28 feet and wider. Width of side setback depends on width of lot.</u>	<u>Not Required</u>			
<u>Street Frontage and Public Realm</u>						
<u>Front Setback Landscaping and Permeability Requirements</u>	§ 132	<u>Required. At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.</u>				
<u>Street Frontage Requirements</u>	§ 144	<u>§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.</u>				
<u>Street Frontage, Parking and Loading access restrictions</u>	§ 155(r)	<u>As specified in § 155(r)</u>				
<u>Parking Lot</u>	§ 156	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Miscellaneous</u>						
<u>Large project review- Projects over 40 feet in height</u>	§§ 121.5, 253	<u>C. New public rights-of-way may be required for Development Lots larger than 1/2 acre. (§ 121.5)</u>				

<u>Planned Unit</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Development</u>						
<u>Awning</u>	<u>§ 136</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>
<u>Canopy or Marquee</u>	<u>§ 136</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Signs</u>	<u>§ 606</u>	<u>As permitted by Section § 606</u>				
<u>Residential Neighborhood Guidelines</u>	<u>See applicable guidelines.</u>	<u>See also any applicable residential or neighborhood design/building guidelines which are not in the Planning Code.</u>				

<u>Zoning Category</u>	<u>§ References</u>	<u>RH-1 (D)</u>	<u>RH-1</u>	<u>RH-1(S)</u>	<u>RH-2</u>	<u>RH-3</u>
<u>RESIDENTIAL STANDARDS AND USES</u>						
<u>Development Standards</u>						
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 300 square feet if private, and 400 square feet if common.</u>	<u>At least 300 square feet if private, and 400 square feet if common.</u>	<u>At least 300 square feet for the first unit and 100 for the minor second unit if private, and 400 square feet for the first unit and 133 square feet for the second unit if common.</u>	<u>At least 125 square feet if private, and 166 square feet if common.</u>	<u>At least 100 square feet if private, and 133 square feet if common.</u>
<u>Parking Requirements</u>	<u>§§ 151, 161</u>	<u>Generally, a minimum of one space for every dwelling unit required. Certain exceptions permitted per §161.</u>				

...

**** This table contains a brief summary of, and reference guide to, the specific rules which appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between this Table and the relevant governing sections, the latter shall control.” ← INSERT THIS FOR ALL OF THE 209 & 210 SERIES TABLES.**

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS **

<u>Zoning Category</u>	<u>§ References</u>	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>
<u>BUILDING STANDARDS</u>					
<u>Massing and Setbacks</u>					
<u>Height and Bulk Limits</u>	<u>§§ 102, 105, 106, 250—252, 260, 261, 270, 271</u>	<u>Varies, See Height and Bulk Map and referenced sections</u>			
<u>Front Setback</u>	<u>§§ 131, 132</u>	<u>Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.</u>			
<u>Rear Yard</u>	<u>§§ 130, 134</u>	<u>Typically 45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.</u>	<u>Typically 25% of lot depth, but in no case less than 15 feet</u>		
<u>Side Yard</u>	<u>§ 133</u>	<u>Not Required</u>			
<u>Street Frontage and Public Realm</u>					
<u>Front Setback Landscaping and Permeability Requirements</u>	<u>§ 132</u>	<u>At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.</u>			
<u>Street Frontage Requirements</u>	<u>§ 144</u>	<u>§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.</u>			
<u>Moderation of Building Frontage</u>	<u>§ 144.1</u>	<u>Stepping of the front of the buildings required when lot width is greater than 35 feet.</u>			
<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r)</u>			
<u>Miscellaneous</u>					
<u>Large project review</u>	<u>§§ 121.5, 253</u>	<u>Buildings over 50 feet in height require Conditional Use authorization (§ 253). New public rights-of-way may be required for Development Lots larger than 1/2 acre. (§ 121.5)</u>			
<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Awning</u>	<u>§ 136</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>
<u>Canopy or Marquee</u>	<u>§ 136</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Signs</u>	<u>§ 606</u>	<u>As permitted by Section § 606</u>			
<u>Residential Neighborhood Guidelines</u>	<u>See applicable guidelines.</u>	<u>See also any applicable residential or neighborhood design/building guidelines which are not in the Planning Code.</u>			

<u>Zoning Category</u>	<u>§ References</u>	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>Development Standards</u>					

<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 100 square feet if private, and 133 square feet per dwelling unit if common</u>	<u>At least 80 square feet if private, and 106 square feet per dwelling unit if common</u>	<u>At least 60 square feet if private and 80 square feet per dwelling unit if common</u>	<u>At least 36 square feet if private, and 48 square feet per dwelling unit if common</u>
<u>Parking Requirements</u>	<u>§§ 151, 161</u>	<u>Generally one space for every dwelling unit minimum. Certain exceptions permitted per §161.</u>			
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 1-2 units mandatory DR/Loss of 3 or more C</u>			
<u>Use Characteristics</u>					
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Uses</u>					
<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>Up to one unit per 800 square feet of lot area.</u>	<u>Up to one unit per 600 square feet of lot area.</u>	<u>Up to one unit per 400 square feet of lot area.</u>	<u>Up to one unit per 200 square feet of lot area.</u>
<u>Senior Housing</u>	<u>§§ 102, 202.2(f)</u>	<u>P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location.</u>			
<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<u>Up to one bedroom for every 275 square feet of lot area.</u>	<u>Up to one bedroom for every 210 square feet of lot area.</u>	<u>Up to one bedroom for every 140 square feet of lot area.</u>	<u>Up to one bedroom for every 70 square feet of lot area.</u>

**** This table contains a brief summary of, and reference guide to, the specific rules which appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between this Table and the relevant governing sections, the latter shall control.” ← INSERT THIS FOR ALL OF THE 209 & 210 SERIES TABLES.**

Exhibit C, cont.

From: [Doug Engmann](#)
To: [Christine D. Johnson](#); [Cindy Wu](#); [Secretary, Commissions \(CPC\)](#); [Kathrin Moore](#); [Michael J. Antonini](#); [Rich Hillis](#); [Rodney Fong](#); [Richards, Dennis \(CPC\)](#)
Cc: [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Secretary, Commissions \(CPC\)](#)
Subject: Comments on Article 2 legislation on calendar for November 20th
Date: Tuesday, November 11, 2014 5:04:02 PM

Dear Planning Commissioners-

I attended the community meeting last night held by Aaron Starr to discuss neighborhood concerns and comments about the revision of Article 2 of the Planning Code which will be before you on November 20th. I would like to commend the Planning staff, including Aaron Starr, AnMarie Rodgers and Scott Sanchez for their openness and receptivity to hearing the neighborhood comments and willingness to consider alternative language proposed by the participants.

The staff did answer many of the questions I had after reviewing the changes in the Code, and agreed to review the suggestions I had made regarding a few of the definitions that are included in the Article 2 rewrite. I have these listed below for your consideration:

Section 102-Definitions

SEC. 102.29. Bedroom. A "sSleeping *Accommodation room*" as defined in the Building Code.(page 3)

There is no such definition in either the Housing Code or Building Code. My suggestion is just define it in the Planning Code as a "Room primarily used for sleeping that meets the minimum requirements of the Building Code for sleeping rooms."

Commercial Use. A land use with the sole or chief emphasis on making a profit including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses (page 6)

The use of the term "profit can be interpreted technically, such that certain businesses that are non-profit or unprofitable, might not be considered commercial. My suggestion is to use the phrase " A land use whose sole or chief emphasis is achieving a financial gain" which encompasses a broader list of ways commercial activities can operate.

Household. Any person or persons who reside or intend to reside in the same housing unit.(page 27)

The term "housing unit" is not used anywhere else in the Planning Code. For consistency, it would be better to use the terms already defined in the Planning

Code such as "Dwelling Unit" or "Residential Unit".

I thank the Commission for having the opportunity to comment on this proposed rewrite and for giving the community the extra time they needed to more fully understand the proposed legislation

Regards,

Douglas Engmann

Douglas J. Engmann

President

Engmann Options, Inc.

1 Embarcadero Center, # 1150

San Francisco, CA 94111

(415) 781-1916

Exhibit D

1 [Planning Code - Consolidate Definitions, Reorganize Article 2, and Make Other
2 Nonsubstantive Changes to Update, Clarify, and Simplify Code Language.]

3 **Ordinance amending the Planning Code to consolidate definitions into Section 102,**
4 **reorganize Article 2 to create Zoning Control Tables, and make nonsubstantive**
5 **changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify,**
6 **and simplify Code language; affirming the Planning Department's California**
7 **Environmental Quality Act determination and making findings of consistency with the**
8 **General Plan and the eight priority policies of Planning Code Section 101.1.**

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

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

17 Section 1. Findings.

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

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

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

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

7 Section 2. Article 1 of the Planning Code is hereby amended by adding Section 186.3,
8 revising Sections 102 through 102.37, 121.9, 124, 127, 128, 136, 136.1, 145.1, 145.4, 151.1,
9 155, 156, 159, 168, 178, 179.1, 181, 182, 183, 184, 186.1, 187.1, and 187.2, and deleting
10 Sections 121.5, 121.8, 136.2, 136.3, and 175.7, to read as follows:

11 **SEC. 102. DEFINITIONS.**

12 For the purposes of this Code, certain words and terms used herein are defined as set
13 forth in this and the following sections. Additional definitions applicable to Article 7,
14 Neighborhood Commercial Districts, and to Article 9, Mission Bay Districts, are set forth in
15 Section 790. Additional definitions applicable only to Article 8, Mixed Use Districts, are set
16 forth in Section 890. Additional definitions applicable only to the Bernal Heights Special Use
17 District are set forth in Section 242. Additional definitions applicable only to Article 9, Mission
18 Bay Districts, are set forth in Section 996. All words used in the present tense shall include the
19 future. All words in the plural number shall include the singular number, and all words in the
20 singular number shall include the plural number, unless the natural construction of the
21 wording indicates otherwise. The word "shall" is mandatory and not directory. Whenever any
22 of the following terms is used it shall mean the corresponding officer, department, board or
23 commission *or its successor* of the City and County of San Francisco, State of California, herein
24 referred to as the City: Assessor, Board of Supervisors, *Planning* Department ~~of City Planning,~~
25 Department of Public Works, Director of Planning, ~~City~~ Planning Commission, *or* Zoning

1 Administrator. In each case, the term shall be deemed to include an employee of any such
2 officer or department of the City who is lawfully authorized to perform any duty or exercise any
3 power as a representative or agent of that officer or department.

4 A

5 Adjacent Building. Generally, a building on a lot adjoining the subject lot along a side lot line.

6 Adult Business. A Retail Sales and Service Use that includes the following: adult bookstore or
7 adult video store, as defined by Section 791 of the Police Code; adult theater, as defined by Section 791
8 of the Police Code; and encounter studio, as defined by Section 1072.1 of the Police Code. Such use
9 shall be located no less than 1,000 feet from another Adult Business use.

10 ~~SEC. 102.35. Urban Agriculture.~~ Urban Agriculture shall be defined as follows: A Use
11 Category that includes Neighborhood Agriculture, Large-Scale Urban Agriculture, and Greenhouse.

12 ~~(b) Large-Scale Agriculture, Large-Scale Urban.~~ An Agricultural Use that is characterized by
13 the use of land for the production of food or horticultural crops to be harvested, sold, or
14 donated that occur: ~~(1)~~ (a) on a plot of land ~~±~~ one acre or larger or ~~(2)~~ (b) on smaller parcels
15 that cannot meet the physical and operational standards for Neighborhood Agriculture. This
16 use is subject to location and operational conditions outlined in Section 202.2(c) of this Code.

17 ~~(a) Neighborhood Agriculture, Neighborhood.~~ An Agricultural Use that occupies less than
18 ~~±~~ one acre for the production of food or horticultural crops to be harvested, sold, or donated
19 and complies with the controls and standards herein. The use includes, but is not limited to,
20 home, kitchen, and roof gardens. Farms that qualify as Neighborhood Agricultural use may
21 include, but are not limited to, community gardens, community-supported agriculture, market
22 gardens, and private farms. Neighborhood Agricultural use may be principal or accessory use.
23 This use is subject to location and operational conditions outlined in Section 202.2(c) of this Code.

24 Agriculture, Urban. Any subgrouping of Agricultural Uses that includes either Neighborhood
25 Agriculture or Large-Scale Urban Agriculture.

1 ~~SEC. 102.1.~~ **Alley.** A right-of-way, less than 30 feet in width, permanently dedicated to
2 common and general use by the public.

3 *Ambulance Service.* See *Service, Ambulance.*

4 *Animal Hospital.* A Retail Sales and Service Use that provides medical care and accessory
5 *boarding services for animals, not including a Kennel.*

6 ~~SEC. 102.2.~~ **Arts Activities and Spaces.** ~~Arts activities shall~~ A Retail Entertainment, Arts
7 and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal,
8 production, post-production and some schools of any of the following: Dance, music, dramatic
9 art, film, video, graphic art, painting, drawing, sculpture, small-scale glassworks, ceramics,
10 textiles, woodworking, photography, custom-made jewelry or apparel, and other visual,
11 performance and sound arts and craft. It shall exclude accredited ~~s~~Schools and ~~accredited~~
12 ~~p~~Post-~~s~~Secondary ~~e~~Educational ~~i~~Institutions as defined by 209.3(k), 217(h), 790.50(c) and
13 890.50(c). It shall include commercial arts and art-related business service uses including, but
14 not limited to, recording and editing services, small-scale film and video developing and
15 printing; titling; video and film libraries; special effects production; fashion and photo stylists;
16 production, sale and rental of theatrical wardrobes; and studio property production and rental
17 companies. Arts spaces shall include studios, workshops, ~~galleries, museums,~~ archives and
18 theaters, and other similar spaces customarily used principally for arts activities, exclusive of a
19 Movie ~~#Theaters subject to Section 221(d), dance halls subject to Section 221(f), Amusement~~
20 Enterprise, ~~a~~Adult ~~e~~Entertainment ~~subject to Section 221(k) of this Code,~~ and any other
21 establishment where liquor is customarily served during performances.

22 *Automobile Assembly.* An Industrial Use that involves the assembly of parts for the purpose of
23 manufacturing automobiles, trucks, buses, or motorcycles. This use is subject to operational and
24 location restrictions outlined in Section 202.2(d) of this Code.

25

1 **Automobile Wrecking.** An Industrial Use that includes the storage of vehicles in not in
2 operational condition and/or sale of used automobile parts, or for the storage, dismantling, or
3 abandonment of junk, automobiles, trailers, machinery or parts thereof. This use is subject to
4 operational and location restrictions outlined in Section 202.2(d) of this Code.

5 **Automobile Sale or Rental.** A Retail Automotive Use that provides vehicle sales or rentals
6 within a building or on an open lot.

7 **Automotive Repair.** A Retail Automotive Use that provides any of the following automotive
8 repair services, when conducted within an enclosed building having no openings, other than fixed
9 windows or exits required by law, located within 50 feet of any R District: minor auto repair, engine
10 repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged
11 motor vehicles, collision service, or full body paint spraying. It may include other services for
12 automobiles including, but not limited to, accessory towing, if all towed vehicles stored on the premises
13 are limited to those vehicles that are to be repaired on the premises.

14 **Automotive Service.** A subgrouping of Retail Automotive Uses providing services for motor
15 vehicles that includes Automotive Gas Station, Automotive Service Station, Automotive Repair, and
16 Automotive Wash.

17 **Automotive Service Station.** A Retail Automotive Use that provides motor fuels and lubricating
18 oils directly into motor vehicles and minor auto repairs (excluding engine repair, rebuilding, or
19 installation of power train components, reconditioning of badly worn or damaged motor vehicles,
20 collision service, or full body paint spraying) and services that remain incidental to the principal sale
21 of motor fuel. Repairs shall be conducted within no more than three enclosed service bays in buildings
22 having no openings, other than fixed windows or exits required by law, located within 50 feet of any R
23 District. It may include other incidental services for automobiles including, but not limited to,
24 accessory towing, if the number of towing vehicles does not exceed one, and all towed vehicles stored
25 on the premises are limited to those vehicles that are to be repaired on the premises.

1 **Automotive Use.** A Commercial Use category that includes Automotive Repair, Ambulance
2 Services, Automobile Sale or Rental, Automotive Service Station, Automotive Wash, Gas Station, Parcel
3 Delivery Service, Private Parking Garage, Private Parking Lot, Public Parking Garage, Public
4 Parking Lot, Vehicle Storage Garage, Vehicle Storage Lot ,and Vehicle Tow Service. All Automotive
5 Uses that have Vehicular Use Areas defined in this Section of the Code shall meet the screening
6 requirements for vehicular use areas in Section 142.

7 **Automotive Use, Non-Retail.** A subcategory of Automotive Use that includes Ambulance
8 Services, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, and Vehicle Tow
9 Service.

10 **Automotive Use, Retail.** A subcategory of Automotive Use that includes Automotive Repair,
11 Automotive Sale or Rental, Automobile Service Station, Automotive Wash, Gas Station, Public Parking
12 Garage, Public Parking Lot, Vehicle Storage Garage, and Vehicle Storage Lot.

13 **Automotive Wash.** A Retail Automotive Use that provides cleaning and polishing of motor
14 vehicles, including self-service operations. This use is subject to the location and operational
15 restrictions in Section 202.2(e).

16 **Awning.** A light roof-like structure, supported entirely by the exterior wall of a building;
17 consisting of a fixed or movable frame covered with cloth, plastic, or metal; extending over doors,
18 windows, and/or show windows; with the purpose of providing protection from sun and rain and/or
19 embellishment of the façade; as further regulated in Section 3105 of the Building Code.

20 **B**

21 **Bar.** A Retail Sales and Service Use that provides on-site alcoholic beverage sales for drinking
22 on the premises, including bars serving beer, wine and/or liquor to the customer where no person
23 under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 23, 42, 48, or
24 61) and drinking establishments serving beer where minors are present (with ABC license types 42 or

1 60) in conjunction with other uses such as Movie Theaters and General Entertainment. Such businesses
2 shall operate with the specified conditions in Section 202.2(a).

3 **Basement.** See Story.

4 ~~SEC. 102.29.~~ **Bedroom.** A "sleeping Accommodation room" as defined in the Building
5 Code.

6 **Board of Supervisors (Board).** The Board of Supervisors of the City and County of San
7 Francisco.

8 **Bona Fide Eating Place.** A place that is regularly and in a bona fide manner used and kept
9 open for the service of meals to guests for compensation and that has suitable kitchen facilities
10 connected therewith, containing conveniences for cooking of an assortment of foods that may be
11 required for ordinary meals.

12 (a) "Meals" shall mean an assortment of foods commonly ordered at various hours of the day
13 for breakfast, lunch, or dinner. Incidental food service, comprised only of appetizers to accompany
14 drinks, is not considered a meal. Incidental, sporadic, or infrequent sales of meals or a mere offering of
15 meals without actual sales is not compliance.

16 (b) "Guests" shall mean persons who, during the hours when meals are regularly served
17 therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and
18 obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed
19 to require that any food be sold or purchased with any beverage.

20 (c) Actual and substantial sales of meals are required, during the normal days and meal hours
21 that a bona fide public eating place is open, provided that "normal days of operation" shall mean a
22 minimum of five days a week and "normal hours" of operation for meal service shall mean
23 approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00 a.m. to 2:00 p.m. if open for lunch;
24 or 5:00 p.m. to 10:00 p.m. if open for dinner.

1 (d) The premises must be equipped and maintained in good faith. This means the premises must
2 possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment
3 dispensers, menus, signs, and enough goods to make substantial meals. The premises must comply with
4 all regulations of the Department of Public Health.

5 (e) A minimum of 51 percent of the restaurant's gross receipts shall be from food sales prepared
6 and sold to guests on the premises. Records of the restaurant's gross receipts shall be provided to the
7 Department upon request.

8 (f) A "bona fide eating place" does not include an Adult Business as defined in this Section of
9 the Code.

10 ~~SEC. 102.3.~~ **Building.** Any structure having a roof supported by columns or walls.

11 C

12 **Canopy.** A light roof-like structure, supported by the exterior wall of a building and on columns
13 or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or
14 metal, extending over entrance doorways only, with the purpose of providing protection from sun and
15 rain and/or embellishment of the façade, as further regulated in Section 3105 of the Building Code.

16 **Cat Boarding.** A Retail Sales and Service Use that provides boarding only for cats.

17 **Catering.** A Non-Retail Sales and Service Use that involves the preparation and delivery of
18 goods including the following items: food, beverages; balloons, flowers, plants, party decorations and
19 favours; or cigarettes/candy.

20 **Chair/Foot Massage.** See Massage, Chair/Foot.

21 **Change of Use.** A change of gross floor area from one category of use to another category of
22 use listed in the use table for the zoning district of the subject lot.

23 **Child Care Facility.** An Institutional Community Use defined in California Health and Safety
24 Code Section 1596.750 that provides less than 24-hour care for children by licensed personnel and
25 meets the open-space and other requirements of the State of California and other authorities.

1 City. The City and County of San Francisco.

2 Commercial Use. A land use with the sole or chief emphasis on making a profit including but
3 not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses,
4 and Auto Uses.

5 Commission. The San Francisco Planning Commission.

6 Community Facility. An Institutional Community Use that includes community clubhouses,
7 neighborhood centers, community cultural centers, or other community facilities not publicly owned
8 but open for public use in which the chief activity is not carried on as a gainful business and whose
9 chief function is the gathering of persons from the immediate neighborhood in a structure for the
10 purposes of recreation, culture, social interaction, health care, or education other than Institutional
11 Uses as defined in this Section.

12 Community Facility, Private. An Institutional Community Use that includes a private lodge,
13 private clubhouse, and private recreational facility other than a Community Facility as defined in this
14 section, and which is not operated as a gainful business.

15 Community Recycling Collection Center. A Utility and Infrastructure Use that collects, stores,
16 or handles recyclable materials, including glass and glass bottles, newspaper, aluminum, paper and
17 paper products, plastic and other materials which may be processed and recovered, if within a
18 completely enclosed container or building, having no openings other than fixed windows or exits
19 required by law, provided that: (1) Flammable materials are collected and stored in metal containers;
20 and (2) Collection hours are limited to 9:00 a.m. to 7:00 p.m. daily. It does not include the storage,
21 exchange, packing, disassembling or handling of junk, waste, used furniture and household equipment,
22 used cars in operable condition, used or salvaged machinery, or salvaged house-wrecking and
23 structural steel materials and equipment.

24 Condition(s) of Approval. A condition or set of written conditions imposed by the Planning
25 Commission or another permit-approving or issuing City agency or appellate body to which a project

1 applicant agrees to adhere and fulfill when it receives approval for the construction of a development
2 project subject to this Article.

3 **Corner Lot.** See Lot, Corner.

4 ~~SEC. 102.37.~~ **Cottage Food Operation.** An Accessory Use to a ~~d~~Dwelling ~~#~~Unit as
5 defined in Section 113758 of the California State Health and Safety Code.

6 ~~SEC. 102.4.~~ **Court.** Any space on a lot other than a yard ~~which~~ that, from a point not
7 more than two feet above the floor line of the lowest story in the building on the lot in which
8 there are windows from rooms abutting and served by the court, is open and unobstructed to
9 the sky, except for obstructions permitted by this Code. An "outer court" is a court, one entire
10 side or end of which is bounded by a front setback, a rear yard, a side yard, a front lot line, a
11 street, or an alley. An "inner court" is any court that is not an outer court.

12 **D**

13 **DBI.** The San Francisco Department of Building Inspection or its successor.

14 **Department.** See Planning Department.

15 **Development Impact Fee.** A fee imposed on a development project as a condition of approval
16 to mitigate the impacts of increased demand for public services, facilities, or housing caused by the
17 development project that may or may not be an impact fee governed by the California Mitigation Fee
18 Act (California Government Code Section 66000, et seq.).

19 **Design Professional.** A Non-Retail Sales and Service Use that provides professional design
20 services to the general public or to other businesses and includes architectural, landscape
21 architectural, engineering, interior design, and industrial design services. It does not include (1) the
22 design services of graphic artists or other visual artists which are included in the definition of Arts
23 Activities; or (2) the services of advertising agencies or other services which are included in the
24 definition of Professional Service or Non-Retail Professional Service, Financial Service or Medical
25 Service.

1 **Director.** The Director of the Planning Department or his or her designee.

2 ~~SEC. 102.5.~~ **District.** A portion of the territory of the City, as shown on the Zoning Map,
3 within which certain regulations and requirements or various combinations thereof apply under
4 the provisions of this Code. The term "district" shall include any use, special use, height and
5 bulk, or special sign district. The classes of use districts are described in Section 201 of this
6 Code.

7 **Drive-Up Facility.** A Use Characteristic that includes a structure designed for drive-to or
8 drive-through trade which provides service to patrons while in private motor vehicles, excluding
9 Automotive Gas Station, Automotive Service Station, Automotive Repair, and Automotive Wash.

10 **DPW.** The Department of Public Works or its successor.

11 ~~SEC. 102.6.~~ **Dwelling.** A building, or portion thereof, containing one or more dDwelling
12 uUnits. A "one-family dwelling" is a building containing exclusively a single dwelling unit. A
13 "two-family dwelling" is a building containing exclusively two dwelling units. A "three-family
14 dwelling" is a building containing exclusively three dwelling units.

15 ~~SEC. 102.7.~~ **Dwelling Unit.** A Residential Use defined as a room or suite of two or more
16 rooms that is designed for, or is occupied by, one family doing its own cooking therein and
17 having only one kitchen. A housekeeping room as defined in the Housing Code shall be a
18 ~~d~~Dwelling ~~#~~Unit for purposes of this Code. For the purposes of this Code, a ~~l~~Live/~~w~~Work uUnit,
19 as defined in this Section ~~102.13 of this Code~~, shall not be considered a ~~d~~Dwelling ~~#~~Unit.

20 **E**

21 **Eating and Drinking Use.** A grouping of Retail Sales and Service Uses that provide food
22 and/or beverages for either on- or off-site food consumption including Bars, Restaurants, Limited-
23 Restaurants, and Take-out Food. Eating and Drinking Uses are subject to the conditions in Section
24 202.2(a).

1 **Entertainment.** See also Entertainment, Arts and Recreation Use, General Entertainment,
2 Limited Live Performance, Nighttime Entertainment, and Outdoor Entertainment.

3 **Entertainment, General.** A Retail Entertainment, Arts and Recreation Use that provides
4 entertainment or leisure pursuits to the general public including billiard halls, bowling alleys, skating
5 rinks, min-golf and game arcades, when conducted within a completely enclosed building, and which is
6 adequately soundproofed or insulated so as to confine incidental noise to the premises.

7 ~~SEC. 102.17. Nighttime~~ **Entertainment, Nighttime Uses.** Nighttime entertainment uses shall A
8 Retail Entertainment, Arts and Recreation Use that includes dance halls, discotheques, nightclubs,
9 private clubs, and other similar evening-oriented entertainment activities which require dance
10 hall keeper police permits or Place of Entertainment ~~or Limited Live Performance~~ police permits,
11 as defined in Section 1060 of the Police Code, which are not limited to non-amplified live
12 entertainment, including ~~Restaurants and Bars~~ Restaurants and Bars which present such activities, but shall not
13 include any ~~Arts Activity activities or space as defined in Section 102.2 of this Code,~~ any theater
14 performance space which does not serve alcoholic beverages during performances, or any
15 temporary uses permitted pursuant to Sections 205 through ~~205.3~~ 205.4 of this Code.

16 **Entertainment, Outdoor.** A Retail Entertainment, Arts and Recreation Use that includes
17 circuses, carnivals, or other amusement enterprises not conducted within a building, and conducted on
18 premises not less than 200 feet from any R District.

19 **Entertainment, Arts and Recreation, Non-Commercial.** A subcategory of Entertainment, Arts
20 and Recreation Uses that includes Open Recreation Area and Passive Outdoor Recreation.

21 **Entertainment, Arts and Recreation, Retail.** A subcategory of Entertainment, Arts and
22 Recreation Uses that includes Arts Activities, General Entertainment, Livery Stables, Movie Theater,
23 Nighttime Entertainment, Outdoor Entertainment, and Sports Stadium.

24 **Entertainment, Arts and Recreation Use.** A Use Category that includes Arts Activities,
25 General Entertainment, Livery Stables, Movie Theater, Nighttime Entertainment, Open Recreation

1 Area, Outdoor Entertainment, Passive Outdoor Recreation and Sports Stadiums. Adult Business is not
2 included in this definition, except for the purposes of Development Impact Fee Calculation as described
3 in Article Four.

4 **F**

5 **Façade.** An entire exterior wall assembly including, but not limited to, all finishes and siding,
6 fenestration, doors, recesses, openings, bays, parapets, sheathing, and framing.

7 **Façade, Front.** The portion of the Façade fronting a right-of-way, or the portion of the Façade
8 most closely complying with that definition, as in the case of a flag lot. Where a lot has more than one
9 frontage on rights-of-way. all such frontages shall be considered Front Façades except where a façade
10 meets the definition of "Rear Façade."

11 ~~SEC. 102.22.~~ **Principal Façades, Principal.** Exterior walls of a ~~b~~Building that are
12 adjacent to or front on a public street, park, or plaza.

13 **Façade, Rear.** That portion of the Façade facing the part of a lot that most closely complies
14 with the applicable Planning Code rear yard requirements.

15 **Fair Return on Investment.** Where the property owner does not own the business, the before
16 income tax total annual rent and other compensation received from the business for the lease of the
17 land and buildings, less the expenses of the lessor, on a cash basis. Where the property owner also
18 owns the business, the before income tax profit on the sale of all goods and services at the business on
19 a cash basis; for an Automotive Service Station business, it shall include the sale of gasoline, less the
20 cost of goods sold and operating costs.

21 ~~SEC. 102.8.~~ **Family.** A single and separate living unit, consisting of either: ~~(a)~~ one
22 person, or two or more persons related by blood, marriage or adoption or by legal
23 guardianship pursuant to court order; plus necessary domestic servants and not more than
24 three roomers or boarders; ~~(b) or~~ A a group of not more than five persons unrelated by blood,
25 marriage or adoption, or such legal guardianship unless the group has the attributes of a family in

1 that it (a) has control over its membership and composition; (b) purchases its food and prepares and
2 consumes its meals collectively; and (c) determines its own rules or organization and utilization of the
3 residential space it occupies. A group occupying group housing or a hotel, motel, or any other
4 building or portion thereof other than a dDwelling, shall not be deemed to be a family.

5 ~~SEC. 102.9.~~ **Floor Area, Gross.** In dDistricts other than C-3, the sum of the gross areas
6 of the several floors of a building or buildings, measured from the exterior faces of exterior
7 walls or from the centerlines of walls separating two buildings. Where columns are outside
8 and separated from an exterior wall (curtain wall) that encloses the building space or are
9 otherwise so arranged that the curtain wall is clearly separate from the structural members,
10 the exterior face of the curtain wall shall be the line of measurement, and the area of the
11 columns themselves at each floor shall also be counted.

12 In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of
13 the several floors of a building or buildings, measured along the glass line at windows at a
14 height of four feet above the finished floor and along a projected straight line parallel to the
15 overall building wall plane connecting the ends of individual windows, provided, however, that
16 such line shall not be inward of the interior face of the wall.

17 (a) Except as specifically excluded in this definition, "gGross fFloor aArea" shall include,
18 but not be limited to, the following:

19 (1) Basement and cellar space, including tenants' storage areas and all other
20 spaces except that used only for storage or services necessary to the operation or
21 maintenance of the building itself;

22 (2) Elevator shafts, stairwells, exit enclosures, and smoke-proof enclosures at
23 each floor;

24 (3) Floor space in penthouses except as specifically excluded in this definition;

1 (4) Attic space (whether or not a floor has been laid) capable of being made into
2 habitable space;

3 (5) Floor space in balconies or mezzanines in the interior of the building;

4 (6) Floor space in open or roofed porches, arcades, or exterior balconies, if such
5 porch, arcade, or balcony is located above the ground floor or first floor of occupancy above
6 basement or garage and is used as the primary access to the interior space it serves;

7 (7) Floor space in accessory buildings, except for floor spaces used for
8 accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and
9 driveways and maneuvering areas incidental thereto; and

10 (8) Any other floor space not specifically excluded in this definition.

11 (b) "Gross ~~f~~loor ~~a~~Area" shall not include the following:

12 (1) Basement and cellar space used only for storage or services necessary to
13 the operation or maintenance of the building itself;

14 (2) Attic space not capable of being made into habitable space;

15 (3) Elevator or stair penthouses, accessory water tanks or cooling towers, and
16 other mechanical equipment, appurtenances, and areas necessary to the operation or
17 maintenance of the building itself, if located at the top of the building or separated therefrom
18 only by other space not included in the gross floor area;

19 (4) Mechanical equipment, appurtenances, and areas necessary to the
20 operation or maintenance of the building itself (i) if located at an intermediate story of the
21 building and forming a complete floor level; or (ii) in C-3 Districts, if located on a number of
22 intermediate stories occupying less than a full floor level, provided that the mechanical
23 equipment, appurtenances, and areas are permanently separated from occupied floor areas
24 and in aggregate area do not exceed the area of an average floor as determined by the
25 Zoning Administrator;

1 (5) Outside stairs to the first floor of occupancy at the face of the building which
2 the stairs serve, or fire escapes;

3 (6) Floor space used for accessory off-street parking and loading spaces as
4 described in Section 204.5 of this Code and up to a maximum of 150 percent (150%) of the
5 off-street accessory parking permitted by right in Section 151.1 of this Code for C-3 Districts,
6 and driveways and maneuvering areas incidental thereto;

7 (7) Bicycle parking that meets the standards of Sections 155.1 through 155.4
8 ~~155.5~~ of this Code;

9 (8) Arcades, plazas, walkways, porches, breezeways, porticos and similar
10 features (whether roofed or not), at or near street level, accessible to the general public and
11 not substantially enclosed by exterior walls; and accessways to public transit lines, if open for
12 use by the general public; all exclusive of areas devoted to sales, service, display, and other
13 activities other than movement of persons;

14 (9) Balconies, porches, roof decks, terraces, courts and similar features, except
15 those used for primary access as described in Paragraph (a)(6) above, provided that:

16 (A) If more than 70 percent of the perimeter of such an area is enclosed,
17 either by building walls (exclusive of a railing or parapet not more than three feet eight inches
18 high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either
19 dimension, the area shall not be excluded from ~~g~~Gross ~~f~~Floor ~~a~~Area unless it is fully open to
20 the sky (except for roof eaves, cornices, or belt courses that project not more than two feet
21 from the face of the building wall).

22 (B) If more than 70 percent of the perimeter of such an area is enclosed,
23 either by building walls (exclusive of a railing or parapet not more than three feet eight inches
24 high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both
25 dimensions: (1) The area shall be excluded from ~~g~~Gross ~~f~~Floor ~~a~~Area if it is fully open to the

1 sky (except for roof eaves, cornices, or belt courses that project no more than two feet from
2 the face of the building wall); and (2) The area may have roofed areas along its perimeter
3 which are also excluded from ~~g~~Gross ~~f~~Floor ~~a~~Area if the minimum clear open space between
4 any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with
5 the above exceptions) and the roofed area does not exceed 10 feet in depth; (3) In addition,
6 when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed
7 structure without walls may cover up to 10 percent of such open space without being counted
8 as gross floor area.

9 (C) If, however, 70 percent or less of the perimeter of such an area is
10 enclosed by building walls (exclusive of a railing or parapet not more than three feet eight
11 inches high) or by such walls and interior lot lines, and the open side or sides face on a yard,
12 street or court whose dimensions satisfy the requirements of this Code and all other
13 applicable codes for instances in which required windows face upon such yard, street, or
14 court, the area may be roofed to the extent permitted by such codes in instances in which
15 required windows are involved;

16 (10) On lower, nonresidential floors, elevator shafts and other life-support
17 systems serving exclusively the residential uses on the upper floors of a building;

18 (11) One-third of that portion of a window bay conforming to the requirements of
19 Section 136(d)(2) that extends beyond the plane formed by the face of the façade on either
20 side of the bay, but not to exceed seven square feet per bay window as measured at each
21 floor;

22 (12) Ground floor area in the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), and C-3-G
23 Districts devoted to building or pedestrian circulation and building service;

24 (13) In the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), and C-3-G Districts, space
25 devoted to personal services, restaurants, and retail sales of goods intended to meet the

1 convenience shopping and service needs of downtown workers and residents, not to exceed
2 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the
3 ground floor of the building plus the ground level, on-site open space. Said uses shall be
4 located on the ground floor except that, in order to facilitate the creation of more spacious
5 ground floor interior spaces, a portion of the said uses, in an amount to be determined
6 pursuant to the provisions of Section 309, may be located on a mezzanine level;

7 (14) An interior space provided as an open space feature in accordance with the
8 requirements of Section 138;

9 (15) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
10 Neighborhoods Mixed Use Districts devoted to child care facilities, provided that:

11 (A) Allowable indoor space is no less than 3,000 square feet and no more
12 than 6,000 square feet, and

13 (B) The facilities are made available rent free, and

14 (C) Adequate outdoor space is provided adjacent, or easily accessible, to
15 the facility. Spaces such as atriums, rooftops, or public parks may be used if they meet
16 licensing requirements for child care facilities, and

17 (D) The space is used for child care for the life of the building as long as
18 there is a demonstrated need. No change in use shall occur without a finding by the *City*
19 Planning Commission that there is a lack of need for child care and that the space will be
20 used for a facility described in Subsection ~~15-16~~ below dealing with cultural, educational,
21 recreational, religious, or social service facilities;

22 (16) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
23 Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational,
24 religious, or social service facilities available to the general public at no cost or at a fee
25 covering actual operating expenses, provided that such facilities are:

1 (A) Owned and operated by a nonprofit corporation or institution; or

2 (B) Are made available rent free for occupancy only by nonprofit
3 corporations or institutions for such functions. Building area subject to this ~~s~~Subsection shall
4 be counted as ~~o~~Occupied ~~f~~Floor ~~a~~Area, except as provided in Subsections ~~102.10(a)~~ through (f)
5 *in the definition for Floor Area, Occupied of this Code*, for the purpose of calculating the freight
6 loading requirements for the project;

7 (17) Floor space in mezzanine areas within ~~l~~Live/~~w~~Work ~~u~~Units where the
8 mezzanine satisfies all applicable requirements of the ~~San Francisco~~ Building Code;

9 (18) Floor space suitable primarily for and devoted exclusively to exhibitions or
10 performances by live/work tenants within the structure or lot, provided that such facilities will
11 be available rent free to live/work tenants within the property for the life of the structure; and

12 (19) In South of Market Mixed Use Districts, ~~l~~Live/~~w~~Work ~~u~~Units and any
13 occupied floor area devoted to mechanical equipment or appurtenances or other floor area
14 accessory to live/work use provided that:

15 (A) The nonresidential use within each ~~l~~Live/~~w~~Work ~~u~~Unit shall be limited
16 to uses that are principal permitted uses in the district or otherwise are conditional uses in the
17 district and are approved as a conditional use;

18 (B) The density, enforcement, open space, parking, and freight loading
19 and other standards specified in Sections 124(j), 135.2, 151, and 152.1 shall be satisfied,
20 along with all other applicable provisions of this Code; and

21 (C) For the purpose of calculating the freight loading requirement for the
22 project, building area subject to this Subsection shall be counted as ~~o~~Occupied ~~f~~Floor ~~a~~Area,
23 except as provided in Subsections ~~102.10(a)~~ through (f) of *the definition in this Section 102 this*
24 *Code*.

25

1 (20) In the C-3-O(SD) District, space devoted to personal services, eating and
2 drinking uses, or retail sales of goods and that is located on the same level as the rooftop park
3 on the Transbay Transit Center and directly accessible thereto by a direct publicly-accessible
4 pedestrian connection meeting the standards of Section 138(j)(1).

5 (21) In the C-3-O(SD) District, publicly-accessible space on any story above a
6 height of 600 feet devoted to public accommodation that offers extensive views, including
7 observation decks, sky lobbies, restaurants, bars, or other retail uses, as well as any elevators
8 or other vertical circulation dedicated exclusively to accessing or servicing such space. The
9 space must be open to the general public during normal business hours throughout the year,
10 and may charge a nominal fee for access.

11 ~~SEC. 102.10.~~ **Floor Area, Occupied.** Floor area devoted to, or capable of being
12 devoted to, a principal or conditional use and its accessory uses. For purposes of
13 computation, "~~o~~Occupied ~~f~~Floor ~~a~~Area" shall consist of the ~~g~~Gross ~~f~~Floor ~~a~~Area, as defined in
14 this Code, minus the following:

15 (a) Nonaccessory parking and loading spaces and driveways, and maneuvering areas
16 incidental thereto;

17 (b) Exterior walls of the building;

18 (c) Mechanical equipment, appurtenances, and areas necessary to the operation or
19 maintenance of the building itself, wherever located in the building;

20 (d) Restrooms and space for storage and services necessary to the operation and
21 maintenance of the building itself, wherever located in the building;

22 (e) Space in a retail store for store management, show windows, and dressing rooms,
23 and for incidental repairs, processing, packaging, and stockroom storage of merchandise for
24 sale on the premises; and

25 (f) Incidental storage space for the convenience of tenants.

1 ~~SEC. 102.11.~~ **Floor Area Ratio.** The ratio of the ~~g~~Gross ~~f~~Floor ~~a~~Area of all the buildings
2 on a lot to the area of the lot. In cases in which portions of the gross floor area of a building
3 project horizontally beyond the lot lines, all such projecting gross floor area shall also be
4 included in determining the floor area ratio.

5 **Floor Area, Usable.** Generally, the sum of the gross areas of the several floors of a building,
6 measured from the exterior walls or from the center lines of common walls separating two buildings.
7 See alternative definition for the Bernal Heights Special Use District.

8 **Food, Fiber and Beverage Processing 1.** An Industrial use that involves the processing of
9 food-stuffs, agricultural fibers, and beverages with a low potential for noxious fumes, noise and
10 nuisance to the surrounding area including but not limited to bottling plants, breweries, dairy products
11 plant, malt manufacturing or processing plant, fish curing, smoking, or drying, cereal manufacturing,
12 liquor distillery, manufacturing of felt or shoddy, processing of hair or products derived from hair,
13 pickles, sauerkraut, vinegar, yeast, soda or soda compounds, meat products, and fish oil. This use does
14 not include the processing of wood pulp, and is subject to the operating conditions outlined in Section
15 202.2(d)

16 **Food Fiber and Beverage Processing 2.** An Industrial Use that involves the processing of
17 food-stuffs, agricultural fibers, and beverages with a high potential for noxious fumes, noise and
18 nuisance to the surrounding area including but not limited to a flour mill, sugar refinery, and wool
19 pulling or scouring. This use does not include the processing of wood pulp, and is subject to the
20 operating conditions outlined in Section 202.2(d)

21 **Formula Retail.** A type of retail sales activity or retail sales establishment that has eleven or
22 more other retail sales establishments located in the United States. In addition to the eleven
23 establishments, the business maintains two or more of the following features: a standardized array of
24 merchandise, a standardized façade, a standardized decor and color scheme, a uniform apparel,
25 standardized signage, and/or a trademark or a servicemark.

1 (a) For the purposes of this definition, a retail sales activity or retail sales establishment shall
2 include the following uses as defined in this Section of this Code: "Bar," "Drive-up Facility," "Eating
3 and Drinking Use," "Liquor Store," "Sales and Service, Other Retail," "Restaurant," "Limited-
4 Restaurant," "Take-Out Food," "Sales and Service, Retail," "Service, Financial," and "Movie Theater,"

5 (b) Standardized array of merchandise shall be defined as 50 percent or more of in-stock
6 merchandise from a single distributor bearing uniform markings.

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

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

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

15 (f) Color Scheme shall be defined as a selection of colors used throughout, such as on the
16 furnishings, permanent fixtures, and wall coverings, or as used on the façade.

17 (g) Façade shall be defined as the face or front of a building, including awnings, looking onto a
18 street or an open space.

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

22 (i) Signage shall be defined as a business sign pursuant to Section 602.3 of the Planning
23 Code.

24 **G**

1 **Gas Station.** *A Retail Automotive Use that provides motor fuels, lubricating oils, air, and water*
2 *directly into motor vehicles and without providing automotive repair services, and which also includes*
3 *self-service operations that sell motor fuel only. This use is subject to the controls in Sections 202.2(b),*
4 *187.1, and 228.*

5 **General Entertainment.** *See Entertainment, General.*

6 **General Grocery.** *See Grocery, General.*

7 **Gift Store-Tourist Oriented.** *A Retail Sales and Service Use that involves the marketing of*
8 *small art goods, gifts, souvenirs, curios, or novelties to the public, particularly those who are visitors to*
9 *San Francisco rather than local residents.*

10 **Grain Elevator.** *An Industrial Use defined as a storage facility for grain that contains a bucket*
11 *elevator or a pneumatic conveyor that scoops up grain from a lower level and deposits it in a silo or*
12 *other storage facility. This use also covers the entire elevator complex including, but not limited to,*
13 *receiving and testing offices, weighbridges, and storage facilities.*

14 **Greenhouse.** *An Agricultural use that involves the cultivation of plants inside a glass building.*
15 *This definition does not include accessory structures located in a required rear yard that comply with*
16 *Section 136(c)(22) of this Code.*

17 **Grocery, General.** *A Retail Sales and Services Use that:*

18 *(a) Offers a diverse variety of unrelated, non-complementary food and non-food commodities,*
19 *such as beverages, dairy, dry goods, fresh produce and other perishable items, frozen foods, household*
20 *products, and paper goods;*

21 *(b) May provide beer, wine, and/or liquor sales for consumption off the premises with a*
22 *California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-*
23 *sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);*

24 *(c) Prepares minor amounts or no food on site for immediate consumption; and*

25 *(d) Markets the majority of its merchandise at retail prices.*

1 (e) May have a Limited Restaurant use within the accessory use limits as set forth in Section
2 703.2(b)(1)(C)(iii).

3 (f) Such businesses shall operate with the specified conditions in Section 703.5.

4 **Grocery, Specialty.** A Retail Sales and Services Use that:

5 (a) Offers specialty food products such as baked goods, pasta, cheese, confections, coffee, meat,
6 seafood, produce, artisanal goods, and other specialty food products, and may also offer additional
7 food and non-food commodities related or complementary to the specialty food products;

8 (b) May provide beer, wine, and/or liquor sales for consumption off the premises with a
9 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-
10 sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

11 (c) Prepares minor amounts or no food on site for immediate consumption; and

12 (d) Markets the majority of its merchandise at retail prices.

13 (e) May provide Limited Restaurant services within the accessory use limits as set forth in
14 Section 703.2(b)(1)(C)(iii).

15 (f) Such businesses shall operate with the specified conditions in Section 703.5.

16 **Gross Floor Area.** See Floor Area, Gross

17 **Group Housing.** A Residential Use that provides lodging or both meals and lodging, without
18 individual cooking facilities, by prearrangement for a week or more at a time, in a space not defined by
19 this Code as a dwelling unit. Such group housing shall include, but not necessarily be limited to, a
20 Residential Hotel, boardinghouse, guesthouse, rooming house, lodging house, residence club,
21 commune, fraternity or sorority house, monastery, nunnery, convent, or ashram. It shall also include
22 group housing affiliated with and operated by a medical or educational institution, when not located on
23 the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this
24 Code concerning institutional master plans.

1 **Gym.** A Retail Sales and Service Use including a health club, fitness, gymnasium, or exercise
2 facility when including equipment and space for weight-lifting and cardiovascular activities.

3 **H**

4 **Hazardous Waste Facility.** An Industrial Use that includes any use involving the treatment,
5 transfer, storage, resource recovery, disposal, or recycling of hazardous waste that is produced at an
6 off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex
7 paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not
8 required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous
9 waste," "treatment," "transfer," "storage," "disposal," "off-site facility," and "used oil" as used herein
10 shall have the meaning given those terms in the California Health and Safety Code, Division 20,
11 Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.

12 **Health Service.** See Service, Health.

13 **Heavy Manufacturing.** See Manufacturing, Heavy.

14 **SEC. 102.12. Height (of a building or structure).** The vertical distance by which a
15 building or structure rises above a certain point of measurement. ~~, which point shall be taken as~~
16 indicated herein. For this purpose, the term "building" shall be deemed to include the term
17 "structure." See Section 260 of this Code for how height is measured.

18 (a) ~~In the case of either (b) or (c) below, such point shall be taken at the centerline of the~~
19 building or, where the building steps laterally in relation to a street that is the basis for height
20 measurement, separate points shall be taken at the centerline of each building step.

21 (b) ~~Where the lot is level with or slopes downward from a street at the centerline of the~~
22 building or building step, such point shall be taken at curb level on such a street. This point shall be
23 used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel
24 to such street, or beyond a line equidistant between such street and the street on the opposite side of the
25 block, whichever depth is greater. Measurement of height for any portion of the lot extending beyond

1 ~~such line shall be considered in relation to the opposite (lower) end of the lot, and that portion shall be~~
2 ~~considered an upward sloping lot in accordance with Subsection (c) below, whether or not the lot also~~
3 ~~has frontage on a lower street.~~

4 ~~(c) Where the lot slopes upward from a street at the centerline of the building or building step,~~
5 ~~such point shall be taken at curb level for purposes of measuring the height of the closest part of the~~
6 ~~building within 10 feet of the property line of such street; at every other cross-section of the building, at~~
7 ~~right angles to the centerline of the building or building step, such point shall be taken as the average~~
8 ~~of the ground elevations at either side of the building or building step at that cross-section. The ground~~
9 ~~elevations used shall be either existing elevations or the elevations resulting from new grading~~
10 ~~operations encompassing an entire block. Elevations beneath the building shall be taken by projecting~~
11 ~~a straight line between ground elevations at the exterior walls at either side of the entire building in the~~
12 ~~same plane.~~

13 ~~(d) Where the lot has frontage on two or more streets, the owner may choose the street or~~
14 ~~streets from which the measurement of height is to be taken, within the scope of the rules stated above.~~

15 ~~Where the height limits for buildings and structures are established by this Code, the upper~~
16 ~~points to be taken for measurement of height shall be as prescribed in the provisions relating to such~~
17 ~~height limits.~~

18 **Horizontal Elements.** All roof areas and all floor plates, except floor plates at or below grade.

19 **Hospital.** An Institutional Healthcare Use that includes a hospital, medical center, or other
20 medical institution that provides facilities for inpatient and outpatient medical care and may also
21 include medical offices, clinics, laboratories, and employee or student dormitories and other housing,
22 operated by and affiliated with the institution, which institution has met the applicable provisions of
23 Section 304.5 of this Code concerning institutional master plans.

24 **Hotel.** A Retail Sales and Services Use that provides tourist accommodations, including guest
25 rooms or suites, which are intended or designed to be used, rented, or hired out to guests (transient

1 visitors) intending to occupy the room for less than 32 consecutive days. This definition also applies to
2 buildings containing six or more guest rooms designated and certified as tourist units, under Chapter
3 41 of the San Francisco Administrative Code. For purposes of this Code, a Hotel does not include
4 (except within the Bayshore-Hester Special Use District as provided for in Sections 713 and 780.2 of
5 this Code) a Motel, which contains guest rooms or suites that are independently accessible from the
6 outside, with garage or parking space located on the lot, and designed for, or occupied by, automobile-
7 traveling transient visitors. Hotels shall be designed to include all lobbies, offices, and internal
8 circulation to guest rooms and suites within and integral to the same enclosed building or buildings as
9 the guest rooms or suites.

10 **Hotel, Residential.** A Residential Use defined in Chapter 41 of the San Francisco
11 Administrative Code that contains one or more residential hotel units. A residential hotel unit is a guest
12 room, as defined in Section 203.7 of Chapter XII, Part II, of the San Francisco Municipal Code
13 (Housing Code), which had been occupied by a permanent resident on September 23, 1979, or any
14 guest room designated as a residential unit pursuant to Sections 41.6 or 41.7 of Chapter 41 of the San
15 Francisco Administrative Code. Residential hotels are further defined and regulated in the Residential
16 Hotel Unit Conversion and Demolition Ordinance, Chapter 41, of the San Francisco Administrative
17 Code.

18 **Hours of Operation.** The permitted hours during which any commercial establishment, not
19 including automated teller machines, may be open for business. Other restrictions on the hours of
20 operation of Movie Theaters, Adult Businesses, and Entertainment Uses, as defined in this Section of
21 the Code, shall apply pursuant to provisions in Section 303(c)(5), when such uses are permitted as
22 conditional uses. A Pharmacy may qualify for the exception to operate on a 24-hour basis provided in
23 this Section the Code.

24 **Household.** Any person or persons who reside or intend to reside in the same housing unit.

25 **I**

1 **Industrial Use.** A Use Category continuing the following uses: Automobile Wrecking,
2 Automobile Assembly, Food Fiber and Beverage Processing 1 and 2, Grain Elevator, Hazardous Waste
3 Facility, Junkyard, Livestock Processing 1 and 2, Heavy Manufacturing 1,2, and 3, Light
4 Manufacturing, Metal Working, Power Plant, Ship Yard, Storage Yard, Volatile Materials Storage, and
5 Truck Terminal.

6 **Infrastructure.** Open space and recreational facilities; public realms improvements such as
7 pedestrian improvements and streetscape improvements; public transit facilities; and community
8 facilities such as libraries, child care facilities, and community centers.

9 **In-Kind Agreement.** An agreement acceptable in form and substance to the City Attorney and
10 the Director of Planning, under which the project sponsor agrees to provide a specific set of community
11 improvements, at a specific phase of construction, in lieu of contribution to the relevant Fund.

12 **In Lieu Fee.** A fee paid by a project sponsor in lieu of complying with a requirement of this
13 Code and that is not a development impact fee governed by the Mitigation Fee Act.

14 **Institutional Community Use.** A subcategory of Institutional Uses that includes Child Care
15 Facility, Community Facility, Private Community Facility, Job Training, Philanthropic Administrative
16 Services, Religious Institution, Social Service or Philanthropic Facility, and Public Facility.

17 **Institutional Education Use.** A subcategory of Institutional Uses that includes Post-Secondary
18 Educational Institution, School, and Trade School.

19 **Institutional Healthcare Use.** A subcategory of Institutional Uses that includes Hospital,
20 Medical Cannabis Dispensary, and Residential Care Facility.

21 **Institutional Use.** A Use Category that includes Child Care Facility, Community Facility,
22 Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary, Philanthropic
23 Administrative Services, Religious Institution, Residential Care Facility, Social Service or
24 Philanthropic Facility, Post-Secondary Educational Institution, Public Facility, School, and Trade
25 School.

1 **Interior Lot.** *See Lot, Interior.*

2 **Internet Service Exchange.** *A Utility and Infrastructure Use defined as a location that contains*
3 *any of the following uses (excluding Wireless Telecommunication Services Facility): switching*
4 *equipment (whether wireline or wireless) that joins or connects occupants, customers, or subscribers to*
5 *enable customers or subscribers to transmit data, voice or video signals to each other; one or more*
6 *computer systems and related equipment used to build, maintain, or process data, voice or video*
7 *signals, and provide other data processing services; or a group of network servers.*

8 **J**

9 **Jewelry Store.** *A Retail Sales and Service Use that primarily involves the sale of jewelry to the*
10 *general public. It may involve sales of precious stones, gems, precious metals, gold and silver, or*
11 *clocks and watches. Repair services or setting, custom design or manufacture of individual pieces of*
12 *jewelry may also be provided.*

13 **Job Training.** *A Institutional Community Use that provides job training and may also provide*
14 *vocational counseling and job referrals.*

15 **Junk Yard.** *An Industrial Use defined as an outdoor space where junk, waste, discarded or*
16 *salvaged materials are stored or handled, including house-wrecking yards, used lumber yards, and*
17 *places or yards for storage of salvaged house wrecking and structural steel materials and equipment,*
18 *excluding automobile wrecking operations, which is defined as a separate use in this Section of the*
19 *Code; yards or establishments for the sale, purchase, or storage of used cars or machinery in operable*
20 *condition; and the processing of used, discarded, or salvaged materials as part of a permitted*
21 *manufacturing operation in the same premises.*

22 **K**

23 **Kennel.** *A Retail Sales and Services Use where dogs are boarded for compensation, or are*
24 *cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding, or sale of*
25 *the dogs is the principal means of livelihood of the occupants of the premises.*

1 **L**

2 **Laboratory.** *A Non-Retail Sales and Services Use intended or primarily suitable for scientific*
3 *research. The space requirements of uses within this category include specialized facilities and/or built*
4 *accommodations that distinguish the space from Office uses, Light Manufacturing, or Heavy*
5 *Manufacturing. Examples of laboratories include the following:*

6 *(a) Chemistry, biochemistry, or analytical laboratory;*

7 *(b) Engineering laboratory;*

8 *(c) Development laboratory;*

9 *(d) Biological laboratories including those classified by the Centers for Disease Control (CDC)*
10 *and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;*

11 *(e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal*
12 *Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;*

13 *(f) Support laboratory;*

14 *(g) Quality assurance/Quality control laboratory; and*

15 *(h) Core laboratory.*

16 **Large-Scale Urban Agriculture.** *See Agriculture, Large Scale Urban.*

17 **Licensed Child Care Facility.** *A child care facility that has been issued a valid license by the*
18 *California Department of Social Services pursuant to California Health and Safety Code Sections*
19 *1596.80-1596.875, 1596.95-1597.09, or 1597.30-1597.61.*

20 **Life Science.** *A Non-Retail Sales and Service Use that involves the integration of natural and*
21 *engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for*
22 *products and services. This includes the creation of products and services used to analyze and detect*
23 *various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and*
24 *services, machinery, instruments, software, and reagents related to research and production. Life*
25 *Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of*

1 Life Science uses, Life Science laboratories typically include biological laboratories and animal
2 facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).

3 **Light Manufacturing.** See Manufacturing, Light.

4 **Limited Live Performance.** An Accessory Use as defined in Section 1060 of the Police Code

5 **Limited Restaurant.** See Restaurant, Limited.

6 **Liquor Store.** A Retail Sales and Service Use that sells beer, wine, or distilled spirits to a
7 customer in an open or closed container for consumption off the premises and that needs a State of
8 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-
9 sale general) This classification shall not include retail uses that (1) are both (a) classified as a
10 General Grocery, a Specialty Grocery, or a Restaurant-Limited, and (b) have a gross floor area
11 devoted to alcoholic beverages that is within the applicable accessory use limits for the use district in
12 which it is located, and have both (a) a Non-residential Use Size of greater than 10,000 gross square
13 feet and (b) a gross floor area devoted to alcoholic beverages that is within accessory use limits as set
14 forth in Section 204.2 of this Code, depending on the zoning district in which the use is located. For
15 purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784, the retail uses explicitly
16 exempted from this definition as set forth above shall only apply to General Grocery and Specialty
17 Grocery stores that exceed 5,000 square feet in size shall not: (a) sell any malt beverage with an
18 alcohol content greater than 5.7 percent by volume; any wine with an alcohol content of greater than
19 15 percent by volume, except for "dinner wines" that have been aged two years or more and maintained
20 in a corked bottle; or any distilled spirits in container sizes smaller than 600 milliliters; (b) devote
21 more than 15 percent of the gross square footage of the establishment to the display and sale of
22 alcoholic beverages; and (c) sell single servings of beer in container sizes 24 ounces or smaller.

23 **Livery Stable.** A Retail Entertainment, Arts and Recreation Use where horses and carriages are
24 kept for hire and where stabling is provided. This use also includes horse riding academies.

1 **Livestock Processing 1.** An Industrial Use that involves the live storage, killing or dressing of
2 poultry, rabbits or other small livestock, and/or the tanning or curing of raw hides or skins from an
3 animal of any size. Direct sales to customers is permitted on site. This use is subject to the location
4 and operating restrictions in Section 202.2(d).

5 **Livestock Processing 2.** An Industrial Use that involves the live storage, killing or dressing of
6 cows, pigs, goats, and other large livestock and/or the tanning or curing of raw hides or skins from an
7 animal of any size. Direct sales to customers is permitted on site. This use is subject to the location and
8 operating restrictions in Section 202.2(d).

9 **Live/Work Project.** A Housing Project containing more than one Live/Work Unit.

10 ~~SEC. 102.13.~~ **Live/Work Unit.** A live/work unit is hybrid Residential and PDR Use that is
11 defined as a structure or portion of a structure combining a residential living space for a group
12 of persons including not more than four adults in the same unit with an integrated work space
13 principally used by one or more of the residents of that unit; provided, however, that no
14 otherwise qualifying portion of a structure that contains a Group A occupancy under the ~~San~~
15 ~~Francisco~~ Building Code shall be considered a ~~Live/Work~~ ~~Unit~~. No City official, department,
16 board, or commission shall issue or approve a building permit or other land use entitlement
17 authorizing a new live/work unit as defined here, except as authorized as an accessory use under
18 Section 204.4. Lawfully approved live/work units are subject to the provisions of Sections 181 and 317
19 of this Code.

20 **Long Term Housing.** Housing intended for occupancy by a person or persons for 32
21 consecutive days or longer.

22 ~~SEC. 102.14.~~ **Lot.** A parcel of land under one ownership that constitutes, or is to
23 constitute, a complete and separate functional unit of development, and that does not extend
24 beyond the property lines along streets or alleys. A lot as so defined generally consists of a
25 single Assessor's lot, but in some cases consists of a combination of contiguous Assessor's

1 lots or portions thereof where such combination is necessary to meet the requirements of this
2 Code. In order to clarify the status of specific property as a lot under this Code, the Zoning
3 Administrator may, consistent with the provisions of this Code, require such changes in the
4 Assessor's records, placing of restrictions on the land records, and other actions as may be
5 necessary to assure compliance with this Code. The definition of "lot" shall also be applicable
6 to piers under the jurisdiction of the Port Commission.

7 ~~SEC. 102.15.~~ **Lot, Corner.** A lot bounded on two or more adjoining sides by streets that
8 intersect adjacent to such lot, provided that the angle of intersection of such streets along
9 such lot does not exceed 135 degrees. For the purposes of this Code, no ~~e~~Corner ~~h~~Lot shall
10 be considered wider or deeper than 125 feet, and the remainder of any lot involved shall be
11 considered to be an ~~i~~Interior ~~h~~Lot. Whenever a ~~e~~Corner ~~h~~Lot is resubdivided, only that portion
12 which thereafter is bounded on adjoining sides by streets as herein described shall be a
13 ~~e~~Corner ~~h~~Lot.

14 ~~SEC. 102.16.~~ **Lot, Interior.** A lot other than a ~~e~~Corner ~~h~~Lot.

15 *Lot Size (Per Development).* *The permitted gross lot area for new construction or expansion of*
16 *existing development.*

17 **M**

18 *Mandatory Discretionary Review.* *A hearing before the Planning Commission that is required*
19 *by the Planning Code at which the Commission will determine whether to approve, modify, or*
20 *disapprove a permit application.*

21 *Manufacturing 1, Heavy.* *An Industrial Use having the potential of creating substantial noise,*
22 *smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited*
23 *to:*

24 *(a) Concrete mixing, concrete products manufacture,*

25 *(b) Electric foundry or foundry for nonferrous metals*

1 (c) Enameling, lacquering, wholesale paint mixing from previously prepared pigments and
2 vehicles,

3 (d) Woodworking mill, manufacture of woodfibre, sawdust or excelsior products not involving
4 chemical processing,

5 (e) Blast furnace, rolling mill, or smelter; and

6 (f) Ice manufacturing plant.

7 This use is subject to the location and operation controls in Section 202.2(d)

8 **Manufacturing 2, Heavy.** An Industrial Use having the potential of creating substantial noise,
9 smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited
10 to:

11 (a) Production or refining of petroleum products.

12 (b) Rendering or reduction of fat, bones, or other animal material, where adequate provision is
13 made for the control of odors through the use of surface condensers and direct-flame afterburners or
14 equivalent equipment;

15 (c) Incineration of garbage, refuse, dead animals or parts thereof;

16 This use is subject to the controls in Section 202.2(d).

17 **Manufacturing 3, Heavy.** An Industrial Use having the potential of creating substantial noise,
18 smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited
19 to:

20 (a) Battery manufacture;

21 (b) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of Paris, explosive,
22 fertilizer, glue or gelatin from fish or animal refuse;

23 (c) Manufacture, refining, distillation, or treatment of any of the following: abrasives, acid
24 (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow),
25 celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack,

1 gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil
2 paint, paper (or pulp), petroleum products, perfume, plastics, poison, potash, printing ink, refuse mash
3 or refuse grain, rubber (including balata or gutta-percha or crude or scrap rubber), shellac, shoe or
4 stove polish, soap, starch, tar, turpentine, or varnish.

5 (d) Foundry, structural iron or pipe works, boilermaking where riveting is involved, locomotive
6 works, roundhouse or railroad shop.

7 This use is subject to the location and operation controls in Section 202.2(d)

8 **Manufacturing, Light.** An Industrial Use that provides for the fabrication or production of
9 goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises,
10 primarily involving the assembly, packaging, repairing, or processing of previously prepared
11 materials. Light manufacturing uses include production and custom activities usually involving
12 individual or special design, or handiwork, such as the following fabrication or production activities
13 defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

14 (a) Food processing;

15 (b) Apparel and other garment products;

16 (c) Furniture and fixtures;

17 (d) Printing and publishing of books or newspapers;

18 (e) Leather products;

19 (f) Pottery;

20 (g) Glass-blowing;

21 (h) Commercial laundry, rug cleaning, and dry cleaning facility; or

22 (i) Measuring, analyzing, and controlling instruments; photographic, medical, and optical
23 goods; watches and clocks.

24 It shall not include Trade Shop or Heavy Manufacturing 1,2, or 3. This use is subject to the
25 location and operation controls in Section 202.2(d)

1 **Maritime Use.** A Use Characteristic defined as any use that requires access to or use of San
2 Francisco Bay waters in order to function or operate in the normal course of business including, but
3 not limited to, uses associated with waterborne commerce, navigation, fisheries, and recreation, and
4 industrial, commercial, and other operations directly related to the conduct of waterborne commerce,
5 navigation, fisheries, or recreation on property subject to public trust. Maritime Uses also includes
6 houseboats or residential uses on the water.

7 **Marquee.** A permanent roofed structure attached to and supported entirely by a building,
8 including any object or decoration attached to or part of said marquee, no part of which shall be used
9 for occupancy or storage, with the purpose of providing protection from sun and rain and/or
10 embellishment of the façade, as further regulated in Section 3106 of the Building Code.

11 **Massage, Chair/Foot.** A Retail Sales and Service Use where the only massage service provided
12 is chair or foot massage, such service is visible to the public, and customers are fully clothed at all
13 times.

14 **Massage Establishment.** A Retail Sales and Service Use defined by Sections 29.1 through
15 29.32 of the San Francisco Health Code, except a use that is a sole proprietorship, as defined in
16 California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is
17 certified pursuant to the California Business and Professions Code Section 4600, et seq., or one that
18 employs or uses only persons certified by the State's Massage Therapy Organization, pursuant to the
19 California Business and Professions Code Section 4600, et seq., provided that the massage
20 establishment has first obtained a permit from the Department of Public Health pursuant to Section
21 29.2 of the San Francisco Health Code, and provided that:

22 (a) The massage use is accessory to a principal use, if the massage use is accessed by the
23 principal use and (1) the principal use is a dwelling unit and the massage use conforms to the
24 requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the
25

1 principal use is a Tourist Hotel that contains 100 or more rooms or an Institutional Use as defined in
2 this Code; or

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

5 (c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use
6 shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this
7 Code. When considering an application for a conditional use permit pursuant to this Subsection, the
8 Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria
9 outlined in Section 303(o).

10 **Medical Cannabis Dispensary.** An Institutional Healthcare Use defined in Section 3301(f) of
11 the San Francisco Health Code, which is permitted only if it meets the conditions listed in Section
12 202.2(e).

13 **Metal Working.** An Industrial use that includes metal working or blacksmith shop; excluding
14 presses of over 20 tons' capacity and machine-operated drop hammers. This use is subject to location
15 and operational controls in Section 202.2(d).

16 **SEC. 102.34. Mobile Food Facility.** A Mobile Food Facility shall be defined as Retail Sales
17 and Service Use as defined in Public Works Code Section 184.80. Mobile Food Facilities shall
18 comply with the good neighbor policies set forth in Public Works Code Section 184.94.

19 **MOH.** The Mayor's Office of Housing and Community Development or its successor.

20 **Mortuary.** A Retail Sales and Services Use that provides funeral services, funeral preparation,
21 or burial arrangements, including retail establishments that predominantly sell or offer for sale
22 caskets, tombstones, or other funerary goods. In RH, RM, RTO, and RC Districts only, this use includes
23 Columbarium use, which provides for the storage of cremated remains in niches.

24 **Motel.** A Retail Sales and Services Use that includes an auto court, motor lodge, tourist court,
25 or other facility similarly identified, contains rooms or suites of rooms, none with individual cooking

1 facilities, which are offered for compensation and are primarily for the accommodation of transient
2 guests traveling by automobile, and where each sleeping unit is independently accessible from the
3 outside. This use is subject to the controls listed in Section 202.2(a).

4 **Movie Theater.** A Retail Entertainment, Arts and Recreation Use that displays motion pictures,
5 videos, slides, or closed-circuit television pictures. This use does not include an adult theater, which is
6 regulated as an Adult Business. Removal of a Movie Theater is subject to the controls in Section 202.4.

7 **MTA.** The Municipal Transportation Agency or its successor.

8 **MTA Director.** The Director of MTA or his or her designee.

9 **Municipal Railway (Muni).** The public transit system owned by the City and under the
10 jurisdiction of the MTA.

11 **N**

12 **Neighborhood Agriculture.** See Agriculture, Neighborhood.

13 **Neighborhood-Serving Business.** A neighborhood-serving business cannot be defined by the
14 type of use, but rather by the characteristics of its customers, types of merchandise or service, its size,
15 trade area, and the number of similar establishments in other neighborhoods. The primary clientele of
16 a "neighborhood-serving business," by definition, is comprised of customers who live and/or work
17 nearby.

18 While a neighborhood-serving business may derive revenue from customers outside the
19 immediately surrounding neighborhood, it is not dependent on out-of-neighborhood clientele.

20 A neighborhood-serving use provides goods and/or services which are needed by residents and
21 workers in the immediate neighborhood to satisfy basic personal and household needs on a frequent
22 and recurring basis, and which if not available require trips outside of the neighborhood.

23 A use may be more or less neighborhood-serving depending upon its trade area. Uses that, due
24 to the nature of their products and service, tend to be more neighborhood-serving are those which sell
25 convenience items such as groceries, personal toiletries, magazines, and personal services such as

1 cleaners, laundromats, and film processing. Uses that tend to be less neighborhood-oriented are those
2 which sell more specialized, more expensive, less frequently purchased comparison goods such as
3 automobiles and furniture.

4 For many uses (such as stores selling apparel, household goods, and variety merchandise),
5 whether a business is neighborhood-serving depends on the size of the establishment: the larger the
6 use, the larger the trade area, hence the less neighborhood-oriented.

7 Whether a business is neighborhood-serving or not also depends in part on the number and
8 availability of other similar establishments in other neighborhoods: the more widespread the use, the
9 more likely that it is neighborhood-oriented.

10 **Net Addition.** The total amount of gross floor area defined in Planning Code Section 102
11 contained in a development project, less the gross floor area contained in any structure demolished or
12 retained as part of the proposed development project.

13 **Nighttime Entertainment.** See Entertainment, Nighttime.

14 **Non-Auto Vehicle Sales or Rental.** A Retail Sales and Service Use offering new or used
15 bicycles, scooters, motorcycles, boats, or other marine vehicles for sale, rent, or lease when conducted
16 entirely within an enclosed building.

17 **Non-Commercial Entertainment and Recreation.** See Entertainment and Recreation, Non-
18 Commercial.

19 **Nonprofit Organization.** An organization organized and operated for nonprofit purposes
20 within the provisions of California Revenue and Taxation Code Sections 23701-23710, inclusive, as
21 demonstrated by a written determination from the California Franchise Tax Board exempting the
22 organization from taxes under Revenue and Taxation Code Section 23701.

23 **Non-Residential Use.** Space within any structure or portion thereof intended or primarily
24 suitable for, or accessory to, occupancy by retail, office, commercial, or uses other than a Residential
25 Use as defined in this Section. For the purposes of Article 4, residential components of Institutional

1 Uses other than Religious Institutions shall be defined as a "residential use," and non-residential use
2 shall not include PDR and publicly owned and operated community facilities.

3 **Non-Residential Use Size.** The permitted gross floor area allowed each individual non-
4 residential use. Gross Floor Area is defined in this Section of the Code.

5 **Non-Retail Use.** A type of Commercial Use that involves the sale of goods or services to other
6 businesses rather than the end user, or that does not provide for direct sales to the general public on
7 site. Uses in this category include, but are not limited to, Non-Retail Sales and Service Uses and Non-
8 Retail Automotive Uses.

9 **Notice of Special Restrictions.** A document recorded with the San Francisco Recorder's Office
10 for any unit subject to this Program detailing the sale and resale or rental restrictions and any
11 restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal
12 project relating to the unit.

13 **Q**

14 **Occupied Floor Area.** See Floor Area, Occupied.

15 **Office, General.** A Non-Retail Sales and Service Use that includes space within a structure or
16 portion thereof intended or primarily suitable for occupancy by persons or entities which perform,
17 provide for their own benefit, or provide to others at that location, services including, but not limited
18 to, the following: professional, banking, insurance, management, consulting, technical, sales, and
19 design; and the non-accessory office functions of manufacturing and warehousing businesses,
20 multimedia, software development, web design, electronic commerce, and information technology. This
21 use shall exclude Non-Retail Professional Services as well as Retail Uses; repair; any business
22 characterized by the physical transfer of tangible goods to customers on the premises; wholesale
23 shipping, receiving and storage; and design showrooms or any other space intended and primarily
24 suitable for display of goods.

1 Office Use. *A grouping of uses that includes General Office, Retail Professional Services, and*
2 *Non-Retail Professional Services. This use shall exclude: retail uses other than Retail Professional*
3 *Services; repair; any business characterized by the physical transfer of tangible goods to customers on*
4 *the premises; wholesale shipping, receiving and storage; and design showrooms or any other space*
5 *intended and primarily suitable for display of goods.*

6 ~~SEC. 102.18.~~ **One Ownership.** Ownership of a parcel or contiguous parcels of
7 property or possession thereof under a contract to purchase by a person or persons, firm,
8 corporation or partnership, individually, jointly, in common, or in any other manner whereby
9 such property is under single or unified control. The term shall include condominium
10 ownership. The term "owner" shall mean the person, firm, corporation or partnership
11 exercising one ownership as herein defined.

12 Open Air Sales. *A Commercial Use Characteristic generally categorized as a Retail Sales and*
13 *Service Use that involves open air sale of new and/or used merchandise, except vehicles, but including*
14 *agricultural products, crafts and/or art work.*

15 Open Recreation Area. *A Non-Commercial Entertainment, Arts and Recreation Use that is not*
16 *publicly owned which is not screened from public view, has no structures other than those necessary*
17 *and incidental to the open land use, is not operated as a gainful business, and is devoted to outdoor*
18 *recreation such as golf, tennis, or riding.*

19 ~~SEC. 102.19.~~ **Open Space, Required.** Any front setbacks, side or rear yards, courts,
20 usable open space or other open area provided in order to meet the requirements of this
21 Code.

22 ~~SEC. 102.20.~~ **Open Use.** Any use of a lot that is not conducted within a ~~b~~Building.

23 ~~SEC. 102.32.~~ **Ornamental Fencing.** A decorative metal fence ~~shall be~~ made of wrought
24 iron or fencing that gives the appearance of wrought-iron fencing, but expressly excludes
25 plastic-based materials, barbed wire, similar non-decorative fences as well as traditional

1 chain-link or woven wire fences. Chain-link or woven wire fences may be used if the fencing
2 visible from the public right-of-way is bordered by rails on the top and bottom and has well-
3 built columns that are at least 8" inches wide and are topped with caps. The columns shall be
4 spaced no more than 8' feet apart.

5 **Outdoor Activity Area.** *A Commercial Use characteristic defined as an area associated with a*
6 *legally established use, not including primary circulation space or any public street, located outside of*
7 *a building or in a courtyard, which is provided for the use or convenience of patrons of a commercial*
8 *establishment including, but not limited to, sitting, eating, drinking, dancing, and food-service*
9 *activities.*

10 **P**

11 **Parcel Delivery Service.** *See Service, Parcel Delivery.*

12 **Parking Garage, Private.** *A Non-Retail Automotive Use that provides temporary parking*
13 *accommodations for automobiles, trucks, vans, bicycles, or motorcycles in a garage not open to the*
14 *general public, without parking of recreational vehicles, mobile homes, boats, or other vehicles, or*
15 *storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in*
16 *Sections 155, 156, 157, and other provisions of Article 1.5 of this Code.*

17 **Parking Garage, Public.** *A Retail Automotive Use that provides temporary parking*
18 *accommodations for automobiles, trucks, vans, bicycles, or motorcycles in a garage open to the*
19 *general public, without parking of recreational vehicles, mobile homes, boats, or other vehicles, or*
20 *storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in*
21 *Sections 155, 156, 157, and other provisions of Article 1.5 of this Code.*

22 **Parking Lot, Private.** *A Non-Retail Automotive Use that provides temporary off-street parking*
23 *accommodations for private automobiles, trucks, vans, bicycles, or motorcycles on an open lot or lot*
24 *surrounded by a fence or wall not open to the general public, without parking of recreational vehicles,*
25 *motor homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions*

1 regulating automobile parking are set forth in Sections 155, 156, 157, and other provisions of Article
2 1.5 of this Code.

3 **Parking Lot, Public.** A Retail Automotive Use that provides temporary parking
4 accommodations for private automobiles, trucks, vans, bicycles, or motorcycles on an open lot or lot
5 surrounded by a fence or wall open to the general public, without parking of recreational vehicles,
6 motor homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions
7 regulating automobile parking are set forth in Sections 155, 156, 157, and other provisions of Article
8 1.5 of this Code.

9 **Passive Outdoor Recreation.** A Non-Commercial Entertainment, Arts and Recreation Use
10 defined as an open space used for passive recreational purposes that is not publicly owned and is not
11 screened from public view, has no structures other than those necessary and incidental to the open land
12 use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale
13 sales on the premises. Such open space may include, but not necessarily be limited to, a park,
14 playground, or rest area.

15 **PDR Use.** See Production, Distribution, and Repair Use.

16 ~~SEC. 102.33.~~ **Permeable Surfaces.** Permeable surfaces are those that allow
17 stormwater to infiltrate the underlying soils. Permeable surfaces shall include, but not be
18 limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate,
19 open-jointed blocks, stone, pavers, or brick that are loose-set and without mortar. Permeable
20 surfaces are required to be contained so neither sediment nor the permeable surface
21 discharges off the site.

22 **Pharmacy.** A Retail Sales and Service Use in which the profession of pharmacy is practiced
23 and where prescriptions are compounded and offered for sale. This Section shall not be construed to
24 limit any qualifying pharmacy from offering other retail goods in addition to prescription
25 pharmaceuticals. Pharmacies are subject to controls in Section 202.2(a).

1 **Philanthropic Facility.** See Social Service or Philanthropic Facility.

2 ~~SEC. 102.21.~~ **Plan Dimensions.** The linear horizontal dimensions of a building or
3 structure, at a given level, between the outside surfaces of its exterior walls. The "length" of a
4 building or structure is the greatest plan dimension parallel to an exterior wall or walls and is
5 equivalent to the horizontal dimension of the corresponding elevation of the building or
6 structure at that level. The "diagonal dimension" of a building or structure is the plan
7 dimension between the two most separated points on the exterior walls.

8 **Planning Commission (Commission).** The San Francisco Planning Commission.

9 **Planning Department (Department).** The San Francisco Planning Department. For purposes
10 of Article 4, may include the Planning Department's designee, including the Mayor's Office of Housing
11 and other City agencies or departments.

12 **Post-Secondary Educational Institution.** An Institutional Education Use, public or private,
13 that is certified by the Western Association of Schools and Colleges, provides educational services such
14 as a college or university, and has met the applicable provisions of Section 304.5 of this Code
15 concerning institutional master plans. Such institution may include employee or student dormitories
16 and other housing operated by and affiliated with the institution. Such institution shall not have
17 industrial arts as its primary course of study.

18 **Power Plant.** A Industrial Use defined as a steam, fossil-fuel, or any other type of thermal
19 power plant. A Power Plant shall mean each individual power generation unit capable of independent
20 operation, but shall not include on-site power generation units less than ten megawatts in size.
21 Intensification of a Power Plant use requires Conditional Use authorization per Section 178(c), and is
22 subject to the controls in Section 202.2(d).

23 **Principal Façades.** See Façades, Principal.

24 **Production, Distribution, and Repair (PDR) Use.** A grouping of uses that includes, but is not
25 limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital, Automotive

1 Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business Services, Cat Boarding,
2 Catering Service, Commercial Storage, Kennel, Motor Vehicle Tow Service, Livery Stable, Parcel
3 Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, Trade Shop, Wholesale Sales, and
4 Wholesale Storage.

5 **Public Facility.** An Institutional Use that consists of publicly or privately owned use that
6 provides public services to the community, whether conducted within a building or on an open lot, and
7 which has operating requirements that necessitate location within the district and is in compliance with
8 the General Plan, including civic structures (such as museums, post offices, administrative offices of
9 government agencies), public libraries, police stations, and transportation facilities. Such use shall not
10 include service yards, machine shops, garages, incinerators, and publicly operated parking in a garage
11 or lot (Public Automobile Parking Garages and Lots). Public Uses shall also include a Community
12 Recycling Center as defined in this Section of the Code.

13 **Public Transportation Facility.** A Utility and Infrastructure Use involving passenger terminal
14 facilities for mass transportation of a single or combined modes including, but not limited to, aircraft,
15 ferries, fixed-rail vehicles and buses, whether public or privately owned or operated, when in
16 conformity with the General Plan. In Districts where such uses are permitted, conditional use
17 authorization shall be required if the facility is: (a) an Automotive Use, as defined in this Section; and
18 (b) other than a boarding platform, bus stop, transit shelter, or similar ancillary feature of a transit
19 system; or(c) a landing field for aircraft.

20 **Public Utilities Yard.** A Utility and Infrastructure Use that is defined as a service yard for
21 public utility, or public use of a similar character, if conducted entirely within an area completely
22 enclosed by a wall or concealing fence not less than six feet high.

23 **Q**

24 None.

25 **R**

1 **Rear Façade.** *See Façade, Rear.*

2 **Recreation.** *See Entertainment and Recreation Use.*

3 **Religious Institution.** *An Institutional Community Use with a tax-exempt status as a religious*
4 *institution granted by the United States Government and that is used primarily for collective worship or*
5 *ritual or observance of common religious beliefs. Such institution may include, on the same lot, the*
6 *housing of persons who engage in supportive activity for the institution.*

7 **Replacement of Use.** *The total amount of Gross Floor Area, as defined in Section 102 of this*
8 *Code, to be demolished and reconstructed by a development project.*

9 **Required Open Space.** *See Open Space, Required.*

10 **Residential Building.** *Any structure containing one or more Residential Units as a principal*
11 *use, regardless of any other uses present in the building.*

12 **Residential Care Facility.** *An Institutional Healthcare Use providing lodging, board and care*
13 *for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the*
14 *State of California. Such facility shall display nothing on or near the facility that gives an outward*
15 *indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall*
16 *not provide outpatient services, and shall be located in a structure which remains residential in*
17 *character. Such facilities shall include, but not necessarily be limited to, a board and care home, family*
18 *care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious*
19 *or other diseases, or psychological disorders.*

20 **Residential Hotel.** *See Hotel, Residential.*

21 **Residential Unit.** *A legal conforming or non-conforming Dwelling Unit or a legal non-*
22 *conforming Live/Work Unit*

23 **Residential Use.** *A Use Category consisting of uses that provide housing for San Francisco*
24 *residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels, and*
25

1 Senior Housing, and any residential components of Institutional Uses. Single Room Occupancy and
2 Student Housing designations are consider characteristics of certain Residential Uses.

3 **Restaurant.** A Retail Sales and Service Use that serves prepared, ready-to-eat cooked foods to
4 customers for consumption on or off the premises and which has seating. It may have a Take-Out Food
5 use as defined by Planning Code Section 790.122 as a minor and incidental use. It may provide on-site
6 beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or
7 75); however, if it does so, it shall be required to operate as a Bona Fide Eating Place as defined in
8 Section 790.142. It is distinct and separate from a Limited-Restaurant. Such businesses shall operate
9 with the specified conditions in Section 202.2(a).

10 It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1)
11 so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated outdoor
12 seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in
13 this Code.

14 **Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or
15 drinks to customers for consumption on or off the premises, that may or may not have seating. It may
16 include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as
17 an accessory use as set forth in Section 703.2(b)(1)(C)(v). It includes, but is not limited to, specialty
18 foods provided by bakeries, delicatessens, and confectioneries meeting the above characteristics, but it
19 is distinct from a Restaurant, and a Bar. It may also operate as a Take-Out Food use. It shall not
20 provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer
21 and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control
22 Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in Section
23 703.2(b)(1)(C)(vi). Such businesses shall operate with the specified conditions in Section 202.2(a).

24 **Retail Entertainment, Arts and Recreation.** See Entertainment, Arts and Recreation, Retail.

1 **Retail Sales and Service, General.** *A Retail Sales and Service Use that provides goods and/or*
2 *services to the general public and that is not listed as a separate Retail Sales and Service Use in this*
3 *Section of the Code.*

4 **Retail Use.** *A Commercial Use that includes uses that involve the sale of goods, typically in*
5 *small quantities, or services directly to the ultimate consumer or end user including, but not limited to,*
6 *Retail Sales and Service Uses, Commercial Entertainment, Arts and Recreation Uses, and Retail*
7 *Automotive Uses.*

8 **S**

9 **Sales and Services, Non-Retail.** *A Commercial Use category that includes uses that involve the*
10 *sale of goods or services to other businesses rather than the end user, or that does not provide for*
11 *direct sales to the consumer on site. Uses in this category include, but are not limited to: Business*
12 *Services, Catering, Laboratory, Life Science, Commercial Storage, Design Professional, Non-Retail*
13 *Professional Service, General Office, Wholesale Sales, Wholesale Storage, and Trade Office.*

14 **Sales and Services, Retail.** *A Commercial Use Category that includes uses that involve the sale*
15 *of goods, typically in small quantities, or services directly to the ultimate consumer or end user with*
16 *some space for retail service on site excluding Retail Entertainment Arts and Recreation, and Retail*
17 *Automobile Uses and including, but not limited to: Adult Business, Animal Hospital, Bar, Cat*
18 *Boarding, Fringe Financial Services, Tourist Oriented Gift Store, General Grocery Store, Specialty*
19 *Grocery Store, Gym, Hotel, Jewelry Store, Kennel, Liquor Store, Massage Establishment, Chair and*
20 *Foot Massage, Mobile Food Facility, Mortuary (Columbarium), Non-Auto Sales, Pharmacy,*
21 *Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Services, Limited*
22 *Financial Services, Health Services, Motel, Personal Services, Retail Professional Services, Self-*
23 *Storage, Take-Out Food Facility, Tobacco Paraphernalia Store, and Trade Shop.*

24 **San Francisco.** *The City and County of San Francisco.*

1 **School.** An Institution Educational Use, public or private, certified by the Western Association
2 of Schools and Colleges that provides educational instruction to students in kindergarten through
3 twelfth grade. Such institution may include employee or student dormitories and other housing
4 operated by and affiliated with the institution. This use is distinct and separate from a Post-Secondary
5 Educational Institution, which is defined under this Section of the Code.

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

8 **Service, Ambulance.** A Non-Retail Automotive Use that provides medically related
9 transportation services.

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

16 **Service, Financial.** A Retail Sales and Service Use that provides banking services and products
17 to the public, such as banks, savings and loans, and credit unions, when occupying more than 15 feet of
18 linear frontage or 200 square feet of gross floor area. Any applicant for a financial service use shall
19 provide the Planning Department with a true copy of the license issued to it by the State of California.

20 **Service, Fringe Financial.** A Retail Sales and Service Use that provides banking services and
21 products to the public and is owned or operated by a "check casher" as defined in California Civil
22 Code Section 1789.31, as amended from time to time, or by a "licensee" as defined in California
23 Financial Code Section 23001(d), as amended from time to time. Any applicant for a fringe financial
24 service use shall provide the Department with a true copy of the license issued to it by the State of
25 California. A Nonprofit Fringe Financial Service shall mean a Fringe Financial Service that is

1 exempted from payment of income tax under Section 23701(d) of the California Revenue and Taxation
2 Code and Section 501(c)(3) of the Internal Revenue Code of the United States. Any such Nonprofit
3 Fringe Financial Service shall provide the Planning Department with a true copy(ies) of its income tax
4 documentation demonstrating its exemption from payment of income tax under State and Federal Law.
5 A new Fringe Financial Service, with the exception of a Nonprofit Fringe Financial Service, shall not
6 locate within one-quarter mile of an existing Fringe Financial Service.

7 **Service, Health.** A Retail Sales and Service Use that provides medical and allied health
8 services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists,
9 acupuncturists, chiropractors, or any other health-care professionals when licensed by a State-
10 sanctioned Board overseeing the provision of medically oriented services. It includes a clinic, primarily
11 providing outpatient care in medical, psychiatric, or other health services, and not part of a Hospital or
12 medical center, as defined by this Section of the Code. It also includes a massage establishment, as
13 defined by Sections 29.1 through 29.32 of the Health Code, that is a sole proprietorship, as defined in
14 California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is
15 certified pursuant to the California Business and Professions Code Section 4600, et seq., and one that
16 employs or uses only persons certified by the State's Massage Therapy Organization, pursuant to the
17 California Business and Professions Code Section 4600, et seq.

18 **Service, Instructional.** A Retail Sales and Service Use that includes instructional services not
19 certified by the State Educational Agency, such as art, dance, exercise, martial arts, and music classes.

20 **Service, Limited Financial.** A Retail Sales and Service Use that provides banking services,
21 when not occupying more than 15 feet of linear frontage or 200 square feet of gross floor area.
22 Automated teller machines, if installed within such a facility or on an exterior wall as a walk-up
23 facility, are included in this category; however, these machines are not subject to the hours of
24 operation, as defined in this Section of the Code and as set forth in the respective zoning district. Any
25

1 applicant for a limited financial service use shall provide the Planning Department with a true copy of
2 the license issued to it by the State of California.

3 **Service, Motor Vehicle Tow.** A Non-Retail Automotive Use that provides vehicle towing
4 service, including accessory vehicle storage, when all tow trucks used and vehicles towed by the use
5 are parked or stored on the premises.

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

14 **Service, Parcel Delivery.** A Non-Retail Automotive Use limited to facilities for the unloading,
15 sorting, and reloading of local retail merchandise for home deliveries where the operation is conducted
16 entirely within a completely enclosed building, including garage facilities for local delivery trucks, but
17 excluding repair shop facilities. Where permitted in PDR Districts, this use is not required to be
18 operated within a completely enclosed building.

19 **Service, Personal.** A Retail Sales and Services Use that provides grooming services to the
20 individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses, and steam
21 rooms. Personal Service does not include Massage Establishments or Gym, which are defined
22 separately in this Section.

23 **Service, Philanthropic Administrative.** An Institutional Community use that provides executive,
24 management, administrative, and clerical services and support related to philanthropic activities that
25 serve non-profit institutions and organizations; such philanthropic activities may include funding and

1 support of educational, medical, environmental, cultural, and social services institutions and
2 organizations. Such uses:

3 (a) may not be located on the first story of buildings where the most recent prior use was any
4 use other than residential or office; and

5 (b) may be located in a single undivided space not physically separated from a residential use;
6 provided that:

7 (1) any Residential Conversion above the first story, associated with, or following
8 commencement of such use, shall be considered a conditional use requiring approval pursuant to
9 Section 703.2(b)(1)(B); and

10 (2) any loss of Dwelling Units described in Section 317 of this Code shall require
11 approval as provided in Section 317.

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

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

21 **Shipyard.** An Industrial Use that includes the building and repairing of ships.

22 **Single Room Occupancy (SRO) Unit.** A Residential Use characteristic, defined as a Dwelling
23 Unit or Group Housing room consisting of no more than one occupied room with a maximum gross
24 floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit
25 may have a bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking

1 facility and bathroom. As a group housing room, it would share a kitchen with one or more other single
2 room occupancy unit/s in the same building and may also share a bathroom. A single room occupancy
3 building (or "SRO" building) is one that contains only SRO units and accessory living space.

4 **Small Enterprise Workspace (S.E.W.).** An S.E.W. is a use comprised of discrete workspace
5 units of limited size that are independently accessed from building common areas. S.E.W.'s are subject
6 to the controls listed in Section 202.2(g)

7 **Social Service or Philanthropic Facility.** An Institutional Community Use providing assistance
8 of a charitable or public service nature, and not of a profit-making or commercial nature.

9 **SOMA.** The area bounded by Market Street to the north, Embarcadero to the east, King Street
10 to the south, and South Van Ness and Division to the west.

11 **Specialty Grocery.** See Grocery, Specialty.

12 **Sports Stadium.** A Retail Entertainment, Arts and Recreation Use that includes any open-air
13 sports stadium or arena, if conducted on premises not less than 200 feet from any R District.

14 **Storage, Commercial.** A Non-Retail Sales and Service Use defined as a facility that stores
15 within an enclosed building: contractors' equipment, building materials, or goods or materials used by
16 other businesses at other locations. This use shall not include the storage of waste, salvaged materials,
17 automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.

18 **Storage, Self.** A Retail Sales and Service Use defined as a facility that stores, within an
19 enclosed building, household and personal goods.

20 **Storage, Volatile Materials.** An Industrial Use defined as bulk storage of inflammable, highly
21 combustible, or explosive materials.

22 **Storage, Wholesale.** A Non-Retail Sales and Service Use defined as a facility that stores, within
23 an enclosed building, wholesale merchandise that is not accessory to a Wholesale Sales use. This use
24 includes cold storage facilities, but not storage of inflammables or hazardous materials, which is
25 covered under Hazardous Materials Storage.

1 **Storage Yard.** An Industrial Use involving the storage of building materials or lumber, stones
2 or monuments, livestock feed, or contractors' equipment, if conducted within an area enclosed by a
3 wall or concealing fence not less than six feet high. This use does not include Vehicle Storage or a
4 Hazardous Waste Facility.

5 ~~SEC. 102.23.~~ **Story.** That portion of a building, ~~except a mezzanine as defined in the~~
6 ~~Building Code,~~ included between the upper surface of any floor and the upper surface of the
7 floor next above, except that the topmost story shall be that portion of a building included
8 between the upper surface of the topmost floor and the ceiling or roof above.

9 Any mezzanine, or intermediate level, shall be considered part of a story constituted by another
10 floor provided it is an open and integral part of the story or room of which it is a portion. There shall
11 be only one such mezzanine per story and it shall have a minimum glazed or unglazed opening of 50
12 percent on the interior side of the room or story and an area not exceeding one-third of the floor area
13 of the story or room in which it is located. Any mezzanine not meeting these criteria shall be considered
14 a separate story.

15 (a) **First Story.** The highest building story with a floor level that is not more than six feet above
16 grade at the centerline of the frontage of the lot where grade is defined.

17 (1) **Grade.** For purposes of this definition, "grade" is the point of elevation of the
18 finished surface of the ground, paving, or sidewalk at the property line located along primary frontage,
19 i.e., any street frontage between two consecutive streets or alleys where the total street frontage is
20 entirely within an NC District. If the lot has more than one property line or no property line located
21 along primary frontage, the Zoning Administrator shall choose the property line facing a street or alley
22 where the grade is defined. In such situations, the Zoning Administrator shall favor streets that serve as
23 major transportation routes, major or secondary thoroughfares, and streets along which other
24 commercial districts are located. When the property line is five feet or more from the building frontage,
25 grade shall be taken at the surface of the ground, paving, or sidewalk along the building frontage.

1 (2) Provisions in Section 260 of this Code shall apply in defining the point of
2 measurement at grade, where the building steps laterally in relation to the street used to define grade.

3 (b) **Second Story.** The story above the first story.

4 (c) **Third Story and Above.** The story or stories above the second story and below the ceiling of
5 the topmost story of a building.

6 (d) **Basement.** Space located below the first story of a building when such space is of sufficient
7 floor to ceiling height for legal occupancy.

8 ~~**SEC. 102.24. STORY, GROUND.** The lowest story of a building, other than a basement or~~
9 ~~cellar as defined in the Building Code.~~

10 ~~**SEC. 102.25. Street.** A right-of-way, 30 feet or more in width, permanently dedicated to~~
11 ~~common and general use by the public, including any avenue, drive, boulevard, or similar~~
12 ~~way, but not including any freeway or highway without a general right of access for abutting~~
13 ~~properties.~~

14 ~~**SEC. 102. 27. Structural Alterations.** Any change in the supporting members of a~~
15 ~~building, such as bearing walls, columns, beams, or girders.~~

16 ~~**SEC. 102.26. Structure.** Anything constructed or erected that requires fixed location on~~
17 ~~the ground or attachment to something having fixed location on the ground.~~

18 ~~**SEC. 102.36. Student Housing.** *Student Housing is A Residential Use characteristic*~~
19 ~~defined as a living space for students of accredited post-secondary Educational Institutions~~
20 ~~that may take the form of dwelling units, group housing, or a SRO unit and is owned,~~
21 ~~operated, or otherwise controlled by an accredited Post-Secondary Educational Institution as~~
22 ~~defined in Section 209.3(i) of this Code.~~ Unless expressly provided for elsewhere in this Code,
23 the use of Student Housing is permitted where the form of housing is permitted in the
24 underlying Zoning District in which it is located. Student Housing may consist of all or part of a
25

1 building, and Student Housing owned, operated, or controlled by more than one ~~p~~Post-
2 ~~s~~Secondary Educational Institution may be located in one building.

3 **T**

4 **Take-Out Food.** *Retail Sales and Service Use without seating that provides ready-to-eat food*
5 *to a high volume of customers, who carry out the food for off-premises consumption. It sells in*
6 *disposable wrappers or containers ready-to-eat food, which is prepared on the premises and generally*
7 *intended for immediate consumption off the premises.*

8 *It includes, but is not limited to, delicatessens, ice cream and cookie stores, and retail bakeries.*
9 *It does not include retail grocery stores with accessory take-out food activity, as described in Section*
10 *703.2(b)(1)(C) of this Code, or retail uses that sell prepackaged or bulk ready-to-eat foods with no on-*
11 *site food preparation area, such as confectionery or produce stores.*

12 *It may provide off-site beer, wine, and/or liquor sales for consumption off the premises (with*
13 *ABC license 20 or 21).*

14 **Tobacco Paraphernalia Establishment.** *A Retail Sales and Service Use where more than 10*
15 *percent of the square footage of occupied floor area, as defined in Section 102, or more than 10 linear*
16 *feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution,*
17 *delivery, furnishing, or marketing of Tobacco Paraphernalia from one person to another. For purposes*
18 *of Sections 719, 719.1, 786, 723, and 723.1 of this Code, Tobacco Paraphernalia Establishments shall*
19 *mean retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed*
20 *from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments*
21 *that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into*
22 *the body of tobacco, products prepared from tobacco, or controlled substances as defined in California*
23 *Health and Safety Code Sections 11054, et seq. "Tobacco Paraphernalia" does not include lighters,*
24 *matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette*
25 *papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis*

1 Dispensaries, as defined in Section 3301(f) of the San Francisco Health Code, are not Tobacco
2 Paraphernalia Establishments.

3 **Trade Offices.** A Non-Retail Sales and Service Use that includes business offices of building,
4 plumbing, electrical, painting, roofing, furnace, or pest control contractors, if no storage of equipment
5 or items for wholesale use are located on site. It may also include incidental accessory storage of office
6 supplies and samples if located entirely within an enclosed building having no openings other than
7 fixed windows or exits required by law within 50 feet of an R District, and if the storage of equipment
8 and supplies does not occupy more than of the total gross floor area of the use. No processing of
9 building materials, such as mixing of concrete or heating of asphalt shall be conducted on the
10 premises. Parking, loading, and unloading of all vehicles used by the contractor shall be located
11 entirely within the building containing the use.

12 **Trade School.** An Institutional Education Use, public or private, where industrial arts is the
13 primary course of study. Such use is not required to submit an institutional master plan pursuant to
14 Section 304.5 of this Code.

15 **Trade Shop.** A Retail Sales and Service Use that provides custom-crafted goods and/or
16 services for sale directly to the consumer, reserving some storefront space for display and retail
17 service, subject to the conditions in Section 202.2. A trade shop includes, but is not limited to:

18 (a) Repair of personal apparel, accessories, household goods, appliances, furniture and similar
19 items, but excluding repair of motor vehicles and structures;

20 (b) Upholstery services;

21 (c) Carpentry;

22 (d) Printing of a minor processing nature, including multi-copy and blueprinting services and
23 printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books,
24 magazines, or newspapers;

25 (e) Tailoring; and

1 (f) Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing
2 shall be considered distinct from Trade Shops.

3 **Treasurer.** The Treasurer for the City and County of San Francisco.

4 **Truck Terminal.** An Industrial Use where trucks meet and transfer goods to each other for
5 shipment to other places.

6 **U**

7 **Urban Agriculture.** See Agriculture, Urban.

8 ~~SEC. 102.28.~~ **Use.** The purpose for which land or a structure, or both, are legally
9 designed, constructed, arranged, or intended, or for which they are legally occupied or
10 maintained, let, or leased.

11 **Use Size (Non-Residential).** See Non-Residential Use Size.

12 **Utility and Infrastructure.** A Use Category that includes Community Recycling Center,
13 Internet Service Exchange, Public Transportation Facility, Public Utilities Yard, Wireless
14 Telecommunications Service (WTS) Facility, and Utility Installation.

15 **Utility Installation.** A Utility and Infrastructure Use that includes, but is not necessarily limited
16 to, water, gas, electric, transportation, or communications utilities, or public service facility, provided
17 that operating requirements necessitate placement at this location. This use does not include Wireless
18 Telecommunication Facilities, or Public Transportation Facilities, as defined in this Section of the
19 Code.

20 **V**

21 **Vehicle Storage Garage.** A Retail Automotive Use that provides for the storage of buses,
22 recreational vehicles, mobile homes, trailers, or boats and/or storage for more than 72 hours of other
23 vehicles in an enclosed structure. It shall not include rooftop storage. A Vehicle Storage Garage shall
24 comply with the street frontage requirements of the district in which it is located.

1 Vehicle Storage Lot. A Retail Automotive Use that provides for the storage of buses,
2 recreational vehicles, mobile homes, trailers, or boats and/or storage for more than 72 hours of other
3 vehicles on an open lot. It shall not include rooftop storage. Vehicle Storage Lots shall comply with the
4 Screening and Greening requirements of Section 142.

5 ~~SEC. 102.31. Vehicular Use Areas.~~ ~~Vehicular use areas are defined as any~~ An area of a lot
6 not located within any enclosed or partially enclosed structure and that is devoted to a use by
7 or for motor vehicles including parking (accessory or non-accessory); and ~~a~~Automotive ~~u~~Uses
8 ~~as defined in Section 223~~ that are not enclosed by a structure including, but not limited to,
9 storage of automobiles, trucks or other vehicles; gasoline stations; car washes; motor vehicle
10 repair shops; loading areas; and service areas. Vehicular use areas shall be subject to
11 landscaping and screening requirements of Section 142(b), ~~under the following circumstances:~~

12 ~~(a) Construction or installation of any vehicular use area;~~

13 ~~(b) Existing vehicular use areas that are accessory to an existing principal use if the property~~
14 ~~will add gross floor area equal to 20 percent or more of the gross floor area of the existing buildings~~
15 ~~on the lot or 3,000 square feet, whichever is less;~~

16 ~~(c) The repair, rehabilitation or expansion of any existing vehicular use are, if such change~~
17 ~~would increase the number of existing parking spaces by 4 or more spaces; or~~

18 ~~(d) The excavation and reconstruction of an existing vehicular use area if such excavation~~
19 ~~involves the removal of 200 square feet or more of the asphalt, concrete or other pavement devoted to~~
20 ~~vehicular use. This provision does not apply to resurfacing of pavement due to emergency work on~~
21 ~~underground storage tanks, other emergency utility access, or in response to a public health and safety~~
22 ~~action required by the local, state, or federal government.~~

23 W

1 **Waiver Agreement.** An agreement acceptable in form and substance to the City Attorney and
2 the Planning Department under which the City agrees to waive all or a portion of the Community
3 Improvements Impact Fee.

4 **Walk-Up Facility.** A Use Characteristic defined as a structure designed for provision of
5 pedestrian-oriented services when located on an exterior building wall, including window service, self-
6 service operations, and automated bank teller machines (ATMs).

7 **Wholesale Sales.** A Non-Retail Sales and Service Use that exclusively provides goods or
8 commodities for resale or business use, including accessory storage. It shall not include a
9 nonaccessory storage warehouse.

10 ~~SEC. 102.30.~~ **Width, of a Street or Alley.** Unless specified elsewhere in this Code, the
11 width of a street or alley shall be the distance measured along a line that is perpendicular to
12 the centerline of that street or alley and extends from the mid-point of the front property line of
13 a given parcel to a front property line on the opposite side of that street or alley.

14 **Wireless Telecommunication Services (WTS) Facility:** A Utility and Infrastructure Use defined
15 as facility that sends and/or receives wireless radio frequency (RF) signals, AM/FM, microwave, or
16 electromagnetic waves, to provide transmission of voice, data, images or other information; including
17 but not limited to digital (previously "cellular") mobile phone service, personal communication service
18 and paging services.

19 Such facilities include, but are not limited to, directional (panel), omni-directional (whip) and
20 parabolic antennas, related electronic equipment, power sources, screening elements, supporting
21 equipment, towers and structures.

22 The term does not include mobile transmitting devices used by wireless service subscribers,
23 such as vehicle or hand held radios/telephones and their associated transmitting Antennas, nor does
24 this definition include facilities deemed exempt by Federal Communications Commission's Over The
25

1 Air Receiving Device (FCC OTARD) rules. A WTS Facility is also referred to as a "Personal Wireless
2 Services Facility."

3 X, Y, Z

4 None.

5 **~~SEC. 121.5. DEVELOPMENT OF LARGE LOTS, RESIDENTIAL DISTRICTS.~~**

6 ~~In order to promote, protect, and maintain a scale of development which is appropriate to each~~
7 ~~district and compatible with adjacent buildings, new construction or significant enlargement of existing~~
8 ~~buildings on lots of the same size or larger than the square footage stated in the table below shall be~~
9 ~~permitted only as conditional uses subject to the provisions set forth in Sections 303 of this Code.~~

District	Lot Size Limit
RTO, RTO-M	10,000

13 ~~In addition to the criteria of Section 303(c)(1) of this Code, the Planning Commission shall~~
14 ~~consider the extent to which the following criteria are met:~~

15 (1) ~~The mass and articulation of the proposed structures are compatible with the intended~~
16 ~~scale of the district.~~

17 (2) ~~For development sites greater than 1/2-acre, the extension of adjacent alleys or streets onto~~
18 ~~or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as~~
19 ~~appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of~~
20 ~~streets and alleys, and foster beneficial pedestrian and vehicular circulation.~~

21 (3) ~~The site plan, including the introduction of new streets and alleys, the provision of open~~
22 ~~space and landscaping, and the articulation and massing of buildings, is compatible with the goals and~~
23 ~~policies of the applicable Area Plan in the General Plan.~~

1 **SEC. 121.8. USE SIZE LIMITS (NON-RESIDENTIAL), PDR-1-B AND PDR-2 DISTRICTS.**

2 *In order to preserve land and building space for light industrial activities, non-accessory retail*
3 *and office uses that exceed the square footage stated in the table below shall not be permitted in PDR-*
4 *1-B and PDR-2 Districts. The use area shall be measured as the occupied floor area of all retail or*
5 *offices activities on a lot, as defined in the land use controls for PDR Districts in Section 218 (Retail*
6 *Sales and Personal Services) and Section 219 (Offices) of this Code. Additionally, a cumulative use size*
7 *maximum applies in PDR-1-B and PDR-2 Districts, such that the combined floor area of any and all*
8 *uses permitted by Sections 218 and 219 may not exceed the limits stated in the table below for any*
9 *given lot.*

10 *These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3*
11 *of this Code.*

12

<i>District</i>	<i>Cumulative Use Size Limit, All Uses per Section 218</i>	<i>Cumulative Use Size Limit, All Uses per Section 219</i>	<i>Total Size Maximum. All Uses per Sections 218 and 219 Combined</i>
<i>PDR-1-B</i>	<i>2,500 sq. ft.</i>	<i>5,000 sq. ft.</i>	<i>7,500 sq. ft.</i>
<i>PDR-2</i>	<i>2,500 sq. ft.</i>	<i>5,000 sq. ft.</i>	<i>5,000 sq. ft.</i>

13

14

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16

17

18 **SEC. 121.9. SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.**

19 In order to promote, protect, and maintain viable space for a wide range of light
20 industrial uses in PDR Districts, in furtherance of Objective 4 of the Commerce and Industry
21 Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan, any proposal to
22 subdivide, resubdivide, or perform a lot line adjustment to a parcel that is equal to or greater
23 than 10,000 square feet, into one or more smaller parcels, shall be permitted only with
24 conditional use approval.

1 Additionally, all proposals for the subdivision, resubdivision, or lot line adjustments of
 2 parcels in PDR Districts shall be evaluated in consideration of the following criteria in order to
 3 further Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the
 4 Bayview Hunters Point Area Plan:

5 (~~1-a~~) The proposed parcelization will support light industrial activities in the district.

6 (~~2-b~~) If the resulting parcelization will require demolition of a structure, the demolition of
 7 the structure complies with the replacement requirement per Section 230.

8 (~~3-c~~) The uses proposed for the parcels, if any, comply with the cumulative use size
 9 limits detailed in the PDR Zoning Control Table. per Section 121.8, and other requirements of this
 10 Code.

11 **SEC. 124. BASIC FLOOR AREA RATIO.**

12 (a) Except as provided in Subsections (b), (c), (d), (e) and (l) of this Section, the basic
 13 floor area ratio limits specified in Zoning Control Table for the district in which the lot is located ~~the~~
 14 ~~following table~~ shall apply to each building or development in the districts indicated.

15 **TABLE 124**

16 ***BASIC FLOOR AREA RATIO LIMITS***

<i>District</i>	<i>Basic Floor Area Ratio Limit</i>
<i>RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, RTO-M</i>	<i>1.8 to 1</i>
<i>RM-3</i>	<i>3.6 to 1</i>
<i>RM-4</i>	<i>4.8 to 1</i>
<i>RC-1, RC-2</i>	<i>1.8 to 1</i>

1	<i>RC-3</i>	<i>3.6 to 1</i>
2	<i>RC-4</i>	<i>4.8 to 1</i>
3	<i>RED, RED-MX</i>	<i>1.0 to 1</i>
4	<i>RSD, SPD</i>	<i>1.8 to 1</i>
5	<i>NC-1, NCT-1</i>	<i>1.8 to 1</i>
6	<i>NC-S</i>	
7	<i>Inner Clement</i>	
8	<i>Inner Sunset</i>	
9	<i>Outer Clement</i>	
10	<i>Haight</i>	
11	<i>North Beach</i>	
12	<i>Sacramento</i>	
13	<i>24th Street – Noe Valley</i>	
14	<i>West Portal</i>	
15	<i>NC-2, NCT-2, SoMa, Ocean Avenue</i>	<i>2.5 to 1</i>
16	<i>Broadway</i>	
17	<i>Upper Fillmore</i>	
18	<i>Polk</i>	
19	<i>Valencia</i>	

1	<i>24th Street-Mission</i>	
2	<i>Glen Park</i>	
3		
4	<i>Folsom Street</i>	
5	<i>RCD</i>	
6	<i>Castro</i>	<i>3.0 to 1</i>
7		
8	<i>Hayes-Gough</i>	
9	<i>Upper Market</i>	
10	<i>Union</i>	
11		
12	<i>NC-3, NCT-3, Mission Street</i>	<i>3.6 to 1</i>
13		
14	<i>Chinatown R/NC</i>	<i>1.0 to 1</i>
15		
16	<i>Chinatown VR</i>	<i>2.0 to 1</i>
17		
18	<i>Chinatown CB</i>	<i>2.8 to 1</i>
19		
20	<i>C-1, C-2</i>	<i>3.6 to 1</i>
21		
22	<i>C-2-C</i>	<i>4.8 to 1</i>
23		
24	<i>C-3-C</i>	<i>6.0 to 1</i>
25		
	<i>C-3-O</i>	<i>9.0 to 1</i>

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C-3-R	6.0 to 1
C-3-G	6.0 to 1
C-3-S	5.0 to 1
C-3-O (SD)	6.0 to 1
C-3-S (SU)	7.5 to 1
C-M	9.0 to 1
M-1, M-2	5.0 to 1
SLR, SLI	2.5 to 1
SSO and in a 40 or 50 foot height district	3.0 to 1
SSO and in a 65 or 80 foot height district	4.0 to 1
SSO and in a 130 foot height district	4.5 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI, PDR 1-B, PDR 1-D, PDR 1-G, and PDR 2 in a 40, 45, or 48 foot height district	3.0 to 1

<p>1 MUG, MUO, MUR, UMU, WMUG, 2 WMUO, SALI, PDR-1-B, PDR-1-D, 3 PDR-1-G, and PDR-2 in a 50, 55, or 58 4 foot height district</p>	<p><i>4.0 to 1</i></p>
<p>6 MUG, MUO, MUR, UMU, WMUG, 7 WMUO, SALI, PDR-1-B, PDR-1-D, 8 PDR-1-G, and PDR-2 in a 65 or 68 foot 9 height district</p>	<p><i>5.0 to 1</i></p>
<p>11 MUG, MUO, MUR, UMU, WMUG, 12 WMUO, SALI, PDR-1-B, PDR-1-D, 13 PDR-1-G, and PDR-2 in a 85 foot height 14 district</p>	<p><i>6.0 to 1</i></p>
<p>16 MUG, MUO, MUR, UMU, WMUG, 17 WMUO, SALI, PDR-1-B, PDR-1-D, 18 PDR-1-G, and PDR-2 in a height district 19 over 85 feet</p>	<p><i>7.5 to 1</i></p>

21 (b) In R, RC, NC, and Mixed Use Districts, ~~the above~~ floor area ratio limits shall not
22 apply to dwellings or to other residential uses. In Chinatown Mixed Use Districts, the above
23 floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not
24 be calculated as part of the floor area ratio.

25 * * * *

1 (f) For buildings in C-3-G and C-3-S Districts, other than those designated as
2 Significant or Contributory pursuant to Article 11 of this Code, additional square footage above
3 that permitted by the base floor area ratio limits set forth above may be approved for
4 construction of dwellings on the site of the building affordable for 20 years to households
5 whose incomes are within 150 percent of the median income as defined herein, in accordance
6 with the conditional use procedures and criteria as provided in Section 303 of this Code. For
7 buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11
8 of this Code, additional square footage above that permitted by the base floor area ratio limits
9 set forth above up to the ~~g~~Gross ~~f~~Floor ~~a~~Area of the existing building may be approved, in
10 accordance with the conditional use procedures and criteria as provided in Section 303 of this
11 Code, where: ~~(i)~~ (1) TDRs (as defined by Section 128(a)(5)) were transferred from the lot
12 containing the Significant or Contributory building prior to the effective date of the amendment
13 to Section 124(f) adding this paragraph when the floor area transferred was occupied by a
14 non-profit corporation or institution meeting the requirements for exclusion from ~~G~~gross ~~F~~floor
15 ~~A~~area calculation ~~under Section 102.9(b)(15) of this Code~~; ~~(ii)~~ (2) the additional square footage
16 includes only the amount necessary to accommodate dwelling units and/or group housing
17 units that are affordable for not less than 50 years to households whose incomes are within 60
18 percent of the median income as defined herein together with any social, educational, and
19 health service space accessory to such units; and ~~(iii)~~ (3) the proposed change in use to
20 dwelling units and accessory space and any construction associated therewith, if it requires
21 any alternation to the exterior or other character defining features of the Significant or
22 Contributory Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to
23 Section 1110; provided, however, that the procedures otherwise required for a Major
24 Alteration as set forth in ~~s~~Sections ~~1111.2-1111.6~~ 1111.4 and 1111.5 and shall be deemed
25 applicable to any such Permit to Alter.

1 (1) Any dwelling approved for construction under this provision shall be deemed
2 a "designated unit" as defined below. Prior to the issuance by the Director of the Department
3 of Building Inspection ("Director of Building Inspection") of a site or building permit to construct
4 any designated unit subject to this Section, the permit applicant shall notify the Director of
5 Planning and the Director of Property in writing whether the unit will be an owned or rental unit
6 as defined in Section 401 of this Code.

7 (2) Within 60 days after the issuance by the Director of Building Inspection of a
8 site or building permit for construction of any unit intended to be an owned unit, the Director of
9 Planning shall notify the City Engineer in writing identifying the intended owned unit, and the
10 Director of Property shall appraise the fair market value of such unit as of the date of the
11 appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to
12 the Director of Planning and the permit applicant. The permit applicant shall supply all
13 information to the Director of Property necessary to appraise the unit, including all plans and
14 specifications.

15 (3) Each designated unit shall be subject to the provisions of Section 413 of this
16 Code. For purposes of this Subsection and the application of Section 413 of this Code to
17 designated units constructed pursuant to this Subsection, the definitions set forth in Section
18 401 of this Code shall apply, with the exception of the following definitions, which shall
19 supersede the definitions of the terms set forth in Section 401:

20 (A) "Base price" shall mean 3.25 times the median income for a family of
21 four persons for the County of San Francisco as set forth in California Administrative Code
22 Section 6932 on the date on which a housing unit is sold.

23 (B) "Base rent" shall mean 0.45 times the median income for the County
24 of San Francisco as set forth in California Administrative Code Section 6932 for a family of a
25 size equivalent to the number of persons residing in a household renting a designated unit.

1 (C) "Designated unit" shall mean a housing unit identified and reported to
2 the Director by the sponsor of an office development project subject to this Subsection as a
3 unit that shall be affordable to households of low or moderate income for 20 years.

4 (D) "Household of low or moderate income" shall mean a household
5 composed of one or more persons with a combined annual net income for all adult members
6 ~~which~~ that does not exceed 150 percent of the qualifying limit for a median income family of a
7 size equivalent to the number of persons residing in such household, as set forth for the
8 County of San Francisco in California Administrative Code Section 6932.

9 (E) "Sponsor" shall mean an applicant seeking approval for construction
10 of a project subject to this Subsection and such applicants' successors and assigns.

11 (g) The allowable ~~g~~Gross ~~f~~Floor ~~a~~Area on a lot which is the site of an unlawfully
12 demolished building that is governed by the provisions of Article 11 shall be the ~~g~~Gross ~~f~~Floor
13 ~~a~~Area of the demolished building for the period of time set forth in, and in accordance with the
14 provisions of, Section ~~1114~~ 1116 of this Code, but not to exceed the basic floor area permitted
15 by this Section.

16 (h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on
17 which an existing structure is located may not be included unless the existing structure and
18 the new structure are made part of a single development complex, the existing structure is or
19 is made architecturally compatible with the new structure, and, if the existing structure is in a
20 Conservation District, the existing structure meets or is made to meet the standards of Section
21 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic
22 loads and forces of the ~~1975~~ Building Code. Determinations under this Paragraph shall be
23 made in accordance with the provisions of Section 309.

1 (i) In calculating allowable gross floor area on a preservation lot from which any TDRs
2 have been transferred pursuant to Section 128, the amount allowed herein shall be decreased
3 by the amount of gross floor area transferred.

4 (j) Within any RSD, SPD, SLR, SLI or SSO District, ~~Live/Work~~ Units constructed
5 above the floor area ratio limits ~~in pursuant to~~ Section 102.9(b)(19) (Floor Area Ratio, subsection
6 (b)(19)) of this Code shall be subject to the following conditions and standards:

7 (1) Considering all ~~Dwelling~~ Units and all ~~Live/Work~~ Units on the lot,
8 existing and to be constructed, there shall be no more than one ~~Live/Work~~ Unit and/or
9 ~~Dwelling~~ Unit per 200 square feet of lot area, except that, for projects in the RSD District
10 which will exceed 40 feet in height, and therefore are required to obtain conditional use
11 approval, the allowable density for ~~Dwelling~~ Units and ~~Live/Work~~ Units shall be
12 established as part of the conditional use determination; and

13 (2) The parking requirement for ~~Live/Work~~ Units subject to this subsection
14 shall be equal to that required for dwelling units within the subject district.

15 (k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant or
16 Contributory pursuant to Article 11 of this Code, additional square footage above that
17 permitted by the base floor area ratio limits set forth above may be approved for construction
18 of a project, or portion thereof, that constitutes a Student Housing project, as defined in
19 Section 102.36 of this Code. Such approval shall be subject to the conditional use procedures
20 and criteria in Section 303 of this Code.

21 (l) In the Cesar Chavez/Valencia Streets Medical Use Special Use District, as
22 described in Section 249.68 of this Code, the basic floor area ratio limit shall be 2.6 to 1,
23 subject to Conditional Use Authorization of a hospital, medical center or other medical
24 institution.

1 **SEC. 127. TRANSFER OF PERMITTED BASIC GROSS FLOOR AREA.**

2 (a) **When Allowed.** The maximum permitted ~~g~~Gross ~~f~~Floor ~~a~~Area for any building or
3 development on a lot may be increased by transfer to such lot of basic ~~g~~Gross ~~f~~Floor ~~a~~Area
4 that is permitted in the Zoning Control Table for the district in which the lot is located ~~under Section~~
5 ~~124 of this Code~~ but unbuilt upon an adjacent lot ~~which~~ that is occupied by an historical,
6 architectural or aesthetic landmark that has been so designated by the Board of Supervisors
7 pursuant to Article 10 of this Code. For the purposes of this Section, an "adjacent lot" is one
8 ~~which~~ that either abuts for a distance not less than 25 feet along a side or rear lot line of the lot
9 to which the basic gross floor area transfer is made (hereinafter referred to as the "transferee
10 lot"), or would so abut for such a distance if not separated solely by a street or an alley.

11 (b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer
12 from a Transfer Lot consists of the difference between (1) the allowable gross floor area
13 permitted on the Transfer Lot by Section 124 and (2) the gross floor area of the development
14 located on the Transfer Lot.

15 (c) **Eligibility of Development Lots and Limitation on Use of TDR on**
16 **Development Lots.** TDR may be used to increase the allowable ~~g~~Gross ~~f~~Floor ~~a~~Area of a
17 development on a Development Lot if the following requirements and restrictions are satisfied:

18 (1) Transfer of Development Rights shall be limited to the following:

19 (A) The Transfer Lot and the Development Lot are located in a C-3
20 Zoning District; or

21 (B) the Transfer Lot contains a Significant building and is located in the
22 South of Market Extended Preservation District, as set forth in Section 819, and the
23 Development Lot is located in a C-3 District; or

1 (C) the Transfer Lot is in a P District adjacent to a C-3 District and meets
2 the requirements established in subsection (a)(4) above and the Development Lot is located
3 in a C-3 District; or

4 (D) the Transfer Lot is located in any C-3 District and contains an
5 individual landmark designated pursuant to Article 10 and the Development Lot is located in
6 any C-3 District.

7 (2) TDR may not be transferred for use on any lot on which is or has been
8 located a Significant or Contributory building; provided that this restriction shall not apply if the
9 designation of a building is changed to Unrated; nor shall it apply if the Historic Preservation
10 Commission finds that the additional space resulting from the transfer of TDR is essential to
11 make economically feasible the reinforcement of a Significant or Contributory building to meet
12 the standards for seismic loads and forces of the Building Code, in which case TDR may be
13 transferred for that purpose subject to the limitations of this Section and Article 11, including
14 Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to
15 1111.6.

16 (3) Notwithstanding any other provision of this Section, development on a
17 Development Lot is limited by the provisions of this Code, other than those on floor area ratio,
18 governing the approval of projects, including the requirements relating to height, bulk,
19 setback, sunlight access, and separation between towers, and any limitations imposed
20 pursuant to Section 309 review applicable to the Development Lot. The total allowable gross
21 floor area of a development on a Development Lot may not exceed the limitation imposed by
22 Section 123(c).

23 (d) **Limitations.** No transfer of permitted gross floor area shall serve to increase the
24 total gross floor area permitted under this Code on the adjacent lot and the transferee lot
25 taken together, either presently or prospectively. No building permit application shall be

1 approved by the *Planning* Department ~~of City Planning~~ at any time, nor shall any building
2 permit be issued by any City department at any time, if the result of such approval or issuance
3 would be to increase the total permitted ~~g~~Gross ~~f~~Floor ~~a~~Area of both such lots taken together
4 above such total as calculated on the basis of the floor area ratio limits prevailing at that time
5 for such lots.

6 (e) **Completed Transfers.** Any transfer of permitted ~~g~~Gross ~~f~~Floor ~~a~~Area completed
7 prior to the effective date of this Section shall be effective notwithstanding the location of the
8 transferee lot outside the C-3-O District and notwithstanding the aggregate transfer of more
9 than ½ the gross floor area permitted on the adjacent lot under the basic floor area ratio limit,
10 provided all other conditions of this Section have been met.

11 (f) **Restrictions on Transfer.** Any restrictions or limitations imposed upon any lot by
12 virtue of the transfer of ~~g~~Gross ~~f~~Floor ~~a~~Area permitted by this Section shall remain in effect
13 notwithstanding an amendment of this Section which removes authorization for such a
14 transfer.

15 **SEC. 128. TRANSFER OF DEVELOPMENT RIGHTS IN C-3 DISTRICTS.**

16 (a) **Definitions.**

17 (1) "Development Lot." A lot to which TDR may be transferred to increase the
18 allowable gross floor area of development thereon beyond that otherwise permitted by *Section*
19 ~~124~~ the Zoning Control Table for the district in which the lot is located.

20 (2) "Owner of Record." The owner or owners of record in fee.

21 (3) "Preservation Lot." A parcel of land on which is either (A) a Significant or
22 Contributory building (as designated pursuant to Article 11); or (B) a Category V Building that
23 has complied with the eligibility requirement for transfer of TDR as set forth in Section
24 1109(c); or (C) a structure designated an individual landmark pursuant to Article 10 of this
25 Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's lot on

1 which the building is located at the time the ordinance or, as to Section 1109(c), resolution,
2 making the designation is adopted, unless boundaries are otherwise specified in the
3 ordinance.

4 (4) "Transfer Lot." A Preservation Lot located in a C-3 District from which TDR
5 may be transferred. A lot zoned P (public) may in no event be a Transfer Lot unless a building
6 on that lot is (A) owned by the City and County of San Francisco; and (B) located in a P
7 District adjacent to a C-3 District; and (C) designated as an individual landmark pursuant to
8 Article 10 of this Code, designated as a Category I Significant Building pursuant to Article 11
9 of this Code, or listed on the National Register of Historic Places; and (D) the TDR proceeds
10 are used to finance, in whole or in part, a project to rehabilitate and restore the building in
11 accordance with the Secretary of Interior standards. For the purposes of Section 128(b), a lot
12 zoned P ~~which~~ that satisfies the criteria of this ~~s~~Subsection (4) to qualify as a "Transfer Lot"
13 shall be deemed to have an allowable gross floor area of 7.5:1 under Section 124.

14 (5) "Transferable Development Rights (TDR)." Units of gross floor area ~~which~~
15 that may be transferred, pursuant to the provisions of this Section and Article 11 of this Code,
16 from a Transfer Lot to increase the allowable gross floor area of a development on a
17 Development Lot.

18 (6) "Unit of TDR." One unit of TDR is one square foot of gross floor area.

19 (b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer
20 from a Transfer Lot consists of the difference between (1) the allowable ~~g~~Gross ~~f~~Floor ~~a~~Area
21 permitted on the Transfer Lot by the Zoning Control Table for the district in which the lot is located
22 ~~Section 124;~~ and (2) the ~~g~~Gross ~~f~~Floor ~~a~~Area of the development located on the Transfer Lot.

23 * * * *

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

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Streets and Alleys	Setbacks	Yards	Usable Open Space	
				<p style="text-align: center;">* * * *</p> <p>(b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section.</p>
				<p>(c) The permitted obstructions shall be as follows:</p>
x	x			<p style="text-align: center;">* * * *</p> <p>(12) Awnings, Canopies, and Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR and SSO districts, and for Limited Commercial Uses in Residential and RTO Districts, as <u>defined in Section 102 and</u> regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;</p> <p style="text-align: center;">* * * *</p>

1 **SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES ~~IN LIMITED COMMERCIAL USES,~~**
2 **~~NEIGHBORHOOD COMMERCIAL DISTRICTS, EASTERN NEIGHBORHOODS MIXED USE~~**
3 **~~AND SOUTH OF MARKET MIXED USE DISTRICTS.~~**

4 In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the
5 following provisions shall apply to all Limited Commercial Uses, and in NC, Eastern Neighborhoods
6 Mixed Use and South of Market Mixed Use Districts.

7 In Residential and Residential Enclave Districts, awnings are permitted only for Limited
8 Commercial Uses, as described in Section 186 of this Code, for Limited Commercial Uses permitted in
9 landmark buildings by Section 186.3, and for Limited Corner Commercial Uses as described in Section
10 231 of this Code. Canopies and marquees are not permitted.

11 The addition or alteration of awnings, canopies, or marquees on a landmark site or in a historic
12 district shall require a certificate of appropriateness, in accordance with Section 1006, et seq. of this
13 Code. Signage on awnings, canopies, and marquees may be further regulated by Article 6 of this Code.

14 (a) **Awnings.** Awnings, as defined in Section 102 790.20 of this Code, shall be
15 regulated in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods
16 Mixed Use and South of Market Mixed Use Districts as set forth below.

17 All portions of any permitted awning shall be not less than eight feet above the finished
18 grade, excluding any valance that which shall not be less than seven feet above the finished
19 grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if
20 any) exclusive of the ground story and mezzanine, or extend above the bottom of a projecting
21 upper-story window bay, or cover any belt cornice or horizontal molding, provided that no such
22 awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is
23 attached, whichever is lower. Where external piers or columns define individual storefront bays, an
24 awning may not cover such piers or columns.

1 (1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** The
2 horizontal projection of any awning shall not exceed four feet from the face of a building. The
3 vertical distance from the top to the bottom of any awning shall not exceed four feet, including
4 any valance. Awnings for Commercial Uses in Residential and Residential Enclave Districts may be
5 located only along the building frontage dedicated to commercial use and may not extend above the
6 ground floor. Only awnings covered with cloth are permitted in the Residential Districts.

7 (2) **All Other ~~Neighborhood Commercial Districts, Eastern Neighborhoods Mixed~~**
8 **~~Use and South of Market Mixed Use~~ Districts.** When the width of all awnings is ~~10~~ ten feet or
9 less along the direction of the street, the horizontal projection of such awnings shall not
10 exceed six feet from the face of any supporting building and the vertical distance from the top
11 to the bottom of such awnings shall not exceed six feet, including any valance. When the
12 width of all awnings exceeds ~~ten~~10 feet measured along the direction of the street, the
13 horizontal projection of such awnings shall not exceed four feet from the face of the
14 supporting building and the vertical distance from the top to the bottom of such awnings shall
15 not exceed four feet, including any valance.

16 NOTE: These illustrations are diagrams showing maximum dimensions and are not
17 design examples.

18 * * * * [Diagrams not shown are not intended to be deleted.]

19 (b) **Canopies.** Canopies, as defined in Section 102 ~~790.26~~ of this Code, shall be
20 regulated ~~in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods~~
21 ~~Mixed Use and South of Market Mixed Use Districts~~ as set forth below.

22 (1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** No
23 canopy shall be permitted in any Limited Commercial Use or in any NC-1, NCT-1, or CRNC
24 District.

1 (2) **All Other ~~Neighborhood Commercial Districts, Eastern Neighborhoods Mixed~~**
2 **~~Use and South of Market Mixed Use~~Districts.** The maximum width of any canopy shall be 10
3 feet. The horizontal projection of any canopy may extend to a point not closer than two feet
4 from the curb. The outer column support shall be located in the outer one-third ~~1/3~~ of the
5 sidewalk and shall be no less than four feet from the building face to ensure adequate clear
6 space along the sidewalk. The vertical distance from the top to the bottom of the canopy shall
7 not exceed an average of two feet, including any valance. The highest point of the canopy
8 shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All
9 portions of any canopy, excluding the column supports and excluding any valance ~~which that~~
10 may be not less than seven feet above the finished grade, shall be not less than eight feet
11 above the finished grade. Canopies shall not be spaced closer than 20 feet from each other,
12 measured from centerline to centerline.

13 NOTE: These illustrations are diagrams showing maximum dimensions and are not
14 design examples.

15 * * * * [Diagrams not shown are not intended to be deleted.]

16 (c) **Marquees.** Marquees, as defined in Section 102 ~~790.58~~ of this Code, shall be
17 regulated ~~in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods~~
18 ~~Mixed Use and South of Market Mixed Use Districts~~ as set forth below.

19 (1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** No
20 marquee shall be permitted in any Limited Commercial Use or in any NC-1, *NCT-1, or CRNC*
21 District.

22 (2) **All Other ~~Neighborhood Commercial Districts, Eastern Neighborhoods Mixed~~**
23 **~~Use and South of Market Mixed Use~~ Districts.** The vertical distance from the top to the bottom
24 of any marquee shall not exceed three feet, and the horizontal projection shall not extend
25 beyond a point not closer than two feet from the curb.

1 (A) A marquee projecting more than ~~2/3~~ two-thirds of the distance from
2 the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the
3 building along the direction of the street, whichever is less. All portions of such marquee shall
4 be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher
5 than the windowsill level exclusive of the ground story and mezzanine. Each building frontage
6 shall be considered separately.

7 NOTE: These illustrations are diagrams showing maximum dimensions and are not
8 design examples.

9 * * * * [Diagram not shown is not intended to be deleted.]

10 (B) A marquee projecting less than two-thirds ~~2/3~~ of the distance from the
11 property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building
12 along the direction of the street, whichever is less. All portions of such marquee shall be not
13 less than 10 feet nor more than 16 feet above the finished grade, nor higher than the
14 windowsill level or windows on the building fa ade on which the marquee is placed,
15 exclusive of the ground story and mezzanine. Each building frontage shall be considered
16 separately.

17 NOTE: These illustrations are diagrams showing maximum dimensions and are not
18 design examples.

19 * * * * [Diagram not shown is not intended to be deleted.]

20 (C) A marquee projecting less than four feet from the property line and
21 not exceeding two feet in thickness may extend over the total length of the building along the
22 direction of the street. All portions of such marquee shall not be less than 10 feet nor more
23 than 16 feet above the finished grade, nor higher than the windowsill level or windows on the
24 building fa ade on which the marquee is placed, exclusive of ground story and mezzanine.
25 Each building frontage shall be considered separately.

1 NOTE: These illustrations are diagrams showing maximum dimensions and are not
2 design examples.

3 * * * * [Diagram not shown is not intended to be deleted.]

4 ~~SEC. 136.2.—OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED~~
5 ~~SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED-USED DISTRICTS.~~

6 ~~In additional to the limitations of limitations of Section 136, especially Paragraph 136(e)(12),~~
7 ~~the following provisions shall apply in Mixed Use Districts.~~

8 ~~(a) Awnings. All portions of any permitted awning shall be not less than eight feet above the~~
9 ~~finished grade, excluding any valance which shall not be less than seven feet above the finished grade.~~
10 ~~No portion of any awning shall be higher than the windowsill level of the lowest story (if any), exclusive~~
11 ~~of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of~~
12 ~~16 feet or the roofline of the building to which it is attached, whichever is lower.~~

13 ~~(1) Chinatown Residential Neighborhood Commercial District. The horizontal~~
14 ~~projection of any awning shall not exceed four feet from the face of a building. The vertical distance~~
15 ~~from the top to the bottom of any awning shall not exceed four feet, including any valance.~~

16 ~~(2) All Other Mixed Use Districts. When the width of all awnings is less than 10 feet~~
17 ~~along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from~~
18 ~~the face of any supporting building and the vertical distance from the top to the bottom of such awnings~~
19 ~~shall not exceed six feet, including any valance. When the width of all awnings exceeds 10 feet~~
20 ~~measured along the direction of the street, the horizontal projection of such awnings shall not exceed~~
21 ~~four feet from the face of the supporting building and the vertical distance from the top to the bottom of~~
22 ~~such awnings shall not exceed four feet, including any valance.~~

23 ~~(b) Canopies.~~

24 ~~(1) Chinatown Residential Neighborhood Commercial District. No canopy shall be~~
25 ~~permitted in any Residential Neighborhood Commercial District.~~

1 ~~(2) **All Other Mixed-use Districts.** The maximum width of any canopy shall be 10 feet.~~
2 ~~The horizontal projection of any canopy may extend to a point two feet from the curb. The outer column~~
3 ~~support shall be located in the outer 1/3 of the sidewalk and shall be no less than four feet from the~~
4 ~~building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to~~
5 ~~the bottom of the canopy shall not exceed two feet, including any valance. All portions of any canopy,~~
6 ~~excluding the column supports and excluding any valance which may be not less than seven feet above~~
7 ~~the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be~~
8 ~~spaced closer than twenty feet from each other, measured from centerline to centerline.~~

9 ~~(c) **Marquees.**~~

10 ~~(1) **Chinatown Residential Neighborhood Commercial District.** No marquee shall be~~
11 ~~permitted in any Residential Neighborhood Commercial District.~~

12 ~~(2) **All Other Mixed Use Districts.** The vertical distance from the top to the bottom of~~
13 ~~any marquee shall not exceed three feet and the horizontal projection shall not extend beyond a point~~
14 ~~two feet from the curb.~~

15 ~~(A) A marquee projecting more than 2/3 of the distance from the property line~~
16 ~~to the curb line shall not exceed 10 feet or 50 percent of the length of the building, along the direction~~
17 ~~of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more~~
18 ~~than 16 feet in height above the finished grade, nor higher than the windowsill level, exclusive of the~~
19 ~~ground story and mezzanine. Each building frontage shall be considered separately.~~

20 ~~(B) A marquee projecting less than 2/3 of the distance from the property line to~~
21 ~~the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of~~
22 ~~the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than~~
23 ~~16 feet above the finished grade, nor higher than the windowsill level of windows on the building~~
24 ~~façade on which the marquee is placed, exclusive of the ground story and mezzanine. A separate~~
25 ~~building permit for a marquee shall be required for each building frontage.~~

1 ***SEC. 136.3. AWNINGS, CANOPIES AND MARQUEES IN THE NORTH OF MARKET***
2 ***RESIDENTIAL SPECIAL USE DISTRICT.***

3 *(a) Awnings. Awnings, as defined in Section 790.20 of this Code, shall be permitted on the*
4 *ground story and second story, subject to the following regulations:*

5 *(1) All portions of any permitted awning shall be not less than eight feet above the*
6 *finished grade, excluding any valance which shall not be less than seven feet above the finished grade.*
7 *No portion of any awning shall be higher than the windowsill level of the story immediately above.*

8 *(2) When the width of all awnings on a single building is 10 feet or less along the*
9 *direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face*
10 *of any supporting building and the vertical distance from the top to the bottom of such awnings shall*
11 *not exceed six feet, including any valance. When the width of all awnings on a single building exceeds*
12 *10 feet measured along the direction of the street, the horizontal projection of such awnings shall not*
13 *exceed four feet from the face of the supporting building and the vertical distance from the top to the*
14 *bottom of such awnings shall not exceed four feet, including any valance.*

15 *(b) Canopies. Canopies, as defined in Section 790.26 of this Code, shall be permitted, subject*
16 *to the following regulations:*

17 *(1) The maximum width of any canopy shall be 10 feet. The horizontal projection of*
18 *any canopy may extend to a line on the sidewalk not closer than two feet from the curb. The outer*
19 *column support shall be located in the outer 1/3 of the sidewalk. The vertical distance from the top to*
20 *the bottom of the canopy shall not exceed an average of two feet, including any valance. The highest*
21 *point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is*
22 *less. All portions of any canopy, excluding the column supports and excluding any valance which may*
23 *be not less than seven feet above the finished grade, shall not be less than eight feet above the finished*
24 *grade.*

1 ~~(c) **Marquees.** Marquees, as defined in Section 790.58 of this Code, shall be permitted,~~
2 ~~subject to the following regulations:~~

3 ~~(1) The vertical distance from the top to the bottom of any marquee shall not exceed~~
4 ~~three feet and the horizontal projection shall not extend beyond a line on the sidewalk not closer than~~
5 ~~two feet from the curb.~~

6 ~~(2) A marquee projecting more than of the distance from the property line to the curb~~
7 ~~shall not exceed 10 feet or 50 percent of the width of the building, along the direction of the street,~~
8 ~~whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in~~
9 ~~height above the finished grade, nor higher than the window-sill level of the floor immediately above.~~
10 ~~Each building frontage shall be considered separately.~~

11 ~~(3) A marquee projecting less than of the distance from the property line to the curb~~
12 ~~shall not exceed 25 feet or 50 percent of the width of the building, along the direction of the street,~~
13 ~~whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet~~
14 ~~above the finished grade, nor higher than the windowsill level of the floor immediately above. Each~~
15 ~~building frontage shall be considered separately.~~

16 **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-**
17 **COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

18 (a) **Purpose.** The purpose of this Section is to preserve, enhance, and promote
19 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
20 which are appropriate and compatible with the buildings and uses in Neighborhood
21 Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use
22 Districts.

23 (b) **Definitions.**

24 (1) **Development lot.** A "development lot" shall mean:

25 (A) Any lot containing a proposal for new construction, or

1 (B) Building alterations ~~which~~ that would increase the gross square
2 footage of a structure by 20 percent or more, or

3 (C) In a building containing parking, a change of more than 50 percent of
4 the building's gross floor area to or from residential uses, excluding residential accessory off-
5 street parking.

6 (2) **Active use.** An "active use" shall mean any principal, conditional, or
7 accessory use ~~which~~ that by its nature does not require non-transparent walls facing a public
8 street or involves the storage of goods or vehicles.

9 (A) Residential uses are considered active uses above the ground floor;
10 on the ground floor, residential uses are considered active uses only if more than 50 percent
11 of the linear residential street frontage at the ground level features walk-up dwelling units
12 ~~which~~ that provide direct, individual pedestrian access to a public sidewalk, and are consistent
13 with the Ground Floor Residential Design Guidelines, as adopted and periodically amended
14 by the Planning Commission.

15 (B) Spaces accessory to residential uses, such as fitness or community
16 rooms, are considered active uses only if they meet the intent of this section and have access
17 directly to the public sidewalk or street.

18 (C) Building lobbies are considered active uses, so long as they do not
19 exceed 40 feet or ~~25%~~ percent of building frontage, whichever is larger.

20 (D) Public Uses defined ~~described~~ in Section 102 790.80 and 890.80 are
21 considered active uses except utility installations.

22 * * * *

23 **SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.**

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

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

3 (1) Folsom Street for the entirety of the Rincon Hill DTR and Folsom and Main
4 Residential/Commercial Special Use Districts, pursuant to Sections 827 and 249.1;

5 (2) The entirety of the C-3-R District, along any block frontage that is entirely within
6 such district or partly in such district and partly in the C-3-O District, where such block frontage faces
7 a street 40 feet or more in width ~~Folsom Street for the entirety of the Folsom and Main~~
8 ~~Residential/Commercial Special Use District~~;

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

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

13 (5) Market Street, for the entirety of the Upper Market NCT, NCT-3, and all C-3
14 ~~Van Ness and Market Downtown Residential Special Use Districts~~;

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

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

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

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

23 (10) On building frontages facing Destination Alleyways, as defined in the Downtown
24 Streetscape Plan, in all C-3 ~~Market Street, for the entirety of the NCT-3, Upper Market NCD, and~~
25 ~~Upper Market NCT~~ Districts;

- 1 (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT
2 Districts;
- 3 (12) 22nd Street, between Third 3rd Street and Minnesota Streets within the
4 NCT-2 District;
- 5 (13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT
6 District;
- 7 (14) Mission Street, for the entirety of the Mission Street NCT District;
- 8 (15) 24th Street, for the entirety of the 24th Street-Mission NCT;
- 9 (16) 16th Street, between Guerrero and Capp Streets;
- 10 (17) 22nd Street, between Valencia and Mission Streets;
- 11 (18) 6th Street for its entirety within the C-3 and SoMa NCT Districts;
- 12 (19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except
13 on the north side of Ocean Avenue between Plymouth and Brighton Avenues;
- 14 (20) Geneva Avenue, between I-280 and Delano Avenue within the NCT-1 and
15 NCT-2 Districts;
- 16 (21) Fillmore Street, in the Fillmore Street NCD ~~NC-3 District~~ from Bush Street to
17 McAllister Street;
- 18 (22) Diamond Street, for the entirety of the Glen Park NCT District; and
- 19 (23) Chenery Street, for the entirety of the Glen Park NCT District.
- 20 ~~(24) Geneva Avenue, between I-280 and Delano Avenue within the NCT-1 District.~~

21 (c) **Definitions.**

22 "Active commercial uses" shall include those uses specifically identified below in Table
23 145.4, and:

- 24 (1) Shall not include uses oriented to motor vehicles except for automobile sale
25 or rental where curb-cuts, garage doors, or loading access are not utilized or proposed, and

1 such sales or rental activity is entirely within an enclosed building and does not encroach on
 2 surrounding sidewalks or open spaces;

3 (2) Shall include public uses except for utility installations; and

4 (3) Shall not include Residential Care Facilities uses as defined in Sections 102,
 5 790.50, 790.51, and 890.50.

6 **Table 145.4**

<u>Reference for</u> <u>Commercial</u> <u>and</u> <u>Residential-</u> <u>Commercial</u> <u>Districts</u>	Reference for Neighborhood Commercial Districts	Reference for Mixed Use Districts	Use
<u>102</u>	790.4	890.4	Amusement Game Arcade
<u>102</u>	790.6	890.6	Animal Hospital
<u>102</u>	790.12	890.13	Automobile Sale or Rental (see qualification, above)
<u>102</u>	790.22	790.22	Bar
	N/A	890.23	Business Goods and Equipment Sales and Repair Service
<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Child Care Facility</u>
<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Community Facility</u>
<u>102</u>	790.34	790.34	Eating and Drinking Use
<u>102</u>	790.38	890.37	Entertainment, Other

1	<u>102</u>	N/A	890.39	Gift Store-Tourist Oriented
2	<u>N/A</u>	790.50, 790.51	890.50	Institutions, Other(see
3				qualification, above)
4	<u>102</u>	N/A	890.51	Jewelry Store
5	<u>102</u>	<u>790.141</u>	<u>890.133</u>	<u>Medical Cannabis Dispensary</u>
6	<u>102</u>	790.68	890.68	Neighborhood-Serving
7				Business
8	<u>102</u>	N/A	890.69	Non-Auto Vehicle Sales or
9				Rental (see qualification,
10				above)
11	<u>102</u>	790.70	890.71	Outdoor Activity Area
12	<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Post-Secondary Educational</u>
13				<u>Institution</u>
14	<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Public Facilities</u>
15	<u>N/A</u>	790.80	890.80	Public Use (see qualification,
16				above)
17	<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Religious Institution</u>
18	<u>102</u>	790.90	790.90	Limited-Restaurant
19	<u>102</u>	790.91	790.91	Restaurant
20	<u>N/A</u>	790.102	890.102	Sales and Services, Other
21				Retail
22	<u>102</u>	790.104	890.104	Sales and Services, Retail
23	<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>School</u>
24	<u>102</u>	790.110	890.110	Service, Financial
25				

1	<u>102</u>	790.112	890.112	Service, Limited Financial
2	<u>N/A</u>	790.114	890.114	Service, Medical
3	<u>102</u>	<u>N/A</u>	<u>N/A</u>	<u>Service, Health</u>
4	<u>102</u>	790.116	890.116	Service, Personal
5	<u>102</u>	790.122	790.122	Take-Out Food
6	<u>102</u>	<u>790.123</u>	<u>890.123</u>	<u>Tobacco Paraphernalia</u>
7				<u>Establishment</u>
8	<u>102</u>	790.124	890.124	Trade Shop
9	<u>102</u>	790.140	890.140	Walk-Up Facility
10				

11
12 * * * *

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

15 (a) **Applicability.** This ~~s~~ubsection shall apply only to DTR, NCT, RC, RCD, Excelsior
16 Outer Mission NCD, Upper Market Street NCD, RTO, Eastern Neighborhood Mixed Use, South
17 of Market Mixed Use, M-1, PDR-1-D, ~~and~~ PDR-1-G, ~~CM~~, or C-3 Districts.

18 * * * *

19 **Table 151.1**
20 **OFF-STREET PARKING PERMITTED AS ACCESSORY**

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling # <u>U</u> nits in RH-DTR Districts	P up to one car for each two d <u>D</u> welling # <u>U</u> nits;

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	C up to one car for each d Dwelling #Unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
<u>Dwelling Units in C-3 Districts</u>	<u>P up to one car for each two dwelling units; C up to three cars for each four Dwelling Units, subject to the criteria and procedures of Section 151.1(f). NP above three cars for each four Dwelling Units.</u>
Dwelling #Units in the C-3 or SB-DTR, Districts, except as specified below	P up to one car for each four d Dwelling #Units; C up to 0.75 cars for each d Dwelling #Unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each d Dwelling #Unit.
Dwelling #Units in C-3 or SB-DTR, Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four d Dwelling #Units; C up to one car for each d Dwelling #Unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each d Dwelling #Unit.
Dwelling #Units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four d Dwelling #Units; C up to <u>0.5</u> cars for each d Dwelling #Unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four d Dwelling #Units.
Dwelling #Units and SRO #Units in SLI, SALI, SSO, MUG, WMUG, MUR, MUO,	P up to one car for each four d Dwelling <u>or SRO</u> #Units; C up to 0.75 cars for each dwelling

<p>1 WMUO, <i>and</i> SPD Districts, except as 2 specified below</p>	<p>unit, subject to the criteria and conditions and 3 procedures of Section 151.1(g); NP above 4 0.75 cars for each <i>dDwelling or SRO #Unit</i>.</p>
<p>4 Dwelling <i>#Units</i> in SLI, SALI, SSO, MUG, 5 WMUG, MUR, MUO, WMUO, <i>and</i> SPD 6 Districts with at least 2 bedrooms and at 7 least 1,000 square feet of occupied floor area</p>	<p>P up to one car for each four <i>dDwelling #Units</i>; 8 C up to one car for each <i>dDwelling #Unit</i>, 9 subject to the criteria and conditions and 10 procedures of Section 151.1(g); NP above one 11 car for each <i>dDwelling #Unit</i>.</p>
<p>9 Dwelling <i>#Units</i> and SRO <i>#Units</i> in NCT, C- 10 M, <i>RC</i>, RSD, and SLR Districts and the 11 Upper Market Street NCD, except as 12 specified below 13 * * * *</p>	<p>P up to one car for each two <i>dDwelling or SRO</i> 14 <i>#Units</i>; C up to 0.75 cars for each dwelling 15 unit, subject to the criteria and procedures of 16 Section 151.1(g); NP above 0.75 cars for each 17 <i>dDwelling #Unit</i>.</p>

14 * * * *

15 (f) In C-3 *and SB-DTR* Districts, any request for accessory parking, in excess of what is
16 permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning
17 Commission, subject to *Conditional Use authorization the procedures set forth in Section 309 of this*
18 *Code*.

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

22 (A) For projects with 50 units or more, all residential accessory parking in
23 excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by
24 mechanical stackers or lifts, valet, or other space-efficient means that allows more space
25 above-ground for housing, maximizes space efficiency and discourages use of vehicles for

1 commuting or daily errands. The Planning Commission may authorize the request for
2 additional parking notwithstanding that the project sponsor cannot fully satisfy this
3 requirement provided that the project sponsor demonstrates hardship or practical infeasibility
4 (such as for retrofit of existing buildings) in the use of space-efficient parking given the
5 configuration of the parking floors within the building and the number of independently
6 accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or
7 other form of parking space management could not significantly increase the capacity of the
8 parking space above the maximums in Table 151.1;

9 (B) ~~For any project with residential accessory parking in excess of 0.375~~
10 ~~parking spaces for each dwelling unit, the project complies with the housing requirements of Sections~~
11 ~~415 through 415.9 of this Code except as follows: the inclusionary housing requirements that apply to~~
12 ~~projects seeking conditional use authorization as designated in Section 415.3(a)(2) shall apply to the~~
13 ~~project;~~

14 ~~(C)~~ The findings of Section 151.1(e)(1)(B), (e)(1)(C) and (e)(1)(E) are
15 satisfied;

16 ~~(C)~~ ~~(D)~~ All parking meets the active use and architectural screening
17 requirements in Section 145.1 ~~155(s)(1)(B) and 155(s)(1)(C)~~ and the project sponsor is not
18 requesting any exceptions or variances requiring such treatments elsewhere in this Code.

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

1 (g) In RTO, RC, NCT, ~~C-M~~, South of Market Mixed Use Districts, Upper Market Street
2 NCD, RED, RED-MX, and WMUG Districts, any request for accessory parking in excess of
3 what is principally permitted in Table 151.1, but which does not exceed the maximum amount
4 stated in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In
5 MUG, WMUG, MUR, MUO, RED, RED-MX, and SPD Districts, any project subject to Section
6 329 and that requests residential accessory parking in excess of that which is principally
7 permitted in Table 151.1, but which does not exceed the maximum amount stated in Table
8 151.1, shall be reviewed by the Planning Commission according to the procedures of Section
9 329. Projects that are not subject to Section 329 shall be reviewed under the procedures
10 detailed in ~~s~~Subsection (h) below.

11 (1) In granting such Conditional Use or exception per Section 329 for parking in
12 excess of that principally permitted in Table 151.1, the Planning Commission shall make the
13 following affirmative findings according to the uses to which the proposed parking is
14 accessory:

15 (A) **Parking for All Uses.**

16 (i) Vehicle movement on or around the project does not unduly
17 impact pedestrian spaces or movement, transit service, bicycle movement, or the overall
18 traffic movement in the district;

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

21 (iii) All above-grade parking is architecturally screened and lined
22 with active uses according to the standards of Section 145.1, and the project sponsor is not
23 requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

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

1 (B) **Parking for Residential Uses.**

2 ~~(#)~~For projects with 50 dwelling units or more, all residential accessory
3 parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers
4 or lifts, valet, or other space-efficient means that reduces space used for parking and
5 maneuvering, and maximizes other uses.

6 (C) **Parking for Non-Residential Uses.**

7 (i) Projects that provide more than 10 spaces for non-residential
8 uses must dedicate 5% percent of these spaces, rounded down to the nearest whole number,
9 to short-term, transient use by vehicles from certified car sharing organizations per Section
10 166, vanpool, rideshare, taxis, or other co-operative auto programs. These spaces shall not
11 be used for long-term storage nor satisfy the requirement of Section 166, but rather to park
12 them during trips to commercial uses. These spaces may be used by shuttle or delivery
13 vehicles used to satisfy ~~s~~Subsection (B).

14 (ii) Retail uses larger than 20,000 square feet, including but not
15 limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and
16 appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public
17 transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service
18 and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000
19 square feet.

20 (iii) Parking shall be limited to short-term use only.

21 (iv) Parking shall be available to the general public at times when
22 such parking is not needed to serve the use or uses to which it is accessory.

23 (2) Additionally, in granting approval for such accessory parking above that
24 permitted by right, the Commission may require the property owner to pay the annual
25 membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any

1 resident of the project who so requests and who otherwise qualifies for such membership,
2 provided that such requirement shall be limited to one membership per dwelling unit, when the
3 findings set forth in Section 151.1(e)(2) are made.

4 * * * *

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

7 * * * *

8 (s) **Off-Street Parking and Loading in C-3 Districts.** In C-3 Districts, restrictions on
9 the design and location of off-street parking and loading and access to off-street parking and
10 loading are necessary to reduce their negative impacts on neighborhood quality and the
11 pedestrian environment.

12 (1) **Ground floor or below-grade parking and street frontages with active**
13 **uses.**

14 (A) All off-street parking in C-3 Districts (both as accessory and principal
15 uses) shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet
16 from grade) unless an exception to this requirement is granted in accordance with Section 309
17 and ~~s~~Subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303
18 and ~~s~~Subsections 155(s)(2) or 155(s)(3) below.

19 (B) Parking located at or above ground level shall conform to the street
20 frontage requirements of Section 145.1(c), and shall be lined with active uses, as defined by
21 Section 145.4 (~~d e~~), to a depth of at least 25 feet along all ground-level street frontages,
22 except for space allowed for parking and loading access, building egress, and access to
23 mechanical systems.

24 ~~(i) Where a non-accessory off-street parking garage permitted under~~
25 ~~Section 223(m) — (p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and~~

1 ~~fronts more than one street of less than 45 feet in width, a conditional use may be granted in~~
2 ~~accordance with Section 303 that allows an exception to this requirement for one of the street~~
3 ~~frontages. The above provision authorizing such conditional use shall sunset eight years from the~~
4 ~~effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).~~

5 (C) Parking allowed above the ground-level in accordance with an
6 exception under Section 309 or a conditional use in accordance with Section 303 as
7 authorized by ~~s~~Subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-
8 of-way in a manner that accentuates ground floor retail and other uses, minimizes louvers and
9 other mechanical features and is in keeping with the overall massing and architectural
10 vocabulary of the building's lower floors. So as not to preclude conversion of parking space to
11 other uses in the future, parking allowed above the ground-level shall not be sloped and shall
12 have a minimum clear ceiling height of nine feet.

13 (2) **Residential accessory parking.** For residential accessory off-street parking
14 in C-3 Districts, two additional floors of above-grade parking beyond the at-grade parking
15 allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be
16 permitted subject to the provisions of ~~s~~Subsections 155(s)(2)(A) or 155(s)(2)(B) below:

17 (A) In a manner provided in Section 309 of this Code, provided it can be
18 clearly demonstrated that transportation easements or contaminated soil conditions make it
19 practically infeasible to build parking below-ground. The determination of practical infeasibility
20 shall be made based on an independent, third-party geotechnical assessment conducted by a
21 licensed professional and funded by the project sponsor. The Planning Director shall make a
22 determination as to the objectivity of the study prior to the Planning Commission's
23 consideration of the exception application under Section 309.

24 (B) As a conditional use in accordance with the criteria set forth in Section
25 303 of this Code, provided it can be clearly demonstrated that constructing the parking above-

1 grade instead of underground would allow the proposed housing to meet affordability levels
2 for which actual production has not met ABAG production targets as identified in the Housing
3 Element of the General Plan.

4 ~~(3) **Non-accessory off-street parking garages.** For non-accessory off-street parking~~
5 ~~garages in C-3 Districts permitted under the Section 223(m)–(p), two additional floors of above-grade~~
6 ~~parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35~~
7 ~~feet from grade, may be permitted subject to the provisions of subsections 155(s)(3)(A) or 155(s)(3)(B)~~
8 ~~below:~~

9 ~~(A) As a conditional use in accordance with the criteria set forth in Section 303,~~
10 ~~provided it can be clearly demonstrated that transportation easements or contaminated soil conditions~~
11 ~~make it practically infeasible to build parking below ground. The determination of practical~~
12 ~~infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by~~
13 ~~a licensed professional and funded by the project sponsor. The Planning Director shall make a~~
14 ~~determination as to the objectivity of the study prior to the Planning Commission's consideration of the~~
15 ~~conditional use permit application.~~

16 ~~(B) As a conditional use in accordance with the criteria set forth in Section 303,~~
17 ~~provided the site contains an existing non-accessory off-street surface parking lot with valid permits for~~
18 ~~such parking as of the effective date of the ordinance enacting this sSubsection and the site is located in~~
19 ~~the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342, Lots 1, 2,~~
20 ~~4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507,~~
21 ~~Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37~~
22 ~~and 40 through 43; Block 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63~~
23 ~~and 64; Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703,~~
24 ~~Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84,~~
25 ~~85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and~~

1 ~~67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109,~~
2 ~~117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block~~
3 ~~0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection 155(s)(3)(B) shall sunset~~
4 ~~on July 22, 2014.~~

5 ~~(4)~~ (3) Temporary Parking Lots. Parking lots permitted in C-3 Districts as
6 temporary uses according to Section 156(h) ~~and expansions of existing above-grade publicly~~
7 ~~accessible parking facilities~~ are not subject to the requirements of ~~s~~Subsections 155(s)(1)-(3).

8 ~~(5)~~ (4) Parking and Loading Access.

9 (A) **Width of openings.** Any single development is limited to a total of two
10 façade openings of no more than 11 feet wide each or one opening of no more than 22 feet
11 wide for access to off-street parking and one façade opening of no more than 15 feet wide
12 for access to off-street loading. Shared openings for parking and loading are encouraged. The
13 maximum permitted width of a shared parking and loading garage opening is 27 feet.

14 (B) Porte cocheres. Porte cocheres to accommodate passenger loading
15 and unloading are not permitted except as part of a hotel, inn, or hostel use. For the purpose
16 of this Section, a "porte cochere" is defined as an off-street driveway, either covered or
17 uncovered, for the purpose of passenger loading or unloading, situated between the ground
18 floor façade of the building and the sidewalk.

19 **SEC. 156. PARKING LOTS.**

20 (a) Definition. A "parking lot" is hereby defined as an off-street open area or portion
21 thereof solely for the parking of passenger automobiles. Such an area or portion shall be
22 considered a parking lot whether or not on the same lot as another use, whether or not
23 required by this Code for any structure or use, and whether classified as an accessory,
24 principal, or conditional use.

25 (b) Conditional Use.

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

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

11 ~~(c)~~~~(f)~~ **Screening.**

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

17 (2)~~(e)~~ Any vehicle use area that has more than 25 linear feet adjacent to a
18 public right-of-way or is a parking lot for the parking of 10 or more automobiles shall be
19 screened in accordance with the standards described in Section 142, Screening and Greening
20 of Parking and Vehicle Use Areas

21 ~~(d)~~~~(f)~~ **Artificial Lighting.** All artificial lighting used to illuminate a parking lot for any
22 number of automobiles in any District shall be so arranged that all direct rays from such
23 lighting fall entirely within such parking lot.

1 ~~(e)(g)~~ No parking lot for any number of automobiles ~~auto-mobiles~~ shall have conducted
2 upon it any dead storage or dismantling of vehicles, or any repair or servicing of vehicles other
3 than of an emergency nature.

4 ~~(f)(h)~~ No permanent parking lot shall be permitted in C-3-O, ~~C-3-0(SD), C-3-R, C-3-G~~
5 and NCT Districts; temporary parking lots may be approved as conditional uses, except in the
6 C-3-0(SD) ~~d~~District, pursuant to the provisions of Section 303 for a period not to exceed five
7 ~~two~~ years from the date of approval; ~~permanent parking lots in C-3-S Districts shall be permitted~~
8 ~~only as a conditional use~~. No new parking lots may be approved in the C-3-0(SD) ~~d~~District;
9 however, ~~e~~CConditional ~~u~~Use approval for a two-year extension of existing parking lots in the C-
10 3-0(SD) ~~d~~District may be approved pursuant to this ~~s~~subsection provided that they meet the
11 requirements of ~~s~~Subsection ~~(i)-(t)~~.

12 ~~(g)-(i)~~ Any parking lot approved pursuant to zoning categories .25, .27 and .29 of
13 Sections 813 through 818 of this Code shall be screened in accordance with the standards
14 described in Section 142, Screening and Greening of Parking and Vehicle Use Areas, except
15 where this requirement would prevent otherwise feasible use of the subject lot as an open
16 space or play area for nearby residents.

17 ~~(h)-(j)~~ **Interior Landscaping and Street Trees.**

18 ~~(1)~~ All permanent parking lots are required to provide ~~±~~ one tree per ~~±~~ five
19 parking spaces in a manner that is compliant with the applicable water use requirements of
20 Administrative Code Chapter 63 and a minimum of 20% percent permeable surface, as defined
21 by Section 102.33, Permeable Surfaces. The trees planted in compliance with this Section
22 shall result in canopy coverage of 50% percent of the parking lots' hardscape within 15 years
23 of the installations of these trees. Permeable surfaces and grading shall be coordinated so
24 that stormwater can infiltrate the surface in areas with less than 5% percent slope.

1 ~~(2) (k) Street Tree Requirement.~~ All parking lots shall meet the street tree
2 requirements specified in Section 138.1(c)(1).

3 ~~(j) (i) Extension of Existing Parking Lots in the C-3-0(SD) District.~~ The conditions of
4 approval for the extension ~~of~~ an existing parking lot in the C-3-0(SD) ~~d~~District shall include the
5 following:

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

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

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

17 **SEC. 159. REQUIRED OFF-STREET PARKING NOT ON THE SAME LOT AS THE**
18 **STRUCTURE OR USE SERVED.**

19 (a) Required off-street parking spaces for one-family and two-family dwellings in R
20 Districts shall be located on the same lot as the dwelling served, or in a Private Automobile
21 Parking Garage ~~community garage as described~~ defined in Section 102 209.7(a) of this Code.

22 (b) Required off-street parking spaces for all other dwellings shall be located on the
23 same lot as the dwelling served, as an accessory use, or within a walking distance of 600
24 feet, as either a principal or a conditional use, depending upon the use provisions applicable
25 to the district in which such parking is located.

1 (c) Required off-street parking spaces for all uses other than dwellings shall be located
2 on the same lot as the use served, as an accessory use, or within a walking distance of 800
3 feet, as either a principal or a conditional use, depending upon the use provisions applicable
4 to the district in which such parking is located.

5 (d) Walking distance for purposes of Subsections (b) and (c) above shall mean the
6 distance from an outside entrance of a structure or use or part thereof, to each off-street
7 parking space assigned to such structure or use or part thereof, along the shortest, most
8 convenient pedestrian walkway open to the user or users of such off-street parking space.

9 (e) In order to be credited toward the requirements of this Code, any off-street parking
10 space located as above on a lot other than the lot on which the structure or use to be served
11 is located must be available for the actual lifetime of the structure or use to be served. Such
12 availability shall be assured either by ownership of both the lot containing the structure or use
13 to be served and the lot containing the off-street parking space by at least one common
14 owner, or by a lease or other instrument providing for the availability of the parking space for
15 not less than the actual lifetime of the structure or use to be served; an attested copy of any
16 such instrument shall be filed with the Planning Department ~~of City Planning~~ prior to approval
17 by said Department of any building permit application affected by this arrangement for
18 provision of required off-street parking. In addition, in either case, a document in a form
19 approved by the City Attorney shall be executed by the parties concerned, and by the Zoning
20 Administrator, and recorded in the office of the County Recorder, serving as a notice of the
21 restrictions under this Code applying to both the lot containing the structure or use to be
22 served and to the lot containing the off-street parking space, by virtue of this arrangement for
23 provision of required off-street parking.

24 **SEC. 168. BABY DIAPER-CHANGING ACCOMMODATIONS REQUIRED.**

25 (a) **Definitions.**

1 (1) **"Public-Serving Establishment."** A Public-Serving Establishment shall be
2 defined as:

3 (A) a new ~~H~~ospital, ~~Health Services Use~~ medical center, ~~clinic~~ providing
4 outpatient care in medical, psychiatric or other healing areas, or a ~~S~~ocial ~~S~~ervice or ~~P~~hilanthropic
5 ~~F~~acility providing assistance of a charitable or public service nature as defined in Section ~~102~~ 217
6 of the Planning Code, or a new hospital or medical center as defined in Sections 790.44 and
7 890.44 of the Planning Code, for which a building permit is issued on or at least six months
8 after the effective date of this Section, unless the building will not be accessible to the public;

9 (B) a new ~~R~~etail ~~S~~ales and ~~personal S~~ervices use or assembly and ~~Retail~~
10 ~~E~~ntertainment ~~and Recreation~~ use as defined in Sections ~~102~~ 218 and 221 of the Planning
11 Code; that is 5,000 square feet or more in size for which a building permit is issued on or at
12 least six months after the effective date of this Section, unless the building will not be
13 accessible to the public and;

14 (C) a new ~~a~~Amusement ~~g~~Game ~~a~~Arcade, ~~e~~Eating and ~~D~~rinking use,
15 ~~i~~Institution, ~~o~~Other ~~L~~arge, ~~i~~Institution, ~~o~~Other ~~s~~Small, ~~m~~Movie ~~t~~Theater, ~~s~~Sales and ~~s~~Service,
16 ~~o~~Other ~~r~~Retail, or ~~s~~Sales and ~~s~~Service ~~r~~Retail use, as defined in Articles 7 and 8 of the Planning
17 Code, that is 5,000 square feet or more in size for which a building permit is issued on or at
18 least six months after the effective date of this Section, unless the building will not be
19 accessible to the public; and

20 (D) a new library operated by the San Francisco Public Library, or a new,
21 publicly accessible, facility operated by the Department of Recreation and Parks within the
22 City for which final City approvals have been given on or at least six months after the effective
23 date of this Section.

24 (2) **"Substantially Renovated."** Any construction or renovation project ~~which~~
25 ~~that~~ has an estimated cost of at least \$50,000.00 for which a building permit is issued, or, in

1 the case of City-owned structures, for which final City approval is given, to any of the uses
2 listed in Subsection (a)(1) above, which were existing as of the effective date of this Section,
3 or which were completed on or at least six months after the effective date of this Section.

4 (3) **"Baby Diaper-Changing Accommodation."** A safe, sanitary and
5 convenient baby diaper-changing station, deck table or similar amenity ~~which~~ that is installed
6 or placed in a separate, designated location in a Public-Serving Establishment subject to the
7 provisions of this Section. Such accommodations may include, but are not limited to, stations,
8 decks and tables in women's and men's restrooms or unisex/family restrooms.

9 * * * *

10 ~~**SEC. 175.7. EXEMPTIONS FROM APPLICATION OF AMENDMENTS IMPLEMENTING THE**~~
11 ~~**RINCON HILL DTR DISTRICT.**~~

12 ~~(a) Exemptions. The amendments to this Code contained in this Ordinance shall not apply to~~
13 ~~projects only on Block 3747, Lots 001E, 002 and 006 for which an application for environmental~~
14 ~~review and a conditional use application have been filed with the Planning Department prior to March~~
15 ~~1, 2003 and February 1, 2005, respectively, provided that such projects shall comply with the progress~~
16 ~~requirements and approval revocation provisions of Planning Code Section 309.1(e) as set forth in this~~
17 ~~Ordinance. Provisions of this Code (including, without limitation, the Zoning Maps) that were~~
18 ~~applicable to such exempt projects prior to the effective date of this Ordinance shall remain in full~~
19 ~~force and effect with respect to such exempt projects including, without limitation, provisions of this~~
20 ~~Code permitting conditional uses, variances, and other exceptions from the strict application of this~~
21 ~~Code.~~

22 **SEC. 178. CONDITIONAL USES.**

23 The following provisions shall apply to conditional uses:

24 (a) **Definition.** For the purposes of this Section, a permitted conditional use shall refer
25 to:

1 (1) Any use or feature authorized as a conditional use pursuant to Article 3 of
2 this Code, provided that such use or feature was established within the time limits specified as
3 a eCondition of Approval authorization or, if no time limit was specified, within a reasonable
4 time from the date of authorization; or

5 (2) Any use or feature ~~which~~ that is classified as a conditional use in the district
6 in which it is located and ~~which~~ that lawfully existed either on the effective date of this Code, or
7 on the effective date of any amendment imposing new conditional use requirements upon
8 such use or feature; or

9 (3) Any use deemed to be a permitted conditional use pursuant to Section 179
10 of this Code.

11 (b) **Continuation.** Except as provided for temporary uses in Section 205 of this Code,
12 and except where time limits are otherwise specified as a eCondition of Approval authorization,
13 any permitted conditional use may continue in the form in which it was authorized, or in the
14 form in which it lawfully existed either on the effective date of this Code or the effective date of
15 any amendment imposing new conditional use requirements upon such use or feature, unless
16 otherwise provided in this Section or in Article 2 of this Code.

17 (c) **Enlargements, ~~or~~ Alteration, or Intensification.** A permitted conditional use may not
18 be significantly altered, enlarged, or intensified, except upon approval of a new conditional
19 use application pursuant to the provisions of Article 3 of this Code.

20 (1) Internet Services Exchange. With regard to an Internet Services Exchange as
21 defined in Section 102 209.6(e), any physical alteration ~~which~~ that will enlarge or expand the
22 building for the purpose of intensifying the use shall be deemed to be significant under this
23 section, and any increase in the size of electrical service to the building ~~which~~ that will require
24 a permit from the Department of Building Inspection shall be deemed to be significant under
25 this sSection.

1 (2) **Power Plant.** A Power Plant use, as defined in Section 102, shall, whether
2 nonconforming or conditionally permitted, require conditional use authorization in order to enlarge,
3 intensify, or extend the use if such changes would expand a power plant use, make it more permanent,
4 or substantially change the use. An intensification of use shall include the following changes, without
5 limitation and in addition to the criteria set forth in Article 1.7 of the Planning Code:

6 (A) An increase in output capability by more than 10 percent (either an increase
7 in capacity or increase in planned or permitted output per year);

8 (B) A change in type of fuel;

9 (C) A greater than 5 percent increase in the volume of monthly discharge of
10 waste water into the sewer or into the San Francisco Bay, or an increase in the temperature of existing
11 waste water discharges into the San Francisco Bay;

12 (D) Any increase greater than 5 percent in the emission rate or the total annual
13 tons of emission for particulate precursors, ozone precursors or greenhouse gases;

14 (E) A greater than 5 percent increase in the volume of regulated substances
15 used on site on a monthly basis, or in the volume of regulated substances stored on site or in the volume
16 of regulated substances transported to the site on a monthly basis; or

17 (F) Improvements to any power generation unit costing more than 25 percent of
18 the assessed value of the same unit prior to improvement.

19 (d) **Abandonment.** A permitted conditional use which is discontinued for a period of
20 three years, or otherwise abandoned, shall not be restored, except upon approval of a new
21 conditional use application pursuant to the provisions of Article 3 of this Code. For purposes of
22 this Subsection, the period of nonuse for a permitted conditional use to be deemed
23 discontinued in the North Beach, Castro Street Neighborhood Commercial Districts, and the
24 Jackson Square Special Use District shall be eighteen (18) months, except that in the North
25

1 Beach Neighborhood Commercial District, the period of non use for a Restaurant use, as
2 defined in Section 102 790.94, to be deemed discontinued shall be three years.

3 (e) **Changes in Use.** The following provisions shall apply to permitted conditional uses
4 with respect to changes in use:

5 (1) A permitted conditional use may be changed to another use listed in Section
6 102 and ~~Articles 2,~~ 7 or 8 of this Code as a principal use for the district in which it is located
7 and the new use may thereafter be continued as a permitted principal use.

8 (2) A permitted conditional use may be changed to another use listed in Section
9 102 and ~~Articles 2,~~ 7 or 8 of this Code as a conditional use for the district in which the property
10 is located, subject to the other applicable provisions of this Code, only upon approval of a new
11 conditional use application, pursuant to the provisions of Article 3 of this Code.

12 (3) A permitted conditional use may not be changed to another use not
13 permitted or prohibited by the Zoning Control Table for the district in which the lot is located
14 ~~Articles 2, 7 or 8 of this Code~~. If a permitted conditional use has been wrongfully changed to
15 another use in violation of the foregoing provisions and the violation is not immediately
16 corrected when required by the Zoning Administrator, the wrongful change shall be deemed to
17 be a discontinuance or abandonment of the permitted conditional use.

18 (4) Once a permitted conditional use has been changed to a principal use
19 permitted in the district in which the property is located, or brought closer in any other manner
20 to conformity with the use limitations of this Code, the use of the property may not thereafter
21 be returned to its former permitted conditional use status, except upon approval of a new
22 conditional use application pursuant to the provisions of Article 3 of this Code.

23 (5) In the North Beach Neighborhood Commercial District, any use that exceeds
24 the use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only
25

1 upon approval of a new conditional use application. The Commission's approval of such
2 conditional use application shall explicitly address the use size findings of Section 303(c).

3 (6) In the Castro Street Neighborhood Commercial District, any use that
4 exceeds the use size provisions of Section 121.2(a), but is smaller than the maximum use
5 size limit of Section 121.2(b), may be changed to a new use only upon approval of a new
6 conditional use application. The Commission's approval of such conditional use application
7 shall explicitly address the use size findings of Section 303(c).

8 (f) Notwithstanding the foregoing provisions of this Section 178, a structure occupied
9 by a permitted conditional use that is damaged or destroyed by fire, or other calamity, or by
10 Act of God, or by the public enemy, may be restored to its former condition and use without
11 the approval of a new conditional use application, provided that such restoration is permitted
12 by the Building Code, and is started within 18 months and diligently pursued to completion.
13 Except as provided in Subsection (g) below, no structure occupied by a permitted conditional
14 use that is voluntarily razed or required by law to be razed by the owner thereof may
15 thereafter be restored except upon approval of a new conditional use application pursuant to
16 the provisions of Article 3 of this Code.

17 (g) None of the provisions of this Section 178 shall be construed to prevent any
18 measures of construction, alteration or demolition necessary to correct the unsafe or
19 dangerous condition of any structure, other feature, or part thereof, where such condition has
20 been declared unsafe or dangerous by the ~~Superintendent~~ Director of the ~~Bureau~~ Department of
21 Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where
22 the proposed measures have been declared necessary, by such official, to correct the said
23 condition; provided, however, that only such work as is absolutely necessary to correct the
24 unsafe or dangerous condition may be performed pursuant to this Section.

1 **SEC. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN**
2 **NEIGHBORHOODS.**

3 (a) **Intent.** As a result of the Eastern Neighborhoods Zoning Controls, certain land
4 uses that were previously permitted, particularly office and housing, are no longer permitted.
5 The purpose of this Section is to establish a time-limited program wherein existing uses that
6 have operated without the benefit of required permits may seek those permits. Uses that
7 could be "legitimized" under this Section are those uses which, under the current provisions of
8 this Code and without this Section, could not otherwise seek the required permits.

9 (b) **Applicability.**

10 (1) **Geography.** This Section shall apply only to property located in the Eastern
11 Neighborhoods Mixed Use Districts, the SLI District, or any PDR District which is located
12 within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 423.3
13 ~~327.2(j)~~. This Section shall not apply to any Live/Work use as ~~set forth~~ defined in Section 102
14 ~~233~~.

15 (2) **Eligibility.** Any use that is the subject of an application under this Section
16 shall be one that is determined by the Zoning Administrator as one which:

- 17 (A) exists as of the date of the application;
- 18 (B) would have been principally permitted or permitted with ~~e~~Conditional
19 ~~#~~Use authorization under provisions of the Planning Code that were effective on April 17,
20 2008;
- 21 (C) would not be permitted under current provisions of this Code;
- 22 (D) is a land use that either:

23 ~~(+)~~ (i) has been regularly operating or functioning on a continuous
24 basis for no less than 2 years prior to the effective date of this Section; or
25

1 ~~(2)~~ (ii) has been functioning in the space since at least April 17,
2 2008, and is associated with an organization, entity or enterprise which has been located in
3 this space on a continuous basis for no less than 2 years prior to the effective date of this
4 Section;

5 (E) is not accessory to any other use; and

6 (F) is not discontinued and abandoned pursuant to the provisions of
7 Section 183 that would otherwise apply to nonconforming uses.

8 (3) **Sunset.** All applications for a determination of eligibility under Subsection
9 (d) must be received by the Zoning Administrator on or before November 12, 2012. If the
10 Planning Department fails to timely issue notice pursuant to Subsection (c), the Zoning
11 Administrator may extend this termination date for an additional period of time not to exceed
12 the number of days that the Department delayed in issuing the notice. An applicant who has
13 received a determination of eligibility must submit to the Department all required application
14 materials for legitimization within 90 days of the date of issuance of the determination of
15 eligibility and diligently pursue the legitimization process until completion. For purposes of this
16 section, "diligently pursue" shall mean timely responding to all requests for additional
17 information from the Department or other City agency reviewing the matter and timely
18 applying for and pursuing all permits and other approvals required to legitimize the use.
19 Failure to do so may result in the Zoning Administrator's revocation of the legitimization letter.

20 * * * *

21 (e) **Determination of Eligibility.** The Zoning Administrator shall determine
22 compliance with the criteria set forth in Subsection (b)(2), above, through a written decision.
23 No less than 30 days prior to making a determination, the Zoning Administrator shall mail and
24 post a notice of intent to render a determination as set forth below so that parties other than
25

1 the applicant are afforded the opportunity to present information which may have bearing on
2 the determination;

3 (1) By mailing notice to owners within 300 feet of the property in question as
4 set forth in Section 306.3(a)(2);

5 (2) by mailing notice to current tenants of the subject property using materials
6 submitted pursuant to Section (d)(3), above;

7 (3) by mailing notice to all individuals or neighborhood organizations having
8 made written request for notification for either (i) applications under this Section or (ii) specific
9 properties or areas; and

10 (4) by posting a notice on the subject property as set forth in Section 306.8. (f)
11 Application to Legitimize. Uses that are determined to be in compliance with the criteria of
12 Subsection (b)(2), above, shall be governed as set forth below. Unless specifically stated by
13 the Planning Commission in the case of a Conditional Use authorization, approval of any
14 application under this Subsection shall be deemed to authorize all aspects of the use and
15 portions of the structure housing the use under the Planning Code. Those portions of the use
16 or structure that do not comply with current provisions of this Code shall be deemed
17 nonconforming uses or noncomplying structures under Article ~~1.8~~ 1.7 of this Code. Action
18 under this Subsection in no way shall affect the applicability of relevant portions of the
19 Building Code or other portions of the Municipal Code.

20 (1) Those uses which, under the provisions of this Code that were applicable
21 on April 17, 2008, would have either: (i) required Conditional Use authorization pursuant to
22 Section 303 or (ii) been principally permitted but required an allocation of office space of less
23 than 50,000 gross square feet under the Annual Limit pursuant to Section 321(b)(4), may
24 seek such authorization pursuant to all requirements of the applicable Section.

1 (2) Those uses which, under the provisions of this Code that were applicable
2 on April 17, 2008, were principally permitted may seek a building permit in order to legally
3 establish the use. Upon the Department's determination that the application is consistent with
4 the enabling Zoning Administrator's decision, the Planning Department shall approve such
5 permit.

6 (3) Those uses which, under the provisions of this Code that were applicable
7 on April 17, 2008, would have required an allocation of office space of 50,000 or more gross
8 square feet under the Annual Limit, may seek such authorization pursuant to the requirements
9 of Section 321; however, no application may be acted on by the Planning Commission until
10 the termination date of the application period set forth in Subsection (b)(3), above. After that
11 time, Planning Department staff shall take all reasonable steps to schedule pending eligible
12 applications for Planning Commission review based on the order in which a project's
13 determination of eligibility was issued. Nothing in this Section shall preclude the Director of
14 Planning, based on the demand for participation in this program, from limiting the number of
15 projects that appear before the Planning Commission in a given period of time.

16 (g) **Fee Amount.** Any use authorized under Subsection (f) above shall, in addition to
17 any applicable application fees, pay for the area being legitimized the following impact fees:

18 (1) If the use is legitimizing as office, (as defined in Sec. 102 890.70)

19 (A) If the project is subject to the Transit Impact Development Fee (as
20 defined in Section 411), a \$2.00/gross square foot Transit Impact Development Fee.

21 (B) If the project is subject to the Jobs-Housing Linkage Fee (as defined
22 in Section 413), an \$8.50/gross square foot Jobs-Housing Linkage Fee.

23 (C) No Eastern Neighborhoods Impact Fees shall be charged.

24 ~~(2) If the use is legitimizing as Integrated PDR, (as defined in Sec. 890.49)~~

1 ~~(A) If the project is subject to the Transit Impact Development Fee (as defined in~~
2 ~~Section 411), a \$2.00/gross square foot Transit Impact Development Fee.~~

3 ~~(B) If the project is subject to the Jobs-Housing Linkage Fee (as defined in~~
4 ~~Section 413), a \$4.00/gross square foot Jobs-Housing Linkage Fee.~~

5 ~~(C) No Eastern Neighborhoods Impact Fees shall be charged.~~

6 (32) If the use is legitimizing as ~~retail~~ or Entertainment (as defined in Section 102
7 Sec. 217) or entertainment (as defined in Sec. 313.1.16)

8 (A) If the project is subject to the Transit Impact Development Fee (as
9 defined in Section 411), a \$2.00/gross square foot Transit Impact Development Fee.

10 (B) If the project is subject to the Jobs-Housing Linkage Fee (as
11 described in Sec. 413), a \$7.20/gross square foot Jobs-Housing Linkage Fee.

12 (C) No Eastern Neighborhoods Impact Fees shall be charged.

13 (4) If the use is legitimized as any other use authorized under Subsection (f)
14 above, the use shall pay the Jobs-Housing Linkage Fee and Transit Impact Development Fee
15 in the amount applicable as of January 18, 2009.

16 (h) **Fee Payment.** Fees shall be paid upon issuance of the first construction permit
17 (as defined in Sec. 401) or if an applicant ~~has may~~ elected to participate in a deferred payment
18 program, as specified below:

19 (1) Prior to issuance by DBI of the first construction permit, at least 20% of
20 applicable fees are due. Henceforth, at least 20% of applicable fees are due by July 1st of
21 each subsequent calendar year, such that final payment must be made within four years of
22 receiving the first building or site permit.

23 (2) The applicant may elect to pay any outstanding balance at any time within
24 these four years.

1 (3) A Notice of Special Restrictions shall be placed on the title of the property
2 specifying that additional payment is required. This Notice of Special Restrictions shall be
3 released when payment is complete.

4 (4) All outstanding fees will be adjusted annually based on the cost of living as
5 defined by the Controller's Office.

6 (5) The Department may assess an additional fee for time and materials spent
7 implementing this deferred fee program.

8 (6) Failure to comply with the terms of the program and associated NSR as
9 specified in this Subsection shall be deemed a violation of this Code and result in an
10 enforcement action by the Department, which may include, referral to the Bureau of
11 Delinquent Revenue and a lien on the subject property. Any enforcement action also may
12 result in additional charges or penalties to cover the City's costs in the enforcement action,
13 including, but not limited to City Attorney's fees.

14 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**
15 **RECONSTRUCTION.**

16 The following provisions shall apply to non-conforming uses with respect to
17 enlargements, alterations and reconstruction:

18 (a) **Increases in Nonconformity.** A nonconforming use, and any structure occupied
19 by such use, shall not be enlarged, intensified, extended, or moved to another location, with
20 the exception of the construction of a mezzanine within a ~~Live/Work~~ Unit and expansion of
21 ~~Dwelling~~ Units in PDR Districts, unless the result will be elimination of the nonconforming
22 use, except as provided below and in Section 186.1 of this Code. A nonconforming use shall
23 not be extended to occupy additional space in a structure, or additional land outside a
24 structure, or space in another structure, or to displace any other use, except as provided in
25 Sections 182 and 186.1 of this Code.

1 * * * *

2 (c) **Dwellings Nonconforming as to Density.**

3 (1) A dDwelling or other housing structure exceeding the permitted density of
4 dDwelling uUnits or other housing units set forth in the Zoning Control Table for the district in
5 which the lot is located Sections 207.5, 208, 209.1, 209.2, or 215 of this Code for the district in which
6 ~~it is located~~ shall be classified as a nonconforming use under Section 180 of this Code, but
7 only to the extent that such dDwelling or other housing structure exceeds the permitted
8 density.

9 (2) In districts where a dDwelling uUnit is a principally permitted use, this
10 Section 181 shall not apply with respect to enlargements, alterations, and reconstruction of
11 the nonconforming portion of such dDwelling or other housing structure, consisting of those
12 dDwelling uUnits or other housing units ~~which~~ that exceed the permitted density, so long as
13 such enlargements, alterations, or reconstruction do not otherwise extend beyond the building
14 envelope as it existed on January 1, 2013.

15 (3) No enlargements, alterations, or reconstruction shall be permitted under
16 Subsection (c)(2) for any dDwelling uUnit if any tenant has been evicted pursuant to
17 Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) where the tenant was served
18 with the notice of eviction after December 10, 2013 if the notice was served within ten (10)
19 years prior to filing an application to enlarge, alter or reconstruct such dDwelling or other
20 housing unit. Additionally, no such enlargements, alterations, or reconstruction shall be
21 permitted for any dDwelling uUnit if any tenant has been evicted pursuant to Administrative
22 Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December
23 10, 2013 if the notice was served within five (5) years prior to filing an application to enlarge,
24 alter or reconstruct such dDwelling or other housing unit. This Subsection (c)(3) shall not
25 apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s)

1 either (A) have certified that the original tenant reoccupied the unit after the temporary eviction
2 or (B) have submitted to the Planning Commission a declaration from the property owner or
3 the tenant certifying that the property owner or the Rent Board notified the tenant of the
4 tenant's right to reoccupy the unit after the temporary eviction and that the tenant chose not to
5 reoccupy it.

6 (4) Any ~~#~~Dwelling ~~#~~Unit or other housing unit coming within the density limit shall
7 not be affected by this Section 181. Except as provided in Sections 181(h) and 182(e), no
8 ~~#~~Dwelling or other housing structure exceeding the permitted density of ~~#~~Dwelling ~~#~~Units or
9 other housing units shall be altered to increase the number of ~~#~~Dwelling ~~#~~Units or other
10 housing units therein, or to increase or create any other nonconformity with respect to the
11 ~~#~~Dwelling ~~#~~Unit or other housing unit density limitations identified in the Zoning Control Table for
12 the district in which the lot is located of Section 209.1 or Section 209.2.

13 * * * *

14 **SEC. 182. NONCONFORMING USES: CHANGES OF USE.**

15 The following provisions shall apply to nonconforming uses with respect to changes of
16 use:

17 (a) A nonconforming use shall not be changed or modified so as to increase the
18 degree of nonconformity under the use limitations of this Code, with respect to the type of use
19 or its intensity except as provided in Section 181 for ~~#~~Nighttime ~~e~~Entertainment uses activities
20 within the RSD, MUG, MUR, or SLR Districts. The degree of nonconformity shall be deemed
21 to be increased if the new or modified use is less widely permitted by the use districts of the
22 City than the nonconforming use existing immediately prior thereto.

23 (b) Except as limited in this Subsection, a nonconforming use may be reduced in size,
24 extent or intensity, or changed to a use that is more widely permitted by the use districts of the
25

1 City than the existing use, subject to the other applicable provisions of this Code. Except as
2 otherwise provided herein, the new use shall still be classified as a nonconforming use.

3 (1) ~~A nonconforming~~ Nonconforming Commercial and Industrial uses in a
4 Residential or Residential Enclave District shall be subject to the requirements of Section 186-I.
5 ~~(other than a Residential-Commercial Combined District), which use is located more than 1/4 mile from~~
6 ~~the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described~~
7 ~~in Article 7 of this Code, may change to another use which is permitted as a principal use at the first~~
8 ~~story and below in an NC-1 District, or it may change to another use which is permitted as a~~
9 ~~conditional use at the first story and below in an NC-1 District only upon approval of a conditional use~~
10 ~~application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to~~
11 ~~change in use to a retail sales activity or retail sales establishment which is also a formula retail use,~~
12 ~~as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this~~
13 ~~Code. The nonconforming use shall comply with other building standards and use limitations of NC-1~~
14 ~~Districts, as set forth in Sections 710.10 through 710.95 of this Code.~~

15 ~~If the nonconforming use is located within 1/4 mile from any Individual Area Neighborhood~~
16 ~~Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the~~
17 ~~nonconforming use may change to another use which is permitted as a principal use at the first story~~
18 ~~and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or~~
19 ~~Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change to another use which~~
20 ~~is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual~~
21 ~~Area Neighborhood Commercial District or Districts within 1/4 mile of the use only upon approval of a~~
22 ~~conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming~~
23 ~~use is seeking to change in use to a retail sales activity or retail sales establishment which is also a~~
24 ~~formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of~~
25 ~~Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use~~

1 ~~limitations of NC-1 Districts and any Individual Area NC District or Districts located within ¼ mile of~~
2 ~~the use, as set forth in Article 7 of this Code.~~

3 ~~(2) A nonconforming use in a Residential-Commercial Combined District may be~~
4 ~~changed to another use listed in Articles 2 or 7 of this Code as a principal use for the district in which~~
5 ~~the existing use would first be permitted as a principal or conditional use.~~

6 (2) ~~(3)~~ A nonconforming use in a Neighborhood Commercial District may be
7 changed to another use as provided in Subsections (c) and (d) below or as provided in
8 Section 186.1 of this Code.

9 ~~(4) A nonconforming use in any district other than a Residential, Downtown~~
10 ~~Residential, or Neighborhood Commercial District may be changed to another use listed in Articles 2~~
11 ~~or 7 of this Code as a principal use for the district in which the existing use would first be permitted as~~
12 ~~a principal use.~~

13 ~~(3)(5)~~ A nonconforming use in any South of Market Mixed Use District may not
14 be changed to an ~~o~~Office, ~~r~~Retail, ~~b~~Bar, ~~r~~Restaurant, ~~n~~Nighttime ~~e~~Entertainment, ~~a~~Adult
15 ~~e~~Entertainment, ~~h~~Hotel, ~~m~~Motel, inn, hostel, or ~~m~~Movie ~~t~~Theater use in any district where such
16 use is otherwise not permitted or conditional, except as provided in Subsection (f) below.

17 (c) A nonconforming use may be changed to a use listed ~~in Articles 2 or 7 of this Code~~
18 as a conditional use for the district in which the property is located, upon approval of a
19 Conditional Use application ~~subject to the other applicable provisions of this Code, without the~~
20 ~~necessity of specific authorization by the City Planning Commission except where major work on a~~
21 ~~structure is involved~~, and the new use may thereafter be continued as a permitted conditional
22 use, subject to the limitation of Section 178(b) of this Code.

23 (d) A nonconforming use may be changed to a use listed ~~in Articles 2, 7 or 8 of this Code~~
24 as a principal use for the district in which the property is located, subject to the other
25

1 applicable provisions of this Code, and the new use may thereafter be continued as a
2 permitted principal use.

3 (e) A nonconforming use ~~in an R District subject to termination under the provisions of~~
4 ~~Section 185 of this Code~~ may be converted to a ~~a~~ Dwelling ~~u~~Unit in a district where such use is
5 principally permitted, without regard to the requirements of this Code with respect to dwelling
6 unit density under Article 2, ~~dimensions, areas and open space under Article 1.2,~~ or off-street
7 parking ~~under Article 1.5,~~ and the Zoning Administrator may provide relief from certain other
8 standards specified in Section 307(h) through the procedures of that Section, provided the
9 nonconforming use is eliminated by such conversion, provided further that the structure is not
10 enlarged, extended, or moved to another location, and provided further that the requirements
11 of the Building Code, the Housing Code, and other applicable portions of the Municipal Code
12 are met.

13 (f) Once a nonconforming use has been changed to a principal or conditional use
14 permitted in the district in which the property is located, or brought closer in any other manner
15 to conformity with the use limitations of this Code, the use of the property may not thereafter
16 be returned to its former nonconforming status, except that:

17 (1) ~~Any area which is used as a live/work unit shall be allowed to return to its former~~
18 ~~nonconforming status.~~

19 (2) ~~within~~ Within any South of Market Mixed Use District, any area occupied by a
20 nonconforming ~~o~~Office use ~~which that~~ is changed to an arts, home and/or business service use
21 falling within the definition of an Arts Activity in Section 102 or zoning categories ~~102.2 or~~ 816.42
22 through 816.47 or a wholesale, storage, or light manufacturing use falling within zoning
23 categories 816.64 through 816.67 shall be allowed to return to its former nonconforming
24 ~~o~~Office use.

1 (3) Upon restoration of a previous nonconforming use as permitted ~~by Subsection~~
2 ~~(1) or (2)~~ above, any modification, enlargement, extension, or change of use, from
3 circumstances ~~which~~ that last lawfully existed prior to the ~~creation of the live/work unit, or prior to~~
4 ~~the~~ change from office use, shall be subject to the provisions of this Article, and the restored
5 nonconforming use shall be considered to have existed continuously since its original
6 establishment, prior to the ~~live/work unit or~~ change to ~~o~~Office use, for purposes of this Article.

7 (g) If a nonconforming use has been wrongfully changed to another use in violation of
8 any of the foregoing provisions, and the violation is not immediately corrected when required
9 by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or
10 abandonment of the nonconforming use under Section 183 of this Code.

11 **SEC. 183. NONCONFORMING USES: DISCONTINUANCE AND ABANDONMENT.**

12 Whenever a nonconforming use has been changed to a conforming use, or
13 discontinued for a continuous period of three years, or whenever there is otherwise evident a
14 clear intent on the part of the owner to abandon a nonconforming use, such use shall not after
15 being so changed, discontinued, or abandoned be reestablished, and the use of the property
16 thereafter shall be in conformity with the use limitations of this Code for the district in which
17 the property is located. Where no enclosed building is involved, discontinuance of a
18 nonconforming use for a period of six months shall constitute abandonment. Where a Massage
19 Establishment ~~massage establishment~~ is nonconforming for the reason that it is within 1,000 feet
20 of another such establishment ~~under Section 218.1 of this Code~~ or because it is no longer
21 permitted within the district, discontinuance for a continuous period of three months or change
22 to a conforming use shall constitute abandonment.

23 **SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.**

24 The period of time during which the following nonconforming uses may continue or
25 remain shall be limited to five years from the effective date of this Code (May 2, 1960), or of

1 the amendment thereto which that caused the use to be nonconforming. Every such
2 nonconforming use shall be completely eliminated within 90 days after the expiration of such
3 period.

4 (a) A Parking Lot or any other ~~Any~~ nonconforming commercial or industrial use of land
5 where no enclosed building is involved in such use, except for permanent off-street ~~p~~Parking
6 ~~L~~ots in the C-3-O, C-3-R, and C-3-G Districts existing on the effective date of Ordinance No.
7 414-85, provided that such lots are screened in the manner required by Section 156(e); such
8 permanent uses shall be eliminated no later than five years and 90 days from the effective date of an
9 amendment to this Code that makes such permanent uses nonconforming.

10 (b) Any use of a type first permitted as a principal or conditional use in an NC, C, or M
11 District or in a Residential-Commercial ~~Combined~~ District, when occupying a building in an R
12 District other than a Residential-Commercial ~~Combined~~ District that has an assessed valuation
13 not in excess of \$500 on the effective date of this Code or such later date as the use becomes
14 nonconforming, with the following exceptions:

15 (1) Any lawful use in this category in a building having an assessed valuation of
16 \$250 or more on the effective date of this Code, or such later date as the use becomes
17 nonconforming, shall have a period of permitted continuance of 10 years from the date at
18 which the property was placed in a residential zoning classification, if such a period of
19 continuance produces an expiration date that ~~which~~ is later than the expiration date stated
20 above; or

21 (2) Any lawful use in this category that ~~which~~ is of a type first permitted in an NC-
22 1 District; or of a type first permitted in any other district and supplying commodities at retail,
23 or offering personal services, primarily to residents of the immediate vicinity; shall have a
24 period of permitted continuance of 10 years from the effective date of this Code, or of the
25 amendment thereto that ~~which~~ caused the use to be nonconforming. After five years of such

1 period have elapsed, any use as described in this Paragraph (b)(2) shall, upon application, be
2 qualified for consideration by the ~~City~~ Planning Commission as a conditional use as regulated
3 in Section 303 of this Code.

4 **SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD**
5 **COMMERCIAL DISTRICTS.**

6 * * * *

7 (c) **Changes in Use.** A nonconforming use may be changed to another use or feature
8 as described below.

9 (1) A nonconforming use may be changed to a use listed in Article 7 of this Code
10 as a principal use for the district in which the property is located, and the new use may
11 thereafter be continued as a permitted principal use.

12 (2) A nonconforming use may be changed to a use listed in Article 7 of this Code
13 as a conditional use for the district in which the use is located, only upon approval of a
14 ~~e~~Conditional ~~#~~Use application pursuant to the provisions of Article 3 of this Code, and the new
15 use may thereafter be continued as a permitted conditional use, subject to the provisions of
16 Section 178 of this Code.

17 (3) A nonconforming use may be changed to a use which is not permitted in that
18 Neighborhood Commercial District as described below, only upon approval of a ~~e~~Conditional
19 ~~#~~Use application, pursuant to the provisions of Article 3 of this Code:

20 (A) Any use described in zoning categories .41, .43₁ or .44, as defined in
21 Sections 790.22, 790.90₁ and 790.91, respectively, may change to another use described in
22 zoning categories .41 or .44, even though such other use is not permitted in that
23 Neighborhood Commercial District, unless such other use is located in an Alcohol Restricted
24 Use Subdistrict and is prohibited by the provisions governing that Alcohol Restricted Use
25 Subdistrict.

1 (B) Any use described in zoning categories .51, .52, or .53, as defined in
2 Sections 790.114, 790.116, and 790.108 respectively, may change to another use described
3 in zoning categories .51, .52, or .53, even though such other use is not permitted in that
4 Neighborhood Commercial District.

5 (C) Any use described in zoning categories .57, .58, or .59, as defined in
6 Sections 790.14, 790.17, and 790.15 respectively, may be demolished and reconstructed as
7 the same use or may change to another use described in zoning categories .57, .58, or .59,
8 even though such other use is not permitted in that Neighborhood Commercial District.

9 The new use shall still be classified as a nonconforming use.

10 The changes in use described in this Paragraph 3 shall include remodeling activities
11 involving the demolition and replacement of structures *that which* result in a change of use.

12 (4) In the North Beach Neighborhood Commercial District, any use that exceeds
13 the use size provisions in the North Beach Zoning Control Table of Section 121.2(a) or 121.2(b)
14 may be changed to a new use only upon the approval of a new eConditional #Use application.
15 The Commission's approval of such eConditional #Use application shall explicitly address the
16 use size findings of Section 303(c). In the North Beach Neighborhood Commercial District, a
17 nonconforming use cannot be changed to any use *that which* is not a permitted use under
18 Section 722 (North Beach Controls).

19 (5) In the Castro Street Neighborhood Commercial District, any use in this
20 district that exceeds the maximum use size limit of Section 121.2(b), may be not changed to a
21 new use. The only method for changing a nonconforming use identified in this Subsection is to
22 reduce the nonconforming use:

23 (A) to a conforming use size; or

24 (B) to a size specified in Subsection 121.2(a) pursuant to eConditional
25 #Use authorization.

1 Notwithstanding the above, any use in this District that exceeds the maximum use size
2 limit of Section 121.2(b) and is categorized in the Other Retail Sales and Services zoning
3 classification, as defined in Section 790.102, may change to another use category
4 enumerated in Section 790.102 as long as the use size is not increased and the Commission
5 approves a ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~s~~e~~ application for such change. The Commission's approval of
6 such ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~s~~e~~ application shall explicitly address the use size findings of Section
7 303(c).

8 * * * *

9 **186.3 NON-RESIDENTIAL USES IN LANDMARK BUILDINGS IN RH AND RM DISTRICTS.**

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

16 **SEC. 187.1. SERVICE STATIONS AND GASOLINE STATIONS AS LEGAL**
17 **NONCONFORMING USES.**

18 ~~(a) — As used in this Section, "automotive service station" shall mean an establishment that~~
19 ~~sells and dispenses gasoline and other motor fuels and lubricating fluids directly into motor vehicles~~
20 ~~and which may, in addition, provide the types of services specified in Section 223(f) and 223(g) of this~~
21 ~~Code.~~

22 ~~(a)(b)~~ Notwithstanding any other provision of this Code, an ~~a~~A~~u~~t~~o~~m~~o~~t~~i~~v~~e~~ ~~s~~S~~e~~r~~v~~i~~c~~e
23 ~~s~~S~~t~~a~~t~~i~~o~~n or an Automotive Gas Station as defined in Section 102 of this Code, located in an ~~a~~ ~~a~~n
24 Residential district, and having legal nonconforming use status under the provisions of this
25 Code on January 1, 1980, shall be regarded as a legal nonconforming use so long as the

1 station continues to sell and dispense gasoline and other motor fuels and lubricating fluids
2 directly into motor vehicles.

3 ~~(b)(e)~~ An aAutomotive sService sStation regarded as a legal nonconforming use under
4 Subsection ~~(b)~~ (a) of this Section may enlarge or intensify its current service station operations
5 provided the station receives conditional use approval for such enlargement or intensification
6 under Section 303 of this Code. Conditional ~~u~~Use authorizations issued pursuant to this
7 Section shall not contain termination dates.

8 (c) Parking for car-share vehicles, as defined in Section 166, is permitted as an accessory use,
9 and the addition of car-share vehicle parking shall not constitute an enlargement or intensification of
10 the use, as defined in Subsection (b) above.

11 **SEC. 187.2. MECHANICAL CAR WASH FACILITIES ON NINETEENTH AVENUE.**

12 ~~(a) As used in this Section, "automotive service station" and "gasoline station" shall mean an~~
13 ~~establishment that sells and dispenses gasoline and other motor fuels and lubricating fluids directly~~
14 ~~into motor vehicles and which may, in addition, provide the types of services specified in Section 223(f)~~
15 ~~and 223(g) of this Code; provided that the limitation on automobile washing and polishing contained in~~
16 ~~Section 223(f)(6) shall not be interpreted as a limitation on the addition of a mechanical car wash as~~
17 ~~provided in this Section 187.2.~~

18 ~~(b) As used in this Section, "mechanical car wash" shall mean an automotive wash facility,~~
19 ~~including the use of any mechanical cleaning device, the use of any mechanical conveyor blower~~
20 ~~device, or steam cleaning device, and may include washing and polishing performed by hand.~~

21 ~~(a)(e)~~ Notwithstanding any other provision of this Code, an mechanical Automotive ear
22 Wash, as defined by Section 102 of this Code, is permitted as a conditional use on the same
23 premises as an aAutomotive sService sStation or Automotive gasoline sStation, existing on the
24 effective date of this Section Ordinance, and located on Nineteenth Avenue, starting at Lincoln
25 Way and continuing south on Nineteenth Avenue to the southerly portion of Nineteenth

1 Avenue to the intersection with Junipero Serra Boulevard, and continuing south along
2 Junipero Serra Boulevard to the southern boundary of the City and County of San Francisco
3 provided:

4 (1) A vehicle storage and standing area is provided on the premises outside the
5 washing facilities of sufficient size to accommodate at least one-quarter of the hourly capacity
6 in vehicles of the facility;

7 (2) Noise from the facility complies with Article 29 of the San Francisco Police
8 Code and in no event shall noise from mechanical equipment exceed 65 dBA, as defined in
9 Article 29, from 7:00 a.m. to 10:00 p.m., or 60 dBA from 10:00 p.m. to 7:00 a.m., when
10 measured at any location on adjoining residential property;

11 (3) Automobile washing and drying occurs entirely within an enclosed building;

12 (4) Water use and reclamation meets criteria established by the Zoning
13 Administrator in consultation with staff from the San Francisco Public Utilities Commission;

14 (5) A traffic study demonstrates that the operation will not cause a new
15 significant impact on traffic on adjacent streets; and

16 (6) The facility is located on a lot equal to or greater than 12,000 square feet.
17

18 Section 3. Article 2 of the Planning Code is hereby amended by adding Sections
19 202.1, 202.2, 202.3, 210.2, 210.3, 210.3A, revising Sections 201, 202, 204, 204.1, 204.2,
20 204.3, 205.2, 205.4, 206 through 206.5 (renumbered as 209 through 209.4), 207, 207.1,
21 207.2, 207.6, 208, 210.2, 210.3, 210.4, 210.5, 210.6, 210.7, 210.8, 210.9, 210.10, 210.11,
22 218.2, 219.1, 221.1, 228, 229, 230, 233, 234 through 234.2 (renumbered as 211 through
23 211.2), 237, 238, 239, 240.1, 241, 243, 247, 248, 249.1, 249.5, 249.13, 249.14, 249.18,
24 249.21, 249.25, 249.31, 249.32, 249.33, 249.34, 249.35, 249.35B, 249.41, 249.42, 249.46,
25 249.54, 249.61, 249.65, 249.67, 253, 260, and 263.28, and deleting Sections 209 through

1 209.10, 210.1, 210.4, 212, 213, 215, 216, 217, 218, 218.1, 219, 220, 221, 222, 223, 224, 225,
 2 226, 226.1, 227, and 249.20, to read as follows:

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

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

Public Use Districts (P) (Defined in Sec. 234)	
Residential Districts (Defined in Sec. 206)	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings) (Defined in Sec. 209.1 206.1)
RH-1	Residential, House Districts, One-Family (Defined in Sec. 206.1)
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit (Defined in Sec. 206.1)
RH-2	Residential, House Districts, Two-Family (Defined in Sec. 206.1)
RH-3	Residential, House Districts, Three-Family (Defined in Sec. 206.1)
RM-1	Residential, Mixed Districts, Low Density (Defined in Sec. 206.2)
Residential Districts (Defined in Sec. 209.1 206.1)	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings) (Defined in Sec. 209.1 206.1)
RH-1	Residential, House Districts, One-Family (Defined in Sec. 209.1 206.1)

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RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit (Defined in Sec. 209.1 206.1)
RH-2	Residential, House Districts, Two-Family (Defined in Sec. 209.1 206.1)
RH-3	Residential, House Districts, Three-Family (Defined in Sec. 209.1 206.1)
RM-1	Residential, Mixed Districts, Low Density (Defined in Sec. 209.2 206.2)
RM-2	Residential, Mixed Districts, Moderate Density (Defined in Sec. 209.2 206.2)
RM-3	Residential, Mixed Districts, Medium Density (Defined in Sec. 209.2 206.2)
RM-4	Residential, Mixed Districts, High Density (Defined in Sec. 209.2 206.2)
RTO	Residential, Transit-Oriented Neighborhood Districts (Defined in Sec. 209.4 206.4)
RTO-M	Residential, Transit-Oriented – Mission Neighborhood Districts (Defined in Sec. 209.4 206.5)

Residential-Commercial Districts (RC)	
(Defined in Sec. 209.3 206.3)	
RC-3	Residential-Commercial Districts, Medium Density (Defined in Sec. 209.3 206.3)
RC-4	Residential-Commercial Districts, High Density (Defined in Sec. 209.3 206.3)

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Commercial Districts (C)	
(Defined in Sec. 210)	
C-2	Community Business Districts (Defined in Sec. 210.12)
C-M	Heavy Commercial Districts (Defined in Sec. 210.4)
C-3-O	Downtown Office District (Defined in Sec. 210.23)
C-3-O(SD)	Downtown Office Special Development District (Defined in Sec. 210.3)
C-3-R	Downtown Retail District (Defined in Sec. 210.23)
C-3-G	Downtown General Commercial District (Defined in Sec. 210.23)
C-3-S	Downtown Support District (Defined in Sec. 210.23)

* * * *

SEC. 202. USES PERMITTED BY THIS CODE.

(a) The use limitations of this Code shall be set forth in Articles 2, 6, 7, 8, and 9 for the use districts of the City, as established by Sections 201, ~~701, 801 and 902~~ of this Code and as

1 shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of
2 Section 105. The uses permitted under this Code shall consist of the following:

3 (1) Principal uses, permitted as of right in each established district where listed
4 for that class of districts in Articles 2, 7, 8, and 9 as regulated herein and elsewhere in this
5 Code.

6 (2) Conditional uses, permitted in each established district when authorized by
7 the ~~City~~ Planning Commission under Section 303 of this Code, where listed for that class of
8 districts in Articles 2, 7, 8, and 9 and as regulated herein and elsewhere in this Code.

9 (3) Accessory uses for such permitted principal and conditional uses, as defined
10 and regulated in Sections 204 through 204.5, Section 703.2(b)(1)(C), Section 803.3(b)(1)(C),
11 Section 903(a)(3), and Section 986 of this Code. Any use not qualified under such sections as
12 an accessory use shall be classified as a principal or conditional use.

13 (b) Permitted uses shall include in each established district such uses not specifically
14 listed in Articles 2, 7, or 8 of this Code as are from time to time determined by the Zoning
15 Administrator to be permitted uses in accordance with Section 307(a) of this Code.

16 (c) No use shall be permitted in any R District, C District, PDR-1 Districts, or M-1
17 District which by reason of its nature or manner of operation creates conditions that are
18 hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas,
19 vibration, glare, refuse, water-carried waste, or excessive noise.

20 (d) Except as specifically provided herein to the contrary, the provisions of Articles 2,
21 7, 8, and 9 of this Code shall apply to all uses, properties, and developments, both public and
22 private, including those of the City and County of San Francisco.

23 **202.1. ZONING CONTROL TABLES.**

24 (a) All Districts that are provided for in Section 201 of this Code have a corresponding Zoning
25 Control Table that details basic development standards and use controls. Zoning Control Tables for R,

1 C, PDR, and M Districts are located in Article 2; Zoning Control tables for Neighborhood Commercial
2 Districts are located in Article 7; Zoning Control tables for Chinatown and Mixed Use Districts are
3 located in Article 8; and Zoning Control tables for Mission Bay Districts are located in Article 9.
4 Zoning Control Tables are intended to be used in conjunction with other relevant sections of the Code.
5 Descriptions for Zoning Control Tables in Articles 7, 8, and 9 are located in the corresponding Article.

6 (b) Zoning Control Tables in Article 2 are organized as follows:

7 (1) **Building Standards:** This section lists basic Code requirements that are specific to
8 that particular Zoning District and apply to all buildings in that District regardless of the proposed
9 use.

10 (2) **Residential Standards and Uses:** This section lists basic Code requirements for
11 Residential uses, permitted residential uses, and permitted densities for the subject District.

12 (3) **Non-Residential Standards and Uses:** This section lists basic Code requirements
13 for Non-Residential Uses and Non-residential use controls.

14 (c) The columns in the Zoning Control Tables in Article 2 are organized as follows:

15 (1) The first column in the Zoning Control Table, titled "Zoning Category," provides
16 either the title of the listed requirement or the Use.

17 (2) The second column, titled "§ References," contains numbers of other sections in the
18 Planning Code, and other City Codes, in which additional control provisions, including exceptions and
19 definitions where pertinent, are contained. Any requirements in these sections pertinent to the zoning
20 district shall be followed.

21 (3) In the third and subsequent columns, the controls applicable to the various Districts
22 are indicated either directly, by reference to other Code Sections that contain the controls, or by
23 indicating when a specific requirement is required.

1 (d) The uses and features listed in the Zoning Control Tables in Articles 2, 7, 8, and 9 are
2 permitted in the Districts as indicated by the following symbols in the respective columns for each
3 district:

4 P: The use or project is permitted as a principal use in this district.

5 C: The use or project is subject to approval by the Planning Commission as a conditional use
6 in this district as provided in Section 303 of this Code.

7 DR. A Mandatory Discretionary Review hearing before the Planning Commission is required
8 before the Planning Department can approve the proposed use or project. Uses or projects subject to
9 Mandatory Discretionary Review may be disapproved or modified by the Planning Commission.

10 NA: This listing not applicable to this district.

11 NP or Blank Space: The use or project is not permitted in this district.

12 R: Required.

13 (1) Determinations as to the classification of uses not specifically listed shall be made
14 in the manner indicated in Sections 202 and 307(a) of this Code.

15 (2) References shall be made to Sections 204 through 204.5 for regulations pertaining
16 to accessory uses permitted for principal and conditional uses listed in Sections 206.1 through 206.4.

17 (3) Reference shall also be made to the other Articles of this Code containing provisions
18 relating to definitions, off-street parking and loading dimensions, areas and open spaces,
19 nonconforming uses, height and bulk districts, signs, historic preservation, and other factors affecting
20 the development and alteration of properties in these use Districts.

21 (4) Reference shall be made to Section 249.1 for provisions pertaining to uses in the
22 Folsom and Main Residential/Commercial Special Use District.

23 **SEC 202.2. LOCATION AND OPERATING CONDITIONS.**

24 (a) Retail Sales and Service Uses. The Retail Sales and Service Uses listed below shall be
25 subject to the corresponding conditions:

1 (1) Eating and Drinking Uses. Eating and Drinking Uses, as defined in Section 102,
2 shall be subject to the following conditions:

3 (A) The business operator shall maintain the main entrance to the building and
4 all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the
5 Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator
6 shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject
7 business to maintain the sidewalk free of paper or other litter associated with the business during
8 business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

9 For information about compliance, contact the Bureau of Street Use and Mapping, Department
10 of Public Works.

11 (B) When located within an enclosed space, the premises shall be adequately
12 soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond
13 the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the
14 decibel levels specified in the San Francisco Noise Control Ordinance.

15 For information about compliance of fixed mechanical objects such as rooftop air conditioning,
16 restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the
17 Environmental Health Section, Department of Public Health.

18 For information about compliance with construction noise requirements, contact the
19 Department of Building Inspection.

20 For information about compliance with the requirements for amplified sound, including music
21 and television, contact the Police Department.

22 (C) While it is inevitable that some low level of odor may be detectable to
23 nearby residents and passersby, appropriate odor control equipment shall be installed in conformance
24 with the approved plans and maintained to prevent any significant noxious or offensive odors from
25 escaping the premises.

1 For information about compliance with odor or other chemical air pollutant standards, contact
2 the Bay Area Air Quality Management District (BAAQMD) and Code Enforcement, Planning
3 Department.

4 (D) Garbage, recycling, and compost containers shall be kept within the
5 premises and hidden from public view, and placed outside only when being serviced by the disposal
6 company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles
7 guidelines set forth by the Department of Public Works.

8 For information about compliance, contact the Bureau of Street Use and Mapping, Department
9 of Public Works.

10 (2) **Pharmacy.** Notwithstanding anything to the contrary in this Code, a pharmacy may
11 operate on a 24-hour basis as a permitted use provided that the following conditions are met during
12 any period between 11:00 p.m. and 6:00 a.m. in which the pharmacy is open for business:

13 (A) A pharmacist licensed by the State of California in accordance with the
14 California Business and Professions Code is on duty on the premises;

15 (B) The pharmacy provides prescription drugs for retail sale; and

16 (C) The pharmacy provides adequate lighting and security for the safety of
17 customers, residents, and the adjoining property, including adequate lighting and security for any
18 parking facilities provided. Such lighting and security may not negatively impact neighborhood
19 character.

20 (3) **Motel.** The entrance to a motel must be within 200 feet of and immediately
21 accessible from a major thoroughfare as designated in the General Plan.

22 ~~**SEC. 229. ESTABLISHMENTS THAT SELL ALCOHOLIC BEVERAGES CONCURRENT WITH**~~
23 ~~**MOTOR VEHICLE FUEL.**~~

24 (b) **Automotive Uses.** The Automotive Uses listed below shall be subject to the
25 corresponding conditions:

1 ~~(A)~~ (1) **Prohibition on Sales of Distilled Liquor with Motor Vehicle Fuel.** Any
2 establishment that retails motor vehicle fuel and provides retail sale of alcoholic beverages,
3 other than beer and wine, is prohibited.

4 ~~(B)~~ (2) **Conditional Use Authorization Required for Establishments that Sell**
5 **Beer or Wine with Motor Vehicle Fuel.** Any establishment that proposes to retail motor
6 vehicle fuel and provide retail sale of beer or wine shall require ~~e~~Conditional ~~#~~Use
7 authorization.~~(H)~~ The Planning Commission may deny authorization or grant ~~e~~Conditional Use
8 authorization to an applicant based upon the criteria set forth in Section 303(c) of this Code.

9 ~~(Z)~~ (A) The Planning Commission shall include each of the following as
10 conditions applicable to establishments at which the concurrent sale of motor vehicle fuel and
11 beer or wine occurs:

12 ~~(A)~~ (i) No beer or wine shall be displayed within five feet of the
13 cash register or the front door unless it is in a permanently affixed cooler;

14 ~~(B)~~ (ii) No advertisement of alcoholic beverages, including beer
15 and wine, shall be displayed at motor fuel islands;

16 ~~(C)~~ (iii) No sale of beer or wine shall be made from a drive-in
17 window;

18 ~~(D)~~ (iv) No display or sale of beer or wine shall be made from an
19 ice tub;

20 ~~(E)~~ (v) No self-illuminated advertising for beer or wine shall be
21 located on buildings or windows;

22 ~~(F)~~ (vi) Employees on duty between the hours of 10:00 p.m. and
23 2:00 a.m. who sell beer or wine shall be at least 21 years of age;

24 ~~(G)~~ (vii) No alcoholic beverages, other than beer and wine, shall be
25 sold at any time;

1 ~~(H)~~ (viii) No beer or wine shall be sold for consumption on the
2 premises;

3 ~~(I)~~ (ix) The permittee shall comply with all State statutes, rules,
4 and regulations relating to the sale, purchase, display, possession, and consumption of
5 alcoholic beverages;

6 ~~(J)~~ (x) The permittee shall comply with all local statutes, rules, and
7 regulations;

8 ~~(K)~~ (xi) The permittee shall not operate the establishment in a
9 manner that presents a nuisance, as defined in California Civil Code Sections 3479 and 3480;
10 and

11 ~~(L)~~ (xii) The City may impose sanctions, including suspension or
12 revocation of the eConditional #Use permit authorization, for violation of any of the terms or
13 conditions of the eConditional #Use permit authorization.

14 (B) In acting on any application for eConditional #Use authorization, the
15 Commission shall make written findings and such findings shall be based on substantial
16 evidence in view of the whole record to justify the ultimate decision.

17 ~~(D)~~ (C) Where the sale of beer, wine, or motor vehicle fuel are not
18 permitted or conditionally authorized uses, this Subsection shall not be construed to permit or
19 conditionally authorize such sales to be conducted concurrently. Where the sale of beer and
20 wine and motor vehicle fuel are permitted or conditionally authorized uses, this ~~s~~Subsection
21 shall be construed to require eConditional #Use authorization to conduct such sales
22 concurrently.

23 ~~(e)~~ (D) **Definitions.** For purposes of ~~this~~ Subsection 202.2(b)(1) and (2) Section,
24 the following definitions shall apply:

25

1 ~~(1)~~ (i) "Alcoholic beverages" shall be as defined in California
2 Business and Professions Code Section 23004;

3 ~~(2)~~ (ii) "Beer" and "wine" shall be as defined in California Business
4 and Professions Code Section 23006 and Section 23007, respectively;

5 ~~(3)~~ (iii) "Motor vehicle fuel" shall mean gasoline, other motor fuels,
6 and lubricating oil dispensed directly into motor vehicles; and

7 ~~(4)~~ (iv) "Establishment" shall include an arrangement where a lot
8 containing a business selling motor vehicle fuel provides direct access to another business
9 selling alcoholic beverages on the same or adjacent lot.

10 ~~(4)~~ (E) **Application to Existing Uses.** Any use lawfully selling motor
11 vehicle fuel and alcoholic beverages (as licensed by the State of California) and existing prior
12 to the effective date of this Section shall be subject to this Subsection 202.2(b) Section to the
13 extent allowable by Business and Professions Code Section 23790.

14 (3) **Automotive Wash.** Cleaning and polishing are required to be conducted within an
15 enclosed building having no openings, other than fixed windows or exits required by law located within
16 50 feet of any R District, and that has an off-street waiting and storage area outside the building which
17 accommodates at least one-quarter the hourly capacity in vehicles of the enclosed operations,
18 provided: (1) that incidental noise is reasonably confined to the premises by adequate soundproofing
19 or other device; and (2) that complete enclosure within a building may be required as a condition of
20 approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not
21 preclude the imposition of any additional conditions pursuant to Section 303 of this Code.

22 (c) **Agriculture Use.** The Agricultural Uses listed below shall be subject to the corresponding
23 conditions:

24 ~~**SEC. 102.35 (e) Water Conservation.**~~

1 (1) **Agricultural Uses.** Any plot of land that exceeds 1,000 square feet and is
2 newly established ~~for Neighborhood Agriculture or Large Scale Urban Agriculture~~ shall comply
3 with the applicable water use requirements of Administrative Code Chapter 63. ~~(2)~~ Pursuant to
4 Section 63.6.2(b) of the Administrative Code, no permit for any site where the modified land
5 area exceeds 1,000 square feet shall be issued until the General Manager of the Public
6 Utilities Commission has approved the applicable landscape project documentation.

7 (2) **Neighborhood Agriculture.** *Limited sales and donation of fresh food and/or*
8 *horticultural products grown on site may occur on otherwise vacant property, but such sales may not*
9 *occur within a Dwelling Unit. Food and/or horticultural products grown that are used for personal*
10 *consumption are not regulated. The following physical and operational standards shall apply to*
11 *Neighborhood Agriculture:*

12 ~~**SEC. 102.35. (a) Neighborhood Agriculture.**~~

13 * * * * ~~(A)~~ (A) Compost areas must be setback at least 3 three feet from ~~#~~Dwelling
14 ~~#~~Units and decks;

15 ~~(B)~~ (B) If the farmed area is enclosed by fencing, the fencing must be ~~(A)~~ (i)
16 wood fencing, ~~(B)~~ (ii) ~~o~~Ornamentsl ~~f~~Fencing as defined by Planning Code Section 102.~~32~~, or
17 ~~(C)~~ (ii) chain-link or woven wire fencing if over half of the fence area that borders a public
18 right-of-way will be covered by plant material or other vegetative screening within three years
19 of the fence installation;

20 ~~(3)~~ (C) Use of mechanized farm equipment is generally prohibited in ~~#~~Residential
21 ~~#~~Districts; provided, however, that during the initial preparation of the land, heavy equipment
22 may be used to prepare the land for ~~#~~Agriculture use. Landscaping equipment designed for
23 household use shall be permitted;

24 ~~(4)~~ (D) Farm equipment shall be enclosed or otherwise screened from sight;

1 ~~(5)~~ (E) Sale of food and/or horticultural products from the use may occur
2 between the hours of 6:00 a.m. and 8:00 p.m.;

3 ~~(6)~~ (F) In all districts, sales, pick-ups, and donations of fresh food and
4 horticultural produces grown on site are permitted. In every district except “Residential
5 Districts,” value-added products, where the primary ingredients are grown and produced on
6 site, are permitted.

7 (d) **Industrial Uses.** The Industrial and PDR uses listed below shall be subject the
8 corresponding conditions:

9 (1) **Heavy Manufacturing 1, Metal Working and Food, Fiber, and Beverage**
10 **Processing 1 and 2.** These uses are required to operate within a completely enclosed building, with no
11 opening, other than fixed windows or exits required by law, within 50 feet of any R District; No noise,
12 vibration, or unhealthful emissions shall extend beyond the premises of the use.

13 (2) **Heavy Manufacturing 2, Junk Yard, Power Plant and Hazardous Waste Facilities.**
14 These uses are required to operate within a completely enclosed building, with no opening, other than
15 fixed windows or exits required by law, within 200 feet of any R or NC District; No noise, vibration, or
16 unhealthful emissions shall extend beyond the premises of the use.

17 (3) **Heavy Manufacturing 3, Livestock Processing 1 &2, and Volatile Materials**
18 **Storage.** These uses are required to operate within a completely enclosed building, with no opening,
19 other than fixed windows or exits required by law, within 500 feet of any R District or NC District; No
20 noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

21 (4) **Automobile Wrecking.** Automobile Wrecking operations are subject to the following
22 operating conditions:

23 (A) There shall be sufficient working space on the property to permit proper
24 functioning of the operation without use of any public right-of-way for storage of inoperable vehicles or
25 parts;

1 (B) The operation shall be clearly separated from adjacent properties and public
2 rights-of-way; and

3 (C) the operation be conducted not less than 500 feet from any R or NC District.
4 No automobile wrecking operation lawfully existing at the effective date hereof shall be continued more
5 than three years from said date unless a conditional use authorization for such operation has been
6 granted pursuant to this Code, provided, however, that no such automobile wrecking operation eligible
7 for governmental payments to assist relocation shall be continued more than one and one-half years
8 from said effective date unless a conditional use authorization for such operation has been granted
9 pursuant to this Code.

10 (5) **Truck Terminal.** A Truck Terminal Facility must be located not less than 200 feet
11 from any R District.

12 (e) **Institutional Uses.** The Institutional Uses listed below shall be subject to the corresponding
13 conditions:

14 (1) **Medical Cannabis Dispensaries.** Medical Cannabis Dispensaries are required to
15 meet all of the following conditions:

16 (A) Medical Cannabis Dispensary shall apply for a permit from the Department
17 of Public Health pursuant to Section 3304 of the San Francisco Health Code prior to submitting an
18 application to the Planning Department;

19 (B) If medical cannabis is smoked on the premises, the parcel containing the
20 medical cannabis dispensary shall not be located less than 1,000 feet from the parcel containing the
21 grounds of an elementary or secondary School, public or private, or a Public Facility, Community
22 Facility, or Private Community Facility that primarily serves persons under 18 years of age, unless not
23 required by State law and, regardless of whether medical cannabis is smoked on the premises, if the
24 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located not less
25 than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or

1 private, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is
2 located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary
3 school, public or private, or a community clubhouse that primarily serves persons under 18 years of
4 age, or a Public Facility or Community Facility that primarily serves persons under 18 years of age;

5 (C) If medical cannabis is smoked on the premises, the dispensary shall provide
6 adequate ventilation within the structure such that doors and/or windows are not left open for such
7 purposes resulting in odor emission from the premises;

8 (D) Regardless of whether medical cannabis is smoked on the premises, the
9 parcel containing the medical cannabis dispensary shall not be located on the same parcel as a facility
10 providing substance abuse services that is licensed or certified by the State of California or funded by
11 the Department of Public Health;

12 (E) Alcohol shall not be sold or distributed on the premises for on- or off-site
13 consumption;

14 (F) Upon acceptance of a complete application for a building permit for a
15 medical cannabis dispensary, the Planning Department shall cause a notice to be posted on the
16 proposed site and shall cause written notice to be sent via U.S. Mail to all owners and occupants of
17 properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across
18 from the subject lot as well as to all individuals or groups that have made a written request for
19 notification regarding specific medical cannabis dispensaries;

20 (G) All building permit applications shall be held for a period of 30 calendar
21 days from the date of the mailed notice to allow review by residents, occupants, owners of
22 neighborhood properties, and neighborhood groups;

23 (H) After this 30-day period, the Planning Commission shall schedule a hearing
24 to consider whether to exercise its discretionary review powers over the building permit application for
25

1 a medical cannabis dispensary. The scheduling and the mailed notice for this hearing shall be
2 processed in accordance with Section 312(e) of this Code; and

3 (I) Any permit issued for a medical cannabis dispensary shall contain the
4 following statement in boldface type: "Issuance of this permit by the City and County of San Francisco
5 is not intended to and does not authorize the violation of State or Federal law."

6 (f) Residential Uses. The Residential uses listed below shall be subject to the corresponding
7 conditions:

8 (1) SEC. 102.6.1. Dwelling Specifically Designed for and Occupied by Senior Citizens.
9 Senior Housing.

10 ~~(a)~~ **Definitions.** In order to qualify as a "dwelling specifically designed for and occupied
11 by senior citizens," the following definitions shall apply and shall have the same meaning as
12 the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended from time to
13 time. These definitions shall apply as shall all of the other provisions of Civil Code Sections
14 51.2, 51.3, and 51.4. Any development specifically designed for and occupied by senior
15 citizens must also be consistent with the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and the
16 Fair Employment and Housing Act, California Government Code Sections 12900-12996.

17 (A) "Designed to meet the physical and social needs of senior citizens"
18 shall mean a development that meets the requirements of Civil Code Section 51.2(d), is
19 constructed on or after January 1, 2001, and includes all of the following elements:

20 ~~(+)~~ (i) Entryways, walkways, and hallways in the common areas of
21 the development, and doorways and paths of access to and within the housing units, shall be
22 as wide as required by current laws applicable to new multifamily housing construction for
23 provision of access to persons using a standard-width wheelchair.

1 ~~(2)~~ (ii) Walkways and hallways in the common areas of the
2 development shall be equipped with standard height railings or grab bars to assist persons
3 who have difficulty with walking.

4 ~~(3)~~ (iii) Walkways and hallways in the common areas shall have
5 lighting conditions that are of sufficient brightness to assist persons who have difficulty seeing.

6 ~~(4)~~ (iv) Access to all common areas and housing units within the
7 development shall be provided without use of stairs, either by means of an elevator or sloped
8 walking ramps.

9 ~~(5)~~ (v) The development shall be designed to encourage social
10 contact by providing at least one common room and at least some common open space.

11 ~~(6)~~ (vi) Refuse collection shall be provided in a manner that
12 requires a minimum of physical exertion by residents.

13 ~~(7)~~ (vii) The development shall comply with all other applicable
14 requirements for access and design imposed by law including, but not limited to, the Fair
15 Housing Act (42 U.S.C. Sec. 3601, et seq.), the Americans with Disabilities Act (42 U.S.C.
16 Sec. 12101, et seq.), and the regulations promulgated at Title 24 of the California Code of
17 Regulations that relate to access for persons with disabilities or handicaps. Nothing in this
18 section shall be construed to limit or reduce any right or obligation applicable under those
19 laws.

20 (B) "Qualifying Resident" or "Senior Citizen" means a person 62 years of
21 age or older, or 55 years of age or older in a senior citizen housing development.

22 (C) "Senior Citizen Housing Development" means a residential
23 development developed, substantially rehabilitated, or substantially renovated for senior
24 citizens that has at least 35 dwelling units. Any senior citizen housing development that is
25 required to obtain a public report under Section 11010 of the Business and Professions Code

1 and that submits its application for a public report after July 1, 2001, shall be required to have
2 been issued a public report as a senior citizen housing development under Section 11010.05
3 of the Business and Professions Code. No housing development constructed prior to January
4 1, 1985, shall fail to qualify as a senior citizen housing development because it was not
5 originally developed or put to use or occupancy by senior citizens.

6 ~~(b)~~ (D) **Requirements:** In order to qualify as a dwelling specifically
7 designed for and occupied by senior citizens for purposes of Section 209.1, the proposed
8 project must meet all of the following conditions:

9 ~~(+)~~ (i) **Design and construction:** The project must be designed to
10 meet the physical and social needs of senior citizens as defined herein.

11 ~~(2)~~ (ii) **Occupancy:** Each proposed dwelling unit must be initially
12 put to use by senior citizens and shall be limited to the occupancy of senior citizens or other
13 qualifying residents under Civil Code Section 51.3 for the actual lifetime of the building,
14 regardless of whether the units will be owner-occupied or renter-occupied. The project must
15 meet all of the requirements of Civil Code Section 51.3 including, but not limited to, the
16 requirement that the covenants, conditions, and restrictions shall set forth limitations on
17 occupancy, residency, and use based on age. Any such limitation shall not be more exclusive
18 than to require that one person in residence in each dwelling unit may be required to be a
19 senior citizen and that each other resident in the same dwelling unit may be required to be a
20 qualified permanent resident as defined in Civil Code Section 51.3(b), a permitted health care
21 resident as defined in Civil Code Section 51.3(b), or a person under 55 years of age whose
22 occupancy is permitted under Civil Code Section 51.3 or Section 51.4(b). That limitation may
23 be less exclusive but shall at least require that the persons commencing any occupancy of a
24 dwelling unit include a senior citizen who intends to reside in the unit as his or her primary
25 residence on a permanent basis. The application of the rules set forth in this Section and in

1 State law may result over time in less than all of the dwellings being actually occupied by a
2 senior citizen.

3 ~~(3)~~ (iii) **Inclusionary Housing Requirements:** If the project must
4 meet the requirements of the Residential Inclusionary Affordable Housing Program, Planning
5 Code Sections 415 et seq., the inclusionary units must be constructed on site and, like the
6 other units in the project, will be limited to occupancy as stated above.

7 ~~(4)~~ (iv) **Location:** The proposed project must be within a ¼ of a
8 mile from a NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher,
9 including named neighborhood commercial districts, and must be located in an area with
10 adequate access to services, including but not limited to transit, shopping, and medical
11 facilities;

12 (5) (v) **Recording:** The project sponsor must record a Notice of
13 Special Restriction with the Assessor-Recorder that states all of the above restrictions and
14 any other conditions that the Planning Commission or Department places on the property; and

15 ~~(6)~~ (vi) **Covenants, Conditions, and Restrictions:** If the property
16 will be condominiumized, the project sponsor must provide the Planning Department with a
17 copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.

18 ~~(7) As provided for in Section 209.1(m), a proposed project that meets~~
19 ~~all of the requirements under this Section may be principally permitted. As provided for in Section~~
20 ~~209.1(o), for a proposed project that meets all of the requirements under this section, except for~~
21 ~~subsection (4), a Conditional Use Authorization is required.~~

22 ~~(8)~~ (E) **Density:** For the purpose of qualifying for and receiving additional density
23 at a density ratio or number of dwelling units not exceeding twice the number of dwelling units
24 otherwise permitted, the project sponsor shall enter into a contract with the City
25 acknowledging that the additional density received under Section 209.1(m) or (o) is a form of

1 assistance specified in California Government Code Sections 65915 et seq. for purposes of
2 Civil Code Section 1954.52(b) of the Costa-Hawkins Rental Housing Act. All such contracts
3 must be reviewed and approved by the Mayor's Office of Housing and approved as to form by
4 the City Attorney. All contracts that involve 100 percent % affordable housing projects in the
5 residential portion shall be executed by the Director of the Mayor's Office of Housing. Any
6 contract that involves less than 100 percent % affordable housing in the residential portion,
7 may be executed by either the Director of the Mayor's Office of Housing or, after review and
8 comment by the Mayor's Office of Housing, the Planning Director.

9 (g) Other Uses. The uses listed below are subject to the corresponding controls:

10 (1) Small Enterprise Workspace (S.E.W). S.E.W.'s are subject to the following
11 conditions:

12 (A) A S.E.W. building must meet the following requirements:

13 (i) Each unit may contain only uses principally or conditionally permitted
14 in the subject zoning district, or office uses (as defined in Section 890.70);

15 (ii) Any non-accessory retail uses are subject to any per parcel size
16 controls of the subject zoning district;

17 (iii) No residential uses shall be permitted;

18 (iv) Each of the units in the building must contain no more than 1,500
19 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as
20 described in subsection (E) below

21 (v) An S.E.W. building may contain units larger than 1,500 square feet on
22 the ground floor as long as each such unit contains a principal PDR use. For the purposes of this
23 Section, a PDR use is defined in Section 102 of this Code. Such PDR units may be independently
24 accessible from the street.

1 (vi) After the issuance of any certificate of occupancy or completion for
2 the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall
3 be permitted only as long as the provisions of this subsection (D) and (E) are met.

4 (B) S.E.W. units may be established only in new buildings or in buildings for
5 which a first certificate of occupancy or completion was issued after January 19, 2009.

6 (C) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230
7 limiting demolition of industrial buildings.

8 (D) S.E.W. projects shall provide a PDR Business Plan in accordance with the
9 requirements of Section 219.1(c)(9).

10 (E) In considering the approval of a S.E.W. project, the Planning Commission
11 should consider the likely viability of the new PDR space that the development creates, as influenced by
12 such facts as the content of the project sponsor's PDR Business Plan and whether the project sponsor
13 has the commitments of established PDR tenants and/or a demonstrated relationship with
14 organizations established in the PDR community.

15 **SEC. 218.2 202.3. LIMITATION ON CHANGE IN USE OR DEMOLITION OF GENERAL**
16 **GROCERY STORE USE.**

17 Notwithstanding any other provision of this Article, a change in use or demolition of a
18 ~~g~~General ~~g~~Grocery ~~s~~Store use, ~~a retail sales use~~ as set forth in Section ~~218(a)~~ 102 and as further
19 defined in Section 790.102, which use exceeds 5,000 gross square feet shall require
20 ~~e~~Conditional ~~#~~Use authorization pursuant to Section 303 ~~of this Code~~. This Section shall not
21 authorize a change in use if the new use or uses are otherwise prohibited.

22 **SEC. 202.4. 221.1 LIMITATION ON CHANGE IN USE OR DEMOLITION OF MOVIE**
23 **THEATER USE.**

24 Notwithstanding any other provision of this Article, a change in use or demolition of a
25 Movie Theater use, as ~~set forth~~ defined in Section ~~221(d)~~ 102 shall require Conditional Use

1 authorization pursuant to Section 303, including the specific conditions in that Section for
2 conversion of such a use. This Section shall not authorize a change in use if the new use or
3 uses are otherwise prohibited.

4 **SEC. 202.5 ~~228~~ CONVERSION OF AUTOMOTIVE SERVICE STATIONS.**

5 **(a) Findings.**

6 (1) The recent trend toward conversion of service stations to non-service station
7 use has resulted in the curtailment of essential services, including automobile refueling and
8 emergency services, and is contrary to the public health, safety, peace, and general welfare.

9 (2) To address this problem, the Board of Supervisors adopted Resolution No.
10 759-89 to impose interim controls on the conversion of service stations and to create a task
11 force to study this problem and make recommendations to this Board regarding how to
12 address this problem.

13 (3) In the 17 months since Resolution 759-89 was adopted, 11 more service
14 stations have been converted to other uses. The Service Station Conversion Task Force
15 recommended that the Board of Supervisors adopt permanent legislation to address this
16 problem.

17 (4) The Board of Supervisors recognizes that service station operators and
18 those who own property on which such stations are located are entitled to earn a fair rate of
19 return on their investment. Where a fair rate of return is being earned, the Board finds that
20 service stations should be allowed to convert to other uses only where it is determined that
21 the conversion would benefit the public.

22 **(b) Definitions.** Whenever used in this Section, unless a different meaning clearly
23 appears from the context:

24 (1) "Automotive Service Station" or "service station" shall mean a retail
25 automotive service use *which provides motor fuels and lubricating fluids directly into motor vehicles*

1 ~~and performs minor auto repairs and services which remain incidental to the principal sale of motor~~
2 ~~fuel,~~ as defined in Sections ~~102 790.17 and 890.18~~ of this Code.

3 (2) "Conversion" shall mean to change the use of a property from an
4 Automotive Service Station use to a different type of use.

5 (3) "Return on investment" shall mean:

6 (A) where the property owner does not own the Automotive Service
7 Station business, the before income tax total annual rent and other compensation received
8 from the service station business for the lease of the land and buildings, less the expenses of
9 the lessor, on a cash basis.

10 (B) where the property owner also owns the Automotive Service Station
11 business, the before income tax profit on the sale of all goods and services at the service
12 station, including the sale of gasoline, less the cost of goods sold and operating costs, on a
13 cash basis.

14 (4) "Total investment in the property" shall mean the fair market value of the
15 property at the time the application is filed with the Zoning Administrator.

16 (5) "Demolition" shall mean the physical removal of underground, and/or
17 surface tanks used in storage and dispensing of gasoline and/or any building or canopy
18 without the replacement of such equipment or structures to allow continued operation of the
19 service station.

20 (c) **Limitation on Conversions.**

21 (1) No owner of a property used as an Automotive Service Station shall change
22 the use of the property to a different type of use without first applying for and receiving either a
23 ~~e~~Conditional ~~u~~Use authorization from the Planning Commission or a conversion determination
24 from the Zoning Administrator. Such authorizations shall be in addition to any other permit or
25 authorization required for a proposed service station conversion under any applicable City,

1 State, or Federal law or regulation. Automotive Service Stations that front on Primary Transit
2 Streets or Citywide Pedestrian Network Streets, as designated in the General Plan, shall be
3 exempt from the conversion limitations of this Section. The procedures for service station
4 conversion applications shall be as described in Sections 306 and 306.1 of this Code for
5 conditional use and variance actions.

6 (2) Either the Planning Commission or the Zoning Administrator shall determine
7 at a public hearing whether an applicant is entitled to convert the service station, depending
8 on the grounds on which the permit is sought. The Planning Commission shall make
9 eConditional #Use authorization determinations based on the criteria set forth in Subsection
10 (d). The Zoning Administrator shall make service station conversion determinations under the
11 grounds set forth in Subsection (e). An applicant may, but need not, apply to the Planning
12 Commission for a eConditional #Use authorization pursuant to Subsection (d) and apply to the
13 Zoning Administrator for a conversion authorization pursuant to Subsection (e), provided that
14 if either one approves the application at the first hearing held on it, no hearing shall be
15 necessary before the other. The procedures for service station conversion hearings shall be
16 as described in Sections 306 through 306.5 and 306.8 of this Code for conditional use action
17 (Planning Commission hearings) and variance action.

18 (d) **Criteria for Planning Commission Conditional Use Authorization.** In acting on
19 any application for eConditional #Use authorization for conversion, the Commission shall
20 consider the following criteria in lieu of the criteria set forth in Section 303(c) of this Code.

21 (1) The Planning Commission shall approve the application and authorize the
22 service station conversion if it determines from the facts presented that the reduction in
23 availability of automotive goods and services resulting from the service station conversion
24 would not be unduly detrimental to the public because either:
25

1 (A) Comparable automotive goods and services are available at other
2 reasonably accessible locations; or

3 (B) The benefits to the public of the service station conversion would
4 outweigh any reduction in automotive goods and services availability because the proposed
5 new use is more necessary or desirable for the neighborhood or community than continued
6 service station use.

7 (2) In making determinations under Subsection (1)(A), the Planning
8 Commission shall consider the following factors:

9 (A) The types of services offered by the service station sought to be
10 converted and the hours and days during that such goods and services are available;

11 (B) The volume of gasoline and other motor fuel sold and the number of
12 vehicles serviced at such service station during each of the 24 months preceding the filing of
13 the Conditional Use authorization application;

14 (C) Whether the volume of gasoline and other motor fuel sold and the
15 number of vehicles serviced each month has increased or decreased during the 24-month
16 period immediately preceding the conditional use authorization; and

17 (D) The accessibility of comparable automotive goods and services
18 offered by other service stations and repair garages that serve the same geographic area and
19 population segments (e.g., neighborhood residents, in-town or out-of-town commuters,
20 tourists) as the service station sought to be converted.

21 (3) In making determinations under Subsection (1)(B), the Planning
22 Commission shall consider the following factors:

23 (A) If the proposed use is a Residential use, the total number of units to
24 be provided and the number of those units that are affordable units;

1 (B) If the proposed new use is a Commercial use, the types of goods
2 and services to be offered and the availability of comparable products and services in the
3 vicinity;

4 (C) The importance of the street on which the service station fronts to
5 walking, cycling, and public transit, and the impact of automobile access and egress to the
6 service station and of the proposed new uses and structures on the safety and comfort of
7 pedestrians, cyclists, and transit riders;

8 (D) The relative environmental dangers posed by the current and
9 proposed uses including, but not limited to, the quality and character of waste generated,
10 noxious or offensive emissions, fire and explosion hazards and noise, and whether the service
11 station conversion would facilitate the cleanup of existing contamination at the property;

12 (E) The relative employment opportunities offered by the service station
13 and the proposed new use;

14 (F) The relative amount of taxes or other revenues to be received by the
15 City or other governmental bodies from service station use and the proposed new use;

16 (G) The compatibility of the existing service station and of the proposed
17 new use or structure with the General Plan and area plan urban design policies and the street
18 frontage standards of this Code; and

19 (H) Whether the service station use and the proposed use are permitted
20 principal uses, conditional uses, or nonconforming uses.

21 (e) **Criteria for Zoning Administrator Conversion Determination.** The Zoning
22 Administrator shall approve the application and authorize the service station conversion if the
23 Zoning Administrator determines from the facts presented that the owner of the subject
24 property is not earning a Fair Return on Investment, as defined in Section 102. The owner
25 shall bear the burden of proving that the owner is not earning a Fair Return on Investment.

1 (1) **Application.** A property owner's application under this Section shall be
2 signed by the owner or an authorized representative of the owner and, under penalty of
3 perjury, declared to contain true and correct information. The application shall be
4 accompanied by:

5 (A) An independent appraisal of the property stating its value;

6 (B) A written statement from an independent Certified Public Accountant
7 summarizing the applicant's financial records, including the property appraisal and stating the
8 return on investment calculated pursuant to this Section;

9 (C) A certified statement from the Certified Public Accountant identifying
10 the owner of the property and the owner of the service station business; and

11 (D) Such other financial information as the Zoning Administrator may
12 reasonably determine is necessary to make the determination provided for in this Section.

13 (2) **Rebuttable Presumption.** There shall be a rebuttable presumption that the
14 property owner is earning a Fair Return on Investment if the property owner has earned at
15 least a 9 percent return on the property owner's total investment in the property for the 24-
16 month period immediately preceding the filing of the application, or in the case of a service
17 station business that ceased operations after October 12, 1989, for the 24-month period
18 immediately preceding the date the service station ceased operations. The property owner
19 may rebut this presumption by offering evidence demonstrating that because of special facts
20 regarding his or her property the property owner is not earning a fair return on investment or
21 that because of special demonstrated circumstances the applicant would not earn a fair return
22 on investment from service station use during that 12-month period after the filing of the
23 service station conversion application.

24 (3) **Notice of Hearing.** Prior to conducting the hearing required by Subsection
25 (c)(2), the Zoning Administrator shall provide written notice of the hearing to each property

1 owner within 300 feet in every direction from the service station, as shown in the last
2 equalized assessment roll, such notice to be mailed at least 10 days before the hearing. The
3 applicant also shall provide posted notice in a visible location on the service station site at
4 least 20 days before the hearing.

5 (4) **Determination.** The Zoning Administrator shall render written determination
6 within 60 days of the hearing.

7 (5) **Consultation With Other City Departments.** If necessary, the Zoning
8 Administrator shall have the authority to consult with or retain the assistance of the staffs of
9 the Department of Public Works, Real Estate Department, and Mayor's Office of Workforce
10 and Economic Development in the review of applications for Service Station Conversion.

11 (f) **Demolition and Tank Removal.**

12 (1) No service station shall be demolished except to enable a new service
13 station to be constructed on the property, unless:

14 (A) The property owner has first obtained a Conditional Use authorization
15 from the Planning Commission pursuant to Subsection (d) above or a conversion
16 determination from the Zoning Administrator pursuant to Subsection (e) above; or

17 (B) The Department of Building Inspection and the Bureau of Fire
18 Prevention and Public Safety determines that the building is unsafe or dangerous and that
19 demolition is the only feasible means to secure the public safety.

20 (2) Notwithstanding Subsections (f)(1)(A) and (f)(1)(B) above, if a service
21 station is owned by a lessee of the property and the property lease was signed prior to the
22 effective date of Ordinance 288-91, which lease permits or requires the lessee to remove the
23 service station from the property before or after the expiration or termination of the lease, and
24 the lease has expired or terminated or will do so within 60 days, the lessee may cease
25 operation of the service station as permitted or required in the lease. Nothing in this provision,

1 however, shall relieve the property owner from continued use of property as an Automotive
2 Service Station as defined by Section 102 of this Code or the requirements of Subsection
3 (f)(1)(A) above.

4 (3) This Section shall not limit the removal of any underground storage tank at a
5 service station where removal of the tank is required to comply with any other local, State, or
6 Federal law or regulation or where the Director of Public Health or a State or Federal
7 regulatory agency with jurisdiction over underground storage tanks determines that the tank
8 poses, or removal of the tank is necessary to mitigate, a threat to public health or safety,
9 including but not limited to waters of the State. All appropriate permits (other than the
10 authorizations required by this Section for conversions) shall be obtained prior to such
11 authorized tank removals. The removal of an underground tank pursuant to this Section does
12 not otherwise exempt a property owner from the requirement of obtaining Conditional Use
13 authorization to convert an Automotive Service Station.

14 **SEC. 202.6 ~~233~~ LIVE/WORK UNITS.**

15 No City official, department, board or commission shall issue or approve a building
16 permit or other land use entitlement authorizing a new Live/Work Unit, as defined in Section
17 102.~~13~~ of this Code, except as authorized as an accessory use under Section 204.4. Lawfully
18 approved Live/Work Units are subject to the nonconforming use provisions of Section 181 of
19 this Code.

20 **SEC. 202.7. ~~230~~ DEMOLITION OF INDUSTRIAL BUILDINGS IN PDR DISTRICTS,**
21 **REPLACEMENT REQUIREMENTS.**

22 (a) In order to preserve the existing stock of buildings suitable for industrial activities
23 and to create new viable space for ~~i~~Industrial Uses operations, as defined in Section 102, in PDR
24 Districts, an industrial building that is not unsound and is proposed for demolition must be
25 replaced by a new building that complies with the criteria set forth below:

1 (1) If the building proposed for demolition represents greater than 0.4 FAR,
2 then the replacement building shall include at least one square foot of ~~i~~Industrial ~~u~~Use for
3 each square foot of ~~i~~Industrial ~~u~~Use in the building proposed for demolition.

4 (2) If the building proposed for demolition represents 0.4 FAR or less, then the
5 replacement building shall include at least two square feet of ~~i~~Industrial ~~u~~Use for each square
6 foot of ~~i~~Industrial ~~u~~Use in the building proposed for demolition.

7 (b) **Definitions.** For the purpose of this ~~s~~Subsection, the following definitions shall
8 apply:

9 (1) Unsound shall refer to buildings in which rehabilitation would cost ~~fifty~~ 50
10 percent (~~50%~~) or more to construct a comparable building.

11 (2) ~~For purposes of this section, industrial use shall refer to any legally authorized use~~
12 ~~of a building or portion of a building that is included in Planning Code Sections 220, 222, 223, 224,~~
13 ~~225, 226, 227(a), 227(b), 227(c), 227(t), and 227(u).~~

14 (3) An industrial building shall mean any building containing any ~~i~~Industrial
15 ~~u~~Use.

16 **SEC. 204. ACCESSORY USES, GENERAL.**

17 Subject to the limitations set forth in this Code, and especially as specified in Sections
18 204.1 through 204.5, a related minor use ~~which~~ that is either (a) necessary to the operation or
19 enjoyment of a lawful principal use or conditional use;₂ or (b) appropriate, incidental, and
20 subordinate to any such use;₂ and (c) in the case of Internet Services Exchange as defined in
21 Section 102, ~~209.6(e)~~ which use does not exceed 25,000 gross square feet of floor area or use
22 more than two megawatts of back-up power generators, shall be permitted as an accessory
23 use when located on the same lot;₂ provided, however, that in the Outer Clement
24 Neighborhood Commercial District the storage of materials for a commercial use shall be
25 permitted as an accessory use if the storage occurred prior to 1985, if it is within 200 feet of

1 the use to which it is accessory, if it is accessible to the principal permitted use without the
2 use of a public sidewalk or other public right-of-way, and if the provision of storage would not
3 conflict with the provisions of Section 145.1 relating to street frontage in N-C Districts. In PDR
4 Districts, accessory uses to non-Office uses (as defined in Section ~~102-890.70~~) may occupy
5 space ~~which~~ that is non-contiguous or on a different story as the principal use so long as the
6 accessory use is located in the same building as the principal use and complies with all other
7 restrictions applicable to such accessory uses.

8 **SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ~~R OR NC~~ ALL DISTRICTS.**

9 No use shall be permitted as an accessory use to a dwelling unit in any ~~R or NC~~ District
10 ~~which~~ that involves or requires any of the following:

- 11 (a) Any construction features or alterations not residential in character;
- 12 (b) The use of more than ~~1/4~~ one-third of the total floor area of the dwelling unit, except
13 in the case of accessory off-street parking and loading or Neighborhood Agriculture as defined
14 by Section 102.~~35~~;
- 15 (c) The employment of any person not resident in the dwelling unit, other than a
16 domestic servant, gardener, janitor, or other person concerned in the operation or
17 maintenance of the dwelling unit: except in the case of a Cottage Food Operation, which allows the
18 employment of one employee, not including a family member or household members of the Cottage
19 Food Operation;
- 20 (d) Residential occupancy by persons other than those specified in the definition of
21 family in this Code;
- 22 (e) In RH-1(D), RH-1, and RH-1(S) Districts, the provision of any room for a roomer or
23 boarder with access other than from within the dwelling unit;
- 24 (f) Addition of a building manager's unit, unless such unit meets all the normal
25 requirements of this Code for dwelling units;

1 (g) The maintenance of a stock in trade other than garden produce related to
2 Neighborhood Agriculture as defined by Section 102.35, or materials and products related to a
3 Cottage Food Operation; or

4 (h) ~~The~~ use of show windows or window displays or advertising to attract customers or
5 clients; ~~or~~

6 (hi) The conduct of a business office open to the public other than sales related to
7 garden produce of Neighborhood Agriculture as defined by Section 102.35, or the finished
8 products of a Cottage Food Operation; or

9 (ij) A Medical Cannabis Dispensary as defined in Section 102.209.3(k) and 217(k) of this
10 Code.

11 Provided, however, that Subsection (hi) of this Section shall not exclude the
12 maintenance within a ~~a~~ Dwelling ~~unit~~ of the office of a professional person who resides
13 therein, if accessible only from within the dwelling unit; and provided, further, that Subsection
14 (gh) shall not exclude the display of signs permitted by Article 6 of this Code.

15 **SEC. 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN**
16 **RESIDENTIAL DISTRICTS.**

17 No use shall be permitted as an accessory use to a use other than a dwelling in any
18 Residential District that ~~which~~ involves or requires any of the following:

19 (a) The use of more than one-fourth of the total floor area occupied by such use and
20 the principal or conditional use to which it is accessory, except in the case of accessory off-
21 street parking and loading;

22 (b) The use of show windows or window displays or advertising to attract customers or
23 clients, except for an identifying sign and regulated in Article 6 of this Code; or

1 (c) The conduct of any activity of a profit-making or commercial nature, except as an
2 integral part of the permitted principal or conditional use where such activity is expressly
3 permitted by the Zoning Control Table for the district Sections 209.1 through 209.9 of this Code; or

4 (d) A Medical Cannabis Dispensary as defined in Section 102 209.3(k) and 217(k) of this
5 Code.

6 **SEC. 204.3. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN C, RC, M, AND**
7 **PDR DISTRICTS.**

8 (a) No use shall be permitted as an accessory use to a lawful principal or conditional
9 use in any Commercial or Residential-Commercial C-1 or C-2 District that ~~which~~ involves or
10 requires any of the following:

11 ~~(1) The total employment for such accessory use of more than five persons in a C-1~~
12 ~~District, or more than 10 persons in a C-2 District;~~

13 ~~(2) The use of any single machine of more than one horsepower in a C-1 District, or~~
14 ~~more than 2½ horsepower in a C-2 District;~~

15 ~~(3) The use of machines in any one establishment in an aggregate of more than five~~
16 ~~horsepower in a C-1 District, or more than 10 horsepower in a C-2 District;~~

17 ~~(4)(1)~~ The use of more than $\frac{1}{4}$ one-third of the total floor area occupied by such
18 use and the principal or conditional use to which it is accessory, except in the case of
19 accessory off-street parking or loading; or

20 ~~(2) Any noise, vibration, or unhealthful emissions extending beyond the premises of the~~
21 ~~use.~~

22 ~~(5) The production of goods not intended primarily for retail sale or use on the~~
23 ~~premises.~~

24 ~~(b) No use shall be permitted as an accessory use to a lawful principal or conditional use in~~
25 ~~any C-3 District which involves or requires the use of any single machine of more than five~~

1 ~~horsepower; or the use of more than 1/4 one-third of the total floor area occupied by such use and the~~
2 ~~principal or conditional use to which it is accessory, except in the case of accessory off-street parking~~
3 ~~and loading. These limitations shall not apply to equipment or machines pertaining integrally to the~~
4 ~~lawful principal use itself.~~

5 ~~(e) Notwithstanding the provisions of Sections 227(h) and (i) and 260(b)(2)(l) and (M) of this~~
6 ~~Code, an accessory use to a lawful principal or conditional use in any C or M District which involves~~
7 ~~or requires the installation of a tower or antenna solely for the reception of radio and television~~
8 ~~broadcasts for the exclusive benefit of the residents or occupants in the building on which the antenna~~
9 ~~is placed shall be permitted without regard to the height of such tower or antenna and without regard~~
10 ~~to the proximity of such tower or antenna to any R District.~~

11 ~~(d)~~ (b) No use shall be permitted as an accessory use to a lawful principal or
12 conditional use in any PDR District ~~that~~ *which* involves or requires the use of more than one-
13 third (1/3) of the total floor area occupied by such use and the principal or conditional use to
14 which it is accessory, except in the case of accessory retail, off-street parking, and loading.
15 Multiple PDR uses within a single building or development may combine their accessory retail
16 allotment into one or more shared retail spaces, provided that the total allotment of accessory
17 retail space per use does not exceed what otherwise would be permitted by this Section.

18 **SEC. 205.2. TEMPORARY USES: ONE- OR TWO-YEAR LIMIT.**

19 A temporary use may be authorized for a period not to exceed two years for any of the
20 following uses:

21 (a) Temporary structures and uses incidental to the construction of a group of
22 buildings on the same or adjacent premises;

23 (b) Rental or sales office incidental to a new residential development, not including the
24 conduct of a general real estate business; provided, that it be located within the development,

1 and in a temporary structure or part of a dwelling. A temporary use may be authorized for a
2 period not to exceed one year (including any extensions) for the following year.

3 (c) In any M-1 or M-2 District, an ~~Automobile~~ ~~Wrecking~~ use operation covered by as
4 defined in Section 102 225(p) of this Code, provided, if the operation would be a conditional use
5 in the district in question, that the Zoning Administrator determines the operation will meet
6 within 90 days of commencing operation all conditions applicable to such use in that district.

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

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

13 (a) In all Districts other than RH, RM, RED₁ and RTO Districts an intermittent activity is
14 permissible if it satisfies all of the following conditions:

15 (1) It shall not be located within a ~~B~~building as defined in Section 102 102.3 of this
16 Code.

17 (2) It shall not be located on the property for more than either: (i) ~~six (6)~~ calendar
18 days for longer than 12 hours per day in any ~~seven~~ 7-day period; or (ii) ~~three (3)~~ calendar days
19 for longer than 24 hours per day in any ~~seven~~ 7-day period. At the time of application, the
20 applicant shall designate in writing which of the foregoing options shall apply to the activity.
21 No changes shall be made during the authorization period without first filing a new application.

22 (A) The time periods referenced in Subsection (a)(2) each constitute
23 complete calendar days and apply without regard to whether the activity is open to the public
24 or whether the activity is located on the subject property for consecutive days.

1 (B) Days of unused authorization cannot be stored or credited, and any
2 portion of a day that the intermittent activity is located at the subject property shall count
3 toward the 12-hour or the 24-hour limit of Subsection (a)(2).

4 (C) This Subsection (a)(2) shall not apply to any ~~m~~Mobile ~~f~~Food ~~f~~Facility
5 located within a Public (P) District that together with any directly adjoining P District(s)
6 contains more than one ~~(1)~~ acre.

7 (3) It shall be open for business only during the hours of operation permitted as
8 a principal use for the District in which it is located, if any such hourly limits exist.

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

12 (A) Notification shall be required if the vending space, as defined below,
13 would exceed 300 square feet.

14 (B) Notification shall be required if any portion of the vending space
15 would be located within 50 feet of an RH, RM, RED₁, or RTO District. Distances to RH, RM,
16 RED₁ and RTO Districts shall be measured from the extreme perimeter of any vending space
17 to the nearest property line of any parcel which is partially or wholly so zoned.

18 (C) For purposes of this Section, "Vending Space" shall be defined as
19 the entire area within a single rectangular perimeter formed by extending lines around the
20 extreme limits of all carts, vehicles, tables, chairs, or other equipment associated with all
21 intermittent activities located on the parcel.

22 (D) Notwithstanding Subsections (4)(A) and (B) above, and in order to
23 eliminate redundant notification, notification shall not be required for the resumption of an
24 intermittent activity or the extension of time for an intermittent activity when all of the following
25 criteria are met: (i) an intermittent activity is currently authorized on the property or has been

1 authorized on the property within the 12 months immediately preceding the filing of an
2 application for resumption or extension; (ii) the existing or recent intermittent activity lawfully
3 exceeds or exceeded the thresholds of Subsections (4)(A) and/or (B), above, and was the
4 subject of neighborhood notice under Section 312 at the time of its establishment; and (iii) the
5 intermittent activity would not further exceed the thresholds of Subsections (4)(A) and/or (B),
6 above.

7 (b) An intermittent activity is allowed in a RH, RM, RED, and RTO District only if it: (1)
8 satisfies all the conditions set forth in Subsection (a); and (2) is located on a parcel that
9 contains or is part of a *Hospital medical institution*, as defined in Section ~~102-209.3(a)~~, or a
10 *Post-Secondary Educational Institution*, as defined in Section ~~102-209.3(i)~~. An intermittent
11 activity authorized under this Subsection shall not operate between the hours of 10:00 p.m. to
12 7:00 a.m.

13 **SEC 206. (RESERVED).**

14 **SEC. 207. DENSITY OF DWELLING UNITS ~~IN R-DISTRICTS.~~**

15 The density of dwelling units permitted in the various ~~R~~-Districts shall be as set forth in
16 *the Zoning Control Table for the district in which the lot is located Sections 207.1, 207.2, 207.5 and*
17 *209.1 of this Code.* The term "~~d~~Dwelling ~~u~~nit" is defined in Section ~~102-102.7~~ of this Code.

18 **SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.**

19 In districts that establish a maximum dwelling unit density, the following rules shall apply
20 in the calculation of dwelling unit densities under this Code:

21 (a) The entire amount of lot area per ~~d~~Dwelling ~~u~~nit specified by the Code shall be
22 required for each ~~d~~Dwelling ~~u~~nit on the lot. A remaining fraction of one-half or more of the
23 minimum amount of lot area per ~~d~~Dwelling ~~u~~nit shall be adjusted upward to the next higher
24 whole number of ~~d~~Dwelling ~~u~~nits.

1 (b) Where permitted by this Code, two or more of the dwelling and other housing uses
2 specified in the Code may be located on a single lot, either in one structure or in separate
3 structures, provided that the specified density limits are not exceeded by the total of such
4 combined uses. Where dDwelling uUnits and gGroup hHousing are combined, the maximum
5 permitted density for dDwelling uUnits and for gGroup hHousing shall be prorated to the total
6 lot area according to the quantities of these two uses that are combined on the lot.

7 (c) Where any portion of a lot is narrower than five feet, such a portion shall not be
8 counted as part of the lot area for purposes of calculating the permitted dwelling density.

9 (d) No private right-of-way used as the principal vehicular access to two or more lots
10 shall be counted as part of the lot area of any such lot for purposes of calculating the
11 permitted dwelling unit density.

12 (e) Where a lot is divided by a use district boundary line, the dwelling unit density limit
13 for each district shall be applied to the portion of the lot in that district, and none of the
14 dDwelling uUnits attributable to the district permitting the greater density shall be located in
15 the district permitting the lesser density.

16 (f) For projects that are not located in any RH-1 or RH-2 zoning district, or are not
17 seeking and receiving a density bonus under the provisions of California Government Code
18 Section 65915, where 20 percent or more of the dDwelling uUnits on-site are “Affordable
19 Units,” the on-site Affordable Units shall not count towards the calculation of dwelling unit
20 density. This Planning Code Section does not provide exceptions to any other Planning Code
21 requirements such as height or bulk. For purposes of Section 207.1, “Affordable Units” shall
22 be defined as meeting (1) the criteria of Section 406(b); (2) the requirements of Section 415 et
23 seq. for on-site units; or (3) restricted units in a project using California Debt Limit Allocation
24 Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax
25 Credit Allocation Committee (TCAC). If a project sponsor proposes to provide “Affordable

1 Units” that are not restricted by any other program, in order to receive the benefit of the
2 additional density permitted under this Subsection (f) or Subsection (g), the project sponsor
3 shall elect and the Planning Department and MOHCD shall be authorized to enforce,
4 restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 20
5 percent of the units in the principal project. The project sponsor shall make such election
6 through the procedures described in Section 415.5(g) including submitting an Affidavit of
7 Compliance indicating the project sponsor’s election to pursue the benefits of Subsection (f) or
8 (g) and committing to 20% on-site units restricted under Section 415.6 prior to approval by the
9 Planning Commission or Planning Department staff. If a project sponsor obtains the
10 exemption from the density calculation for Affordable Units provided in this subsection, the
11 exemption shall be recorded against the property. Any later request to decrease the number
12 of Affordable Units shall require the project to go back to the Planning Commission or
13 Planning Department, whichever entity approved the project as a whole.

14 (g) In RTO Districts, on-site ~~#~~Dwelling ~~#~~Units that are “Affordable Units,” as defined in
15 Subsection (f), shall not count toward density calculations or be limited by lot area.

16 (h) Double Density for Senior Housing in RH, RM, and RC Districts. Senior Housing, as
17 defined in and meeting all the criteria and conditions defined in Section 102 of this Code, is permitted
18 up to twice the dwelling unit density otherwise permitted for the District.

19 Projects in RC Districts or within one-quarter of a mile from an RC or NC-2 (Small-Scale
20 Neighborhood Commercial District) zoned area or higher, including named Neighborhood
21 Commercial Districts, and located in an area with adequate access to services including but not limited
22 to transit, shopping, and medical facilities, shall be principally permitted. Projects in RH and RM
23 Districts located more than one-quarter of a mile from an RC or NCD-2 (Small-Scale Neighborhood
24 Commercial District) zoned area or higher, including named Neighborhood Commercial Districts,
25 shall require Conditional Use authorization.

1 **SEC. 207.2. SECOND UNITS.**

2 (a) Second units, as defined and referred to in Government Code Section 65852.2, are
3 precluded in RH-1(D) and RH-1 zoned areas, except *for where second units are currently*
4 *permitted under Section 209.1(m) or (n) for* units designed for and occupied by senior citizens
5 *(“Senior Housing” as defined by Section 102)* and except as may hereafter be permitted by later
6 amendments to this Code governing second units.

7 * * * *

8 (15) There are no large districts suitable for the provision of second units, but
9 instead there are small subareas which must be reviewed on a case-by-case basis with
10 community participation in the review process. A case-by-case review is needed in order to
11 determine those areas of the City where the traffic congestion problems described above
12 would be least likely to occur and where second units may therefore be permitted without
13 adverse impact to the public. Furthermore:

14 (A) The Planning Code presently permits a secondary unit in all single-
15 family homes in RH-1(S) (House, One-Family with Minor Second Unit), RH-2 (House, Two-
16 Family) and RH-3 (House, Three-Family) Districts no matter what the lot size. Second units in
17 single-family homes are permitted in all other multifamily residential districts (all RM and RC
18 Districts), depending on the size of the lot.

19 (B) The Planning Code *Section 209.1(e)* permits the mapping of the RH-
20 1(S) (House, One-Family with Minor Second Unit) District. These RH-1(S) Zoning Districts
21 provide for a two-family dwelling with the second dwelling limited to 600 square feet of net
22 floor area. The second unit remains subordinate to the owner's unit and the structures retain
23 the appearance of single-family dwellings. The RH-1(S) Zoning District has been mapped in
24 four areas of the City. Additional mapping of the RH-1(S) Zoning District may be used to
25

1 legalize existing secondary units in single-family homes and to increase the number of
2 secondary units.

3 (C) Dwellings specifically designed for and occupied by senior citizens
4 (“Senior Housing”) are presently permitted at a density ratio or number of ~~d~~Dwelling ~~u~~Units not
5 exceeding twice the number of ~~d~~Dwelling ~~u~~Units otherwise permitted as a principal use in the
6 district by the ~~City~~ Planning Code (~~Section 209.1(m) and (n)~~).

7 * * * *

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

10 * * * *

11 (b) **Applicability.**

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

14 (2) This Section shall apply to all applications for building permits and/or
15 Planning Commission entitlements ~~that~~ ~~which~~ propose the creation of five or more ~~d~~Dwelling
16 ~~u~~Units.

17 (3) This Section does not apply to buildings for which 100 percent of the
18 residential uses are: ~~g~~Group ~~h~~Housing, ~~d~~Dwelling ~~u~~Units ~~that~~ ~~which~~ are provided at below
19 market rates pursuant to Section 406(b)(1) of this Code, Single Room Occupancy (SRO) Units,
20 Student Housing (~~as defined in Sec. 102.36~~), (all as defined in Section 102 of this Code) or housing
21 specifically and permanently designated for seniors or persons with physical disabilities.

22 * * * *

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.

Except for single room occupancy units in the South of Market Mixed Use Districts, the density limitations for ~~g~~Group ~~h~~Housing, as described in Sections ~~102 209.2(a), (b), and (c),~~ 790.88(b) and 890.88(b) of this Code, shall be as follows:

(a) The maximum number of ~~b~~Bedrooms on each ~~l~~Lot shall be as specified in the ~~Zoning Control Table following~~ table for the ~~d~~District in which the ~~l~~Lot is located, except that in RTO, RTO-M, RCD, UMU, MUG, WMUG, MUR, MUO, WMUO, RED, RED-MX, SPD, DTR, and all NCT ~~d~~Districts the density of ~~g~~Group ~~h~~Housing shall not be limited by lot area, and except that for ~~l~~Lots in NC Districts, the group housing density shall not exceed the number of ~~b~~Bedrooms permitted in the nearest Residential District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located.

**Table 208
MAXIMUM DENSITY FOR
GROUP HOUSING**

<i>District</i>	<i>Minimum Number of Square Feet of Lot Area for Each Bedroom</i>
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70
-	-
NC-1	275
NC-2	-

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<i>NC-S</i>	-
<i>Inner Sunset</i>	-
<i>Sacramento Street</i>	-
<i>West Portal Avenue</i>	-
-	-
<i>NC-3</i>	<i>210</i>
<i>NC-S</i>	-
<i>Castro Street</i>	-
<i>Inner Clement Street</i>	-
<i>Outer Clement Street</i>	-
<i>Upper Fillmore Street</i>	-
<i>Haight Street</i>	-
<i>Union Street</i>	-
<i>24th Street Noe Valley</i>	-
-	-
<i>Broadway</i>	<i>140</i>
<i>Upper Market Street</i>	-
<i>North Beach</i>	-
<i>Polk Street</i>	-

-	-
<i>Chinatown Community Business</i>	70
<i>Chinatown Residential</i>	-
<i>Neighborhood Commercial</i>	-
<i>Chinatown Visitor Retail</i>	-
-	-
<i>RSD, SLR, SLI and SSO</i>	70

(b) For purposes of calculating the maximum density for ~~g~~Group ~~h~~Housing as set forth ~~herein~~ in this Section 208, the number of ~~b~~Bedrooms on a ~~l~~Lot shall in no case be considered to be less than one ~~b~~Bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each ~~b~~Bedroom, each two beds shall be considered equivalent to one ~~b~~Bedroom.

(c) The rules for calculation of dwelling unit densities set forth in Section 207.1 shall also apply in calculation of the density limitations for ~~g~~Group ~~h~~Housing, except that in NC Districts, any remaining fraction of one-half $\frac{1}{2}$ or more of the maximum amount of lot area per ~~b~~Bedroom shall be adjusted upward to the next higher whole number of ~~b~~Bedrooms.

(d) The group housing density in all RTO Districts and all NCT Districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Residential Design Guidelines in RTO ~~d~~Districts, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

1 **SEC. ~~209. 206.~~ DESCRIPTION AND PURPOSE OF RESIDENTIAL AND RESIDENTIAL-**
2 **COMMERCIAL DISTRICTS.**

3 The following statements of description and purpose outline the main functions of the
4 Residential and Residential-Commercial (Residential) Districts in the zoning plan for San
5 Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

6 (a) Purpose. These ~~d~~Districts are established for purposes of implementing the
7 Residence element and other elements of the General Plan, according to the objectives,
8 principles, and policies stated therein. Among these purposes are the following:

9 ~~(a)~~ (1) Preservation, improvement, and maintenance of the existing housing
10 stock through protection of neighborhood environments and encouragement of sound
11 ownership practices and rehabilitation efforts;

12 ~~(b)~~ (2) Recognition and protection of the architectural characteristics and
13 densities of existing residential areas;

14 ~~(c)~~ (3) Maximizing of housing choice by assuring the availability of quality owner
15 and rental housing of various kinds, suitable for a whole range of household types, lifestyles,
16 and economic levels;

17 ~~(d)~~ (4) Encouragement of residential development that will meet outstanding
18 community needs, provide adequate indoor and outdoor spaces for its occupants, and relate
19 well to the character and scale of existing neighborhoods and structures; and

20 ~~(e)~~ (5) Promotion of balanced and convenient neighborhoods having appropriate
21 public improvements and services, suitable nonresidential activities that are compatible with
22 housing and meet the needs of residents, and other amenities that contribute to the livability
23 of residential areas.

24 ~~Additional purposes for Eastern Neighborhoods and South of Market Mixed Use Districts are listed in~~
25 ~~Article 8 of this Code.~~

1 (b) Uses and Features Permitted in Residential and Residential-Commercial Districts. The
2 uses and features permitted in Residential and Residential-Commercial Districts are listed in the
3 Zoning Control Tables in Sections 209.1 through 209.4

4 **SEC. 209.1. ~~206.1~~ RH (RESIDENTIAL, HOUSE) DISTRICTS.**

5 These dDistricts are intended to recognize, protect, conserve, and enhance areas
6 characterized by dwellings in the form of houses, usually with one, two, or three units with
7 separate entrances, and limited scale in terms of building width and height. Such areas tend
8 to have similarity of building styles and predominantly contain large units suitable for family
9 occupancy, considerable open space, and limited nonresidential uses. The RH Districts are
10 composed of five separate classes of districts, as follows:

11 **RH-1(D) Districts: One-Family (Detached Dwellings).** These dDistricts are
12 characterized by lots of greater width and area than in other parts of the City, and by single-
13 family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in
14 height. Ground level open space and landscaping at the front and rear are usually abundant.
15 Much of the development has been in sizable tracts with similarities of building style and
16 narrow streets following the contours of hills. In some cases, private covenants have
17 controlled the nature of development and helped to maintain the street areas.

18 **RH-1 Districts: One-Family.** These dDistricts are occupied almost entirely by single-
19 family houses on lots 25 feet in width, without side yards. Floor sizes and building styles vary,
20 but tend to be uniform within tracts developed in distinct time periods. Though built on
21 separate lots, the structures have the appearance of small-scale row housing, rarely
22 exceeding 35 feet in height. Front setbacks are common, and ground level open space is
23 generous. In most cases, the single-family character of these dDistricts has been maintained
24 for a considerable time.

1 **RH-1(S) Districts:** One-Family with Minor Second Unit. These *d*Districts are similar in
2 character to RH-1 Districts, except that a small second dwelling unit has been installed in
3 many structures, usually by conversion of a ground-story space formerly part of the main unit
4 or devoted to storage. The second unit remains subordinate to the owner's unit and may
5 house one or two persons related to the owner or be rented to others. Despite these
6 conversions, the structures retain the appearance of single-family dwellings.

7 **RH-2 Districts: Two-Family.** These *d*Districts are devoted to one-family and two-
8 family houses, with the latter commonly consisting of two large flats, one occupied by the
9 owner and the other available for rental. Structures are finely scaled and usually do not
10 exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in
11 single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level
12 open space is available, and it frequently is private for each unit. The *d*Districts may have
13 easy access to shopping facilities and transit lines. In some cases, *g*Group *h*Housing and
14 institutions are found in these areas, although nonresidential uses tend to be quite limited.

15 **RH-3 Districts: Three-Family.** These *d*Districts have many similarities to RH-2
16 Districts, but structures with three units are common in addition to one-family and two-family
17 houses. The predominant form is large flats rather than apartments, with lots 25 feet wide, a
18 fine or moderate scale, and separate entrances for each unit. Building styles tend to be varied
19 but complementary to one another. Outdoor space is available at ground level, and also on
20 decks and balconies for individual units. Nonresidential uses are more common in these areas
21 than in RH-2 Districts.

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

<u>Zoning Category</u>	<u>§ References</u>	<u>RH-1 (D)</u>	<u>RH-1</u>	<u>RH-1(S)</u>	<u>RH-2</u>	<u>RH-3</u>
<u>BUILDING STANDARDS</u>						
<u>Massing and Setbacks</u>						
<u>Height and Bulk Limits.</u>	<u>§§ 102, 105, 106, 250-252, 253, 260, 261, 270, 271. See also Height and Bulk District Maps</u>	<u>Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on topography.</u>			<u>Buildings may not be taller than 40 feet. Per § 261 the height limit may be decreased based on topography.</u>	<u>Generally 40 feet</u>
<u>Front Setback</u>	<u>§§ 131, 132</u>	<u>Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.</u>				
<u>Rear Yard</u>	<u>§§ 130, 134</u>	<u>25% of lot depth, but in no case less than 15 feet</u>			<u>45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.</u>	
<u>Side Yard</u>	<u>§ 133</u>	<u>Required for lots 28 feet and wider. Width of side setback depends on width of lot.</u>	<u>Not Required</u>			
<u>Street Frontage and Public Realm</u>						
<u>Front Setback Landscaping and Permeability Requirements</u>	<u>§ 132</u>	<u>Required. At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.</u>				
<u>Street Frontage Requirements</u>	<u>§ 144</u>	<u>§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.</u>				

<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r)</u>				
<u>Parking Lot</u>	<u>§ 156</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Miscellaneous</u>						
<u>Large project review- Projects over 40 feet in height</u>	<u>§§ 121.5, 253</u>	<u>C. New public rights-of-way may be required for Development Lots larger than 1/2 acre. (§ 121.5)</u>				
<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Awning</u>	<u>§ 136</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>
<u>Canopy or Marquee</u>	<u>§ 136</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Signs</u>	<u>§ 606</u>	<u>As permitted by Section § 606</u>				

<u>Zoning Category</u>	<u>§ References</u>	<u>RH-1 (D)</u>	<u>RH-1</u>	<u>RH-1(S)</u>	<u>RH-2</u>	<u>RH-3</u>
<u>RESIDENTIAL STANDARDS AND USES</u>						
<u>Development Standards</u>						
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 300 square feet if private, and 400 square feet if common.</u>	<u>At least 300 square feet if private, and 400 square feet if common.</u>	<u>At least 300 square feet for the first unit and 100 for the minor second unit if private, and 400 square feet for the first unit and 133 square feet for the second unit if common.</u>	<u>At least 125 square feet if private, and 166 square feet if common.</u>	<u>At least 100 square feet if private, and 133 square feet if common.</u>
<u>Parking Requirements</u>	<u>§§ 151, 161</u>	<u>Generally, a minimum of one space for every dwelling unit required. Certain exceptions permitted per §161.</u>				
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 1-2 units Mandatory DR/Loss of 3 or more units C</u>				
<u>Use Characteristics</u>						
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Uses</u>						
<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>One unit per lot.</u>	<u>P up to one unit per lot. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.</u>	<u>P up to two units per lot, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.</u>	<u>P up to two units per lot. C up to one unit per 1,500 square feet of lot area.</u>	<u>P up to three units per lot. C up to one unit per 1,000 square feet of lot area.</u>
<u>Senior Housing</u>	<u>§§ 102, 202.2(f)</u>	<u>P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for §202.2(f)(1)(D)(iv), related to location.</u>				
<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C, up to one bedroom for every 415 square feet of lot area.</u>	<u>C, up to one bedroom for every 275 square feet of lot area.</u>

<u>Zoning Category</u>	<u>§Reference</u>	<u>RH-1 (D)</u>	<u>RH-1</u>	<u>RH-1(S)</u>	<u>RH-2</u>	<u>RH-3</u>
<u>NON-RESIDENTIAL STANDARDS AND USES</u>						
<u>Development Standards</u>						
<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>1.8 to 1</u>	<u>1.8 to 1</u>	<u>1.8 to 1</u>	<u>1.8 to 1</u>	<u>1.8 to 1</u>
<u>Off-Street Parking,</u>	<u>§§ 150, 151, 161</u>	<u>Required. Number of spaces determined by use per § 151. Certain exceptions permitted per § 161.</u>				

1	<u>Limited Commercial Uses</u>	<u>§§ 186, 209</u>	<u>Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3</u>			
2	<u>Agricultural Use Category</u>					
3	<u>Agricultural Uses*</u>	<u>§§ 102, 202.2(c)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
4	<u>Agriculture, Neighborhood</u>	<u>§§ 102, 202.2(c)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
5	<u>Automotive Use Category</u>					
6	<u>Automotive Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
7	<u>Parking Garage, Private</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
8	<u>Entertainment, Arts and Recreation Use Category</u>					
9	<u>Entertainment, Arts and Recreation Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
10	<u>Open Recreation Area</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
11	<u>Passive Outdoor Recreation</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
12	<u>Industrial Use Category</u>					
13	<u>Industrial Uses*</u>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
14	<u>Institutional Use Category</u>					
15	<u>Institutional Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
16	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P(2)</u>	<u>P(2)</u>	<u>P(2)</u>	<u>P(2)</u>
17	<u>Community Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
18	<u>Hospital</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
19	<u>Post Secondary Ed. Institution</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
20	<u>Public Facilities</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
21	<u>Religious Institution</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
22	<u>Residential Care Facility</u>	<u>§ 102</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>
23	<u>School</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
24	<u>Sales and Service Category</u>					
25	<u>Retail Sales and Service Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
26	<u>Hotel</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C(4)</u>
27	<u>Mobile Food Facility</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P(5)</u>	<u>P(5)</u>	<u>P(5)</u>
28	<u>Mortuary</u>	<u>§ 102</u>	<u>C(6)</u>	<u>C(6)</u>	<u>C(6)</u>	<u>C(6)</u>
29	<u>Non-Retail Sales and Service*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
30	<u>Utility and Infrastructure Use Category</u>					
31	<u>Utility and</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

<u>Infrastructure*</u>						
<u>Internet Service Exchange</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Utility Installation</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Wireless Telecommunication Services Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

SEC. 209.2. 206.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

These dDistricts are intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms according to the individual district designations. Despite the range of densities and building sizes, most structures are of a scale that respects the traditional lot patterns, open spaces, and articulation of façades typical of San Francisco neighborhoods. These dDistricts provide unit sizes and types suitable for a variety of households, and contain supporting nonresidential uses. The RM Districts are composed of four separate classes of districts, as follows:

RM-1 Districts: Low Density. These dDistricts contain a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. A pattern of 25-foot to 35-foot building widths is retained, however, and structures rarely exceed 40 feet in height. The overall density of units remains low; buildings are moderately scaled and segmented, and units or groups of units have separate entrances. Outdoor space tends to be available at ground and upper levels regardless of the age and form of structures. Shopping facilities and

1 transit lines may be found within a short distance of these districts. Nonresidential uses are
2 often present to provide for the needs of residents.

3 **RM-2 Districts: Moderate Density.** These RM-2 Districts are generally similar to RM-1
4 Districts, but the overall density of units is greater and the mixture of building types and unit
5 sizes is more pronounced. Building widths and scales remain moderate, and considerable
6 outdoor space is still available. The unit density permitted requires careful design of new
7 structures in order to provide adequate amenities for the residents. Where nonresidential uses
8 are present, they tend to offer services for wider areas than in RM-1 Districts.

9 **RM-3 Districts: Medium Density.** These RM-3 Districts have some smaller structures, but
10 are predominantly devoted to apartment buildings of 6, 8, 10, or more units. Most of these
11 districts are close to downtown and have been developed in this manner for some time. The
12 units vary in size, but tend to be smaller than in RM-1 and RM-2 Districts. Many buildings
13 exceed 40 feet in height, and in some cases additional buildings over that height may be
14 accommodated without disruption of the district character. Although lots and buildings wider
15 than 25 or 35 feet are common, the scale often remains moderate through sensitive façade
16 design and segmentation. Open spaces are smaller, but decks and balconies are used to
17 advantage for many units. Supporting nonresidential uses are often found in these areas.

18 **RM-4 Districts: High Density.** These RM-4 Districts are devoted almost exclusively to
19 apartment buildings of high density, usually with smaller units, close to downtown. Buildings
20 over 40 feet in height are very common, and other tall buildings may be accommodated in
21 some instances. Despite the intensity of development, distinct building styles and moderation
22 of façades are still to be sought in new development, as are open areas for the residents.
23 Group housing is especially common in these districts, as well as supporting nonresidential
24 uses.

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

<u>Zoning Category</u>	<u>§ References</u>	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>
<u>BUILDING STANDARDS</u>					
<u>Massing and Setbacks</u>					
<u>Height and Bulk Limits</u>	<u>§§ 102, 105, 106, 250–252, 260, 261, 270, 271</u>	<u>Varies. See Height and Bulk Map and referenced sections</u>			
<u>Front Setback</u>	<u>§§ 131, 132</u>	<u>Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.</u>			
<u>Rear Yard</u>	<u>§§ 130, 134</u>	<u>45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.</u>	<u>25% of lot depth, but in no case less than 15 feet</u>		
<u>Side Yard</u>	<u>§ 133</u>	<u>Not Required</u>			
<u>Street Frontage and Public Realm</u>					
<u>Front Setback Landscaping and Permeability Requirements</u>	<u>§ 132</u>	<u>At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.</u>			
<u>Street Frontage Requirements</u>	<u>§ 144</u>	<u>§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.</u>			
<u>Moderation of Building Frontage</u>	<u>§ 144.1</u>	<u>Stepping of the front of the buildings required when lot width is greater than 35 feet.</u>			
<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r)</u>			
<u>Miscellaneous</u>					
<u>Large project review</u>	<u>§§ 121.5, 253</u>	<u>Buildings over 50 feet in height require Conditional Use authorization (§ 253). New public rights-of-way may be required for Development Lots larger than 1/2 acre. (§ 121.5)</u>			
<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Awning</u>	<u>§ 136</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>
<u>Canopy or Marquee</u>	<u>§ 136</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

<u>Signs</u>	<u>§ 606</u>	<u>As permitted by Section § 606</u>
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<u>Zoning Category</u>	<u>§ References</u>	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>Development Standards</u>					
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 100 square feet if private, and 133 square feet per dwelling unit if common</u>	<u>At least 80 square feet if private, and 106 square feet per dwelling unit if common</u>	<u>At least 60 square feet if private and 80 square feet per dwelling unit if common</u>	<u>At least 36 square feet if private, and 48 square feet per dwelling unit if common</u>
<u>Parking Requirements</u>	<u>§§ 151, 161</u>	<u>Generally one space for every dwelling unit minimum. Certain exceptions permitted per §161.</u>			
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 1-2 units mandatory DR/Loss of 3 or more C</u>			
<u>Use Characteristics</u>					
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Uses</u>					
<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>Up to one unit per 800 square feet of lot area.</u>	<u>Up to one unit per 600 square feet of lot area.</u>	<u>Up to one unit per 400 square feet of lot area.</u>	<u>Up to one unit per 200 square feet of lot area.</u>
<u>Senior Housing</u>	<u>§§ 102, 202.2(f)</u>	<u>P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location.</u>			
<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<u>Up to one bedroom for every 275 square feet of lot area.</u>	<u>Up to one bedroom for every 210 square feet of lot area.</u>	<u>Up to one bedroom for every 140 square feet of lot area.</u>	<u>Up to one bedroom for every 70 square feet of lot area.</u>

<u>Zoning Category</u>	<u>§ References</u>	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	<u>RM-4</u>
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NON-RESIDENTIAL STANDARDS AND USES

Development Standards

<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>1.8 to 1</u>	<u>1.8 to 1</u>	<u>3.6 to 1</u>	<u>4.8 to 1</u>
<u>Off-Street Parking</u>	<u>§§ 150, 151, 161</u>	<u>Required. Number of spaces determined by use per § 151. Certain exceptions permitted per § 161.</u>			
<u>Limited Corner Commercial Uses</u>	<u>§ 231</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Limited Commercial Uses</u>	<u>§§ 186, 209</u>	<u>Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.</u>			

Agricultural Use Category

<u>Agricultural Uses*</u>	<u>§§ 102, 202.2(c)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Agriculture, Neighborhood</u>	<u>§§ 102, 202.2(c)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Automotive Use Category

<u>Automotive Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Parking Garage, Private</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Entertainment, Arts and Recreation Use Category

<u>Entertainment, Arts and Recreation Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Open Recreation Area</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Passive Outdoor Recreation</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Industrial Use Category

<u>Industrial Uses *</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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Institutional Use Category

<u>Institutional Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Child Care Facility</u>	<u>§ 102</u>	<u>P(2)</u>	<u>P(2)</u>	<u>P(2)</u>	<u>P(2)</u>
<u>Community Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Hospital</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Post-Secondary Ed. Institution</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Public Facilities</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Religious Institution</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Residential Care Facility</u>	<u>§ 102</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>
<u>School</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Sales and Service Category

<u>Retail Sales and Service Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Hotel</u>	<u>§ 102</u>	<u>C(4)</u>	<u>C(4)</u>	<u>C(4)</u>	<u>C(4)</u>
<u>Mobile Food Facility</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P(5)</u>	<u>P(5)</u>	<u>P(5)</u>
<u>Mortuary</u>	<u>§ 102</u>	<u>C(6)</u>	<u>C(6)</u>	<u>C(6)</u>	<u>C(6)</u>

<u>Non-Retail Sales and Service*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Utility and Infrastructure Use Category</u>					
<u>Utility and Infrastructure*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Internet Service Exchange</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Utility Installation</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Wireless Telecommunication Services Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

* Not listed below.

(1) P for Limited Commercial Uses per §136.1(a) only, otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

SEC. 209.3. 206.3 RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

These dDistricts are intended to recognize, protect, conserve, and enhance areas characterized by structures combining rResidential uses with neighborhood-serving eCommercial uses. The predominant rResidential uses are preserved, while provision is made for supporting eCommercial uses, usually in or below the ground story, that meet the frequent needs of nearby residents without generating excessive vehicular traffic. The high-density and mixed-use nature of these dDistricts is recognized by reductions in off-street parking requirements. The RC Districts are composed of two separate districts, as follows:

RC-3 Districts: Medium Density. These dDistricts provide for a mixture of medium-density dDwellings similar to those in RM-3 Districts, with supporting eCommercial uses. Open spaces are required for dDwellings 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 dDistricts provide for a mixture of high-density dDwellings similar to those in RM-4 Districts with supporting eCommercial 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.

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

<u>Zoning Category</u>	<u>§ References</u>	<u>RC-3</u>	<u>RC-4</u>
<u>BUILDING STANDARDS</u>			
<u>Massing and Setbacks</u>			
<u>Height and Bulk Limits</u>	<u>§§ 102, 105, 106, 250—252, 260, 261, 270, 271.</u>	<u>Varied. See also Height and Bulk District Maps</u>	
<u>Upper Floor Setbacks</u>	<u>§§ 132.2, 253.2</u>	<u>Upper floor setbacks may be required in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)</u>	
<u>Front and Side Yard Setback</u>	<u>§§ 132, 133</u>	<u>Not Required</u>	
<u>Rear Yard</u>	<u>§§ 130 134</u>	<u>Required at first residential level and above. 25% of the lot depth, but in no case less than 15 feet.</u>	
<u>Street Frontage and Public Realm</u>			
<u>Street Frontage Requirements</u>	<u>§ 145.1</u>	<u>Required as specified in Section § 145.1</u>	
<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r)</u>	<u>As specified in § 155(r). Curb cuts are NP on The Embarcadero between King and Jefferson Streets, and on Broadway between Mason and The Embarcadero.</u>
<u>Miscellaneous</u>			
<u>Large project review-Buildings over 50 feet in height</u>	<u>§ 253</u>	<u>C</u>	<u>C Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)</u>
<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>
<u>Awning, Canopy and Marquee</u>	<u>§ 136</u>	<u>P</u>	<u>P</u>
<u>Signs</u>	<u>§ 607.1</u>	<u>Per § 607.1</u>	<u>Per § 607.1</u>

<u>Zoning Category</u>	<u>§ References</u>	<u>RC-3</u>	<u>RC-4</u>
<u>RESIDENTIAL STANDARDS AND USES</u>			
<u>Development Standards</u>			
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 60 square feet if private, and 80 square feet per dwelling unit if common.</u>	<u>At least 36 square feet if private, and 48 square feet per dwelling unit if common.</u>
<u>Parking Requirements</u>	<u>§ 151.1</u>	<u>None Required. Up to one space for every two units permitted, and up to three spaces for every four units permitted with Conditional Use per § 151.1.</u>	
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 2 units or fewer DR/Loss of 3 or more C</u>	
<u>Use Characteristics</u>			
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
<u>Residential Uses</u>			
<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>Up to one unit per 400 square feet of lot area.</u>	<u>Up to one unit per 200 square feet of lot area. No density limits in the Van Ness SUD (§ 243).</u>
<u>Senior Housing</u>	<u>§§ 102, 202.2(f)</u>	<u>P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1), except for § 202.2(f)(1)(D)(iv), related to location.</u>	
<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<u>Up to one bedroom for every 140 square feet of lot area.</u>	<u>Up to one bedroom for every 70 square feet of lot area.</u>

<u>Zoning Category</u>	<u>§ References</u>	<u>RC-3</u>	<u>RC-4</u>
<u>NON-RESIDENTIAL STANDARDS AND USES</u>			
<u>Development Standards</u>			

1	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>3.6 to 1</u>	<u>4.8 to 1. Other FAR controls apply in the Van Ness SUD; § 143(c)(1).</u>
2	<u>Off-Street Parking</u>	<u>§ 151.1</u>	<u>None Required. Up to one space for every two units permitted, and up to 3 spaces for every four units permitted with Conditional Use per § 151.1.</u>	
3	<u>Non-Residential Use Size Limits</u>	<u>§§ 209.8, 121.6 (c)</u>	<u>P if less than 6,000 square feet; C if 6,000 square feet or larger. NP if greater than 120,000 gross square feet.</u>	
4	<u>Ground Floor Ceiling Height</u>	<u>§ 145.1(c)(4)</u>	<u>Minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.</u>	
5	<u>Use Characteristics</u>			
6	<u>Drive-Up Facility</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
7	<u>Formula Retail</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
8	<u>Open Air Sales</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
9	<u>Outdoor Activity Area</u>	<u>§ 102</u>	<u>P(2)</u>	<u>P(2)</u>
10	<u>Walk-up Facility</u>	<u>§ 102</u>	<u>P(1)</u>	<u>P(1)</u>
11	<u>Waterborne Commerce</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
12	<u>Agricultural Use Category</u>			
13	<u>Agricultural Uses*</u>	<u>§§ 102, 202.2(c)</u>	<u>C</u>	<u>C</u>
14	<u>Agriculture, Neighborhood</u>	<u>§§ 102, 202.2(c)</u>	<u>P</u>	<u>P</u>
15	<u>Automotive Use Category</u>			
16	<u>Automotive Uses*</u>	<u>§§ 102, 202.2(b)</u>	<u>C</u>	<u>C</u>
17	<u>Parking Lot, Private</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
18	<u>Parking Lot, Public</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
19	<u>Service, Motor Vehicle Tow</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
20	<u>Service, Parcel Delivery</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
21	<u>Vehicle Storage Garage</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
22	<u>Vehicle Storage Lot</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
23	<u>Entertainment, Arts and Recreation Use Category</u>			
24	<u>Entertainment, Arts and Recreation Uses*</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
25	<u>Entertainment, Outdoor</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
26	<u>Livery Stable</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
27	<u>Sports Stadium</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
28	<u>Industrial Use Category</u>			
29	<u>Industrial Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
30	<u>Institutional Use Category</u>			
31	<u>Institutional Uses*</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
32	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P(3)</u>	<u>P(3)</u>
33	<u>Medical Cannabis Dispensary</u>	<u>§§ 102, 202.2(e)</u>	<u>P</u>	<u>P</u>
34	<u>Philanthropic Admin. Services</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>

1	<u>Public Facilities</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
	<u>Residential Care Facility</u>	<u>§ 102</u>	<u>P(4)</u>	<u>P(4)</u>
2	<u>Trade School</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
<u>Sales and Service Use Category</u>				
3	<u>Retail Sales and Service Uses*</u>	<u>§§ 102, 202.2(a)</u>	<u>P(5)</u>	<u>P(5)</u>
	<u>Adult Business</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
4	<u>Cat Boarding</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
	<u>Hotel</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
5	<u>Kennel</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
	<u>Mobile Food Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
6	<u>Mortuary</u>	<u>§ 102</u>	<u>C(6)</u>	<u>C(6)</u>
	<u>Motel</u>	<u>§§ 102, 202.2(a)</u>	<u>NP</u>	<u>NP</u>
7	<u>Storage, Self</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
	<u>Tobacco Paraphernalia Store</u>	<u>§ 102</u>	<u>C(7)</u>	<u>C(7)</u>
8	<u>Non-Retail Sales and Service*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
9	<u>Design Professional</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
10				
<u>Utility and Infrastructure Use Category</u>				
11	<u>Utility and Infrastructure*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
	<u>Internet Service Exchange</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
12	<u>Utility Installation</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
	<u>Wireless Telecommunications Service Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>

* Not listed below.

(1) C required if not recessed 3 feet

(2) P if in front; C if elsewhere.

(3) C required for 15 or more children.

(4) C required for 7 or more persons.

(5) C required if located on the second floor. NP above second floor.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(7) NP above the second floor.

SEC. 209.4. 206.4 RTO Districts (Residential Transit Oriented) District. This District is intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO Districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than one-quarter mile, of transit and neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides multiple lines serving different parts of the City or

1 region. Limited small-scale neighborhood-oriented retail and services is common and
2 permitted throughout the neighborhood on ~~e~~Corner ~~parcels~~ Lots only to provide goods and
3 services to residents within walking distance, but the districts are otherwise residential. Only
4 retail compatible with housing, generally those permitted in NC-1 Districts, is permitted and
5 auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking
6 is not permitted for these very locally-oriented uses.

7 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures
8 typically range from two to five stories in height. While some one- and two-family structures
9 are present, the character of the ~~d~~District is primarily of structures with three or more units of a
10 range of sizes and types suitable for a variety of households. Buildings are moderately scaled
11 and segmented, and units or groups of units have separate entrances directly from the street.
12 The overall residential density is regulated by the permitted and required height, bulk,
13 setbacks, and open space of each parcel, along with residential design guidelines. Because of
14 the high availability of transit service and the proximity of retail and services within walking
15 distance, many households do not own cars; it is common that not every ~~d~~Dwelling ~~#~~Unit has
16 a parking space and overall off-street residential parking is limited. Open space is provided on
17 site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented
18 by nearby public parks, plazas, and enhanced streetscapes.

19 ~~SEC. 206.5.~~ **RTO-M (Residential Transit-Oriented-Mission Neighborhood) District.**

20 This ~~d~~District is intended to recognize, protect, conserve, and enhance areas
21 characterized by a mixture of houses and apartment buildings, covering a range of densities
22 and building forms, in the Mission District. The RTO-M ~~d~~District is composed of multi-family
23 moderate-density areas, primarily areas formerly designated RM and RH-3, and are well
24 served within short walking distance, generally less than one-quarter mile, of transit and
25 neighborhood commercial areas. Transit available on nearby Mission Street is frequent and/or

1 provides multiple lines serving different parts of the city or region. Limited small-scale
 2 neighborhood-oriented retail and services is common and permitted throughout the
 3 neighborhood on *e*Corner *pareels* *Lots* only to provide goods and services to residents within
 4 walking distance, but the districts are otherwise residential. Only retail compatible with
 5 housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are
 6 not permitted. Hours of operation are restricted and off-street parking is not permitted for
 7 these very locally-oriented uses.

8 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures
 9 typically range from two to five stories in height. While some one- and two-family structures
 10 are present, the character of the *dDistrict* is primarily of structures with three or more units of a
 11 range of sizes and types suitable for a variety of households. Buildings are moderately scaled
 12 and segmented, and units or groups of units have separate entrances directly from the street.
 13 The overall residential density is regulated by the permitted and required height, bulk,
 14 setbacks, and open space of each parcel, along with residential design guidelines. Because of
 15 the high availability of transit service and the proximity of retail and services within walking
 16 distance, many households do not own cars; it is common that not every *dDwelling* *#Unit* has
 17 a parking space, and overall off-street residential parking is limited. Open space is provided
 18 on site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is
 19 augmented by nearby public parks, plazas, and enhanced streetscapes.

20 Table 209.4

21 ZONING CONTROL TABLE FOR RTO DISTRICTS

<u>Zoning Category</u>	<u>§ References</u>	<u>RTO</u>	<u>RTO-M</u>
<u>BUILDING STANDARDS</u>			
<u>Massing and Setbacks</u>			

1	<u>Height and Bulk Limits</u>	<u>§§ 102, 105, 106, 250—252, 260, 261, 270, 271.</u>	<u>Varies. See Height and Bulk Map and referenced sections</u>	
2	<u>Front Building Setback</u>	<u>§ 132</u>	<u>Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.</u>	
3	<u>Rear Yard</u>	<u>§§ 130, 134</u>	<u>45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.</u>	
4	<u>Side Yard</u>	<u>§ 133</u>	<u>Not Required</u>	
5	<u>Street Frontage and Public Realm</u>			
6	<u>Front Setback Landscaping and Permeability Requirements</u>	<u>§ 132</u>	<u>Required. At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.</u>	
7	<u>Street Frontage Requirements</u>	<u>§§ 144, 186, 231</u>	<u>Controls of § 144 apply to residential frontages. Additional controls apply to Limited Commercial Uses per §§ 186 and 231.</u>	
8	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r) certain streets and districts are required to have "active commercial uses". In RTO Districts curb cuts are restricted on Transit Preferential, Citywide Pedestrian Network, Neighborhood Commercial Streets or official City bicycle routes or bicycle lanes.</u>	
9	<u>Miscellaneous</u>			
10	<u>Large project review</u>	<u>§ 121.5</u>	<u>New buildings or significant enlargement of existing buildings on lots of 10,000 sq. ft. or larger requires C. New public rights-of-way may be required for sites larger than 1/2 acre.</u>	
11	<u>Restriction of Lot Mergers</u>	<u>§ 121.7</u>	<u>Merger of lots creating a lot greater than 5,000 square feet requires Conditional Use authorization.</u>	
12	<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>
13	<u>Awning</u>	<u>§§ 136, 136.1</u>	<u>P(6)</u>	<u>P(6)</u>
14	<u>Canopy or Marquee</u>	<u>§§ 136, 136.1</u>	<u>NP</u>	<u>NP</u>
15	<u>Signs</u>	<u>§ 606</u>	<u>As permitted by Section § 606</u>	

<u>Zoning Category</u>	<u>§ References</u>	<u>RTO</u>	<u>RTO-M</u>
<u>RESIDENTIAL STANDARDS AND USES</u>			
<u>Development Standards</u>			

1	<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 100 square feet if private, and 133 square feet per dwelling unit if common.</u>	
2	<u>Parking Requirements</u>	<u>§§ 151, 161</u>	<u>None required. Maximum permitted per § 151.1.</u>	
3	<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>	<u>C</u>
4	<u>Dwelling Unit Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>
5	<u>Required Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms; or no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms.</u>	<u>No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms; or no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms.</u>
<u>Use Characteristics</u>				
10	<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
11	<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
<u>Residential Uses</u>				
13	<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>P up to one unit per 600 square feet of lot area. C above, per criteria of §207(a)</u>	<u>No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with residential design guidelines.</u>
16	<u>Senior Housing</u>	<u>§§ 102, 202.2(f)</u>	<u>P up to twice the number of dwelling units otherwise permitted as a principal use in the district; C, density not limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, unit mix, and relevant design guidelines.</u>	<u>No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with residential design guidelines.</u>

1 2 3	<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<u>No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with residential design guidelines.</u>
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<u>Zoning Category</u>	<u>§ References</u>	<u>RTO</u>	<u>RTO-M</u>
<u>NON-RESIDENTIAL STANDARDS AND USES</u>			
<u>Development Standards</u>			
<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>1.8 to 1</u>	<u>1.8 to 1</u>
<u>Off-Street Parking</u>	<u>§§ 150, 151, 161</u>	<u>None required. Maximum permitted per § 151. 1.</u>	
<u>Limited Corner Commercial Uses</u>	<u>§ 231</u>	<u>P</u>	<u>P</u>
<u>Limited Commercial Uses</u>	<u>§§ 186, 209</u>	<u>Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.</u>	
<u>Agricultural Use Category</u>			
<u>Agricultural Uses*</u>	<u>§§ 102, 202.2(c)</u>	<u>C</u>	<u>C</u>
<u>Agriculture, Neighborhood</u>	<u>§§ 102, 202.2(c)</u>	<u>P</u>	<u>P</u>
<u>Automotive Use Category</u>			
<u>Automotive Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
<u>Parking Garage, Private</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Entertainment, Arts and Recreation Use Category</u>			
<u>Entertainment, Arts and Recreation Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
<u>Open Recreation Area</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Passive Outdoor Recreation</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
<u>Industrial Use Category</u>			
<u>Industrial Uses *</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
<u>Institutional Use Category</u>			
<u>Institutional Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
<u>Child Care Facility</u>	<u>§ 102</u>	<u>P(2)</u>	<u>P(2)</u>
<u>Community Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Hospital</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Post-Secondary Ed. Institution</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Public Facilities</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
<u>Religious Institution</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Residential Care Facility</u>	<u>§ 102</u>	<u>P(3)</u>	<u>P(3)</u>
<u>School</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Sales and Service Category</u>			
<u>Retail Sales and Service Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>

<u>Hotel</u>	<u>§ 102</u>	<u>C(4)</u>	<u>C(4)</u>
<u>Mobile Food Facility</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P(5)</u>
<u>Mortuary</u>	<u>§ 102</u>	<u>C(6)</u>	<u>C(6)</u>
<u>Non-Retail Sales and Service*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
<u>Utility and Infrastructure Use Category</u>			
<u>Utility and Infrastructure*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
<u>Internet Service Exchange</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Utility Installation</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>
<u>Wireless Telecommunications Service Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>

* Not listed below

(1) P for Limited Commercial Uses per §136(a) and Limited Corner Commercial Uses per §231, otherwise NP.

(2) C for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

SEC. 209. USES PERMITTED IN R DISTRICTS.

(a) The uses listed in Sections 209.1 through 209.9 are permitted in R Districts as indicated by the following symbols in the respective columns for each district:

P: — Permitted as a principal use in this district.

C: — Subject to approval by the City Planning Commission as a conditional use in this district as provided in Section 303 of this Code.

NA: — This listing not applicable to this district, as the same use is listed subsequently for the District with fewer restrictions.

Blank Space: Not permitted in this district.

(b) The Section titles are intended only as an aid to use of this Code and are not binding as to interpretation of these Sections. Uses listed in this table shall not include any use specifically listed elsewhere in the table.

1 *(e) Determinations as to the classification of uses not specifically listed shall be made in the*
 2 *manner indicated in Sections 202 and 307(a) of this Code.*

3 *(d) References should be made to Sections 204 through 204.5 for regulations pertaining to*
 4 *accessory uses permitted for principal and conditional uses listed in Sections 209.1 through 209.9.*

5 *(e) Reference should also be made to the other Articles of this Code containing provisions*
 6 *relating to definitions, off-street parking and loading dimensions, areas and open spaces,*
 7 *noneonforming uses, height and bulk districts, signs, historic preservation, and other factors affecting*
 8 *the development and alteration of properties in these use Districts.*

9 *(f) Reference should be made to Section 249.1 for provisions pertaining to uses in the Folsom*
 10 *and Main Residential/Commercial Special Use District.*

11
 12 **SEC. 209.1. DWELLINGS.**

RH	RH	RH	R	R	R	R	R	R	RT	RT	R	R	RC	R
I	I	I(S)	H	M	M	M	M	M	O	O	C	C	3	C4

															SEC. 209.1. DWELLINGS.
P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(a) One family dwelling having side yards as required by Section 133 of this Code.
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(b) Other one family dwelling.
		P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(c) Two family dwelling with the second dwelling unit limited to 600 square feet of net floor area.

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			P	P	P	P	P	P	P	P	P	P	P	P	(d) Other two family dwelling.
				P	P	P	P	P	P	P	P	P	P	P	(e) Three family dwelling.
															(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.
	C	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
															(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
			C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
															(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
				C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
															(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.
					P	NA	NA	NA	NA	NA	NA	P	NA	NA	
															(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.
						P	NA	NA	P	P		P	NA	NA	

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								P	NA	€	P			P	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.
																(l) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to ¾ of a dwelling unit.
																(m) Dwelling specifically designed for and occupied by senior citizens, as defined in Section 102.6.1 and meeting all of the requirements of that Section, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district.
																(n) Dwelling at a density not limited by lot area, but by the applicable

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																					<p>requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by the Residential Design Guidelines and other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. In lieu of the conditions of Section 303, the Planning Commission shall affirmatively find all of the following: (1) the proposed project has a physical design and articulation compatible with the character of surrounding structures, (2) that the proposed accessory parking does not exceed that amount principally permitted under Section 151.1 without Conditional Use, and (3) the project meets all the minimum Code requirements without variance for usable open space, exposure, rear yards and setbacks.</p>
€	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€						<p>(o) Dwelling specifically designed for and occupied by senior citizens, as</p>

															<p><i>defined in Section 102.6.1 and meeting all of the requirements of that Section except for 102.6.1(b)(4) related to location, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district.</i></p>
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SEC. 209.2. OTHER HOUSING.

RH	RH	RH	RH	RM	RM	RM	RM	RM	RM	RTO	RC	RC	RC	RC	RC
I	I	2	3	1	2	3	4	RTO	M	1	2	3	4		
(D)	(S)														

SEC. 209.2. OTHER HOUSING.														
<i>(a) Group housing, boarding: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity and</i>														
		C	C	P	P	P	P	P	P	P	P	P	P	P

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														<p>sorority house but shall not include group housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by this Code. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.</p>
														<p>(b) Group housing, religious orders: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a religious order calling for collective work or worship and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this</p>

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Code:

~~(c) Group housing, medical and educational institutions: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such facility is affiliated with and operated by a medical or educational institution as defined and regulated by Sections 209.3(a), (g), (h) and (i) of this Code but not located on the same lot as such institution and not used for inpatient care. Such housing shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.~~

~~(d) Hotel, inn or hostel containing no more than five rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight~~

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guests. A hotel, inn or hostel shall not include a motel as defined and regulated by Section 216(e) of this Code.

(e) Hotel, inn or hostel as specified in Subsection 209.2(d) above but with six or more guestrooms or suites.

SEC. 209.3. INSTITUTIONS.

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SEC. 209.3. INSTITUTIONS.

(a) Hospital, medical center or other medical institution which includes facilities for inpatient or outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.

(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized

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~~— 1. the parcel containing the MCD cannot located within 1,000 feet from _____ a _____ parcel _____ containing:~~
~~— a. a public or private elementary or secondary school and~~
~~— b. a community facility and/or recreation center that primarily serves persons under 18 years of age; and~~
~~— 2. the MCD is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health;~~
~~— 3. no alcohol is sold or distributed on the premises for on or off-site consumption;~~
~~— 4. if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from _____ the _____ premises;~~
~~— 5. in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.~~
~~(b) Application and Referral Process. The Department of Public Health is the lead agency for regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary may open without final authorization from the Department of Public Health. The Planning Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral from the Department of Public Health pursuant to DPH Code Section 3304 and 3305; (2) supplemental application materials designated by the Planning Department; and (3) a building permit application.~~

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~~—(e) Notice. Once the Department has determined that the application is complete, a 30-day notice of application shall be mailed to owners and occupants within a 300-foot radius of the subject property. Notice shall be posted on the project site for no less than 30 days.~~

~~—(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or approve the dispensary.~~

~~—(e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches _____ in _____ height.~~

~~—(f) If an MCD closes for a duration longer than 18 months or if the MCD's license is revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered abandoned and any Planning Commission authorization for the parcel shall be null and void.~~

~~—(g) Any permit issued for a medical cannabis dispensary shall contain the following statement in bold face type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not~~

1 authorize the violation of State or Federal law."

2 **SEC. 209.4. COMMUNITY FACILITIES.**

Table with 10 rows and 13 columns containing various alphanumeric characters like R, H, I, C, D, T, M, O, and symbols like ¶.

11 **SEC. 209.4. COMMUNITY FACILITIES.**

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12 (a) Community clubhouse, neighborhood center, community cultural center or other community facility not publicly owned but open for public use, in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC Districts, see also Section 209.9(d).)

20-23 CCCC

20 (b) Private lodge, private clubhouse, private recreational facility or community facility other than as specified in Subsection 209.4(a) above, and which is not operated as a gainful business. (With respect to RC Districts, see also Section 209.9(d).)

24 **SEC. 209.5. OPEN RECREATION AND URBAN AGRICULTURE.**

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C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
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~~SEC. 209.5. OPEN RECREATION AND URBAN AGRICULTURE.~~

~~—(a) Open recreation area not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business and is devoted to outdoor recreation such as golf, tennis or riding.~~

~~—(b) Open space used for passive recreational purposes which is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include but not necessarily be limited to a park, playground, rest area.~~

~~—(c) Greenhouse.~~

~~—(d) Neighborhood Agriculture.~~

~~—(e) Large Scale Urban Agriculture.~~

1 ***SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.***

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SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.

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~~(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.~~

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~~(b) Utility installation, including but not necessarily limited to water, gas, electric, transportation or communications utilities, or public service facility, except as stated in Section 209.6(c), provided that operating requirements necessitate placement at this location.~~

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~~(c) Utility Installation that is an Internet Services Exchange defined as a location that contains any of the following uses (excluding any commercial wireless transmitting, receiving or relay facility described in Sections 227(h) and 227(i)): switching equipment (whether wireline or wireless) that joins or connects occupants, customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to~~

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																				<i>build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.</i>
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~~**SEC. 209.7. VEHICLE STORAGE AND ACCESS.**~~

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I	H	I	H	3	M	M	M	M	T	O	C	RC	C	C								
(D)	I	(S)	-2		1	-2	3	4	O	M	I	-2	3	4								

C	C	C	C	C	C	C	C	C	C	N	P	N	P	C	C	C	C	C	C	C	C	C
N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	N	N
C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P

~~**SEC. 209.7. VEHICLE STORAGE AND ACCESS.**~~

~~(a) Community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the requirements of Article 1.5 of this Code.~~

~~(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section 155(r) and 144., and the car share requirements of Section 166.~~

~~(c) Access driveway to property in C or M District, or to property in an R District in which the permitted dwelling unit density is greater than that permitted in the district where the driveway is located, provided that a solid fence, solid wall, or~~

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~~compact evergreen hedge, not less than six feet in height, is maintained along such driveway to screen it from any adjoining lot in any R District. Such driveway shall meet the applicable requirements of Article 1.5 of this Code.~~

~~(d) Off street parking facility to serve a use permitted in any R District, when such parking is not classified as accessory parking for such use, under the provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking shall meet, where applicable, the requirements of Section 156 for parking lots, Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of this Code. In considering any application for a conditional use for such parking where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5, the Planning Commission shall consider the criteria set forth in Section 157 of this Code. In RTO Districts, such parking shall also be subject to criteria and requirements of Sections 158.1, 144, and 155(r).~~

~~(e) Off street car share parking spaces for car sharing vehicles, whether required or not, meeting~~

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														conditional use above the ground floor of a building if permitted as a principal or conditional use on the ground floor in an NC 3 District, unless otherwise specified in this Code.
											€	€		(d) Formula Retail Use, as defined in Section 703.3(b) of this Code.
							P	P	P	P				(e) Any use meeting the standards and limitations set forth in Section 231: Limited Corner Commercial Uses in RTO Districts.
											€	€		(f) Non-residential use exceeding 6,000 gross square feet.
											P	P		(g) Liquor Store on the ground floor, as defined in Section 790.55 of this Code, unless otherwise specified in this Code.
														(h) Drive-up Facility, as defined in Section 790.30 of this Code.
											P	P		(i) Walk up Facility, as defined in Section 790.140 of this Code, is permitted as a principle 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.

SEC. 209.9. OTHER USES.

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														SEC. 209.9. OTHER USES.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	—(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	—(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
SEE SECTIONS 205 THROUGH 205.2													—(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.	
														—(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.
														—(e) Any use listed as a principal or conditional use permitted on the ground floor in an NC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that no Conditional Use shall be authorized under this provision unless (1) such authorization
C	C	C	C	C	C	C	C	C	C	C	C	C	C	

																		<p>conforms to the applicable provisions of Section 303 of this Code and (2) the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.</p>	
											P	P							<p>(g) Arts activities except those uses subject to Sections 209.3(d) or (h).</p>
																			<p>(h) Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.</p> <p>"Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches.</p>

~~SEC. 209.10. RESERVED.~~

~~SEC. 210.1. C-1 DISTRICTS: NEIGHBORHOOD SHOPPING.~~

~~These districts are intended for the supplying of retail goods and personal services at convenient locations to meet the frequent and recurring needs of nearby residents. These districts are usually surrounded by residential areas of relatively low density of development, often in outlying areas of the City, and the size and use of commercial buildings in these districts are intended to be consistent with those residential densities. Close concentrations of complementary commercial uses are encouraged, with minimum interruption by open uses and nonretail enterprises.~~

1 ~~210.2.~~ 210.1. **C-2 DISTRICTS: COMMUNITY BUSINESS.**

2 These districts serve several functions. ~~On a larger scale than the C-1 Districts,~~ They
 3 provide convenience goods and services to ~~Residential~~ residential areas of the City, both in outlying
 4 sections and in closer-in, more densely built communities. In addition, some C-2 Districts
 5 provide comparison shopping goods and services on a general or specialized basis to a
 6 Citywide or a regional market area, complementing the main area for such types of trade in
 7 downtown San Francisco. The extent of these districts varies from smaller clusters of stores to
 8 larger concentrated areas, including both shopping centers and strip developments along
 9 major thoroughfares, and in each case the character and intensity of commercial development
 10 are intended to be consistent with the character of other uses in the adjacent areas. In C-2
 11 Districts, the emphasis is upon compatible retail uses, but a wider variety of goods and
 12 services is included to suit the longer-term needs of customers and greater latitude is given
 13 for the provision of automobile-oriented uses.

14 Table 210.1

15 **ZONING CONTROL TABLE FOR C-2 DISTRICTS**

16

<u>Zoning Category</u>	<u>§ References</u>	<u>C-2</u>
<u>BUILDING STANDARDS</u>		
<u>Massing and Setbacks</u>		
<u>Height and Bulk Limits</u>	<u>§§ 102, 105, 106, 132.1, 250–252, 260, 270, 271, 295.</u>	<u>Generally 40-X. Additional Height Limits of § 261 apply. See Height and Bulk District Maps</u>
<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>Basic FAR limit is 3.6 to 1. For a lot that is nearer to an RM-4 or RC-4 District than to any other R District, the FAR is 4.8 to 1 For a lot that is nearer to a C-3 District than to any R District the FAR is 10.0 to 1. FAR in the Waterfront and Washington-Broadway Special Use Districts is 5 to 1.</u>
<u>Front, Rear, and Side Setbacks</u>	<u>§§ 132, 130, 133, 134</u>	<u>See Residential Standards</u>
<u>Street Frontage and Public Realm</u>		

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1	<u>Street Frontage Requirements</u>	<u>§ 145.1</u>	<u>Required as specified in Section § 145.1</u>
2	<u>Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>As specified in § 145.4, certain streets and districts are required to have "active commercial uses"</u>
3	<u>Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r), certain streets and districts have additional restrictions on vehicular access in addition to general standards.</u>
4	<u>Artworks and Recognition of Artists and Architects</u>	<u>§ 429</u>	<u>Required, except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall).</u>
5	<u>Miscellaneous</u>		
6	<u>Uses in Enclosed Buildings</u>	<u>n/a</u>	<u>All permitted uses, and all storage, servicing, fabricating, processing or repair uses accessory thereto, shall be conducted within enclosed buildings, with the exception of accessory off-street parking and loading areas where permitted; accessory outdoor dining areas where permitted; accessory recreation areas where permitted; and as indicated in the use chart below</u>
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10	<u>Large Project Review</u>	<u>n/a</u>	<u>n/a</u>
11	<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>
12	<u>Awning Canopy or Marquee</u>	<u>§ 136</u>	<u>P</u>
13	<u>Signs</u>	<u>§ 607</u>	<u>As permitted by Section § 607</u>

<u>Zoning Category</u>	<u>§ References</u>	<u>C-2</u>
<u>RESIDENTIAL STANDARDS AND USES</u>		
<u>Development Standards</u>		
<u>Usable Open Space for dwelling units and group housing</u>	<u>§ 135</u>	<u>Same as for the R District establishing the dwelling unit density ratio for the property. Group housing requirement is 1/3 the amount required for a dwelling unit</u>
<u>Residential Parking Requirements</u>	<u>§§ 151, 161</u>	<u>Generally one space per dwelling unit. Exceptions permitted in the Waterfront Special Use Districts per § 161. None required in the Washington-Broadway Special Use District.</u>
<u>Rear Yard Setback</u>	<u>§§ 130, 134</u>	<u>25% of the total depth lot depth, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.</u>
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 2 units or fewer DR/Loss of 3 or more C</u>
<u>Use Characteristics</u>		
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>
<u>Residential Uses</u>		

1	<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>P at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 square feet of lot area. NP above.</u>
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3	<u>Senior Housing</u>	<u>§§102, 202.2(f)</u>	<u>P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location.</u>
4			
5	<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<u>P at a density ratio not exceeding the maximum density permitted for group housing in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one bedroom for each 275 square feet of lot area. NP above.</u>
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<u>Zoning Category</u>	<u>§ References</u>	<u>C-2</u>
<u>NON-RESIDENTIAL STANDARDS AND USES</u>		
<u>Development Standards</u>		
<u>Off-Street Parking</u>	<u>§§ 150, 151, 161</u>	<u>As required by § 151. Certain exceptions permitted by § 161. None required in the Washington-Broadway Special Use District.</u>
<u>Use Size Limits</u>	<u>§ 121.6</u>	<u>C required for single Retail Use greater than 50,000 gross square feet. NP above 120,000 gross square feet</u>
<u>Ground Floor Ceiling Height</u>	<u>§ 145.1(c)(4)</u>	<u>Minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.</u>
<u>Commercial Use Characteristics</u>		
<u>Drive-up Facility</u>	<u>§ 102</u>	<u>P</u>
<u>Formula Retail</u>	<u>§ 102</u>	<u>P</u>
<u>Open Air Sales</u>	<u>§ 102</u>	<u>NP</u>
<u>Outdoor Activity Area</u>	<u>§ 102</u>	<u>P</u>
<u>Walk-up Facility</u>	<u>§ 102</u>	<u>P(1)</u>
<u>Waterborne Commerce</u>	<u>§ 102</u>	<u>P</u>
<u>Agricultural Use Category</u>		
<u>Agricultural Uses*</u>	<u>§§ 102, 202.2(c)</u>	<u>P(3)</u>
<u>Automotive Use Category</u>		
<u>Automotive Repair</u>	<u>§ 102</u>	<u>NP</u>
<u>Automotive Sale/Rental</u>	<u>§ 102</u>	<u>P(4)</u>

1	<u>Automotive Service Station</u>	<u>§§ 102, 202.2(b)</u>	<u>P(3)</u>
	<u>Automotive Wash</u>	<u>§§ 102, 202.2(b)</u>	<u>C(3)</u>
2	<u>Gas Station</u>	<u>§§ 102, 202.2(b), 187.1, 228</u>	<u>P</u>
3	<u>Parking Garage, Private</u>	<u>§ 102</u>	<u>P</u>
	<u>Parking Garage, Public</u>	<u>§ 102</u>	<u>C</u>
4	<u>Parking Lot, Private</u>	<u>§§ 102, 142, 156</u>	<u>P(3)</u>
	<u>Parking Lot, Public</u>	<u>§§ 102, 142, 156</u>	<u>P(3)</u>
5	<u>Service, Motor Vehicle Tow</u>	<u>§ 102</u>	<u>NP</u>
6	<u>Service, Parcel Delivery</u>	<u>§ 102</u>	<u>C</u>
	<u>Services, Ambulance</u>	<u>§ 102</u>	<u>C</u>
7	<u>Vehicle Storage Garage</u>	<u>§ 102</u>	<u>NP</u>
	<u>Vehicle Storage Lot</u>	<u>§§ 102, 142</u>	<u>NP</u>
8	<u>Entertainment, Arts and Recreation Use Category</u>		
9	<u>Entertainment and Recreation Uses*</u>	<u>§ 102</u>	<u>P</u>
10	<u>Entertainment, Outdoor</u>	<u>§ 102</u>	<u>NP</u>
	<u>Livery Stable</u>	<u>§ 102</u>	<u>NP</u>
11	<u>Open Recreation Area</u>	<u>§ 102</u>	<u>P(3)</u>
	<u>Sports Stadium</u>	<u>§ 102</u>	<u>NP</u>
12	<u>Industrial Use Category</u>		
13	<u>Industrial Uses*</u>	<u>§102</u>	<u>NP</u>
	<u>Institutional Use Category</u>		
14	<u>Institutional Uses*</u>	<u>§§ 102, 202.2(e)</u>	<u>P</u>
	<u>Hospital</u>	<u>§ 102</u>	<u>C</u>
15	<u>Trade School</u>	<u>§ 102</u>	<u>NP</u>
	<u>Sales and Service Use Category</u>		
16	<u>Retail Sales and Service Uses*</u>	<u>§§ 102, 202.2(a)</u>	<u>P</u>
	<u>Animal Hospital</u>	<u>§ 102</u>	<u>C</u>
17	<u>Hotel</u>	<u>§ 102</u>	<u>C</u>
	<u>Kennel</u>	<u>§ 102</u>	<u>NP</u>
18	<u>Massage Establishment</u>	<u>§ 102</u>	<u>C</u>
19	<u>Mobile Food Facility</u>	<u>§ 102</u>	<u>P(3)</u>
	<u>Mortuary</u>	<u>§ 102</u>	<u>C</u>
20	<u>Motel</u>	<u>§§ 102, 202.2(a)</u>	<u>C</u>
21	<u>Storage, Self</u>	<u>§ 102</u>	<u>C</u>
	<u>Tobacco Paraphernalia Store</u>	<u>§ 102</u>	<u>C</u>
22	<u>Non-Retail Sales and Service*</u>	<u>§ 102</u>	<u>P</u>
	<u>Laboratory</u>	<u>§ 102</u>	<u>NP</u>
23	<u>Life Science</u>	<u>§ 102</u>	<u>NP</u>
	<u>Storage, Commercial</u>	<u>§ 102</u>	<u>NP</u>
24	<u>Storage, Wholesale</u>	<u>§ 102</u>	<u>NP</u>
25	<u>Wholesale Sales</u>	<u>§ 102</u>	<u>NP</u>

<i>Utility and Infrastructure Use Category</i>		
<i>Community Recycling Center</i>	<u>§ 102</u>	<u>C</u>
<i>Internet Service Exchange</i>	<u>§ 102</u>	<u>C</u>
<i>Power Plant</i>	<u>§ 102</u>	<u>NP</u>
<i>Public Transportation Facility</i>	<u>§ 102</u>	<u>C(3)</u>
<i>Public Utilities Yard</i>	<u>§ 102</u>	<u>NP</u>
<i>Utility Installation</i>	<u>§ 102</u>	<u>P(3)</u>
<i>Wireless Telecommunications Service Facility</i>	<u>§ 102</u>	<u>P(2)</u>

* Not listed below

(1) C required if not recessed 3 feet

(2) C required if taller than 25 feet above roof, grade or height limit (depending on site) or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in 102 for more information.

(3) Not required to be in an enclosed building.

(4) Allowed to operate on an open lot, but C required if operated on open lot.

SEC. 210.2, 210.3 C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

Downtown San Francisco, a center for City, regional, national, and international commerce, is composed of four separate districts, as follows:

C-3-O District: Downtown Office. This district, playing a leading national role in finance, corporate headquarters, and service industries, and serving as an employment center for the region, consists primarily of high-quality office development. The intensity of building development is the greatest in the City, resulting in a notable skyline symbolizing the area's strength and vitality. The district is served by City and regional transit reaching its central portions and by automobile parking at peripheral locations. Intensity and compactness permit face-to-face business contacts to be made conveniently by travel on foot. Office development is supported by some related retail and service uses within the area, with inappropriate uses excluded in order to conserve the supply of land in the core and its expansion areas for further development of major office buildings.

C-3-O(SD) District: Downtown Office Special Development. This area south of Market Street and east of Third Street comprises the southern side of the core central business district, and is similar to and generally indistinguishable from the C-3-O District in

1 terms of uses and character. The area is centered on the Transbay Transit Center. This
2 district permits densities that exceed those in the C-3-O district and contains the tallest height
3 limits in the City, reflecting its unparalleled public transportation access and geographically
4 central position in the downtown.

5 **C-3-R District: Downtown Retail.** This aDistrict is a regional center for comparison
6 shopper retailing and direct consumer services. It covers a compact area with a distinctive
7 urban character, consists of uses with cumulative customer attraction and compatibility, and is
8 easily traversed by foot. Like the adjacent Downtown Office District, this district is well-served
9 by City and regional transit, with automobile parking best located at its periphery. Within the
10 aDistrict, continuity of retail and consumer service uses is emphasized, with encouragement
11 of pedestrian interest and amenities and minimization of conflicts between shoppers and
12 motor vehicles. A further merging of this aDistrict with adjacent, related districts is anticipated,
13 partially through development of buildings that combine retailing with other functions.

14 **C-3-G District: Downtown General Commercial.** This aDistrict covers the western
15 portions of downtown and is composed of a variety of uses: Retail, offices, hotels,
16 entertainment, clubs and institutions, and high-density residential. Many of these uses have a
17 Citywide or regional function, although the intensity of development is lower here than in the
18 downtown core area. As in the case of other downtown districts, no off-street parking is
19 required for individual commercial buildings. In the vicinity of Market Street, the configuration
20 of this aDistrict reflects easy accessibility by rapid transit.

21 **C-3-S District: Downtown Support.** This aDistrict encompasses Yerba Buena
22 Gardens, which includes San Francisco's Convention Center, hotels, museums and cultural
23 facilities, housing, retail, and offices arranged around public gardens and plazas. The aDistrict
24 continues to accommodate important supporting functions such as wholesaling, printing,
25 building services, and secondary office space. It also contains unique housing resources. The

1 4District is within walking distance of rapid transit on Market Street, and is served by transit
 2 lines on Third, Fourth, Mission and Folsom streets.

3 **Table 210.2**

4 **ZONING CONTROL TABLE FOR C-3 DISTRICTS**

<u>Zoning Category</u>	<u>§ References</u>	<u>C-3-O</u>	<u>C-3-O(SD)</u>	<u>C-3-R</u>	<u>C-3-G</u>	<u>C-3-S</u>
<u>BUILDING STANDARDS</u>						
<u>Massing and Setbacks</u>						
<u>Height and Bulk Limits.</u>	<u>§§ 102, 105, 106, 250-252, 260, 261, 270, 271.</u>	<u>Varies. See also Height and Bulk District Maps</u>				
<u>Setbacks and Streetwall Articulation</u>	<u>§§ 132.1, 146</u>	<u>Various upper floor setback requirements based on building location, height and street width. Building setbacks may be required facing streets of 80' or less in width and on Market Street.</u>				
<u>Basic Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>9.0 to 1</u>	<u>6.0 to 1</u>	<u>6.0 to 1</u>	<u>6.0 to 1</u>	<u>5.0 to 1</u>
<u>Front, Rear, and Side Setbacks</u>	<u>§ 132 § 130 §133 § 134</u>	<u>See Residential Standards below</u>				
<u>Sun Access Planes</u>	<u>§ 146</u>	<u>Buildings located on certain streets are required to provide sun access planes per §146</u>				
<u>Street Frontage and Public Realm</u>						
<u>Privately Owned Public Open Space</u>	<u>§ 138</u>	<u>Required with the constructing of a new building or an addition of gross floor area equal to 20% or more of an existing building. Ratio of POPOS is 1:50 feet for all districts except C-3-R which is 1:100</u>				
<u>Downtown Streetscape Plan</u>	<u>§ 138.1(c)(3)</u>	<u>Sidewalk paving, as set for in the Downtown Streetscape Plan is required with any new construction; the addition of floor area equal to 20% or more of an existing building; or the alteration to greater than 50% of the existing square footage of a building.</u>				
<u>Street Frontage Requirements</u>	<u>§ 145.1</u>	<u>Required as specified in Section § 145.1</u>				

1	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>As specified in § 145.4, certain streets and districts are required to have "active commercial uses"</u>			
2	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r) certain streets and districts have additional restrictions on vehicular access in addition to general standards. In C-3 Districts curb cuts are restricted on Transit Preferential, Citywide Pedestrian Network, Neighborhood Commercial Streets or official City bicycle routes or bicycle lanes.</u>			
3	<u>Artworks and Recognition of Artists and Architects</u>	<u>§ 429</u>	<u>Art works and recognition of artists and architects are required for new buildings and for additions of floor area in excess of 25,000 square feet to an existing building, per § 429.</u>			
4	<u>Miscellaneous</u>					
5	<u>Large project review</u>	<u>§ 309</u>	<u>As required by § 309</u>			
6	<u>Planned Unit Development</u>	<u>§ 304</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
7	<u>Awnings, Canopy or Marquee</u>	<u>§ 136</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
8	<u>Signs</u>	<u>§ 607</u>	<u>As permitted by Section § 607</u>			

<u>Zoning Category</u>	<u>§ References</u>	<u>C-3-O</u>	<u>C-3-O-S</u>	<u>C-3-R</u>	<u>C-3-G</u>	<u>C-3-S</u>
<u>RESIDENTIAL STANDARDS AND USES</u>						
<u>Development Standards</u>						
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 36 square feet if private, and 48 square feet per dwelling unit if common.</u>				
<u>Residential Parking Requirements</u>	<u>§§ 151, 161</u>	<u>None required. P up to one space for every four units. C for .75 per unit, subject to the criteria of Section 151.1(f). NP above.</u>				
<u>Rear Yard Setback</u>	<u>§§ 130, 134</u>	<u>25% of the total depth lot depth, but in no case less than 15 feet for lowest story containing a dwelling unit and each succeeding story. Exceptions are permitted by §309.</u>				
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 1-2 units mandatory DR/Loss of 3 or more units C</u>				
<u>Use Characteristics</u>						
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Uses</u>						
<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.</u>				

1	<u>Senior Housing</u>	<u>§§ 102, 202.2(f)</u>	<i>No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot. C Required if development meets all requirements of Section § 202.2(f)(1), except for § 202.2(f)(1)(D)(iv), related to location.</i>
2			
3	<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<i>No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.</i>
4			

<u>Zoning Category</u>	<u>§ References</u>	<u>C-3-O</u>	<u>C-3-O-S</u>	<u>C-3-R</u>	<u>C-3-G</u>	<u>C-3-S</u>
<u>NON-RESIDENTIAL STANDARDS AND USES</u>						
<u>Development Standards</u>						
<u>Off-Street Parking</u>	<u>§§ 150, 151,</u>	<i>None Required. Maximums set in Planning Code Section 151.1</i>				
<u>Use Size Limits</u>	<u>§ 121.6</u>	<i>C required for single retail use over 90,000 gross square feet. Single Retail Uses in excess of 120,000 gross square feet that sell groceries; contain more than 20,000 Stockkeeping Units (SKUs); and devote more than 5% of its total sales floor area to the sale of non-taxable merchandise are NP</i>				
<u>Ground Floor Ceiling Heights</u>	<u>§ 145.1(c)(4)</u>	<i>Required minimum floor-to-floor height of 14 feet, as measured from grade</i>				
<u>Commercial Use Characteristics</u>						
<u>Drive-up Facility</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Formula Retail</u>	<u>§§102, 303</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Open Air Sales</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Outdoor Activity Area</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Walk-up Facility</u>	<u>§ 102</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>
<u>Waterborne Commerce</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Agricultural Use Category</u>						
<u>Agricultural Uses*</u>	<u>§§ 102, 202.2(c)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Greenhouse</u>	<u>§§ 102, 202.2(c)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
<u>Automotive Use Category</u>						
<u>Automotive Repair</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
<u>Automotive Sale/Rental</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P(5)</u>	<u>P(5)</u>	<u>P(4)</u>	<u>P(4)</u>
<u>Automotive Service Station</u>	<u>§§ 102, 202.2(b)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Automotive Wash</u>	<u>§§ 102, 202.2(b)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>C</u>
<u>Gas Station</u>	<u>§§ 102, 202.2(b), 187.1, 228</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Parking Garage, Private</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Parking Garage, Public</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

1	<u>Parking Lot, Private</u>	<u>§§ 102, 142, 156</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
2	<u>Parking Lot, Public</u>	<u>§§ 102, 142, 156</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
3	<u>Service, Motor Vehicle Tow</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
4	<u>Service, Parcel Delivery</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>
5	<u>Services, Ambulance</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>P</u>
6	<u>Vehicle Storage Garage</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>P</u>
6	<u>Vehicle Storage Lot</u>	<u>§§ 102, 142</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
<u>Entertainment, Arts and Recreation Use Category</u>							
7	<u>Entertainment Arts and Recreation Uses*</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
8	<u>Entertainment, Outdoor</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
9	<u>Livery Stable</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
9	<u>Open Recreation Area</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>
10	<u>Sports Stadium</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
<u>Industrial Use Category</u>							
11	<u>Industrial Uses*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
12	<u>Manufacturing, Light</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Institutional Use Category</u>							
13	<u>Institutional Uses*</u>	<u>§§ 102, 202.2(e)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
14	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
15	<u>Hospital</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
16	<u>Residential Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
17	<u>Trade School</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>
<u>Sales and Service Use Category</u>							
18	<u>Retail Sales and Service Uses*</u>	<u>§§ 102, 202.2(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
19	<u>Animal Hospital</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>C</u>
20	<u>Hotel</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
21	<u>Kennel</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
22	<u>Massage Establishment</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
23	<u>Mortuary</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>C</u>
24	<u>Motel</u>	<u>§§ 102, 202.2(a)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>C</u>
25	<u>Storage, Self</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>P</u>
26	<u>Tobacco Paraphernalia Store</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
27	<u>Non-Retail Sales and Service*</u>	<u>§ 102</u>	<u>P(2)</u>	<u>P(2)</u>	<u>P(3)</u>	<u>P(2)</u>	<u>P(2)</u>
28	<u>Catering</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
29	<u>Design Professional</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P(3)</u>	<u>P</u>	<u>P</u>

1	<u>Laboratory</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Life Science</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
2	<u>Storage, Commercial</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Storage, Wholesale</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
3	<u>Wholesale Sales</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Utility and Infrastructure Use Category</u>							
4	<u>Utility and Infrastructure*</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	<u>Internet Service Exchange</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
6	<u>Public Transportation Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
7	<u>Utility Instillation</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
8	<u>Wireless Telecommunications Service Facility</u>	<u>§ 102</u>	<u>P(6)</u>	<u>P(6)</u>	<u>P(6)</u>	<u>P(6)</u>	<u>P(6)</u>

* Not listed below

(1) C required if not recessed 3 feet

(2) C is required if at or below the ground floor

(3) P if located on the ground floor and offers on-site services to the general public. NP on the ground floor if it does not provide onsite services to the general public. C is required if the use is larger than 5,000 gross square feet in size or located 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.

(4) C Required if operated on an open lot

(5) Required to be in an enclosed building, NP if operated on open lot

(6) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of 3 meters or a composite diameter of antennae in excess of 6 meters. See definition in 102 for more information.

SEC. ~~210.7~~ 210.3. PDR DISTRICTS: PURPOSE

These ~~d~~Districts provide space for a wide variety of PDR (production, distribution, and repair) and other non-residential activities in districts where these uses are free from inherent economic and operational competition and conflicts with housing, large office developments, and large-scale retail, which are not permitted in these districts. Other uses that share operational characteristics with PDR uses are permitted in these districts, as they require large flexible spaces and prefer separation from intensive housing districts. PDR-zoned land is also an important reservoir of space in San Francisco for new and evolving industry and activity types that cannot be foreseen today and cannot practically function or compete for

1 space in a typical downtown office or neighborhood commercial environment. Business and
2 activities allowed in PDR Districts generally share a need for flexible operating space that
3 features large open interior spaces, high ceilings, freight loading docks and elevators, floors
4 capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These
5 uses are often not ideally compatible with housing for operational reasons, including the need
6 for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors,
7 and vibrations. Importantly, PDR uses are limited in the amount of rent they can afford relative
8 to office, retail, and residential uses, yet are important sectors of the City's economy.

9 ~~SEC. 210.8.~~ **PDR-1-B District.: Light Industrial Buffer.** The intent of this District is to create
10 a buffer area between residential neighborhoods and light industrial areas, primarily in the
11 Bayview Hunters Point neighborhood. Thus, this District prohibits residential uses and limits
12 Office, Retail, and Institutional uses. Generally, all other uses are permitted. This zone
13 allows for less intensive production, distribution, and repair activities that will not compromise
14 the quality of life of nearby residents. These uses generate less external noise, odors, and
15 vibrations and engage in fewer trucking activities than those permitted in PDR-2 districts.
16 Uses in this District are generally conducted completely within enclosed structures. Small-
17 scale Retail and Office uses are permitted, as are other activities that may serve well to
18 buffer existing residential neighborhoods from areas of concentrated industrial operations. In
19 considering any new land use not contemplated in this District, the Zoning Administrator shall
20 take into account the intent of this District as expressed in this Section and in the General
21 Plan.

22 ~~SEC. 210.9.~~ **PDR-1-D: Design.** The intention of this District is to retain and encourage less-
23 intensive production, distribution, and repair businesses, especially the existing clusters of
24 design-related businesses. Thus, this District prohibits Residential uses and Office uses, and
25 limits Retail and Institutional uses. Additionally, this District prohibits heavy industrial uses,

1 which generate external noise, odors, and vibrations and engage in frequent trucking
2 activities. Generally, all other uses are permitted. In considering any new land use not
3 contemplated in this District, the Zoning Administrator shall take into account the intent of this
4 District as expressed in this Section and in the General Plan.

5 ~~SEC. 210.10.~~ **PDR-1-G: General.** The intention of this ~~a~~District is to retain and encourage
6 existing production, distribution, and repair activities and promote new business formation.
7 Thus, this ~~a~~District prohibits ~~r~~Residential and ~~o~~Office uses, and limits ~~r~~Retail and ~~i~~Institutional
8 uses. Additionally, this ~~a~~District allows for more intensive production, distribution, and repair
9 activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all other uses
10 are permitted. In considering any new land use not contemplated in this District, the Zoning
11 Administrator shall take into account the intent of this District as expressed in this Section and
12 in the General Plan.

13 ~~SEC. 210.11.~~ **PDR-2: Core Production, Distribution, and Repair.** The intent of this ~~a~~District
14 is to encourage the introduction, intensification, and protection of a wide range of light and
15 contemporary industrial activities. Thus, this ~~a~~District, prohibits new housing, large office
16 developments, large-scale retail, and the heaviest of industrial uses, such as incinerators.
17 Generally, all other uses are permitted. The conservation of existing flexible industrial
18 buildings is also encouraged. ~~This These~~ ~~a~~Districts permit certain non-industrial, non-
19 residential uses, including small-scale ~~r~~Retail and ~~o~~Office, ~~e~~Entertainment, certain institutions,
20 and similar uses that would not create conflicts with the primary industrial uses or are
21 compatible with the operational characteristics of businesses in the area. Light industrial uses
22 in ~~these this~~ ~~a~~Districts may be conducted entirely within an enclosed structure, partly within
23 enclosed structures, or some functions may occur entirely in open areas. These uses may
24 require trucking activity multiple times per day, including trucks with up to 18 wheels or more,
25 and occurring at any time of the day or night. As part of their daily operations, PDR activities

1 in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law.
 2 Within the requirements of local, state, and federal health and safety regulations, and within
 3 the stipulation of this eCode, which may impose additional use size maximums and minimum
 4 distance requirements on certain activities, raw materials used for production, manufacturing,
 5 repair, storage, research, and distribution may be stored on site and may include chemical,
 6 biological, and other hazardous, explosive, or flammable materials. In considering any new
 7 land use not contemplated in this District, the Zoning Administrator shall take into account the
 8 intent of this District as expressed in this Section and in the General Plan.

9 **Table 210.3**

10 **ZONING CONTROL TABLE FOR PDR DISTRICTS**

	<u>§ References</u>	<u>PDR-1- B</u>	<u>PDR-1- D</u>	<u>PDR-1- G</u>	<u>PDR-2</u>
<u>BUILDING STANDARDS</u>					
<u>Massing and Setbacks</u>					
<u>Height and Bulk Limits.</u>	<u>§§ 102, 105, 106, 132.1, 250-252, 260, 270, 271.</u>	<u>Varies. See Height and Bulk Map.</u>			
<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>3.0 to 1 in a 40, 45, or 48-foot height district, 4.0 to 1 in a 50, 55, or 58-foot height district, 5.0 to 1 in a 65 or 68-foot height district, 6.0 in an 85-foot height district, or 7.5 to 1 in a height district over 85 feet.</u>			
<u>Front, Rear, and Side Setbacks</u>	<u>§§ 132, 130, 133, 134</u>	<u>Not Required</u>			
<u>Street Frontage and Public Realm</u>					
<u>Ground Floor Standards</u>	<u>§ 145.5</u>	<u>Ground floor spaces with a minimum of 17 feet floor-to-floor.</u>			
<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>As specified in § 145.4, certain streets and districts are required to have "active commercial uses"</u>			
<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r)</u>			
<u>Artworks and Recognition of Artists and Architects</u>	<u>§ 429</u>	<u>Not Required</u>			
<u>Miscellaneous</u>					
<u>Large Lot Subdivision</u>	<u>§ 121.9</u>	<u>Subdividing, resubdividing, or performing a lot</u>			

		<i>line adjustment to a parcel that is equal to or greater than 10,000 square feet, into one or more smaller parcels requires C.</i>			
<u>Large Project Review</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Planned Unit Development*</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Awnings, Canopy or Marquee</u>	<u>§§ 136, 136.1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Signs</u>	<u>§ 607</u>	<u>As permitted by Section § 607</u>			

* Residential Uses are not permitted

<u>Zoning Category</u>	<u>§ References</u>	<u>PDR-1- B</u>	<u>PDR-1- D</u>	<u>PDR-1- G</u>	<u>PDR-2</u>
<u>RESIDENTIAL STANDARDS & USES</u>					
<u>Development Standards</u>					
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Residential Parking Requirements</u>	<u>§§ 151.1, 161</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 1-2 units mandatory DR/Loss of 3 or more units C</u>			
<u>Use Characteristics</u>					
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Residential Uses</u>					
<u>Dwelling Units</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Senior Housing</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Group Housing</u>	<u>§ 208</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

<u>Zoning Category</u>	<u>§ References</u>	<u>PDR-1- B</u>	<u>PDR-1- D</u>	<u>PDR-1- G</u>	<u>PDR-2</u>
<u>NON-RESIDENTIAL USES & STANDARDS</u>					
<u>Development Standards</u>					
<u>Off-Street Parking</u>	<u>§§ 150, 151, 151.1</u>	<u>Parking required per Section 151.</u>	<u>None Required. Maximums set in Planning Code Section 151.1</u>		<u>Parking required per Section 151.</u>
<u>Use Size Limits for Retail Sales and Service Uses</u>	<u>§ 210.3(a)</u>	<u>See Chart 210.3A</u>	<u>5,000 gross square feet per lot, see reference (9) below</u>	<u>2,500 gross square feet per lot, see reference (9) below</u>	<u>See Chart 210.3A</u>
<u>Use Size Limits for Non-Retail Sales and Service Uses</u>	<u>§ 210.3(a)</u>	<u>See Chart 210.3A</u>	<u>n/a</u>	<u>n/a</u>	<u>See Chart 210.3A</u>

1	<u>PDR Building Replacement</u>	<u>§ 230</u>	<u>Demolition of buildings housing PDR Uses requires replacement PDR buildings as specified in Section 230</u>			
2	<u>Commercial Use Characteristics</u>					
3	<u>Drive-up Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
4	<u>Formula Retail</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
5	<u>Open Air Sales</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
6	<u>Outdoor Activity Area</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
7	<u>Small Enterprise Workspace</u>	<u>§§ 102, 202.2(g)</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
8	<u>Walk-up Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
9	<u>Waterborne Commerce</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
10	<u>Agricultural Use Category</u>					
11	<u>Agricultural Uses*</u>	<u>§ 102, 202.2(c)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
12	<u>Automotive Use Category</u>					
13	<u>Automotive Uses*</u>	<u>§§ 102, 202.2(b), 142)</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
14	<u>Automotive Repair</u>	<u>§ 102</u>	<u>P(3)</u>	<u>P</u>	<u>P</u>	<u>P</u>
15	<u>Automotive Sale/Rental</u>	<u>§ 102</u>	<u>P</u>	<u>P(4)</u>	<u>P</u>	<u>P</u>
16	<u>Automotive Service Station</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
17	<u>Automotive Wash</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
18	<u>Gas Station</u>	<u>§§ 102, 202.2(b), 187.1, 228</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
19	<u>Parking Garage, Private</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
20	<u>Parking Garage, Public</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
21	<u>Parking Lot, Private</u>	<u>§§ 102, 142, 156</u>	<u>C</u>	<u>NP</u>	<u>C</u>	<u>C</u>
22	<u>Parking Lot, Public</u>	<u>§§ 102, 142, 156</u>	<u>C</u>	<u>NP</u>	<u>C</u>	<u>C</u>
23	<u>Service, Motor Vehicle Tow</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
24	<u>Entertainment and Recreation Use Category</u>					
25	<u>Entertainment and Recreation Uses*</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
26	<u>Entertainment, General</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
27	<u>Entertainment, Nighttime</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
28	<u>Entertainment, Outdoor</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
29	<u>Livery Stable</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
30	<u>Movie Theater</u>	<u>§ 102, 202.4</u>	<u>P(6)</u>	<u>P(6)</u>	<u>P(6)</u>	<u>P(6)</u>
31	<u>Sports Stadium</u>	<u>§ 102</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
32	<u>Industrial Use Category</u>					
33	<u>Auto Wrecking</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
34	<u>Automobile Assembly</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>P</u>
35	<u>Food Fiber and Beverage Processing 1</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
36	<u>Food Fiber and Beverage Processing 2</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
37	<u>Grain Elevator</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>
38	<u>Hazardous Waste Facility</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
39	<u>Junkyard</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>
40	<u>Livestock Processing 1</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
41	<u>Livestock Processing 2</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
42	<u>Manufacturing 1, Heavy</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>

1	<u>Manufacturing 2 Heavy</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>C</u>
	<u>Manufacturing 3, Heavy</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>BP</u>	<u>C</u>
2	<u>Manufacturing, Light</u>	<u>§§ 102, 202.2(d)</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Ship Yard</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
3	<u>Metal Workshop</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Storage Yard</u>	<u>§§ 102, 202.2(d)</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
4	<u>Storage, Volatile Materials</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>
	<u>Truck Terminal</u>	<u>§§ 102, 202.2(d)</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
5	<u>Institutional Use Category</u>					
	<u>Child Care Facility</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
6	<u>Community Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Community Facility, Private</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
7	<u>Hospital</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Job Training</u>	<u>§ 102</u>	<u>P(7)</u>	<u>P(7)</u>	<u>P(7)</u>	<u>P(7)</u>
8	<u>Medical Cannabis Dispensary</u>	<u>§§ 102, 202.2(e)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Philanthropic Admin. Services</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
9	<u>Post-Secondary Ed. Institution</u>	<u>§ 102</u>	<u>P(7)</u>	<u>P(7)</u>	<u>NP</u>	<u>NP</u>
10	<u>Public Facilities</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Religious Institution</u>	<u>§ 102</u>	<u>P(7)</u>	<u>P(7)</u>	<u>P(7)</u>	<u>P(7)</u>
11	<u>Residential Care</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>School</u>	<u>§ 102</u>	<u>P(7)</u>	<u>P(7)</u>	<u>NP</u>	<u>NP</u>
12	<u>Social Service or Philanthropic Facility</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P(8)</u>	<u>P(8)</u>	<u>P(5)</u>
	<u>Trade School</u>	<u>§ 102</u>	<u>P(7)</u>	<u>P(7)</u>	<u>P(7)</u>	<u>P(7)</u>
13	<u>Sales and Service Use Category</u>					
14	<u>Retail Sales and Service Uses*</u>	<u>§§ 102, 202.2(a)</u>	<u>P(1)</u>	<u>P(10)</u>	<u>P(9)</u>	<u>P(1)</u>
	<u>Adult Business</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
15	<u>Animal Hospital</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Cat Boarding</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
16	<u>Grocery Store, General</u>	<u>§§ 102, 202.3</u>	<u>P(1)</u>	<u>P(13)</u>	<u>P(12)</u>	<u>P(1)</u>
	<u>Gym</u>	<u>§ 102</u>	<u>P(1)</u>	<u>P(13)</u>	<u>P(12)</u>	<u>P(1)</u>
17	<u>Hotel</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Kennel</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
18	<u>Massage Establishment</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Massage, Foot/Chair</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
19	<u>Mortuary</u>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>
20	<u>Motel</u>	<u>§§ 102, 202.2(a)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Services, Health</u>	<u>§ 102</u>	<u>P(3)</u>	<u>P(8)</u>	<u>P(8)</u>	<u>P(5)</u>
21	<u>Storage, Self</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Trade Shop</u>	<u>§ 102</u>	<u>P(11)</u>	<u>P</u>	<u>P</u>	<u>P</u>
22	<u>Non-Retail Sales and Service*</u>	<u>§ 102</u>	<u>P(2)</u>	<u>NP(14)</u>	<u>NP(14)</u>	<u>P(2)</u>
	<u>Catering</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
23	<u>Laboratory</u>	<u>§ 102</u>	<u>P(16)</u>	<u>P</u>	<u>P</u>	<u>P</u>
24	<u>Life Science</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Services, Business</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
25	<u>Storage, Commercial</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>

1	<u>Storage, Wholesale</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
2	<u>Trade Office</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
3	<u>Wholesale Sales</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Utility and Infrastructure Use Category</u>						
4	<u>Community Recycling Center</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>
5	<u>Internet Service Exchange</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
6	<u>Power Plant</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>C</u>
7	<u>Public Transportation Facility</u>	<u>§ 102</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
8	<u>Public Utilities Yard</u>	<u>§ 102</u>	<u>P(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>
9	<u>Utility Instillation</u>	<u>§ 102</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
10	<u>Wireless Telecommunications Facility</u>	<u>§ 102</u>	<u>C</u>	<u>P(15)</u>	<u>P(15)</u>	<u>P(15)</u>

* not listed below

(1) See Chart 210.3A

(2) See Chart 210.3A

(3) NP above 7,500 Gross Square Feet

(4) Required to be in an enclosed building, NP if operated on open lot

(5) NP above 5000 Gross Square Feet

(6) More than 3 screens NP

(7) NP above 20,000 Gross Square Feet. Housing is not permitted

(8) C if above 5,000 Gross Square Feet

(9) In this District, all uses with this reference number are limited to a cumulative total of 2,500 Gross Square Feet per lot

(10) In this District, all uses with this reference number are limited to a cumulative total of 5,000 Gross Square Feet per lot

(11) Printing shop and newspaper publication limited to 5,000 Gross Square Feet

(12) C required if larger than 2,500 Gross Square Feet per lot; Gyms greater than 2,500 Gross Square Feet must include equipment and space for weight- lifting and cardio- vascular activities.

(13) C required if larger than 5,000 Gross Square Feet per lot; Gyms greater than 5,000 Gross Square Feet must include equipment and space for weight- lifting and cardio- vascular activities.

(14) NP unless in a designated landmark; P in A designated landmark.

(15) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in 102 for more information.

(16) NP Above 2500 Gross Square Feet

SEC. 210.3A

In order to preserve land and building space for light industrial activities, non-accessory retail and office uses that exceed the square footage stated in the table below shall not be permitted in PDR-1-B and PDR-2 Districts. The use area shall be measured as the occupied floor area of all retail or offices activities on a lot that have a (1) or (2) in the respective zoning district's use control column in Table 210.3 (Zoning Control Table for PDR Districts). Additionally, a cumulative use size maximum

1 applies in PDR-1-B and PDR-2 Districts, such that the combined floor area of any and all uses
 2 permitted by Table 210.3 with a (1) or (2) in the respective zoning district's use control column may not
 3 exceed the limits stated in the table below for any given lot.

4 These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3 of
 5 this Code.

6 **Table 210.3A**

<u>District</u>	<u>Cumulative Use Size Limit, All Uses in Chart 210.3 followed by a (1)</u>	<u>Cumulative Use Size Limit, All Uses in Chart 210.3 followed by a (2)</u>	<u>Total Size Maximum. All Uses in Chart 210.3 followed by a (1) or (2) Combined</u>
<u>PDR-1-B</u>	<u>2,500 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>7,500 sq. ft.</u>
<u>PDR-2</u>	<u>2,500 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>

12
 13 **SEC. 210.4. C-M DISTRICTS: HEAVY COMMERCIAL.**

14 ~~These districts provide a limited supply of land for certain heavy commercial uses not permitted~~
 15 ~~in other commercial districts. There is an emphasis upon wholesaling and business services, and some~~
 16 ~~light manufacturing and processing are also permitted though limited in most cases to less than an~~
 17 ~~entire building. In recognition of the potentially adverse effects of these heavy uses and the proximity of~~
 18 ~~these districts to residential and other commercial areas, standards are imposed as to enclosure within~~
 19 ~~buildings and screening of outdoor uses.~~

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

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

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

1 ~~(1) Those uses indicated by an asterisk (*) in the column for the district;~~

2 ~~(2) Accessory off-street parking and loading areas where permitted;~~

3 ~~(3) Accessory outdoor dining areas where permitted;~~

4 ~~(4) Accessory recreation areas where permitted; and,~~

5 ~~(5) Mobile Food Facilities as defined in Section 102.34.~~

6 ~~(b) Drive-up Facilities. In C-3 Districts, a Drive-up Facility, as defined in Section 790.30 of~~
7 ~~this Code, shall not be permitted.~~

8 ~~(c) Required Ground-floor Commercial Frontage in C-3 Districts.~~

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

11 ~~(2) Applicability.~~

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

15 ~~(B) On building frontages facing Destination Alleyways, as defined in the~~
16 ~~Downtown Streetscape Plan;~~

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

19 ~~(3) Controls.~~

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

24 ~~(B) All Levels. All other permitted uses shall be located either on stories above~~
25 ~~or below the ground story or at a distance of not less than 20 feet behind each street frontage at the~~

1 *ground story. No more than 1/3 the width of any lot, parallel to and facing such street, shall be devoted*
2 *to entrances to such other permitted uses.*

3 ~~*(d) Hazardous, Noxious, or Offensive Uses Prohibited. No use listed as permitted in any C*~~
4 ~~*District or M-1 District shall include any use that is hazardous, noxious or offensive for reasons*~~
5 ~~*described in Section 202(e) of this Code.*~~

6 **~~SEC. 213. USES PERMITTED IN C, M, AND PDR DISTRICTS.~~**

7 ~~*(a) The uses listed in Sections 215 through 227 are permitted in C, M, and PDR Districts as*~~
8 ~~*indicated by the following symbols in the respective columns for each district:*~~

9 ~~*P: Permitted as a principal use in this district.*~~

10 ~~*C: Subject to approval by the City Planning Commission as a conditional use in this district*~~
11 ~~*as provided in Section 303 of this Code.*~~

12 ~~*NA: This listing not applicable to this district, as the same use is listed subsequently for the*~~
13 ~~*district with fewer restrictions.*~~

14 ~~*Blank Space: Not permitted in this district.*~~

15 ~~*(b) The Section titles are intended only as an aid to use of this Code and are not binding as to*~~
16 ~~*interpretation of these Sections. In general, but not in all cases, uses that are more widely permitted in*~~
17 ~~*C, M, and PDR Districts are listed in earlier Sections. Uses listed in an earlier Section shall not*~~
18 ~~*include any use first specifically listed in a later Section. Where the same use is listed as permitted two*~~
19 ~~*or more times for the same district, with different restrictions, the permitted listing with the fewest*~~
20 ~~*restrictions shall prevail for that district.*~~

21 ~~*(c) Determinations as to the classification of uses not specifically listed shall be made in the*~~
22 ~~*manner indicated in Sections 202 and 307(a) of this Code.*~~

23 ~~*(d) Reference should be made to Sections 204 through 204.5 for regulations pertaining to*~~
24 ~~*accessory uses permitted for principal and conditional uses listed in Sections 215 through 227.*~~

~~(e) Reference should also be made to the other Articles of this Code containing provisions relating to definitions, off-street parking and loading, dimensions, areas and open spaces, noneconforming uses, height and bulk districts, signs, historic preservation, and other factors affecting the development and alteration of properties in these use districts.~~

SEC. 210.5. 210.4. M Districts: Industrial

~~SEC. 210.4. M-1 Districts: Light Industrial. These are one of two types of districts providing land for industrial development.~~ In general, the M-1 Districts are more suitable for smaller industries dependent upon truck transportation, while the M-2 Districts are more suitable for larger industries served by rail and water transportation and by large utility lines. In M-1 Districts, most industries are permitted, but some with particularly noxious characteristics are excluded. The permitted industries have certain requirements as to enclosure, screening, and minimum distance from Residential Districts.

~~SEC. 210.6. M-2 Districts: Heavy Industrial.~~ These ~~M-2~~ Districts are the least restricted as to use and are located at the eastern edge of the City, separated from residential and commercial areas. The heavier industries are permitted, with fewer requirements as to screening and enclosure than in M-1 Districts, but many of these uses are permitted only as conditional uses or at a considerable distance from Residential Districts. Most of the land zoned M-2 is controlled by the Port of San Francisco.

Table 210.4

ZONING CONTROL TABLE FOR M DISTRICTS

<u>Zoning Category</u>	<u>§ References</u>	<u>M-1</u>	<u>M-2</u>
<u>BUILDING STANDARDS</u>			
<u>Massing and Setbacks</u>			
<u>Height and Bulk Limits. (See Height and Bulk Map for specific property information)</u>	<u>§§ 102, 105, 106, 250—252, 260, 261, 270, 271.</u>	<u>Varies. See Height and Bulk District Maps</u>	

<u>Front, Rear, and Side Setbacks</u>	<u>§ 132§ 130 §133 § 134</u>	<u>See Residential Standards</u>	
<u>Street Frontage and Public Realm</u>			
<u>Street Frontage Requirements</u>	<u>§ 145.1</u>	<u>Not Required</u>	
<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>As specified in § 145.4, certain streets and districts are required to have "active commercial uses"</u>	
<u>Ground Floor Standards</u>	<u>§145.5</u>	<u>Ground floor spaces with a minimum clear ceiling height of 15 feet required.</u>	
<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>As specified in § 155(r)</u>	
<u>Artworks and Recognition of Artists and Architects</u>	<u>§ 429</u>	<u>Not required</u>	
<u>Miscellaneous</u>			
<u>Large project review</u>	<u>§§ 121.5, 253</u>	<u>none</u>	
<u>Planned Unit Development</u>	<u>§ 304</u>	<u>C</u>	<u>C</u>
<u>Awnings, Canopy or Marquee</u>	<u>§§ 136, 136.1</u>	<u>P</u>	<u>P</u>
<u>Signs</u>	<u>§ 607</u>	<u>As permitted by Section § 607</u>	

<u>Zoning Category</u>	<u>§ References</u>	<u>M-1</u>	<u>M-2</u>
<u>RESIDENTIAL STANDARDS & USES</u>			
<u>Development Standards</u>			
<u>Usable Open Space [Per Dwelling Unit]</u>	<u>§§ 135, 136</u>	<u>At least 36 square feet if private, and 48 square feet per dwelling unit if public.</u>	
<u>Residential Parking Requirements</u>	<u>§§ 151, 161</u>	<u>None required. P up to one space for every two units. C up to three spaces for every four units. NP above.</u>	
<u>Rear Yard Setback</u>	<u>§ § 130, 134</u>	<u>25 percent of the total depth lot depth, but in no case less than 15 feet.</u>	
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Loss of 1-2 units mandatory DR/Loss of 3 or more units C</u>	
<u>Use Characteristics</u>			
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>
<u>Residential Uses</u>			

1 2 3 4 5	<u>Residential Density, Dwelling Units</u>	<u>§ 207</u>	<u>C at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 feet of lot area. Any remaining fraction of one-half or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units. NP above.</u>	
6 7	<u>Senior Housing</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>
8 9 10 11 12 13	<u>Residential Density, Group Housing</u>	<u>§ 208</u>	<u>C at a density ratio not exceeding the maximum density permitted for group housing in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided that the maximum density shall in no case be less than one bedroom per 275 square feet of lot area. Any remaining fraction of one-half or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units. NP above.</u>	

<u>Zoning Category</u>	<u>§ References</u>	<u>M-1</u>	<u>M-2</u>
<u>NON-RESIDENTIAL STANDARDS & USES</u>			
<u>Development Standards</u>			
<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>5 to 1</u>	<u>5 to 1</u>
<u>Off-Street Parking, Non-Residential</u>	<u>§§ 150, 151.</u>	<u>None Required. Maximums set in Planning Code Section 151.1</u>	<u>Minimum parking required per Section 151.</u>
<u>Commercial Use Characteristics</u>			
<u>Drive-up Facility</u>	<u>§102</u>	<u>C</u>	<u>C</u>
<u>Formula Retail</u>	<u>§§102, 303</u>	<u>P</u>	<u>P</u>
<u>Open Air Sales</u>	<u>§102</u>	<u>P</u>	<u>P</u>
<u>Outdoor Activity Area</u>	<u>§102</u>	<u>P</u>	<u>P</u>
<u>Walk-up Facility</u>	<u>§102</u>	<u>P</u>	<u>P</u>
<u>Waterborne Commerce</u>	<u>§102</u>	<u>P</u>	<u>P</u>
<u>Agricultural Use Category</u>			
<u>Agricultural Uses*</u>	<u>§§102, 202.2(c)</u>	<u>P</u>	<u>P</u>
<u>Automotive Use Category</u>			
<u>Automotive Uses*</u>	<u>§§102, 202.2(b)</u>	<u>P</u>	<u>P</u>

1	<u>Parking Garage, Private</u>	<u>§102</u>	<u>C</u>	<u>C</u>
	<u>Parking Garage, Public</u>	<u>§102</u>	<u>C</u>	<u>C</u>
2	<u>Parking Lot, Public</u>	<u>§102, 142, 156</u>	<u>C</u>	<u>C</u>
<u>Entertainment and Recreation Use Category</u>				
3	<u>Entertainment and Recreation Uses*</u>	<u>§102</u>	<u>P</u>	<u>P</u>
<u>Industrial Use Category</u>				
4	<u>Auto Wrecking</u>	<u>§§102, 202.2(d)</u>	<u>C</u>	<u>C</u>
5	<u>Automobile Assembly</u>	<u>§§102, 202.2(d)</u>	<u>P</u>	<u>P</u>
6	<u>Food, Fiber and Beverage Processing 1</u>	<u>§§102, 202.2(d)</u>	<u>P</u>	<u>P</u>
7	<u>Food, Fiber and Beverage Processing 2</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>P</u>
8	<u>Grain Elevator</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>P</u>
	<u>Hazardous Waste Facility</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>C</u>
9	<u>Junkyard</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>P</u>
	<u>Livestock Processing 1</u>	<u>§§102, 202.2(d)</u>	<u>P</u>	<u>P</u>
10	<u>Livestock Processing 2</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>C</u>
	<u>Manufacturing 1, Heavy</u>	<u>§§102, 202.2(d)</u>	<u>P</u>	<u>P</u>
11	<u>Manufacturing 2 Heavy</u>	<u>§§102, 202.2(d)</u>	<u>C</u>	<u>P</u>
	<u>Manufacturing 3, Heavy</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>P</u>
12	<u>Manufacturing, Light</u>	<u>§§102, 202.2(d)</u>	<u>P</u>	<u>P</u>
	<u>Metal Workshop</u>	<u>§§102, 202.2(d)</u>	<u>P</u>	<u>P</u>
13	<u>Ship Yard</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>P</u>
14	<u>Storage Yard</u>	<u>§§102, 202.2(d)</u>	<u>P</u>	<u>P</u>
	<u>Storage, Volatile Materials</u>	<u>§§102, 202.2(d)</u>	<u>NP</u>	<u>C</u>
15	<u>Truck Terminal</u>	<u>§§102, 202.2(d)</u>	<u>C</u>	<u>C</u>
<u>Institutional Use Category</u>				
16	<u>Institutional Uses*</u>	<u>§102</u>	<u>P</u>	<u>P</u>
	<u>Child Care Facility</u>	<u>§102</u>	<u>NP</u>	<u>P</u>
17	<u>Hospital</u>	<u>§102</u>	<u>C</u>	<u>NP</u>
	<u>Medical Cannabis Dispensary</u>	<u>§102, §202.2(g)</u>	<u>NP</u>	<u>NP</u>
18	<u>Post-Secondary Ed. Institution</u>	<u>§102</u>	<u>P</u>	<u>NP</u>
	<u>Residential Care Facility</u>	<u>§102</u>	<u>P</u>	<u>NP</u>
19	<u>School</u>	<u>§102</u>	<u>P</u>	<u>NP</u>
<u>Sales and Service Use Category</u>				
20	<u>Retail Sales and Service Uses*</u>	<u>§102 §202.2(a)</u>	<u>P</u>	<u>P</u>
21	<u>Hotel</u>	<u>§102</u>	<u>C</u>	<u>C</u>
	<u>Massage Establishment</u>	<u>§102</u>	<u>C</u>	<u>C</u>
22	<u>Motel</u>	<u>§102 §202.2(a)</u>	<u>C</u>	<u>C</u>
23	<u>Non-Retail Sales and Service*</u>	<u>§102</u>	<u>P</u>	<u>P</u>
<u>Utility and Infrastructure Use Category</u>				
24	<u>Utility and Infrastructure*</u>	<u>§102</u>	<u>P</u>	<u>P</u>
	<u>Internet Service Exchange</u>	<u>§102</u>	<u>C</u>	<u>C</u>
25	<u>Public Transportation Facility</u>	<u>§102</u>	<u>C</u>	<u>C</u>

<u>Wireless Telecommunication Facility</u>	<u>§102</u>	<u>P(1)</u>	<u>P(1)</u>
* not listed below			

(1) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in 102 for more information.

SEC. ~~234.211.~~ 211. P (Public) Districts.

(a) In addition to the use districts otherwise established by this Code, there shall also be in the City a Public Use District herein referred to as a "P District," to apply to land that is owned by a governmental agency and in some form of public use, including open space.

(b) The purpose of designating such land as a P District on the Zoning Map is to relate the Zoning Map to actual land use and to the Master General Plan with respect to such land. Any lot in a P District may be occupied by a principal use listed in Section 211.1 ~~234.1~~, or by a conditional use listed in Section 211.2 ~~234.2~~, subject to applicable regulations of this Code. Principal uses not identified under Sections 211.1 and 211.2 of this Code are not permitted in any P District including the limitations of Section 290 for OS (Open Space) Districts; provided, however, that on any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning category .83, as defined in Section 790.80 of Article 7.

SEC. ~~234.1.~~ 211.1. PRINCIPAL USES PERMITTED, P DISTRICTS.

The following uses are principally permitted in all P Districts when found to be in conformity with the General Plan:

(a) Structures and uses of governmental agencies not subject to regulation by this Code.

1 (b) Public structures and uses of the City and County of San Francisco, and of other
2 governmental agencies that are subject to regulation by this Code, including Neighborhood
3 Agriculture, as defined in ~~Planning Code~~ Section 102.35 of this Code; and,

4 (c) ~~Accessory~~ nonpublic uses, which in P Districts may or may not be related to the
5 principal use, provided that they meet the following standards:

6 (1) If the accessory nonpublic use is located on a lot with an OS Height and Bulk
7 designation per Section 290 of this Code, it shall occupy a de minimis amount of space so that it does
8 not detract from the lot's principal or exclusive purpose as open space. In no case may accessory
9 nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use;

10 (2) If the accessory nonpublic use is located on a lot without an OS Height and Bulk
11 designation, it shall not occupy more than 1/3 of the total occupied floor area of the principle use;

12 (3) If the accessory nonpublic use is located within 1/4 mile of a Restricted Use
13 Subdistrict listed in Article 2 or 7, then no use prohibited in such Subdistrict may be permitted as an
14 accessory nonpublic use;

15 (4) The accessory nonpublic use is principally permitted within the closest non-
16 Residential District. The closest non-Residential district is defined as the non-Residential zoning
17 district that is the shortest distance between any area occupied by the accessory nonpublic use and a
18 parcel with a non-Residential zoning designation. If there is more than one non-Residential district that
19 meets this definition, the more permissive zoning district shall apply; and,

20 (5) The proposed Accessory use is not a Formula Retail use as defined in Section 102 of
21 this Code.

22 (d) Neighborhood Agriculture, as defined in Section 102 of this Code;

23 (e) City Plazas, as defined in Section 94.1 of the Administrative Code.

1 (f) Any temporary use identified in Sections 205 et seq. of this Code, regardless of the zoning
2 district specified in that Section but subject to the time limits specified in that Section for such
3 temporary use;

4 (g) Any temporary use not considered in Subsection (f) above for which an enabling action is
5 taken by either the Board of Supervisors, the Recreation and Parks Commission, the Municipal
6 Transportation Agency Board of Directors, or other City Board or Commission with jurisdiction over
7 the property. Temporary uses authorized under this Subsection (g) shall be:

8 (A) Limited to a renewable period of no more than three years as approved by the
9 Zoning Administrator, and

10 (B) Be of a nature such that the property on which the temporary use is located can be
11 readily returned to the state in which it existed immediately prior to the commencement of the
12 temporary use.

13 ~~when in conformity with the Master Plan and the provisions of other applicable codes, laws,~~
14 ~~ordinances and regulations; provided, however, that on any lot in a P District, which lot is within 1/4~~
15 ~~mile of the nearest NC-1 or Individual Area Neighborhood Commercial District or Restricted Use~~
16 ~~Subdistrict described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless~~
17 ~~such use or feature complies with the controls which are applicable in any NC-1 or Individual Area~~
18 ~~Neighborhood Commercial District located within 1/4 mile of the lot, excluding the provisions of zoning~~
19 ~~category .82, as defined in Section 790.80 of this Code.~~

20 **SEC. ~~234.2.~~ 211.2. CONDITIONAL USES, P DISTRICTS.**

21 The following uses shall require Conditional Use authorization from ~~be subject to approval~~
22 ~~by the City~~ Planning Commission, as provided in Section 303 of this Code, unless otherwise
23 permitted under Section 211.1 of this Code:

24 (a) For any P District, Social Service and Philanthropic Facility, Child Care Facility, School,
25 Post-Secondary Educational Institution, Religious Institution, Community Facility, Open Recreation

1 Area, Passive Outdoor Recreation and Neighborhood Agriculture as defined in Section 102 of this
2 Code. Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j); 209.4(a); 209.5(a); 209.5(b);
3 209.5(d) if the use does not comply with the performance and operational standards as defined by
4 Section 102.35(a); 209.5(e); 209.6(b); 209.6(e); 209.9(c); and 234.2(e) and (d) of this Code.

5 Additionally, Neighborhood Agriculture, as defined in Section 102 of this Code, if it does not comply
6 with the performance and operational standards contained in Section 202.2(c.)

7 (b) For P Districts located within the right-of-way of any State or federal highway:

8 (1) Parking lot or garage uses when: (A) adjacent to any Eastern Neighborhoods Mixed
9 Use Districts, or the South of Market Mixed Use District, or (B) within the Market and Octavia Plan
10 Area.

11 With respect to any lot in a P District, which lot is within ¼ mile of the nearest NC-1 or
12 Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory
13 nonpublic use shall be permitted, unless such use or feature complies with the controls which are
14 applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use
15 Subdistrict located within ¼ mile of the lot, excluding the provisions of zoning category .82, as defined
16 in Section 790.80 of Article 7.

17 (c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code when
18 located within any P district within the Eastern Neighborhoods Mixed Use District, the South of Market
19 Mixed Use District, the Market and Octavia Plan Area, and within the right-of-way of any State or
20 federal highway.

21 (d) In any P District which is within the Eastern Neighborhoods Mixed Use District and the
22 South of Market Mixed Use District, if the use is located within the right-of-way of any State or federal
23 highway, the following uses: (1) (2) Retail and personal service uses primarily meeting the
24 needs of commuters on nearby streets and highways or persons who work or live nearby,
25 provided that:

- 1 (A) The space is on the ground floor of a publicly-accessible parking
- 2 garage;
- 3 (B) The total gross floor area per establishment does not exceed 2,500
- 4 square feet;
- 5 (C) The space fronts on a major thoroughfare; and
- 6 (D) The building ~~faeade~~ façade incorporates sufficient fenestration and
- 7 lighting to create an attractive urban design and pedestrian-oriented scale.

8 (c) Additionally, on property with a P District designation that the City and County of San
 9 Francisco owns, any use not otherwise principally permitted in a P district as set forth in Section 234.1
 10 of this Code shall be permitted with conditional use authorization, except for:

- 11 (1) Residential uses;
- 12 (2) Any use first permitted in a M-2 District; and
- 13 (3) Formal Retail uses where the subject P zoned lot is within ¼ of a mile of a zoning
 14 district that prohibits Formula Retail.

15 ~~(2) Open air sale of new or used merchandise, except vehicles, located within a publicly-~~
 16 ~~accessible parking lot, provided that:~~

- 17 ~~(A) The sale of goods and the presence of any booths or other accessory appurtenances~~
 18 ~~are limited to weekend and/or holiday daytime hours;~~
- 19 ~~(B) Sufficient numbers of publicly-accessible toilets and trash receptacles are provided~~
 20 ~~on-site and are adequately maintained; and~~
- 21 ~~(C) The site and vicinity are maintained free of trash and debris.~~

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23 **~~SEC. 215. DWELLINGS.~~**

€	€	€	€	€	€	€	€	MMPD	PD	PD	PD													
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			(SD)																
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P	P	P	P	P	P	P	P	C	C	C									

SEC. 215. DWELLINGS.

~~—(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of 1/2 or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.~~

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~~or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.~~

SEC. 217. INSTITUTIONS.

C	C	C	C-3-O	C	C	C	MMPD	PDR	PDR	PD											
1	2	3	O(SD)	3	R	3	G	3	S	M	1	2	R	1	G	1	D	1	B	R	2

C	C	C	C	C	C	C	C	C	C	C												

SEC. 217. INSTITUTIONS.

~~(a) Hospital, medical center or other medical institution which includes facilities for inpatient or outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.~~

P	P	P	P	P	P	C	P	P
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~~(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall~~

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						desig- nated land mark build- ings.	desig- nated land mark build- ings.			
						NP, unless in a desig- nated land- mark build- ing. P	NP, unless in a desig- nated land- mark build- ing. P	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.
						NP, unless in a desig- nated land- mark build- ings.	NP, unless in a desig- nated land- mark build- ings.	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.

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									<i>mark</i>	<i>mark</i>				
									<i>build-</i>	<i>build-</i>				
									<i>ing. P</i>	<i>ing. P</i>				
									<i>desig-</i>	<i>desig-</i>				
									<i>nated</i>	<i>nated</i>				
									<i>land</i>	<i>land</i>				
									<i>mark</i>	<i>mark</i>				
									<i>build-</i>	<i>build-</i>				
									<i>ings.</i>	<i>ings.</i>				
														<i>Subject to limitations of Section 121.8</i>

SEC. 219.1. ALLOWANCE FOR USES TO SUPPORT THE DEVELOPMENT OF NEW PDR SPACE IN THE PDR-1-D AND PDR-1-G DISTRICTS.

(c) **Controls.** The Planning Commission may permit, per the procedures described below in Subsection (d), non-PDR uses on the subject lot pursuant to the following provisions:

(2) For purposes of this Subsection, every square foot of Small Enterprise Workspace, as defined in Section 102 227(+), shall count as 0.5 square feet of PDR space and 0.5 square feet of non-PDR space as specified in Subsection (3) below.

~~SEC. 220. LAUNDRING, CLEANING AND PRESSING.~~

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		SD						I	I	2
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								G	D	

											SEC. 220. LAUNDERING, CLEANING AND PRESSING.
P	P	P	P	P	P	P	P	P	P	P	(a) Automatic laundry, as defined in Part II, Chapter V (Health Code) of the San Francisco Municipal Code.
P	P	P	P	P	P	P	N	N	N	P	(b) Establishment for hand ironing only, not employing more than five persons.
									P		(c) Dry cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:
P	N	N	N	N	N	N	N	N	N	P	(1) The establishment has only a central cleaning unit with a rated load factor of no more than 40 pounds and operated by employees of the establishment; or
									2,500	gsf	(2) The dry cleaning is done by the customer using self service cleaning units or equivalent equipment, where

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SEC. 222. HOME AND BUSINESS SERVICES.

~~The term "shop" as used in this section shall include only the establishments of artisans dealing at retail directly with the consumer and concerned primarily with custom trade.~~

~~(a) Household repair shop.~~

~~(b) Interior decorating shop.~~

~~(c) Upholstering shop.~~

~~(d) Sign painting shop.~~

~~(e) Carpenter shop.~~

~~(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used. (See also Section 225.)~~

~~(g) Catering establishment.~~

~~(h) Printing shop.~~

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											SEC. 223. AUTOMOTIVE.
P	P	P	P	P	P	P	P	P	P	P	—(a) Sale or rental of new or used automobiles, when conducted entirely within an enclosed building.
P			P	P	P	P	P	P	P	P	—(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.
C*			C	C	P	P	P	P	P	P	—(c) Lot for sale or rental of new or used automobiles.
C*			C	C	P	P	P	P	P	P	—(d) Lot for sale or rental of new or used trucks.
C*			C	C	P	P	P	P	P	P	—(e) Sale or rental of new or used automobile trailers.
NA			NA	NA	NA	NA	NA	NA	NA	NA	—(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:
											—(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;
											—(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and generator charging rate;
											—(3) Installation of lamp globes, sparkplugs, oil filter or

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												<i>filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;</i>
												— (4) The servicing and repairing of tires and batteries;
												— (5) The installation and servicing of smog control devices; and
												— (6) Automobile washing and polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam cleaning device.
<i>P*</i>												— (g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:
												— (1) Tuneup, including the repair or replacement of distributors, sparkplugs and carburetors;
												— (2) Brake repair;
												— (3) Shock absorber replacement;
												— (4) Muffler exchange, with no open flame or torch;
												— (5) Wheel balancing and alignment;
												— (6) Wheel bearing and seals replacement;
												— (7) Replacement of universal joints;

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				P	P	P	P	P							—(k) Tire recapping, if conducted on premises not less than 200 feet from any R District.
P*				€	P	P	P	€	€						—(l) Parking lot, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.
P	€	€	€	€	P	P	P	€	€						—(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.
€*	€	€	€	€	P	P	P	€	€						—(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.
P*	P	P	P	P	P	P	P	P	P	P					—(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.
P	€	€	€	€	P	P	P	€	€						—(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this

																			<p>from said date unless a conditional use authorization for such operation has been granted pursuant to this Code; provided, however, that no such automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than 1½ years from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code. The term "automobile wrecking operation" as used herein shall mean the disassembling, dismantling, junking or "wrecking" of motor vehicles of any type, or the storage of such vehicles not in operable condition.</p>
							€	€											<p>(g) Hazardous waste facility, when conducted not less than 200 feet from any R or NC District, which shall mean all contiguous land and structures, other appurtenances and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off-site facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.</p>

~~SEC. 226. MANUFACTURING AND PROCESSING.~~

1										—(3)— That no machine shall be used that has more than five horsepower capacity.
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3										—(b)— Light manufacturing which occupies not more than ½ the ground story of the building and involves or requires no machine that has more than five horsepower capacity, if conducted
4										entirely within an enclosed building; provided,
5										that no part of a building so occupied shall have any opening, other than fixed windows and exits
6										required by law, within 20 feet of any R District.
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11										—(c)— Light food processing for delicatessen, catering or restaurant supply, if conducted
12										entirely within an enclosed building; provided,
13										that no part of a building so occupied shall have any opening, other than fixed windows or exits
14										required by law, within 20 feet of any R District.
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18										—(d)— Light manufacturing, not including any use first specifically listed below.
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21										—(e)— Industrial or chemical research or testing laboratory, not involving any danger of explosions.
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24										—(f)— Life Science laboratory (as defined in Sections 890.52 and 890.53).
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1										—(8)— Woodworking mill, manufacture of wood fibre, sawdust or excelsior products not involving chemical processing.
2										—(i)— Manufacture of cereals, distilled liquors, felt or shoddy, hair or hair products, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, structural clay products, meat products, not including any use first specifically listed below.
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6										—(j)— Flour mill.
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8										—(k)— Sugar refinery.
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10										—(l)— Wool pulling or scouring.
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12										—(m)— Blast furnace, rolling mill, smelter.
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14										—(n)— Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of paris, explosive, fertilizer, glue or gelatine from fish or animal refuse.
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18										—(o)— Production or refining of petroleum products.
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20										—(p)— Steam power plant.
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22										—(q)— Shipyard.
23										
24										—(r)— Live storage, killing or dressing of poultry or rabbits for retail sale on the premises, if
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1 ~~(4) Any increase greater than five percent in the emission rate or the total annual tons~~
2 ~~of emission for particulate precursors, ozone precursors or greenhouse gases;~~

3 ~~(5) A greater than five percent increase in the volume of regulated substances used on-~~
4 ~~site on a monthly basis, or in the volume of regulated substances stored on site or in the volume of~~
5 ~~regulated substances transported to the site on a monthly basis; or~~

6 ~~(6) Improvements to any power generation unit costing more than 25 percent of the~~
7 ~~assessed value of the same unit prior to improvement.~~

8 ~~(e) **Criteria.** In acting on any application for conditional use authorization for a power plant~~
9 ~~under Section 226(p), the Commission shall consider the conditional use authorization requirements set~~
10 ~~forth in Article 3 of the Planning Code and, in addition, shall only approve an application for a~~
11 ~~conditional use authorization if facts are presented to establish that, on the basis of the record before~~
12 ~~the Commission:~~

13 ~~(1) The benefits to the City's energy system resulting from the energy generated by the~~
14 ~~proposed power plant cannot be obtained in a reasonable time from a technically and economically~~
15 ~~feasible power plant and/or energy conservation project that would have materially fewer potential~~
16 ~~environmental impacts considering, but not limited to, the following: (a) emissions of criteria air~~
17 ~~pollutants and greenhouse gas emissions; (b) stormwater and wastewater discharges; and (c) noise and~~
18 ~~vibration impacts.~~

19 ~~(2) A newly proposed power plant use would not directly and adversely impact existing~~
20 ~~or reasonably foreseeable adjoining land uses, or, as applied to a prior nonconforming use, the~~
21 ~~extension of the power plant use or the increase in intensity of the use would not result in increased~~
22 ~~direct and adverse impacts on existing or reasonably foreseeable adjoining land uses; and~~

23 ~~(3) Granting conditional use authorization would not reasonably be expected to leave~~
24 ~~known contamination in place in such a way that would prolong or increase public health risks~~

1 associated with such contamination at levels inconsistent with a risk-based remediation consistent with
 2 the proposed power plant use; and

3 (4) ~~Granting conditional use authorization would not reasonably be expected to~~
 4 ~~preclude future redevelopment and reuse of the property for non-power plant uses.~~

5 (d) ~~Written Findings.~~ ~~The Planning Commission shall make detailed written findings~~
 6 ~~explaining the basis for its decision under this Section.~~

7 (e) ~~Severability.~~ ~~In the event that a court or agency of competent jurisdiction holds that federal~~
 8 ~~or state law, rule or regulation invalidates any clause, sentence, paragraph of this Section or the~~
 9 ~~application thereof to any person or circumstances, it is intended that the court or agency sever such~~
 10 ~~clause, sentence, paragraph or section so that the remainder of this Section shall remain in effect.~~

11 **SEC. 227. OTHER USES.**

- 23 ~~(a) Greenhouse.~~
- 24 ~~(b) Urban Agriculture.~~

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SEE SECTIONS 205 THROUGH 205.2														
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P	P	P	P	P	P	P	P	P	P	r	5,000	2,500	gsf	2,500
										2,50	gsf	per	lot;	gsf per
										0	gsf	per	and	lot and

~~(n) Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.~~

~~(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)~~

~~(p) Arts activities.~~

~~(q) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.~~

~~(r) Internet Services Exchange as defined in Section 209.6(c).~~

~~(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~~

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~~the building must contain no more than 500 gross square feet each, while the remaining fifty percent of the units in the building must contain no more than 2,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (E) below~~

~~— (E) An S.E.W. building may contain units larger than 2,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is one identified in Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p) of this Code. Such PDR units may be independently accessible from the street.~~

~~— (F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit~~

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~~(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. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section 3301(f) of the San Francisco Health Code, are not Tobacco~~

1 (a) A ~~h~~Hotel, ~~inn or hostel,~~ as defined in Section 102 described in Section 209.2(e) of this
2 Code, may be permitted by the ~~City~~ Planning Commission as a conditional use under Section
3 303 of this Code.

4 (b) In connection with any permitted principal or conditional use located in such
5 ~~s~~Special ~~u~~Use ~~d~~District, incidental commercial uses may be permitted by the ~~City~~ Planning
6 Commission as a conditional use under Section 303 of this Code, if designed primarily for
7 occupants of and visitors to the use to which they are incidental, accessible to the general
8 public only from within the building, and not identified outside the building by means of any
9 sign or signs.

10 (c) A Private Community Facility ~~private lodge, private clubhouse, private recreational facility~~
11 ~~or community facility other than as specified in Planning Code Subsection 209.4(a) of~~ as defined in
12 Section 102 of this Code, and ~~that which~~ is not operated as a gainful (for-profit) business may
13 be permitted by the Planning Commission as a conditional use under Section 303 of this
14 Code.

15 (d) Eating and ~~d~~Drinking uses as defined in Section 102 ~~790.34~~ of this Code, with the
16 exception of Eating and Drinking uses that are also defined as Formula Retail ~~large fast food~~
17 ~~restaurants as defined in Section 790.90 of this Code,~~ may be permitted by the Planning
18 Commission as a conditional use under Section 303 of this Code. The limitations on design,
19 accessibility, and identification set forth in Subsection (b) above shall not apply to such uses
20 hereby permitted.

21 (e) Signage for principal permitted uses or for ~~e~~Eating and ~~d~~Drinking uses within the
22 Nob Hill Special Use District shall be limited as per ~~Planning Code~~ Section 606 of this Code with
23 the exception that projecting signs in the form of sign copy on canopies and awnings shall be
24 permitted for ~~e~~Eating and ~~d~~Drinking uses in lieu of wall signs unless otherwise limited as a
25 condition of approval of a conditional use authorization.

1 (f) The various uses provided for in Subsections 238(a) through 238(e) above are not
2 permitted in any portion of a building ~~that~~ ~~which~~ is devoted to a ~~d~~Dwelling ~~u~~Unit or to ~~g~~Group
3 ~~h~~Housing as defined in Section ~~102~~ ~~209.2(a)~~ of this Code.

4 ~~(g) Awnings, canopies, and marquees, as regulated in Section 136.3 of this Code, shall be~~
5 ~~permitted in the Nob Hill Special Use District.~~

6 **SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICTS.**

7 In order to provide for certain areas with special traffic and parking considerations,
8 many existing buildings of small scale and established character ~~that~~ ~~which~~ have been and will
9 be retained and converted, and certain wholesaling activities carried on with distinct benefit to
10 the ~~e~~City, there shall be two Washington-Broadway Special Use Districts, Numbers 1 and 2,
11 as designated on Sectional Map No. ~~+~~SU01* of the Zoning Map *of the City and County of San*
12 *Francisco*. The following provisions shall apply within such ~~s~~Special ~~u~~Use ~~d~~Districts:

13 (a) There shall be certain exemptions from off-street parking requirements, as
14 provided in Section 161(d) of this Code.

15 (b) No permitted use shall include a Drive-up Facility, as defined in Section 102 of this
16 Code, an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with
17 the exception of ~~automobile~~ Automotive ~~s~~Service ~~s~~Stations.

18 (c) A Public Auto ~~p~~Parking ~~l~~Lot, or a Public Auto Parking storage ~~g~~Garage ~~open to the~~
19 ~~public for passenger automobiles~~ if not a public building requiring approval by the Board of
20 Supervisors under other provisions of law, shall be permitted only upon approval by the
21 Planning Commission as a conditional use under Section 303 of this Code.

22 (d) In Washington-Broadway Special Use District Number 2 only, ~~a~~ ~~w~~Wholesale Sales
23 uses ~~establishment~~ conducted entirely within an enclosed building shall be permitted as a
24 principal use.

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

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

2 (a) ~~Maritime Uses and Related Accessory Uses Related to Maritime Uses. Maritime uses~~
3 ~~within Waterfront Special Use District No. 1 include those uses that require access to or use of San~~
4 ~~Francisco Bay waters in order to function or operate in the normal course of business, including but~~
5 ~~not limited to those uses associated with waterborne commerce, navigation, fisheries and recreation,~~
6 ~~and industrial, commercial and other operations directly related to the conduct of waterborne~~
7 ~~commerce, navigation, fisheries and recreation.~~ A related minor use ~~that which~~ is identified as an
8 acceptable, existing, or interim land use in the Waterfront Land Use Plan adopted by the Port
9 Commission and ~~that which~~ is either necessary to the operation or enjoyment of a ~~m~~Maritime
10 ~~Use, as defined in Section 102 of this Code,~~ or is appropriate, incidental, and subordinate to any
11 such use, shall be permitted as an accessory use when located on the same lot, provided that
12 the use does not involve the use of more than ~~one-third 1/3~~ of the site area occupied by such
13 use and the principal or conditional use to which it is accessory, except in the case of
14 accessory off-street parking and loading.

15 (b) Principal uses shall include:

16 (1) Maritime ~~Uses~~ as defined ~~in Section 102 of this Code~~ ~~above in paragraph (a)~~
17 ~~shall be permitted as principal uses;~~

18 (2) Any use ~~that which~~ is listed in ~~the this~~ Code as a permitted use in the district
19 established by Section 201 applicable to the particular property involved shall be permitted as
20 a principal use if the use is identified as an acceptable, existing, or interim land use in the
21 Waterfront Land Use Plan adopted by the Port Commission.

22 (c) Conditional uses shall include any use ~~that which~~ is listed in ~~the this~~ Code as a
23 conditional use in the district established by Section 201 applicable to the particular property
24 involved, provided that the use is identified as an acceptable, existing, or interim land use in
25 the Waterfront Land Use Plan adopted by the Port Commission. The specific use or uses

1 requiring a conditional use within a project, and not the project in its entirety, shall be subject
2 to the provisions set forth in Section 303 and Article 3.5 of this Code and Subsection (d),
3 below.

4 (d) Any use, other than ~~m~~Maritime ~~u~~Uses defined ~~described~~ in Section 102 of this Code
5 ~~Subsection (b)(1) of this Section, that~~ ~~which~~ is listed in this Code as a permitted use or conditional
6 use in the use district established by Section 201 applicable to the particular property
7 involved, that involves (1) new construction or (2) substantial exterior alterations visible from
8 the street or other major public site, excluding minor changes including but not limited to
9 maintenance, alterations, and repairs involving replacing features with similar features or
10 adding similar features; restoration of preexisting conditions; and signs, awnings, or canopies,
11 shall be subject to review of the urban design of the proposed use under the waterfront design
12 review process, as provided under Section 240(c) of this Code.

13 (e) In considering any application in this special use district under Section 303 of this
14 Code, the Planning Commission shall consider the following criteria in lieu of the criteria set
15 forth in Section 303(c):

16 (1) That such use or feature as proposed is consistent with the Waterfront Land
17 Use Plan (WLUP) adopted by the Port Commission, including any amendments thereto which
18 the Planning Commission has found to be consistent with the General Plan;

19 (2) That such use or feature as proposed is consistent with the WLUP
20 Waterfront Design and Access goals, policies, and criteria adopted by the Port Commission,
21 including any amendments thereto which the Planning Commission has found to be
22 consistent with the General Plan;

23 (3) Provision to the extent feasible, along the sea wall and along the perimeters
24 of piers or platforms, of public access and of open spaces available for public use and suitable
25 for viewing purposes or water-oriented recreation;

1 (4) Limitation of water coverage in the Northern Waterfront area from the Hyde
2 Street Pier to Pier 46 so as not to exceed the degree of coverage by piers as existing at the
3 effective date of this Section;

4 (5) Construction of new piers or platforms so that the water's edge shall be
5 maintained at the sea wall where feasible;

6 (6) Provision or maintenance of view corridors along streets into the Bay, and of
7 panoramic views, in accordance with the view policies of the Northeastern Waterfront Plan, a
8 part of the General Plan; and

9 (7) Development over the water generally on piers or platforms rather than on
10 fill.

11 (f) Off-street parking requirements may be modified by the Planning Department and
12 Planning Commission, as provided in Section 161(f) of this Code.

13 (g) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section
14 124(e) of this Code. To calculate the floor area ratio on piers under the jurisdiction of the Port
15 Commission, all building permit applications shall include a map of the lot or lease area with
16 precise boundaries showing its location on the pier under consideration. The proposed lot
17 shall be reviewed and approved as part of the building permit and be the basis for further
18 alterations or expansions of the structure.

19 **SEC. 241. DOLORES HEIGHTS SPECIAL USE DISTRICT.**

20 In order to preserve and provide for an established area with a unique character and
21 balance of built and natural environment, with public and private view corridors and
22 panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent
23 unreasonable obstruction of view and light by buildings or plant materials, and to encourage
24 development in context and scale with established character and landscape, there shall be a
25 Dolores Heights Special Use District as designated on Section al Map No. 7 SU07 of the

1 Zoning Map *of the City and County of San Francisco*. In this ~~a~~District, all provisions of the ~~City~~
2 Planning Code applicable in RH-1 Districts shall continue to apply except that rear yard and
3 height limit provisions of this Section 241 shall be substituted for rear yard and height limit
4 provisions found elsewhere in this Code.

5 (a) The minimum rear yard depth shall be equal to 45 percent of the total depth of the
6 lot on which building is situated, but in no case shall the rear yard be less than 25 feet deep.

7 (b) No portion of a building shall exceed a height of 35 feet above the existing grade of
8 the lot, with the intent that the building shall be contained within an envelope that slopes
9 upward or downward with the slope of the property. The "height of a building" for purposes of
10 this Section, shall be measured in the manner described in Section ~~260 102.12~~ of ~~the City~~
11 ~~Planning this~~ Code, whether the lot being measured slopes upward or downward from the
12 street.

13 (c) Variances may be granted from the rear yard and height limit provisions in
14 Paragraphs (a) and (b) above in accordance with procedures specified in Section 305 of ~~this~~
15 ~~the City Planning~~ Code provided that no such variance shall permit a building to have a height
16 in excess of that otherwise permitted in an RH-1 District.

17 **SEC. 243. VAN NESS SPECIAL USE DISTRICT.**

18 (a) **General.** A Special Use District entitled the Van Ness Special Use District, the
19 boundaries of which are shown on Sectional Map No. ~~2~~SU02 of the Zoning Map *of the City and*
20 *County of San Francisco*, is hereby established for the purposes set forth below.

21 (b) **Purposes.** In order to implement the objectives and policies of the Van Ness
22 Avenue Area Plan, a part of the General Plan, which includes ~~(i)~~ (1) creation of a mix of
23 residential and commercial uses on the boulevard, ~~(ii)~~ (2) preservation and enhancement of
24 the pedestrian environment, ~~(iii)~~ (3) encouragement of the retention and appropriate
25 alteration of architecturally and historically significant and contributory buildings, ~~(iv)~~ (4)

1 conservation of the existing housing stock, ~~(v)~~ (5) enhancement of the visual and urban design
2 quality of the street, and ~~(vi)~~ (6) the establishment of an area appropriate for a medical center
3 use (the "Van Ness Medical Use Subdistrict") to support citywide and regional health care at
4 the transit nexus of Van Ness Avenue and Geary Boulevard; the following controls are
5 imposed in the Van Ness Special Use District.

6 (c) **Controls.** All provisions of the ~~City~~ Planning Code applicable to an RC-4 District
7 shall apply except as otherwise provided in this Section.

8 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in
9 the 130-foot height district and at the hospital site within the Van Ness Medical Use
10 Subdistrict, and 4.8:1 in the 80-foot height district. These limits shall apply to dwellings
11 notwithstanding Section 124(b) of this Code, including floor space used for nonaccessory off-
12 street parking, driveways, and maneuvering areas. The floor area ratio may be increased to
13 up to 7.5:1 for a medical office building if located within the Van Ness Medical Use Subdistrict.
14 For definitions of ~~f~~Floor ~~a~~Area ~~r~~Ratio and ~~g~~Gross ~~f~~Floor ~~a~~Area, see Sections ~~102.11 and 102.9,~~
15 ~~respectively~~. The provisions allowing a floor area premium set forth in Section 125(a) shall not
16 apply in the Van Ness Special Use District.

17 (2) **Housing Density.** The restrictions on density set forth in the Zoning Control
18 Tables Sections 207, 207.1, 208, 209.1 and 209.2 of this Code shall not apply.

19 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. HT02. See
20 Section 270 of this Code for bulk limits. However, medical centers within the Van Ness
21 Medical Use Subdistrict subject to otherwise applicable standards for bulk limits per Section s
22 270 and 271(c)(2) shall be permitted to exceed such standards to allow for unique massing
23 and volume required for medical facilities, if authorized as a Conditional Use pursuant to
24 Section 303 of this Code, in lieu of findings otherwise required under Section 271 of this
25 Code.

1 (4) **Awnings, Canopies, and Marquees.** ~~Awnings, canopies and marquees, as~~
2 ~~defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the Building Code~~
3 ~~and Sections 243(e)(5), 136.2 and 607.3 of this Code, are permitted. However, m~~Medical centers
4 within the Van Ness Medical Use Subdistrict subject to otherwise applicable standards for
5 awnings per Section 136.1 of this Code shall be permitted to exceed such standards to allow
6 for coverage of patient drop-off and entry areas.

7 (5) Medical Centers within the Van Ness Medical Use Subdistrict subject to
8 otherwise applicable standards for obstructions over streets or alleys per ~~s~~Section 136(c)(1)(B)
9 of this Code shall be permitted to exceed such standards for vertical dimensions and
10 horizontal projections for architectural features to provide visual interest, achieve appropriate
11 articulation of building faeçades, and reduce pedestrian level wind currents.

12 ~~(6) Signs.~~

13 ~~(A) Signs located within the Van Ness Special Use District, with the exception~~
14 ~~of the Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in~~
15 ~~Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which governs~~
16 ~~signs located in the Van Ness Special Sign District.~~

17 ~~(B) Signs on structures designated as landmarks under the provisions of Section~~
18 ~~1004 shall be regulated as provided in Section 607.3(d).~~

19 (6) (7) Rear Yards. The requirements of this Code applicable to rear yards may
20 be modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
21 following conditions are met:

22 (A) The interior block open space formed by the rear yards of abutting
23 properties will not be adversely affected; and

24 (B) A comparable amount of usable open space is provided elsewhere
25 on the lot or within the development where it is more accessible to residents; and

1 (C) The access of light and air to abutting properties will not be
2 significantly impeded.

3 This provision shall be administered pursuant to the procedures that ~~which~~ are
4 applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

5 ~~(7)~~ **(8) Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet
6 shall be regulated as provided in Section 253.2 of this Code.

7 ~~(8)~~ **(9) Limitation of Nonresidential Uses.**

8 (A) **Residential Uses; Ratio Established.** In newly constructed
9 structures, nonresidential uses shall only be permitted if the ratio between the amount of net
10 additional occupied floor area for residential uses, as defined in this paragraph below, to the
11 amount of occupied floor area for nonresidential uses in excess of the occupied floor area of
12 structures existing on the site at the time the project is approved is 3 to 1 or greater. In
13 additions to existing structures that ~~which~~ exceed 20 percent of the gross floor area of the
14 existing structure, nonresidential uses shall be permitted in the addition in excess of 20
15 percent only if the ratio between the amount of occupied floor area for residential use, as
16 defined in this paragraph below, to the area of occupied floor area for nonresidential use is 3
17 to 1 or greater. This residential use ratio shall not apply to development sites in the Van Ness
18 Special Use District that ~~which~~ have less than 60 feet of street frontage on Van Ness Avenue
19 and have no street frontage other than the Van Ness Avenue frontage. For purposes of this
20 Section, "nonresidential uses" shall mean any use not defined as a Residential Use in Section 102
21 and principally or conditionally permitted in the Van Ness Special Use District. ~~those uses described~~
22 ~~in Sections 209.2(d) and (e) (hotel, inn, hostel), 209.3(a) (hospital, medical center or other medical~~
23 ~~institution with in patient care facilities), 209.4 (community facilities), 209.6 (public facilities and~~
24 ~~utilities), 209.7 (vehicle storage and access) and 209.8 (commercial establishments); in the Automotive~~
25 ~~Special Use District nonresidential uses include automotive uses as described in Section 237;~~

1 ~~"residential use"~~ Residential Use is defined in Section 102 of this Code. ~~shall mean those uses~~
2 ~~described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling units and group housing).~~

3 (B) **Reduction of Ratio of Residential Uses for Affordable Housing.**

4 The Planning Commission may modify the Van Ness Special Use District residential to
5 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional
6 use in one of the following ways:

7 (i) **In-Lieu Fee.** By conditional use, the developer may elect to
8 fulfill the obligation to build housing by paying an in-lieu fee to the Affordable Housing Fund as
9 provided in Section 413 of this Code. No more than a 50 percent reduction of the required
10 housing for a specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall
11 provide affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu
12 fee shall be determined by the following formula:

13 (1) $(\text{Lot Area} \times \text{FAR})/4 \times 3 =$

14 Residential SQ. FT. Requirement

15 (2) Residential SQ. FT.

16 Requirement - Residential SQ. FT.

17 Developed = LOSS

18 (3) $\text{LOSS} \times \$15 = \text{In-Lieu Fee}$

19
20 (ii) **Providing Affordable Housing.** By conditional use, the
21 developer may reduce up to 50 percent of the required amount of on-site housing by
22 maintaining a portion of that housing as permanently affordable for the life of the project.
23 Affordable units shall be managed by a nonprofit housing agency through a duly executed
24 agreement between the project sponsor, the nonprofit agency, and the Planning Department.
25 The mix of affordable units retained in the project shall conform to the overall dwelling unit

1 size mix of the project. The portion of retained residential ~~that~~ ~~which~~ shall be affordable will be
 2 determined by calculating the number of market rate units ~~that~~ ~~which~~ could be subsidized by
 3 the amount of "in-lieu fee" calculated in Paragraph (i) above. The number of square feet of
 4 affordable housing shall be calculated in the following manner:

$$\begin{array}{rcl}
 \text{(1) In-Lieu Fee} & \text{Square Feet of} & \\
 & \text{Affordable Housing} & \\
 \$30/\text{square foot} & = & \text{Retained in the} \\
 \text{subsidy} & & \text{Project}
 \end{array}$$

10 (iii) **Annual Reporting, Evaluation, and Adjustments to**
 11 **Affordability and Fee Calculations.** The Department shall report annually to the Planning
 12 Commission on the activity and utilization of Section 243(~~4C~~)(8)(B). Based on an evaluation of
 13 this report, the Planning Commission may initiate a modification or deletion of Section
 14 243(~~4C~~)(8)(B). The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this
 15 Subsection shall be subject to annual adjustments in accord with Section 413.6(1) of this
 16 Code. Affordability shall be defined by rents or sale prices affordable by households with no
 17 more than 80 percent of median income standards developed by HUD.

18 (iv) If the *Planning* Commission finds that taking into consideration
 19 projects constructed since the effective date of the Van Ness Special Use District and the
 20 housing development potential remaining in the District the overall objective of adding a
 21 substantial increment of new housing on Van Ness Avenue will not be significantly
 22 compromised, the Commission may by conditional use modify the 3:1 housing ratio or may
 23 modify the rules regarding the timing and location of linked projects if in addition to Section
 24 303(c) standards of this Code it finds that:

1 (1) The project is to provide space for expansion of an
2 established business from an adjacent site (for this purpose two sites separated by an alley
3 shall be deemed to be adjacent); or;

4 (2) The project is to provide space for an institutional, hotel,
5 medical, cultural, or social service use meeting an important public need which cannot
6 reasonably be met elsewhere in the area; and

7 (3) Housing cannot reasonably be included in the project
8 referred to in (1) and (2) above.

9 The Commission shall consider the feasibility of requiring the project to be constructed
10 in such a manner that it can support the addition of housing at some later time.

11 (C) **Off-Site Provision of Required Residential Space.** For the
12 purpose of calculating the 3 to 1 ratio between residential and nonresidential use, two or more
13 projects for new construction within the Van Ness Special Use District may be considered and
14 approved together as linked projects. The requirements of Paragraph (A) above may be
15 satisfied if the aggregate amount of occupied floor area for residential use in two or more
16 linked projects is at least three times greater than the aggregate amount of occupied floor
17 area for nonresidential use.

18 (i) Those building permit applicants who wish to link two or more
19 projects for the purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with
20 the Planning Department a statement of intent identifying the applications covering the
21 projects that are to be considered and approved together;

22 (ii) When the Planning Department approves an application for a
23 project containing only nonresidential use and the project is linked to one or more other
24 projects pursuant to the statement of intent filed with the Department, it shall include as a
25 condition of approval a requirement prohibiting the project sponsor from commencing any

1 work on the site until the Zoning Administrator issues a written determination that such work
2 may proceed. The Zoning Administrator shall not issue such a determination until those
3 permits authorizing the projects containing residential use have been issued and foundations
4 have been completed at each such site;

5 (iii) If a permit for a project containing nonresidential use expires
6 because of delays in the completion of foundations for linked projects containing residential
7 uses, new permits may be approved for the nonresidential project within three years of such
8 expiration without regard to the 3 to 1 residential ratio requirement if a Temporary Certificate
9 of Occupancy or a Permit of Occupancy has been issued for each project containing
10 residential use;

11 (iv) No building or portion of a building approved as a linked
12 project that contains residential use required to meet the 3 to 1 residential to nonresidential
13 ratio requirement shall be used for any nonresidential purposes; provided, however, that this
14 restriction shall no longer apply if 50 percent or more of the non-residential occupied floor
15 area in the linked projects has been converted to residential use, or has been demolished, or
16 has been destroyed by fire or other act of God;

17 (v) The Zoning Administrator shall impose as a condition of
18 approval of a permit authorizing the residential uses of linked projects the requirement that the
19 owner record in the land records of the property a notice of restrictions, approved as to form
20 by the Zoning Administrator, placed on the use of the property by this Section.

21 (D) **Nonconforming Uses.** A use which existed lawfully at the effective
22 date of this Section and which fails to conform to the use limitation of Section 243(~~4c~~)(8)(A)
23 above, shall be considered a nonconforming use and subject to the provisions of Sections 180
24 through 188 of this Code, including the provisions of Section 182 regarding change of use,
25 except as follows:

1 (i) In calculating the cost of structural alterations pursuant to
2 Section 181(b)(4), the cost of reinforcing the building to meet the standards for seismic loads
3 and forces of the 1975 Building Code shall not be included; and

4 (ii) Notwithstanding the provisions of Section 181(b), the structure
5 occupied by the nonconforming use may be enlarged by an amount equal to 20 percent of the
6 gross floor area of the existing structure.

7 (E) **Demolitions.** All demolitions of buildings containing residential use
8 and all conversions from residential uses to nonresidential uses above the ground floor shall
9 be permitted only if authorized as a conditional use under Section 303 of this Code, unless the
10 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
11 and Public Safety determines that the building is unsafe or dangerous and that demolition is
12 the only feasible means to secure the public safety. When considering whether to grant a
13 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in
14 ~~Planning Code~~ Section 303 of this Code, consideration shall be given to the adverse impact on
15 the public health, safety and general welfare of the loss of housing stock in the ~~D~~District and to
16 any unreasonable hardship to the applicant if the permit is denied. The definition of residential
17 use shall be as set forth in Section 243(~~c~~)(8)(A), but shall not include any guest room in a
18 building classified as a residential hotel subject to the Residential Hotel Unit Conversion and
19 Demolition Ordinance.

20 A ~~e~~Conditional ~~u~~Use ~~permit~~ authorization shall not be required if the demolition permit is
21 sought in order to comply with a court order directing or permitting the owner to demolish a
22 building because it is unsafe. No person shall be permitted to construct anything on the site of
23 a demolished building subject to such an order for a period of two years unless (a) the
24 proposal is for at least the same number and size of dwelling units and guest rooms and the
25 same amount of nonresidential floor area as that which was demolished or (b) the applicant

1 requests and is granted an exemption from this requirement on the ground that the applicant
2 has demonstrated that (1) the need for demolition did not arise because of the deliberate or
3 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
4 cause undue hardship to the property owner or that (3) the restrictions would leave the
5 property without any substantial remaining market value or reasonable use.

6 (F) **Residential Parking.** Pursuant to Table 151 in Article 1.5 of this Code, the
7 residential parking requirement shall be one space for each dwelling unit; provided, however, that the
8 Zoning Administrator may reduce the parking requirement to not less than one space for each four
9 dwelling units pursuant to the procedures and criteria of Sections 307(g) and (i) of this Code.

10 (G) **Medical Center Parking.** Notwithstanding any contrary provision of
11 this Code, the maximum parking provisions for the Van Ness Medical Use Subdistrict shall not
12 exceed the lesser of 990 spaces or 125% percent of the minimum number of spaces required
13 by Code in the aggregate for the Cathedral Hill Campus which, for purposes of this
14 subsection, shall be the Van Ness Medical Use District and Assessor's Block 0690, Lot 016,
15 located at 1375 Sutter Street. Any parking sought up to this maximum but that exceeds the
16 parking provisions outlined elsewhere in this Code may only be granted by the Planning
17 Commission as a Conditional Use Aauthorization.

18 (G) (H) **Medical Center Loading.** Loading standards for medical centers
19 within the Van Ness Medical Use Subdistrict applicable under Section 154(b) of this Code may
20 be reduced from the required minimum dimensions through a Conditional Use Aauthorization,
21 provided that the dimensions provided will be sufficient to meet the reasonably foreseeable
22 loading demands associated with the proposed facility

23 (H) (I) **Adult Entertainment Businesses ~~Enterprises~~.** Adult Businesses ~~The~~
24 ~~uses described in Section 221(k) of this Code~~ are not permitted.

1 ~~(I) (J)~~ **Other Entertainment Uses.** Nighttime Entertainment and Arts
2 Activities, as defined in Section 102 Other Entertainment Uses as defined in Section 790.38 of this
3 Code shall require notification as set forth in Section 312 of this Code.

4 ~~(K)~~ **Formula Retail Uses.** ~~Formula Retail uses, as defined in Section 303(i) of~~
5 ~~this Code, shall be permitted, subject to a Conditional Use Authorization, in parcels zoned RC-3 or RC-~~
6 ~~4 that are within the Van Ness SUD.~~

7 ~~(J) (L)~~ **Medical Center Street Frontages.** If authorized as a ~~C~~conditional
8 ~~U~~use under Section 303 of this Code, a medical center within the Van Ness Medical Use
9 Subdistrict may deviate from the street frontage requirements of Section 145.1 of this Code,
10 so long as the Planning Commission finds that the proposed street frontages otherwise
11 achieve the intended purposes of Section 145.1 to "preserve, enhance and promote
12 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
13 which are appropriate and compatible with the buildings and uses" in the surrounding areas.

14 ~~(9) (10)~~ **Reduction of Ground Level Wind Currents.**

15 (A) New buildings and additions to existing buildings shall be shaped, or
16 other wind baffling measures shall be adopted, so that the development will not cause year-
17 round ground level wind currents to exceed, more than 10 percent of the time, between 7:00
18 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of
19 pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-
20 existing ambient wind speeds exceed the comfort levels specified above, the building shall be
21 designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

22 (B) An exception to this requirement may be permitted but only if and to
23 the extent that the project sponsor demonstrates that the building or addition cannot be
24 shaped or wind baffling measures cannot be adopted without unduly restricting the
25 development potential of the building site in question.

1 (i) The exception may permit the building or addition to increase
2 the time that the comfort level is exceeded, but only to the extent necessary to avoid undue
3 restriction of the development potential of the site.

4 (ii) Notwithstanding the above, no exception shall be allowed and
5 no building or addition shall be permitted that causes equivalent wind speeds to reach or
6 exceed the hazard level of 26 m.p.h. for a single hour of the year.

7 (C) For the purposes of this Section, the term "equivalent wind speed"
8 shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence
9 on pedestrians.

10 (d) **Van Ness Medical Use Subdistrict – Conditional Use for Medical Center.**

11 Within the Van Ness Medical Use Subdistrict, the boundaries of which are shown on
12 Sectional Map No. SU02 of the Zoning Map, medical facilities affiliated with the same
13 institution, separated only by a street or alley, shall be considered a single medical center for
14 purposes of this section.

15 ~~(H)~~ The "Van Ness Medical Use Subdistrict" shall be defined as the area shown on
16 Sectional Map No. SU02, to provide medical services by a licensed medical provider. The
17 purpose of the Subdistrict is to allow for the development of a seismically compliant medical
18 facility with unique design requirements not otherwise permitted within the Van Ness Special
19 Use District. To the extent provided in Section 243, deviations from the controls of Section
20 243 shall be permitted in the Subdistrict relating to bulk, FAR, parking, loading, projections
21 and obstructions over streets and alleys, and street frontage due to the unique requirements
22 of new medical centers.

23 **SEC. 247. DOWNTOWN SUPPORT SPECIAL USE DISTRICT.**

24 (a) **Purpose.** In order to provide that a certain area within the C-3-S District be able
25 to be developed for ~~H~~Hotel use with an increased basic floor area ratio of 7.5 to 1, there shall

1 be a "Downtown Support Special Use District" (also referred to as the "C-3-S (SU) District") as
2 designated on *Zoning Sectional Map SU01 of the Zoning Map*. Development at densities above
3 the basic floor area ratio of 7.5:1 in this special use district will not be permitted.

4 (b) **Requirements.** The basic and maximum floor area ratio of the C-3-S (SU) District,
5 after purchase of all market-rate, available TDR within the C-3-S District, shall be 7.5:1.
6 Where there are fewer square feet of TDR within the C-3-S District available than the
7 Planning Commission determines is required for a project, the Planning Commission may, as
8 part of a Section 309 review, authorize a project sponsor to make a monetary contribution
9 towards the preservation of a Landmark building within the C-3 area in an amount to be
10 determined by the Commission. For purposes of this Section 247, the C-3 area shall include
11 any C-3 District and any P District adjacent thereto. All other provisions of this Code
12 applicable to the C-3-S District shall apply in the C-3-S (SU) District.

13 **SEC. 248. TRANSIT CENTER C-3-O(SD) COMMERCIAL SPECIAL USE DISTRICT.**

14 A Special Use District entitled the "Transit Center C-3-O(SD) Commercial Special Use
15 District" is hereby established for a portion of the C-3-O(SD) district in the downtown area
16 around the Transbay Transit Center within the City and County of San Francisco, the
17 boundaries of which are designated on Sectional Map No. ~~±~~ *SU01* of the Zoning Maps of the
18 City and County of San Francisco. The following provisions shall apply within the Special Use
19 District:

20 * * * *

21 (b) **Definitions of "Commercial Use."**

22 (H) "Commercial Use" shall mean any use other *than a Residential Use, as defined*
23 *in Section 102 of this Code, than dwellings and other housing uses permitted in the underlying*
24 *zoning district, and shall include any permitted or conditional use described in Sections 217 through*
25 *226 and shall also include hotel uses permitted as conditional uses per Sections 216(b) and 303(g).*

1 (c) **Controls.**

2 ~~(#)~~ All new development on lots larger than 15,000 square feet in the Special
3 Use District shall include not less than 2 gross square feet of principally or conditionally
4 permitted commercial uses for every 1 gross square foot of dwellings or other housing uses.

5 (d) **Exceptions.** Exceptions to the controls in ~~s~~Subsection (c) may be granted by the
6 Planning Commission according to the procedures in Section 309 only if the Commission
7 makes one of the following affirmative findings:

8 (1) That the development consists of multiple buildings on a single lot or
9 adjacent lots that are entitled as a single development project pursuant to Section 309, and
10 that commercial uses account for greater than 50% *percent* of the project's aggregate total
11 gross floor area for all buildings and where the project sponsor demonstrates that it is
12 infeasible or impractical to construct commercial uses on the footprint of the portion of the site
13 dedicated to dwellings and/or other housing uses due to the size and configuration of that
14 portion of the lot; or

15 (2) That the footprint of the portion of the site dedicated to dwellings and/or
16 other housing uses is less than 15,000 square feet and the lot contains existing buildings
17 which are to be retained.

18 **SEC. 249.1. FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE**
19 **DISTRICT.**

20 (a) **Purpose.** In order to convert an under-utilized and outmoded industrial area to a
21 unique residential neighborhood close to downtown which will contribute significantly to the
22 City's housing supply, create tapered residential buildings, provide an appropriate mixture of
23 retail sales and personal services to support new residential development, provide a buffer of
24 office and parking use between the bridge and freeway ramps and the housing sites, and
25 allow the existing industrial, service and office uses to remain, there shall be the Folsom and

1 Main Residential/Commercial Special Use District as designated on Sectional Map No. 4SU01
2 of the Zoning Map of the City and County of San Francisco.

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

5 (1) **Reduction of Ground-Level Wind Currents.**

6 (A) **Requirement.** New buildings and additions to existing buildings shall
7 be shaped, or other wind-baffling measures shall be adopted, so that the developments will
8 not cause ground-level wind currents to exceed, more than 10 percent of the time year-round,
9 between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in
10 areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating
11 areas. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to
12 incorporate the effects of gustiness or turbulence on pedestrians.

13 When preexisting ambient wind speeds exceed the comfort level, or when a proposed
14 building or addition may cause ambient wind speeds to exceed the comfort level, the building
15 shall be designed to reduce the ambient wind speeds to meet the requirements. The
16 provisions of this Section 249.1(b)(3) shall not apply to any buildings or additions to existing
17 buildings for which a draft EIR has been published prior to January 1, 1985.

18 (B) **Exception.** The Zoning Administrator may allow the building or
19 addition to add to the amount of time the comfort level is exceeded by the least practical
20 amount if (1) it can be shown that a building or addition cannot be shaped and other wind-
21 baffling measures cannot be adopted to meet the foregoing requirements without creating an
22 unattractive and ungainly building form and without unduly restricting the development
23 potential of the building site in question, and (2) it is concluded that, because of the limited
24 amount by which the comfort level is exceeded, the limited location in which the comfort level
25

1 is exceeded, or the limited time during which the comfort level is exceeded, the addition is
2 insubstantial.

3 The Zoning Administrator shall not grant an exception and no building or addition shall
4 be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26
5 miles per hour for a single hour of the year.

6 (C) **Procedures.** Procedures and methodologies for implementing this
7 Section shall be specified by the Office of Environmental Review of the Planning Department.

8 (2) **Uses.**

9 (A) Permitted uses are ~~(i) those listed in Sections 209.1 and 209.2 of this~~
10 ~~Code and (ii)~~ those permitted in an RC-4 District, plus the uses listed in ~~s~~Subsection (e)(1)(B)
11 below; provided that, for newly constructed buildings or additions of 20 ~~twenty~~ percent ~~(20%)~~ or
12 more of an existing building's gross floor area, at least six net square feet of residential use is
13 provided for each one net square foot of non-residential use on any lot. Additions of less than
14 20 ~~twenty~~ percent ~~(20%)~~ of a building's gross floor area are exempt from the six to one
15 residential requirements. Once granted, this exemption from the residential development
16 requirement for building additions may not be repeated for any single property. Any addition of
17 more than 20 ~~twenty~~ percent ~~(20%)~~ of gross square feet of building area shall be required to
18 provide the housing on a ~~6-to-1~~ six-to-one basis for all of the additional building area. All areas
19 used for parking for either residential or non-residential uses shall be excluded in the
20 calculation of the residential/non-residential ratio. For the purposes of application of this 6 to 1
21 ratio, ~~Hotels, inns or hostels~~ as defined under Section 102 ~~209.2(d) and (e)~~ shall be considered
22 a non-residential rather than a residential use.

23 (B) The use provisions applicable to an RC-4 District shall be applicable
24 to the "Residential/Commercial" Subdistrict with the following modifications or additions:
25

1 (i) all uses defined as Institutional uses listed under Section 102 209.3
2 ("Institutions") shall be permitted as of right as principal uses;

3 ~~(ii) all uses listed under Section 209.4 ("Community Facilities") shall be~~
4 ~~permitted as of right as principal uses;~~

5 (ii) ~~(iii)~~ Utility Installation uses, utility uses listed defined in Section
6 102 209.6, shall be permitted as conditional uses, with such utility uses to include
7 telecommunications and internet communication co-location, web-hosting and other similar
8 facilities, provided such uses are primarily conducted within enclosed buildings;

9 (iii) ~~(iv)~~ Automotive uses, as defined in Section 102 in lieu of Section
10 ~~209.7, automotive uses shall be those permitted in Section 223(a), Section 223(m) (except that such use~~
11 ~~shall be permitted as a principal use for only five (5) years after the construction of the~~
12 ~~building, after which a eConditional uUse authorization shall be required), and Private Auto~~
13 ~~Parking Lots, as defined in Section 102 of this Code Section 223(p) (except that such parking lot shall~~
14 ~~be a conditional use limited to two years per each conditional use authorization);~~

15 (iv) ~~(v)~~ ~~Section 209.8 shall not be applicable; Planned Unit~~
16 ~~Developments, Arts Activities, and Mortuaries, as defined in Code Section 102, are not permitted.~~

17 (v) ~~(vi)~~ all Retail Sales and Service uses listed in Section 218, as defined
18 in Section 102 of this Code, shall be permitted as of right as principal uses;

19 (vi) ~~(vii)~~ Office Uses all uses listed in Section 219(e) shall be permitted
20 as of right above the ground floor or below the ground floor, and ~~all office uses listed in Section~~
21 ~~219(e) shall require conditional use authorization be permitted~~ on the ground floor ~~as conditional~~
22 ~~uses;~~

23 (vii) ~~(viii)~~ Trade Shops and Catering uses all uses listed in Section 222
24 shall be permitted as of right above or below the ground floor level, and shall require be
25 eConditional uUses authorization at the ground floor;

1 (viii) ~~(ix)~~ *Movie Theaters, Nighttime Entertainment and General*
2 *Entertainment* all-uses listed in Section 221(a)-(f) shall be permitted as of right as principal uses;

3 (ix) ~~(x)~~ *Animal Hospital* all-uses listed in Section 224(a) shall be
4 permitted as conditional uses;

5 (x) ~~(xi)~~ *Wholesale Establishment* all-uses listed in Section 225(b) shall
6 be permitted as of right as principal uses;

7 (xi) ~~(xii)~~ *Light Manufacturing* all-uses listed in Section 226(a) shall be
8 permitted as of right as principal uses;

9 (xii) ~~(xiii)~~ *commercial wireless* facilities as per Section 227(h) or (i)
10 shall be permitted as conditional uses;

11 (xiii) ~~(xiv)~~ *Internet Service Exchanges* all-uses listed in Section 227(r)
12 shall be permitted as of right as principal uses.

13 (C) A nonconforming use may be changed to any equally or more
14 conforming use without providing the 6 to 1 ratio of required residential space.

15 (D) No use, even though listed as a permitted use or otherwise allowed,
16 shall be permitted in the Residential/Commercial Subdistrict which, by reason of its nature or
17 manner of operation, creates conditions that are hazardous, noxious, or offensive through the
18 emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried
19 waste, or excessive noise.

20 (3) **Density.**

21 (A) **Residential Density.** There shall be no density limit for residential
22 uses in the Residential/Commercial Subdistrict. The provisions of Sections 207.1 and 208
23 related to residential density shall not apply.

24 (B) **Non-residential Density.** There shall be a density limit for non-
25 residential uses, which shall be measured as a Floor Area Ratio (FAR), as defined by Section

1 ~~102.9, 102.10, 102.11 and 124~~ 102 of this Code. The maximum nonresidential FAR for newly
2 constructed buildings or additions of 20 ~~twenty~~ percent (~~20%~~) or more of an existing building
3 shall be 0.75. Otherwise the FAR for the Residential/Commercial Subdistrict shall be five-to-
4 one ~~5-to-1~~. The provisions of Section 123, 124, 125 and 127 relating to Floor Area Ratio shall
5 apply.

6 (C) Area used for parking for eCommercial ~~uses~~ or RResidential uses
7 including parking permitted as of right or by conditional use shall not be considered as
8 commercial FAR.

9 (4) **Open Space.**

10 (A) Open space shall be provided at the ratio of thirty-six net square feet
11 of open space for each dDwelling uUnit if all private, with a ratio of 1.33 of common usable
12 open space that may be substituted for private; open space shall be provided at the ratio of
13 one square foot of open space per 50 square feet of gross floor area for all other uses.

14 (B) The open space requirement for RResidential use may be met by
15 providing one or more of the following types of open space: private usable open space as set
16 forth below; common open space, including an unenclosed park or plaza at grade or above, or
17 an enclosed or partly enclosed pool or a health club, accessible to residents and guests of
18 residents and not to the general public, and "publicly accessible open space" as set forth in
19 C)(i) below. Where any publicly accessible open space is used to satisfy the open space
20 requirements for both RResidential and non-residential use, the open space area must be of
21 an area at least equal to the sum of the separate open space requirements to be satisfied by
22 that open space. Up to ~~forty~~ 40 percent (~~40%~~) of the open space requirement for residential
23 uses may be met by providing private open spaces, provided that any such private open
24 space counted toward a portion of the open space requirement has a minimum area of 36
25 square feet, with a minimum dimension of four feet in any direction.

1 (C) The open space requirement for non-residential uses shall be met by
2 providing "publicly accessible open space," which is defined as open space situated in such
3 locations and which provides such ingress and egress as will make the area accessible to the
4 general public and which is open to the public daily for at least twelve daylight hours.

5 (i) Publicly accessible open space. One or more of the following
6 types of open space shall satisfy the definition of publicly accessible open space:

7 (AA) An unenclosed park or garden at grade or above;

8 (BB) An unenclosed plaza with seating areas and
9 landscaping and no more than 10 ~~ten~~ percent (~~10%~~) of the floor area devoted to food or
10 beverage service;

11 (CC) An enclosed pedestrian pathway, which extends
12 through the building, which is accessed from a public street at grade, which is landscaped and
13 has access to natural light and ventilation, and in which retail space may face the pedestrian
14 path inside the building provided that no more than 20 ~~twenty~~ percent (~~20%~~) of the floor area
15 of the required open space may be devoted to seating areas within the pedestrian path;

16 (DD) A sun terrace or solarium with landscaping;

17 (EE) Sidewalk widening following a regular pattern of
18 setbacks;

19 (FF) A recreation facility on the roof of a parking garage;

20 (GG) An unenclosed pedestrian street that traverses a
21 large block in an east-west direction;

22 (HH) A publicly-accessible area with a scenic overlook;

23 (II) A publicly-accessible area within 900 feet of the site;

24 (JJ) Streetscapes on surrounding streets, as approved by
25 the Planning Department; or

1 (KK) Other similar open space features as more particularly
2 defined in the Recreation and Open Space Section of the Rincon Hill Plan, a part of the
3 General Plan. If a sidewalk widening is used to meet the open space requirement, the
4 Planning Commission shall require approval of the open space proposal by the Department of
5 Public Works prior to Planning Commission approval of the project.

6 (ii) The required publicly accessible open space shall, as
7 determined by the Zoning Administrator:

8 (AA) Be in such locations and provide such ingress and
9 egress as will make the area convenient, safe, secure and easily accessible to the general
10 public;

11 (BB) Be appropriately landscaped;

12 (CC) Be accessible to public water and toilet facilities;

13 (DD) Be protected from uncomfortable winds;

14 (EE) Incorporate ample seating and, if appropriate,
15 access to limited amounts of food and beverage service, which will enhance public use of the
16 area;

17 (FF) Be well signed and accessible to the public during
18 daylight hours;

19 (GG) Have adequate access to sunlight if sunlight access
20 is appropriate to the type of area;

21 (HH) Be well lighted if the area is of the type requiring
22 artificial illumination;

23 (II) Be designed to enhance user safety and security;

24 (JJ) Be of sufficient size to be attractive and practical for
25 its intended use; and

1 (KK) The owner of the property on which the open space is
2 located shall maintain it by keeping the area clean and free of litter and keeping in a healthy
3 state any plant material that is provided. The Zoning Administrator shall have authority to
4 require a property owner to hold harmless the City and County of San Francisco, its officers,
5 agents and employees, from any damage or injury caused by the design, construction or
6 maintenance of open space, and to require the owner or owners or subsequent owner or
7 owners of the property to be solely liable for any damage or loss occasioned by an act or
8 neglect in respect to the design, construction or maintenance of the open space.

9 (D) The provisions of Section 135 concerning usable open space shall
10 not apply.

11 (5) **Parking Requirements.** Parking requirements in the Special Use District
12 shall be those of a Downtown Residential (DTR) District, as defined in Section 151.1 of this
13 eCode.

14 (6) **Street-Facing Use Requirements.**

15 (A) Ground floor retail space (including personal service and
16 restaurants) and space devoted to building and pedestrian circulation is required along the
17 street frontage for a minimum of 50 ~~ifty~~ percent (~~50%~~) of the street frontage; exceptions to this
18 standard may be granted administratively by the Zoning Administrator if (s)he deems the
19 exception to provide a more attractive, usable and visually interesting pedestrian streetscape.

20 (B) Uses along a street frontage at grade level shall be visually
21 interesting and attractive to pedestrians. Curb cuts shall be minimized. No parking ingress or
22 egress shall be permitted that would disrupt or delay transit service.

23 (7) **Site Coverage.** There shall be no limit on site coverage. One hundred
24 percent (~~100%~~) site coverage shall be permitted.

1 (8) **Dwelling Unit Exposure.** In light of the high-density nature of the
2 Residential/Commercial Subdistrict, the dwelling unit exposure requirements of Section 140
3 shall not apply.

4 (9) **Height and Tower Separation Standards.**

5 (A) There shall be an 85-foot maximum height for the podium/base of a
6 building.

7 (B) There shall be an overall height limit of 400 feet in the
8 Residential/Commercial Subdistrict.

9 (C) There shall be a 50 foot minimum tower height differential between
10 towers on the same development site.

11 (D) In the Residential/Commercial Subdistrict, there shall be a minimum
12 82 1/2 foot separation between towers.

13 (E) All space above the 200-foot height level shall be devoted to
14 residential use.

15 (10) **Bulk Standards.** The Residential/Commercial Subdistrict shall be subject
16 to "W" Bulk District controls, as follows:

17 (A) Base (0 - 85 feet): Unlimited. The site coverage limitations of Section
18 249.1(b)(1) shall not apply.

19 (B) (i) Buildings over 85 in height, but less than 300 feet in height,
20 shall be limited to a maximum plan length of 100 feet and a maximum diagonal length of 125
21 feet.

22 (ii) Buildings over 300 feet in height shall not exceed a maximum
23 plan length of 115 feet and a maximum diagonal length of 145 feet.

24 (iii) Minor increases in Plan length for the purposes of improved
25 design may be approved pursuant to Section 271.

1 (C) A 10% percent volume reduction is required for the upper tower of any
2 building that is 300 feet in height or taller. The upper tower is defined as the top one-third
3 portion of a free standing tower; for a tower that sits atop a podium or base, the upper tower is
4 defined as the top one-third of the height of the tower as measured from the top of the podium
5 or base.

6 (D) **Folsom Street Setback:** Above the 85 foot base, at least 50%
7 percent of the entire Folsom Street frontage shall be set back a minimum of 12½ feet. No
8 setback will be required for any portion of the frontage occupied by a tower with a height in
9 excess of 85 feet, unless that tower or towers occupies more than 50% percent of the total
10 Folsom Street frontage.

11 (E) The floor plates on either tower shall not exceed an average of
12 11,000 gross square feet over the entire tower.

13 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

14 (a) **General.** A special use district entitled the "North of Market Residential Special
15 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
16 Sectional Map No. ~~ISUB~~ SU01 of the Zoning Map of the City and County of San Francisco, is
17 hereby established for the purposes set forth below.

18 * * * *

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

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

1 (2) Notwithstanding the Zoning Control Table for RC Districts found in Section 209.3
2 ~~provisions of Section 209.8~~ of this Code, commercial establishments shall be limited to the
3 ground floor and the first basement floor, except that such establishments may be permitted
4 on the second story as a conditional use if authorized pursuant to Section 303 and Section
5 249.5(c)(1) of this Code.

6 (3) The following uses are not permitted:

7 (A) A ~~H~~otel, ~~inn~~, ~~hostel~~ or ~~M~~otel; and

8 (B) ~~M~~assage ~~E~~stablishments which are not incidental to Hospitals,
9 Residential Care Facilities, Health Services, and Social Service or Philanthropic Facility uses the
10 institutional uses permitted in Sections 217(a) through (d) of the Planning Code or are not incidental
11 to a health club, gymnasium or other facility with a regular membership or other facility which
12 is used primarily for instruction and training in body building, exercising, reducing, sports,
13 dancing or other similar physical activities.

14 (4) In the portion of the area designated as Subarea No. 1 of the North of
15 Market Residential Special Use District, as shown on Section Map ~~ISUB~~ No. SU01 of the
16 Zoning Map, the density ratio shall be one dwelling unit for each 125 square feet of lot area; in
17 Subarea No. 2, as shown on Section Map ~~ISUB~~ No. SU01 of the Zoning Map, the density ratio
18 shall be one dwelling unit for each 200 feet of lot area. The double density provisions for
19 Senior Housing, as defined in Section 102, of Section 209.1(m) shall not result in greater density
20 than that permitted in an RC-4 District.

21 (5) ~~There are no minimum parking requirements in this Special Use District, as~~
22 ~~provided in Section 161(h) of this Code.~~

23 (6) A bulk district "T" shall apply pursuant to the provisions of Section 270,
24 Table 270 of this Code.

1 ~~(6) (7)~~ Special exceptions to the 80-foot base height limit in height and bulk
2 districts 80-120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of
3 this Code.

4 ~~(7) (8)~~ Building setbacks are required in this district pursuant to Section 132.2;
5 provisions for exceptions are also set forth in Section 132.2 of this Code.

6 ~~(8) (9)~~ Exceptions to the rear yard requirements for an RC-4 District may be
7 granted pursuant to Section 134(g) of this Code.

8 ~~(10) Awnings, Canopies and Marquees, as defined in Sections 102-790.20, 790.26~~
9 ~~and 790.58 of this Code, and further regulated by the Building Code and Sections 249.5(e)(12), 136.2~~
10 ~~and 607.4 of this Code are permitted.~~

11 ~~(11) Signs located in the RC-4 portion of this district shall be regulated as provided in~~
12 ~~Section 607.4 of this Code.~~

13 ~~(9) (12)~~ All provisions of the ~~City~~ Planning Code applicable in an RC-4 Use
14 District shall apply within that portion of the district zoned RC-4, except as specifically
15 provided above. All provisions of the ~~City~~ Planning Code applicable in a P Use District shall
16 apply within that portion of the district zoned P, except as specifically provided above.

17 ~~(10) (13)~~ All demolitions of buildings containing residential units shall be
18 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
19 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
20 and Public Safety determines that the building is unsafe or dangerous and that demolition is
21 the only feasible means to secure the public safety. When considering whether to grant a
22 conditional use permit for the demolition, in lieu of the criteria set forth in ~~City~~ Planning Code
23 Section 303(c), consideration shall be given to the purposes of the North of Market
24 Residential Special Use District set forth in Section 249.5(b), above, to the adverse impact on
25 the public health, safety and general welfare due to the loss of existing housing stock in the

1 district and to any unreasonable hardship to the applicant if the permit is denied. Demolition of
2 residential hotel units shall also comply with the provisions of the Residential Hotel Ordinance.

3 (d) **Liquor Establishments.** In addition to all other applicable controls set forth in this
4 Code, Liquor Establishments in the North of Market Residential Special Use District shall be
5 subject to the controls set forth in this Section.

6 (1) No Off-Sale Liquor Establishments shall be permitted in the North of Market
7 Residential Special Use District.

8 (2) An Off-Sale Liquor Establishment lawfully existing in the North of Market
9 Residential Special Use District and selling alcoholic beverages as licensed by the State of
10 California prior to the effective date of this legislation may continue operation only under the
11 following conditions, as provided by California Business and Professions Code Section 23790:

12 (A) The premises shall retain the same type of retail liquor license within
13 a license classification; and

14 (B) The licensed premises shall be operated continuously without
15 substantial change in mode or character of operation.

16 (3) The prohibition on Off-Sale Liquor Establishments shall not be interpreted
17 to prohibit the following, provided that the type of California liquor license does not change,
18 the location of the establishment does not change, and the square footage used for the
19 display and sale of alcoholic beverages does not increase:

20 (A) A change in ownership of an Off-Sale Liquor Establishment or an
21 owner-to-owner transfer of a California liquor license; or

22 (B) Re-establishment, restoration or repair of an existing Off-Sale Liquor
23 Establishment on the same lot after total or partial destruction or damage due to fire, riot,
24 insurrection, toxic accident or act of God; or

1 (C) Temporary closure of an existing Off-Sale Liquor Establishment for
2 not more than ninety (90) days for repair, renovation or remodeling.

3 (4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted
4 to prohibit the following:

5 (A) Temporary uses, as described in Planning Code Section 205.1; or

6 (B) Establishment of an Off-Sale Liquor Establishment if application for
7 such Off-Sale Liquor Establishment is on file with the California Department of Alcoholic
8 Beverage Control prior to the effective date of this legislation; or

9 (C) Re-location of an existing Off-Sale Liquor Establishment in the North
10 of Market Residential Special Use District to another location within the North of Market
11 Residential Special Use District with conditional use authorization from the ~~City~~ Planning
12 Commission, provided that (i) the type of California liquor license does not, change, (ii) the
13 square footage used for the display and sale of alcoholic beverages does not increase, and
14 (iii) the original premises shall not be occupied by an Off-Sale Liquor Establishment unless by
15 another Off-Sale Liquor Establishment that is also relocating from within the North of Market
16 Residential Special Use District. Any such conditional use authorization shall include a
17 requirement that the establishment comes with the "Good Neighbor Policies" set forth in
18 Subsection (d)(6) below; or

19 (D) A change in liquor license from a Type 21 (Off-Sale General) to a
20 Type 20 (Off-Sale Beer and Wine), provided that the square footage used for the display and
21 sale of alcoholic beverages does not increase.

22 (5) The prohibition on Off-Sale Liquor Establishments shall be interpreted to
23 prohibit the transfer of any California Alcoholic Beverage Control Board off-sale liquor license
24 from a location outside of the North of Market Residential Special Use District to a location
25 within the North of Market Residential Special Use District or the issuance of any original

1 California Alcoholic Beverage Control Board off-sale liquor license for a location within the
2 North of Market Residential Special Use District.

3 (6) The following "Good Neighbor Policies" shall apply to all Liquor
4 Establishments in the North of Market Residential Special Use District in order to maintain the
5 safety and cleanliness of the premises and vicinity:

6 (A) Employees of the establishment shall walk a 100-foot radius from
7 the premises some time between 30 minutes after closing time and 8:00 a.m. the following
8 morning, and shall pick up and dispose of any discarded beverage containers and other trash
9 left by patrons;

10 (B) The establishment shall provide outside lighting in a manner
11 sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to
12 maintain security, without disturbing area residences;

13 (C) No alcoholic beverages shall be consumed on any outdoor property
14 adjacent to the establishment and which is under the control of the establishment, excepting
15 those areas of the property that are enclosed and not visible from the sidewalk. are intended
16 for patron services, are supervised by the establishment, and are not located adjacent to any
17 sidewalk areas;

18 (D) No more than 33 percent of the square footage of the windows and
19 clear doors of the establishment shall bear advertising or signage of any sort, and all
20 advertising and signage shall be placed and maintained in a manner that ensures that law
21 enforcement personnel have a clear and unobstructed view of the interior of the premises,
22 including the area in which the cash registers are maintained, from the exterior public
23 sidewalk or entrance to the premises. This requirement shall not apply to premises where
24 there are no windows, or where existing windows are located at a height that precludes a view
25 of the interior of the premises to a person standing outside the premises;

1 (E) No person under the age of 21 shall sell or package alcoholic
2 beverages;

3 (F) Employees of the establishment shall regularly police the area under
4 the control of the establishment in an effort to prevent the loitering of persons about the
5 premises; and

6 (G) The establishment shall promptly remove any graffiti from the
7 exterior of the premises.

8 (7) For purposes of this Section, the following definitions shall apply:

9 (A) "Liquor Establishment" shall mean any enterprise selling alcoholic
10 beverages pursuant to a California Alcoholic Beverage Control Board license.

11 (B) "Off-Sale Liquor Establishment" shall mean *a Liquor Store, as defined*
12 *in Section 102 any establishment that is defined in Section 790.55* of this Code.

13 (C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined
14 by California Business and Professions Code Sections 23004 and 23025;

15 (D) "Sell" or "Sale" shall mean and include any retail transaction
16 whereby, for any consideration, an alcoholic beverage is transferred from one person to
17 another.

18 * * * *

19 **SEC. 249.13. GEARY BOULEVARD/DIVISADERO STREET SPECIAL USE DISTRICT.**

20 (a) **General.** A Special Use District entitled the Divisadero Street/Geary Boulevard
21 Special Use District, consisting of Lots 5, 5A, 6, 7, 8, 9, 9A, 10, 11 and 12 of Assessor's Block
22 1079 is hereby established for the purposes set forth below.

23 (b) **Purposes.** The following controls, imposed in the Geary Boulevard/Divisadero
24 Street Special Use District, will advance the policies of the Commerce and Industry Element
25 of the City's *General Master* Plan in that they will encourage the expansion of needed health

1 services, yet manage such expansion ensuring the preservation and integrity of residential
2 neighborhoods in the City, and will promote the provision of adequate health services to all
3 geographical districts and cultural groups within the City.

4 (c) **Controls.** The specific controls set forth herein shall apply only to the development
5 of out-patient facilities affiliated with and operated by a health maintenance organization solely
6 for the benefit of its members. Any development which does not meet the purposes set forth
7 herein shall be governed by the underlying zoning controls.

8 (1) **Design Review By Planning Commission.** An applicant submitting an
9 application for a proposed development and use pursuant to this Section shall be required to
10 submit an application for design review by the Planning Commission. The design review
11 application may be submitted concurrently with or before a building permit application.

12 (2) **Fees.** In addition to the building permit review fee set forth in Section 352,
13 the project sponsor shall pay a fee of fifteen thousand dollars (\$15,000.00) per application to
14 compensate the ~~Department of City~~ Planning Department for compliance with this Section.

15 (3) **Principal Permitted Uses.** Ground floor uses shall be limited to those set
16 forth for NC-3 Districts. Upper floor uses shall be limited to out-patient facilities, including
17 physicians' offices needed to providing preventive health-care, and accessory administrative
18 uses affiliated with and operated by a health maintenance organization, provided however that
19 the accessory administrative use shall not occupy more than 15% percent of the floor area
20 subject to the floor area ratio. For the purposes of interpreting "out-patient facilities" under this
21 section, such facilities shall not be deemed an office use subject to the provisions of Sections
22 309 through 325 et seq.

23 (4) **Basic Floor Area Ratio.** The basic floor area ratio shall be six (6) to one
24 (1). The ~~definitions for provisions of Sections 102.9 and 102.10 defining g~~Gross fFloor Aarea and
25 Occupied Floor Area in Section 102 of this Code shall be used for calculating the floor area ratio.

1 In addition to the floor area excluded from the floor area ratio calculation set forth *in the*
2 *definitions for Gross Floor Area (Subsections Sections 102.9 (b)(1) through 102.9(14) inclusive),*
3 *and Occupied Floor Area Section 102.10,* dwelling units and other residential uses as defined in
4 this *Section 249.13 ordinance* shall be exempted from the floor area calculation.

5 (5) **Dwelling Unit Density and Residential Use.** The dwelling unit density shall
6 be governed by the underlying zoning classification as set forth in *the Zoning Control Table for*
7 *the district in which the lot is located Sections 207, 207.1, 209.1 and 209.2 of this Code.* For the
8 purposes of this section, residential use shall include rooms or beds used by out-patients
9 receiving medical treatment at the health maintenance organization, including but not limited
10 to patients receiving treatment at the AIDS infusion center, or receiving chemo-therapy
11 treatment, regardless of the length of stay of such out-patients.

12 (6) **Height And Bulk Restrictions.** The applicable Height and Bulk for this
13 Special Use District shall be 105-X.

14 (7) **Rear Yards.** The requirements of this Code applicable to rear yards and
15 applicable to dwelling units or other residential use may be modified by the Planning
16 Commission as part of the design review, if all of the following conditions are met:

17 (A) The interior block open space formed by the rear yards of the
18 abutting properties will not be adversely affected;

19 (B) A comparable amount of usable open space is provided elsewhere
20 on the lot or within the development where it is more accessible to the residents; and

21 (C) The access to light and air for abutting properties will not be
22 significantly impeded.

23 (8) **Required Setbacks.** The Planning Commission may impose a side setback
24 of up to 15 feet above the building height of 65 feet if it determines that this requirement is
25 necessary to achieve a superior architectural design.

1 (9) **Demolitions.** Demolition of any building containing residential uses and
2 any conversion from residential to non-residential uses above the ground floor shall be
3 permitted provided that the notice and relocation assistance provisions of Chapter 37 of the
4 San Francisco Administrative Code (The San Francisco Residential Rent Arbitration and
5 Stabilization Ordinance) are met.

6 If the Commission determines, during its design review, that the public benefits to be
7 gained do not outweigh the adverse impacts from the demolition of the residential units, the
8 Commission may impose conditions to reduce such adverse impact. The conditions may
9 require that the applicant pay to the City Controller the sum of one hundred thousand dollars
10 (\$100,000.00) to mitigate the loss of housing units. Said amount paid to the City shall
11 thereafter be used exclusively for the development of housing affordable to individuals or
12 households with income not to exceed 80% percent of the median income of the San
13 Francisco Standard Metropolitan Areas as defined by HUD.

14 (10) **Parking.** One (1) off-street parking space for every 500 square feet of
15 occupied floor area of out-patient facility space and accessory use space shall be provided.
16 The provisions of Section 151 of this Code shall govern off-street parking requirements for all
17 other allowable uses in this Special Use District. The Planning Commission may reduce the
18 off-street parking requirement if it finds that all or part of the off-street parking requirement is
19 provided by existing off-street parking serving the health maintenance organization, and that
20 such off-street parking is located within one block of the Special Use District.

21 (11) **Appeal.** The decision of the Planning Commission may be appealed to the
22 Board of *Permit* Appeals within fifteen (15) days after action by the Planning Commission on
23 the design review application. The procedure for appeal shall be as described in Section
24 308.2. The decision of the Planning Commission, or that of the Board of *Permit* Appeals on
25 appeal shall constitute a final determination on all land use and Planning Code issues, except

1 for review by a court of competent jurisdiction. Review by the Board of *Permit* Appeals on the
2 issuance of a building or site permit for a proposed structure for this Special Use District shall
3 be limited to issues arising out of the San Francisco Building Code, Health Code and Fire
4 Code.

5 **SEC. 249.14. THIRD STREET SPECIAL USE DISTRICT.**

6 (a) **Purpose.** There shall be a special use district known as the Third Street Special
7 Use District, as designated on Sectional Map No. ~~10~~SU10 of the Zoning Map of the City and
8 County of San Francisco, encompassing the commercially and industrially zoned property
9 fronting Third Street from Cesar Chavez Army Street to Meade Avenue. The purpose of this
10 special use district is to enhance the social and economic vitality of Third Street as the
11 primary neighborhood commercial district for the Bayview Hunters Points area and encourage
12 a healthier mix of essential neighborhood-serving retail uses and by allowing for drive-up
13 facilities as a conditional use.

14 (b) **Controls.**

15 (1) A Restaurant or a Limited Restaurant, as defined in Section 102 of this Code, ~~large~~
16 ~~fast food restaurant or a small self-service restaurant~~ may have a drive-up facility only with
17 conditional use authorization by the ~~City~~ Planning Commission. In addition to the conditional
18 use criteria set forth in Section 303, the Commission shall find that:

19 (A) The restaurant does not form a part of any continuous retail frontage
20 (defined for purposes of this ~~s~~Subsection as two or more buildings which contain commercial
21 uses and which have a continuous fa~~e~~çade line at street level unbroken by any driveway, alley
22 or walkway having a width greater than five feet;

23 (B) The restaurant is located on a lot that:

24 (i) Adjoins three city streets,

1 (ii) Is not within 500 foot walking distance of an elementary or
2 secondary school; and

3 (C) The restaurant has sufficient off-street queuing space for at least
4 eight cars and has off-street parking as required in Article 1.5 of this Code; and

5 (D) The proposed building massing and site planning is designed to
6 complement the urban character of the street and respect pedestrian access along Third
7 Street; and

8 (E) To the extent feasible, the project provides for additional residential
9 development and/or other land use activities on the site.

10 **SEC. 249.18. NORTHEAST CHINA BASIN SPECIAL USE DISTRICT.**

11 A Special Use District entitled the "Northeast China Basin Special Use District," the
12 boundaries of which are shown on the Zoning Map, is hereby established for the purposes set
13 forth below. The following provisions shall apply within the Northeast China Basin Special Use
14 District:

15 * * * *

16 (b) **Controls.**

17 (1) **General.** The provisions of the M-2 use district established by Section 201
18 of this Code shall prevail except as provided in paragraphs (2) through (4) below.

19 (2) **Conditional Uses.** An open-air ballpark with a maximum seating capacity
20 of 45,000, Sports Stadium as defined in Section 102 of this Code ~~assembly and entertainment uses~~
21 ~~under Section 221 of this Code~~, with associated parking, and various uses accessory to or
22 related to ballpark and assembly and entertainment uses, including sports clubs, restaurants,
23 and retail shops, shall all be permitted as conditional uses.

24 (3) **Parking.** In recognition of the public transit anticipated to be available to
25 serve a ballpark in the proposed location, in recognition of the large supply of parking in the

1 vicinity, much of which can be made available for ballpark use in the evening and on
2 weekends, and in recognition of the availability of approximately 5,000 off-site parking spaces
3 near the ballpark during the first five years of the ballpark's operation, there shall be no
4 minimum requirement for off-street parking spaces for the uses permitted in the Northeast
5 China Basin Special Use District. This provision supersedes the parking requirements set
6 forth in Section 151 of this Code applicable to the permitted uses set forth herein.

7 (4) **Architectural Design.** In recognition of the prominence of the location and
8 vital importance of the uses described in ~~s~~Subsection (b)(2) above, such uses shall be subject
9 to conditional use review and approval by the ~~City~~ Planning Commission. A conditional use
10 may be authorized by the ~~City~~ Planning Commission if the facts presented are such to
11 establish that the architectural design of the structure is appropriate for its intended use,
12 location and civic purpose. This criterion shall be in lieu of the criteria set forth in Section
13 303(c)(1) through (4) of this Code.

14 **~~SEC. 249.20. SCOTT STREET SENIOR HOUSING SPECIAL USE DISTRICT.~~**

15 ~~In order to provide for housing for seniors, there shall be a Scott Street Senior Housing Special~~
16 ~~Use District, consisting of Lots 15, 18, 19, 22, 29A, 29B, 38 and 40 of Assessor's Block 681, as~~
17 ~~designated on Sectional Map 2SU of the Zoning Map. The following provisions shall apply within such~~
18 ~~special use district:~~

19 ~~(a) Any developer of housing who (i) agrees to construct at least 50 percent of the total~~
20 ~~dwelling units of a housing development for occupancy by at least one person 62 years of age or older,~~
21 ~~and (ii) intends and operates 100 percent of the housing development for occupancy by persons 55~~
22 ~~years or older, shall be entitled to a density bonus upon approval by the Planning Commission as a~~
23 ~~conditional use under Section 303 of this Code. Section 249.20(a)(ii) means that the housing~~
24 ~~development has at least 80 percent of the total occupied dwelling units occupied by at least one person~~
25 ~~55 years of age or older and adheres to policies which demonstrate an intent to house older persons.~~

1 ~~(b) — For purposes of this Section, the following definitions shall apply:~~

2 ~~(1) — "Density bonus" shall mean:~~

3 ~~(A) — A density increase of up to 34 dwelling units in addition to the number of~~
4 ~~dwelling units otherwise allowable in the underlying districts; provided that:~~

5 ~~(i) — All density bonus units shall be seniors units; and~~

6 ~~(ii) — Cooking facilities in all density bonus units shall be limited to~~
7 ~~microwave ovens, refrigerators and full-sized sinks.~~

8 ~~(B) — The relocation, within a housing project in the special use district, of any~~
9 ~~portion of the maximum allowable residential density, including the density bonus provided under~~
10 ~~Subsection (b)(1)(A), between the area of the project site zoned NC-3 and the area of the project site~~
11 ~~zoned RH-3.~~

12 ~~(2) — "Housing development" shall mean 35 or more dwelling units.~~

13 ~~(c) — In this special use district, all applicable provisions of the Planning Code shall continue~~
14 ~~to apply, except as otherwise provided in this Section 249.20.~~

15 ~~(d) — In this special use district, a modification to or exception from otherwise applicable~~
16 ~~requirements of this Code may be appropriate in order to further the goal of creating senior housing. A~~
17 ~~conditional use approval for a development subject to this Section may modify or grant the following~~
18 ~~exceptions from or modifications to the requirements of this Code, if the facts presented are such as to~~
19 ~~establish that the modification or exception satisfies the criteria of Subsections 303(e)(1) through~~
20 ~~303(e)(3) of this Code;~~

21 ~~(1) — A modification of or exception to the front setback requirements of Section 132 of~~
22 ~~this Code;~~

23 ~~(2) — A modification of or exception to the rear yard requirements of Section 134 of this~~
24 ~~Code;~~

1 ~~(3) — A modification of or exception to the unit exposure requirements of Section 140 of~~
2 ~~this Code;~~

3 ~~(4) — A modification of or exception to the parking requirements of Section 151 of this~~
4 ~~Code;~~

5 ~~(5) — A modification of or exception to the off-street loading requirements of Section~~
6 ~~152 of this Code;~~

7 ~~(6) — A modification of or exception to the use limitations of Section 209 of this Code to~~
8 ~~permit office (including but not limited to social service) uses in the RH-3 area;~~

9 ~~(7) — A modification of or exception to the height limitations of Section 260(b)(1)(B) of~~
10 ~~this Code pertaining to elevator penthouses; and~~

11 ~~(8) — A modification of or exception to the open space requirements of Section 135 of~~
12 ~~this Code.~~

13 ~~(e) — In evaluating a conditional use application to grant a density bonus or exceptions to the~~
14 ~~Planning Code pursuant to this Section, the Planning Commission shall consider the extent to which~~
15 ~~the dwelling units of a proposed housing development would be affordable.~~

16 ~~(f) — The controls of this Section shall remain in effect until December 31, 2005.~~

17 **SEC. 249.21. CALIFORNIA STREET AND PRESIDIO AVENUE - COMMUNITY CENTER**
18 **SPECIAL USE DISTRICT.**

19 A Special Use District entitled the "California Street and Presidio Avenue - Community
20 Center Special Use District" (also referred to as the "California-Presidio Special Use District")
21 the boundaries of which are shown on Sectional Map No. 3SU03 of the Zoning Map of the City
22 and County of San Francisco, is hereby established for the purposes set forth below.

23 (a) **Purposes.** The purpose of this Special Use District is ~~To~~ provide for the development
24 of a Community Facility, Child Care Facility, School, Post-Secondary Educational Institution,
25 Religious Institution, Social Service or Philanthropic Facility or a Residential Care Facility ~~or Other~~

1 ~~Institution, Large~~, on a site that is currently split-zoned, which will serve both the immediate
2 neighborhood and the larger San Francisco community, with related educational, cultural,
3 social and recreational uses, including, but not limited to, retail sales, eating and drinking
4 facilities and parking.

5 (b) **Controls.** All provisions of the Planning Code currently applicable to the RM-1
6 District and Sacramento Street Neighborhood Commercial District ("Sacramento NCD")
7 portions of the California-Presidio Special Use District shall continue to apply to those portions
8 of the site, except as otherwise provided in this Section 249.21.

9 (1) **Permitted Uses.** The following uses (including, without limitation, all uses
10 which are principal permitted uses in RM-1 and Sacramento NCD Districts) shall be permitted
11 as principal uses in this Special Use District:

12 Community Facility, Child Care Facility, School, Post-Secondary Educational Institution,
13 Religious Institution, Social Service or Philanthropic Facility or a Residential Care Facility ~~or Other~~
14 ~~Institutions, Large~~, which may include, but are not limited to, theatre, auditorium, performance,
15 and meeting space, classrooms, art activities, including but not limited to, dance and music
16 studios, health club, fitness center and related uses, including , but not limited to, aerobics
17 and cardiovascular areas, gymnasium, pools, spa and other uses incidental thereto, social
18 services, youth and day camp, teen programs, ~~e~~Eating and ~~d~~Dinking uses (as defined in
19 Section 102 790.34 of this Code, with the exception of Eating and Drinking uses that are also
20 defined as Formula Retail large fast food restaurants as defined in Section 790.90 of this Code), Arts
21 Activities, Nighttime Entertainment ~~other entertainment uses (as defined in Section 790.38 of this~~
22 ~~Code)~~, on-site catering, child-care, retail, roof top recreation (including, but not limited to,
23 basketball courts, play structures and other related uses), rooftop garden and parking. Such
24 uses shall not be limited by story and may serve both the immediate neighborhood and the
25 larger San Francisco community. The permitted hours of operation of commercial

1 establishments shall be from 5 a.m. to 12 a.m.; any extended hours will require conditional
2 use authorization pursuant to ~~s~~Subsection (b)(2) hereunder.

3 (2) **Conditional Uses.** The Planning Commission may authorize the following
4 uses within the California-Presidio Special Use District as a conditional use in accordance
5 with the requirements of Section 303 of this Code:

6 (A) ~~(i)~~ Any principally permitted use under Subsection (b)(1) above where
7 the total floor area exceeds 130,000 gross square feet of floor area, excluding all parking and
8 loading areas, including driveways and maneuvering areas incidental thereto, located entirely
9 below curb level at the center line of the building along its California Street frontage.

10 (B) ~~(ii)~~ Any use not authorized as a principal permitted use in Subsection
11 (b)(1) which is allowed as a conditional use in either the RM-1 or Sacramento NCD Districts.

12 (3) **Conditional Use and Architectural Design Review by Planning**
13 **Commission.** Any application for any new structure, or significant enlargement of any existing
14 structure to house a use permitted within the California-Presidio Special Use District shall be
15 subject to conditional use review and approval by the Planning Commission in accordance
16 with the requirements in this ~~s~~Subsection (b)(3). The Planning Commission shall approve such
17 application if it finds that the proposed project:

18 (A) ~~(i)~~ Meets the height, bulk, floor area limitation, parking standards and
19 other standards or requirements of the California-Presidio Special Use District set forth below,

20 (B) ~~(ii)~~ Is consistent with the Priority Policies set forth in Planning Code
21 Section 101.1, and

22 (C) ~~(iii)~~ With respect to the architectural design that:

23 (i) ~~(a)~~ The mass and façade of the proposed structure are
24 compatible with the existing scale of the underlying RM-1 and Sacramento NCD Districts,
25

1 (ii) ~~(b)~~ The ~~faeade~~ façade of the proposed structure is compatible
2 with design features of other non-residential faeçades and contributes to the positive visual
3 quality of the underlying RM-1 and Sacramento NCD Districts,

4 (iii) ~~(e)~~ The treatment of screening, service areas, lighting and
5 general signage program is compatible with non-residential buildings in the area or with the
6 design and purposes of the proposed project, and

7 (iv) ~~(d)~~ The building is designed in discrete elements which
8 respect the scale of development in the neighborhood.

9 The criteria in this Subsection (b)(3) shall be in lieu of the criteria set forth in Sections
10 303(c), Section 121.1 (Development of Large Lots, Neighborhood Commercial Districts) and
11 Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts) and
12 Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in
13 R Districts) of this Code. In making determinations on applications for conditional use
14 authorization within the California-Presidio Special Use District, the Planning Commission
15 shall consider the purposes set forth in Subsection (a) above, in addition to any other criteria
16 to be applied hereunder.

17 (4) **Floor Area Ratio.** The floor area ratio limit shall be 2.5 to 1, provided,
18 however, that the limit shall not apply to floor area used for off-street parking and loading and
19 for driveways and maneuvering areas incidental thereto, where such parking and loading is
20 located entirely below curb level as measured from the property line at the center point of the
21 building along its California Street frontage.

22 (5) **Height and Bulk Restrictions.** The applicable Height and Bulk for this
23 Special Use District shall be 65-X.

24 (6) **Required Setbacks - Site Coverage.** The provisions of Sections 132, 134,
25 and 136 of this Code governing setbacks shall not apply.

1 (7) **Parking.** The off-street parking requirement may be modified by the
2 Planning Commission pursuant to the procedures for granting ~~e~~Conditional ~~#~~Use authorization
3 set forth in Section 303 of this Code. In acting upon any application for a modification of
4 parking requirements the Planning Commission shall consider the criteria set forth below in
5 lieu of the criteria set forth in Section 303, or elsewhere in the Code, and shall grant the
6 modification if it finds that:

7 (A) ~~(#)~~ Modification of the parking requirement is justified by the
8 reasonable anticipated auto usage by visitors of the project, including, without limitation,
9 taking into consideration appropriate link factors due to multiple uses of programs and
10 facilities, the normal hours of operation of such uses, programs and facilities and other factors
11 applicable to the proposed uses; or

12 (B) ~~(#)~~ Modification of the parking requirement will not be detrimental to
13 the health, safety, convenience or general welfare of persons residing or working in the
14 vicinity of the project. In making such finding, the Planning Commission may, among other
15 things, take into consideration ~~(A)~~ (i) the proposed project's net effect on parking demand as
16 compared to the parking demand that is not currently being met because of the absence of
17 off-street parking associated with existing uses, and ~~(B)~~ (ii) whether the parking proposed for
18 the project will decrease the deficiency that currently exists with respect to the parking that
19 would normally be required under the Planning Code for the existing structures and uses.

20 Notwithstanding any other provisions of the Planning Code, parking may be made
21 available to nearby residents, businesses and the general public for use as short-term or
22 evening parking when not utilized by the uses authorized hereunder to which such parking is
23 otherwise accessory.

24 (8) **Demolitions.** The demolition of all buildings in this California-Presidio
25 Special Use District containing residential uses shall be authorized pursuant to the procedures

1 for granting authorization set forth in Section 303 of this Code, provided that the notice and
2 relocation assistance provisions of Chapter 37 of the San Francisco Administrative Code (the
3 San Francisco Residential Rent Stabilization and Arbitration Ordinance) are met. In
4 considering whether to grant a conditional use permit for demolition, in lieu of the criteria set
5 forth in Section 303, consideration shall be given to:

6 (A) ~~(i)~~ The purposes of this California-Presidio Special Use District set
7 forth in Subsection (a), above;

8 (B) ~~(ii)~~ The adverse impact on the public health, safety and welfare due
9 to the loss of existing housing stock in the underlying RM-1 and Sacramento NCD Districts,
10 and

11 (C) ~~(iii)~~ The hardship to the applicant if the permit is denied or a
12 particular mitigation or condition is required.

13 Conditional Use authorization for demolition of the building at 3272 California Street
14 shall be subject to such conditions, if any, as the Planning Commission may reasonably
15 require.

16 (9) **Signs.** Except as provided herein, signage shall be regulated as provided in
17 Article 6 of this Code, subject to review in accordance with the criteria set forth in Subsection
18 (b)(3) herein.

19 (A) ~~(i)~~ **Signs for Businesses or Other Authorized Uses.**

20 (i) ~~A.~~ **Window Signs.** Window signs shall be permitted. The total
21 area of all window signs shall not exceed 1/3 the area of the window on or in which the signs
22 are located. Such signs may be non-illuminated, indirectly illuminated or directly illuminated.

23 (ii) ~~B.~~ **Wall Signs.** One wall sign per business or authorized use
24 which fronts and opens on the street is permitted, provided that for a business or authorized
25 use located at the street intersection that fronts on two streets two wall signs shall be

1 permitted. The area of a wall sign shall not exceed 50 square feet and the height of the wall
2 sign shall not exceed 20 feet. The wall sign may be non-illuminated, indirectly illuminated or
3 directly illuminated.

4 ~~(iii) C.~~ **Projecting Signs.** One projecting sign per business or
5 authorized use that fronts and opens on the street is permitted, provided that for a business or
6 use located at the street intersection that fronts on two streets two signs shall be permitted. In
7 no case shall more than five such projecting signs be permitted within this California-Presidio
8 Special Use District. The area of the projecting signs shall not exceed 32 square feet and the
9 height shall not exceed 30 feet. Projecting signs may be non-illuminated, indirectly illuminated,
10 or directly illuminated.

11 ~~(iv) D.~~ **Signs on Awnings.** One awning or marquee per business
12 or authorized use which fronts and opens on the street shall be permitted, provided that for a
13 business or use located at a street intersection which fronts on two streets two awnings or
14 marquees may be permitted. The area of the sign copy on such marquee shall not exceed 40
15 square feet and may be non-illuminated or indirectly illuminated.

16 Only one wall sign, awning sign, or projecting sign as described in this Subsection is
17 permitted for each business or authorized use fronting on a street, provided that for a
18 business or use at the intersection fronting on two streets, any two of such signs is permitted.

19 ~~(B) (ii)~~ **Projecting Signs (Banner Type).** Up to four banner-type
20 projecting signs adjacent to the main entrance are permitted. The area of these projecting
21 signs shall not exceed 32 square feet and the height shall not exceed 50 feet. Such signs
22 shall be non-illuminated or indirectly illuminated non-fluttering fixed banner types (principally
23 used to celebrate holidays or announce events).

24 ~~(C) (iii)~~ **Identifying Sign.** One project name identifying sign above the
25 main entrance to the building shall be permitted and the area of the identifying sign shall not

1 exceed 200 square feet and 40 feet in height. The identifying sign may be non-illuminated or
2 indirectly illuminated.

3 ~~(D) (iv)~~ **Directly Illuminated Wall Sign.** A directly illuminated digitally
4 programmable sign or signs attached to the building facade at or around the corner of the
5 building at California Street and Presidio Avenue to display announcements about community
6 center events, programs and related matters consistent with the purposes and uses of the
7 project is permitted.

8 **SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.**

9 In order to provide for the protection and enhancement of specialty retail and antique store
10 uses in the Jackson Square area, there shall be established the Jackson Square Special Use
11 District as designated on Sectional Map No. ~~±~~ SU01 of the Zoning Map. The boundaries of this
12 ~~s~~Special ~~#~~Use ~~#~~District shall be coterminous with the boundaries of the Jackson Square
13 Historic District as established by Appendix B to Article 10 of this Code and further described
14 in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The following
15 provisions shall apply within the Jackson Square Special Use District:

16 (a) **Purposes.** These controls are intended to protect and enhance the unique retail
17 character of the ~~s~~Special ~~#~~Use ~~#~~District. All decisions of the Planning Commission and
18 Department for the establishment of ground floor use shall be guided by the following factors:

19 (1) Continuation and enhancement of existing ground floor retail uses are of
20 critical importance to the character of the District and displacement of such uses should be
21 discouraged;

22 (2) Attraction and retention of similar new retail establishments that conform
23 with the character of this District should be encouraged; and
24
25

1 (3) Uses that greatly intensify the density of employment have a negative
2 impact on the provision of neighborhood services, traffic circulation, and limited on- and off-
3 street parking.

4 (b) **Controls.**

5 (1) **General.** The provisions of the C-2 use district as established in Section
6 210.2 and applicable provisions of the *Garment Shop Special Use District (Section 236)* and the
7 Washington-Broadway Special Use Districts (Section 239), and the Chinatown Community
8 Business District (Section 810.1), shall prevail except as provided in paragraphs (2) and (3)
9 below.

10 (2) **Conditional Uses.**

11 ~~(A) (a)~~ Office Uses and Business Services and Institutional Uses as set forth
12 in Sections 102 of this Code 219(a), (b), (c), and (d), and Sections 890.70 and 890.111, and all
13 ~~institutional uses set forth in Sections 217 and 890.50,~~ at the ground floor are subject to
14 Conditional Use authorization pursuant to Section 303 of this Code, provided, however, that
15 building lobbies, entrances, and exits to and from the basement, ground floor, or upper floors,
16 and other reasonably-sized common areas at the ground floor shall be permitted without
17 Conditional Use authorization. In addition to the findings required under Section 303(c) for
18 Conditional Use authorization, the Commission shall make the following findings:

19 (i) The use shall be necessary to preserve the historic resource
20 and no other use can be demonstrated to preserve the historic resource.

21 (ii) The use shall be compatible with, and shall enhance, the
22 unique retail character of the District.

23 ~~(B) (b)~~ Subsection (b)(2)(a) shall not apply to any use that fronts Pacific
24 Street.

1 (3) **Prohibited Uses.** Adult *Businesses entertainment enterprises*, as defined in
2 Section *102 of this Code, 221(k)* are prohibited.

3 **SEC. 249.31. JAPANTOWN SPECIAL USE DISTRICT.**

4 A Special Use District entitled "Japantown Special Use District," the boundaries of
5 which are shown on Sectional Map *No. 2SU02* of the Zoning Map of the City and County of
6 San Francisco is hereby established for the purposes set forth below.

7 * * * *

8 (b) **Controls.** The following provisions, in addition to all other applicable provisions of
9 the Planning Code, shall apply within such Special Use District:

10 (1) **Conditional Use Authorization.** The following activities, if not otherwise
11 prohibited, shall require *e*Conditional *#*Use authorization from the Planning Commission
12 pursuant to Section 303.

13 (A) ~~(i)~~ **Use Size.** The establishment of a new use or any change in use
14 in excess of 4,000 gross square feet.

15 (B) ~~(ii)~~ **Merger.** The merger of one or more existing uses into a use in
16 excess of 2,500 gross square feet.

17 ~~(iii) Formula Retail. The establishment of any formula retail use, as defined in~~
18 ~~Section 703.3(b).~~

19 (2) For any use subject to conditional use authorization and for any activity that
20 the Planning Commission considers under its discretionary review power, the Planning
21 Commission shall make the following additional findings:

22 (A) ~~(i)~~ The use is not incompatible with the cultural and historic integrity,
23 neighborhood character, development pattern, and design aesthetic of the Special Use
24 District; and

1 (B) ~~(ii)~~ The use supports one or more of the purposes for establishing
2 the Japantown Special Use District.

3 (3) **Notice.** Any change in use or establishment of a new use in the
4 neighborhood commercial zones within this Special Use District shall require notice pursuant
5 to section 312 and shall include ~~the following:~~ a posted notice.

6 ~~(i)~~ ~~Posted Notice.~~ Posted notice shall be in locations that the Zoning Administrator
7 designates. Said locations shall be easily visible to members of the public and shall be
8 posted, at a minimum, on Geary Boulevard, Post Street, and Webster Street, Fillmore Street,
9 or Laguna Street.

10 **SEC. 249.32. LAGUNA, HAIGHT, BUCHANAN AND HERMANN STREETS SPECIAL USE**
11 **DISTRICT.**

12 (a) **Purpose.** In order to facilitate the development of a mixed-use project including
13 affordable and market-rate rental and ownership dwelling units, affordable senior dwelling
14 units welcoming to the lesbian, gay, bisexual and transgender (LGBT) senior community,
15 community facilities, open space and retail services generally consistent with the policies of
16 the Market and Octavia Area Plan, approved by the Board of Supervisors on October 24,
17 2007 (the "Area Plan"), there shall be the Laguna, Haight, Buchanan and. Hermann Streets
18 Special Use District, applicable to the two RM-3 and NC-3 zoned blocks bounded by Laguna,
19 Haight, Buchanan and Hermann Streets, consisting of Assessor's Blocks 857 and portions of
20 Assessor's Block 870. The following provisions shall apply within the Special Use District:

21 (b) **Applicability.** The provisions of this Special Use District shall only apply to
22 projects which require conditional use authorization under Section 303 of this Code. In
23 considering the appropriateness of conditional use authorization within the Special Use
24 District, the Commission shall, in addition to the factors required by Section 303, consider the
25 following factors:

1 (1) **Parking.** Consistent with the Area Plan, there shall be no minimum number
2 of off-street parking spaces required for any use within the Special Use District. There shall be
3 no more than 0.75 off-street parking space per unit, including dwelling units, senior dwelling
4 units, which parking spaces may be located anywhere in the Special Use District. In addition,
5 up to 51 replacement parking spaces may be provided in the Special Use District for the
6 existing dental clinic located on Assessor's Block 870, Lot 3, provided that 15 of such spaces
7 should be subject to a parking rate structure to encourage short-term use, and that the Project
8 Sponsor AF Evans, or its successor, should use good faith efforts to agree with the owner of
9 the dental clinic that any after tax revenue from such parking spaces should be used to
10 support the indoor community facility; and provided that the owner of the dental clinic, within
11 five years from the effective date of this ordinance, submits a plan consistent with *Planning*
12 *Code* Section 304.5 *of this Code*, for reuse of the dental clinic. The minimum number of parking
13 spaces required for any commercial or community facility use set forth in Section 151 of this
14 Code shall instead be the maximum number of spaces that can be provided for such
15 commercial and community facility uses.

16 (2) **Off-Street Parking Standards.** The off-street parking standards for both
17 residential and non-residential parking spaces set forth in the Area Plan shall be generally
18 applied, including that: ~~(i) (A) that~~ no more than 20 feet per block frontage of any building may
19 be devoted to off-street parking ingress and egress, and such ingress and egress is not
20 located on a Transit Preferential Street, Citywide Pedestrian Network or designated
21 Neighborhood Commercial Street where an alternative frontage exists; ~~(B) (ii) that~~ off-street
22 parking at or above the ground floor be set back at least 25 feet from any street exceeding a
23 width of 30 feet and that active uses be provided along such street frontages within the
24 required setback; ~~(C) (iii) that~~ vehicle movement on or around the project does not unduly
25 impact pedestrian spaces or movement, transit service, bicycle movement, or the overall

1 traffic movement in the district; ~~(D) (iv) that~~ accommodating off-street parking does not
2 degrade the overall urban design quality of the project; ~~(E) (v) that~~ parking does not diminish
3 the quality and viability of existing or planned streetscape enhancements; ~~(F) (vi) that~~ for
4 residential projects of 50 units or more, all residential accessory parking in excess of 0.5
5 spaces per unit is stored and accessed by mechanical stackers or lifts, valet, or other space-
6 efficient means that reduces space used for parking and maneuvering, maximizes other uses,
7 and discourages the use of vehicles for commuting for daily errands; ~~(G) (vii) that~~ projects that
8 provide 10 or more spaces for non-residential uses dedicate 5% percent of those spaces,
9 rounded down, to short-term, transient use by vehicles from certified car sharing organizations
10 per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs; ~~(H) (viii) that~~
11 retail uses larger than 20,000 square feet which sell merchandise that is bulky or difficult to
12 carry by hand or by public transit offer door-to-door delivery services and/or shuttle service; ~~(I)~~
13 ~~(ix) that~~ car-share parking spaces be offered in at least the minimum amounts set forth in
14 Planning Code 166; ~~(J) (x) that~~ accessory non-residential parking spaces be available to the
15 general public from the hours of 7:00 p.m. to 7:00 a.m. Monday through Friday, and at all
16 times on Saturday and Sunday; and ~~(K) (xi) that~~ parking spaces be leased or sold separately
17 from the rental or purchase price of units.

18 (3) **Loading.** The minimum number of loading spaces required for any use as
19 set forth in Section 152 of this Code shall instead be the maximum number of spaces that can
20 be provided.

21 (4) **Residential Density.** The base residential density limits of the underlying
22 zoning as set forth in the Zoning Control Table for the district in which the lot is located Sections 209
23 and 712 shall apply. For a project that exceeds those base density limits through a Section 304
24 planned unit development authorization, the policy of the Area Plan that 40% percent of on-site
25 family units be two or more bedroom units shall apply.

1 (5) **Impact Fees or In-Kind Provision of Community Infrastructure.** The
2 Planning Commission shall consider imposition of a community infrastructure impact fees or
3 accept in lieu the in kind provision of community infrastructure improvements generally
4 consistent with the priorities set forth in the Area Plan, including publicly accessible open
5 space in excess of the residential open space requirements of this Code and an indoor
6 community facility, of a value comparable to the Area Plan policies. In the event the Planning
7 Commission does not accept in lieu the in kind provision of publicly accessible open space in
8 excess of the residential open space requirements of this Code or an indoor community
9 facility, such in kind open space and community facilities shall not otherwise be required to be
10 provided by a project in the Special Use District. Should impact fees, rather than in kind
11 provision of infrastructure improvements, be provided in whole or part, such fees shall be
12 deposited in the Market & Octavia Community Improvements Fund as proposed to be
13 established by the Area Plan. Fees deposited in the Market & Octavia Community
14 Improvements Fund, as proposed to be established by the Area Plan, may be used to support
15 the indoor community facility.

16 (c) **Affordable Housing.** Should the percentage of family and senior dwelling units in
17 a project in the Special Use District proposed to be affordable to households of low- or
18 moderate-income meet or exceed 35 ~~thirty-five~~ percent (~~35%~~) of the total number of ~~d~~Dwelling
19 ~~#~~Units in the project, the proposed amendments to Section 315.4(a)(1)(A), which can be
20 found in Board of Supervisors File Nos. 071156 and 080255, imposing an additional
21 affordable housing fee in the Market and Octavia Plan Area, shall not apply.

22 (d) **Waller Street.** The project sponsor shall gain approval for the use of Waller Street
23 from the Board of Supervisors prior to issuance of a building or site permit.

24
25

1 (e) **Expiration.** If a site or building permit has not been issued and construction
2 commenced on the mixed-use project described above, the provisions of this Special Use
3 District shall expire five years from the effective date of this legislation.

4 **SEC. 249.33. VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE**
5 **DISTRICT.**

6 (a) **Purpose.** There shall be a Van Ness & Market Downtown Residential Special Use
7 District, which is comprised of the parcels zoned C-3-G in the Market Octavia Better
8 Neighborhoods Plan area, and whose boundaries are designated on Sectional Map No. 2SU02
9 and 7SU07 of the Zoning Map of the City and County of San Francisco. This district is
10 generally comprised of parcels focused at the intersections of Van Ness Avenue at Market
11 Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of
12 Market and Mission Streets between 10th and 12th Streets. This district is intended to be a
13 transit-oriented, high-density, mixed-use neighborhood with a significant residential presence.
14 This area is encouraged to transition from largely a back-office and warehouse support
15 function to downtown into a more cohesive downtown residential district, and serves as a
16 transition zone to the lower scale residential and neighborhood commercial areas to the west
17 of the C-3. A notable amount of large citywide commercial and office activity will remain in the
18 area, including government offices supporting the Civic Center and City Hall. This area was
19 initially identified in the Downtown Plan of the General Plan as an area to encourage housing
20 adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept
21 was fully articulated in the Market and Octavia Area Plan, and is described therein.

22 (b) **Use Controls.**

23 (1) **Non-residential Uses.** For newly-constructed buildings or additions which
24 exceed 20 percent or more of an existing structure's gross floor area, non-residential uses are
25 not permitted above the 4th fourth story, and at least two occupied square feet of residential

1 use shall be provided for each occupied square foot of non-residential use. In order to
2 accommodate local government office uses near City Hall, publicly-owned or leased buildings
3 or lots are exempted from the requirements of this ~~s~~Subsection.

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

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

23 (A) **Payment of Affordable Housing Fee.** Except as provided in
24 Section 415.5(g) of this Code, all development projects subject to Section 415 et seq. in the
25

1 Van Ness Market Special Use District shall be required to pay an Affordable Housing Fee
2 under Section 415.5 equivalent to 20 percent of the number of units in the principal project.

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

6 (i) **On Site Housing Requirements and Benefits.** For projects
7 that qualify for and choose to fulfill the requirements of Section 415 through the provision of
8 onsite housing, the Planning Department shall require that 12% percent of all units constructed
9 on the project site shall be affordable to qualifying households so that a project applicant must
10 construct .12 times the total number of units produced in the principal project. If the total
11 number of units is not a whole number, the project applicant shall round up to the nearest
12 whole number for any portion of .5 or above.

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

20 (4) **Open Space Provider.** The off-site open space permitted by this Section
21 may be provided individually by the project sponsor or jointly by the project sponsor and other
22 project sponsors, provided that each square foot of jointly developed open space may count
23 toward only one sponsor's requirement. With the approval of the Planning Commission, a
24 public or private agency may develop and maintain the open space, provided that (A) (i) the
25 project sponsor or sponsors pay for the cost of development of the number of square feet the

1 project sponsor is required to provide, (B) ~~(ii)~~ provision satisfactory to the Commission is
2 made for the continued maintenance of the open space for the actual lifetime of the building
3 giving rise to the open space requirement, and (C) ~~(iii)~~ the Commission finds that there is
4 reasonable assurance that the open space to be developed by such agency will be developed
5 and open for use by the time the building, the open space requirement of which is being met
6 by the payment, is ready for occupancy.

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

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

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

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

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

19 (iii) An unenclosed pedestrian pathway that meets the minimum
20 standards described in Section 827(g)(3)(A) - (E) *of this Code*;

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

22 (v) Streetscape improvements with landscaping and pedestrian
23 amenities that result in additional space beyond the pre-existing sidewalk width and conform
24 to the Market & Octavia Area Plan, such as sidewalk widening or building setbacks; and
25

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

5 (D) Open space must meet the following standards:

6 (i) Be in such locations and provide such ingress and egress as
7 will make the area convenient, safe, secure and easily accessible to the general public;

8 (ii) Be appropriately landscaped;

9 (iii) Be protected from uncomfortable winds;

10 (iv) Incorporate ample seating and, if appropriate, access to
11 limited amounts of food and beverage service, which will enhance public use of the area;

12 (v) Be well signed and accessible to the public during daylight
13 hours;

14 (vi) Be well lighted if the area is of the type requiring artificial
15 illumination;

16 (vii) Be designed to enhance user safety and security;

17 (viii) Be of sufficient size to be attractive and practical for its
18 intended use; and

19 (ix) Have access to drinking water and toilets if feasible.

20 (E) **Maintenance.** Open spaces shall be maintained at no public
21 expense, except as might be provided for by any community facilities district that may be
22 formed. The owner of the property on which the open space is located shall maintain it by
23 keeping the area clean and free of litter and keeping in a healthy state any plant material that
24 is provided. Conditions intended to assure continued maintenance of the open space for the
25

1 actual lifetime of the building giving rise to the open space requirement may be imposed in
2 accordance with the provisions of Section 309.1 *of this Code*.

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

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

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

24 (6) **Floor Area Ratio.**
25

1 (A) The maximum FAR allowed, except as allowed in this Section, shall
2 be that described in Section 123(~~cc~~), provided that it shall not be greater than 9:1. The
3 definition of Gross Floor Area shall be that in Section 102-9 as of the date of approval of this
4 Section 249.33 Ordinance, and shall include all rResidential uses. The provisions of Section
5 124(g) of this Code shall not apply in this special use district.

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

9 (i) The gross floor area of a structure or structures on a lot may
10 exceed the maximum ratio described in Section 123(c) of this Code through participation in the
11 Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program,
12 according to the procedures described in Section 424.

13 (ii) Notwithstanding the provisions of Sections 127 and 128 of this
14 Code, projects in this Special Use District are not eligible to acquire Transferable Development
15 Rights from a Transfer Lot or Lots pursuant to the provisions of Sections 127 and - 128 for that
16 increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described
17 in Section 123(c). Instead, a project may pay to the City's Citywide Affordable Housing Fund
18 thirty dollars (\$30) per additional gross square foot for that increment of FAR above the base
19 FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Any monies
20 deposited into the Citywide Affordable Housing Fund shall be administered as provided for in
21 Section 415 et seq.

22 **SEC. 249.34. TRINITY PLAZA SPECIAL USE DISTRICT.**

23 In order to give effect to the Development Agreement for the Trinity Plaza Development
24 Project, there shall be the Trinity Plaza Special Use District consisting of Assessor's Block
25 3702, Lots 039, 051, 052, and 053 and a portion of former Jessie Street between Seventh and

1 Eighth Streets, as designated on Sectional Map No. #SU01 of the Zoning Map of the City and
2 County of San Francisco.

3 (a) **Special Controls.** The following controls shall apply within this Special Use
4 District:

5 (1) **Floor Area Ratio.** The floor area ratio limits set forth in Sections 123 and
6 124 *of this Code* for C-3-G Districts shall not apply to ~~d~~Dwellings and other residential uses.

7 (2) ~~**Residential Density.** The maximum density ratio for dwelling units in C-3-G~~
8 ~~*Districts set forth in Section 215 shall not apply.*~~

9 (3) **Shadows on Public Sidewalks.** The requirement regarding sunlight to
10 public sidewalks set forth in Section 146 shall not apply.

11 (3) (4) **Exposure of Dwelling Units.** Exceptions to the provisions of Section
12 140 *of this Code* regarding dwelling unit exposure to open areas may be granted through the
13 process set forth in Section 309 in lieu of the process set forth in Section 305. An exception to
14 the provisions of Section 140 shall only be granted upon a determination that the proposed
15 design provides adequate access to air and light consistent with the intent of Section 140.

16 (b) **The Development Agreement for the Trinity Plaza Development Project.** This
17 Special Use District is further subject to the restrictions and controls set forth in the
18 Development Agreement for the Trinity Plaza Development Project, recorded against the
19 property, as amended from time to time.

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

21 * * * *

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

1 (1) Properties in NC-1 and NCT-3 Districts, and in the Broadway (Sec. 714), Castro
2 Street (Sec. 715), Inner Clement Street (Sec. 716), Outer Clement Street (Sec. 717), Excelsior Outer
3 Mission Street (Sec. 745), Fillmore Street (Sec. 747), Upper Fillmore Street (Sec. 718), Haight Street
4 (Sec. 719), Upper Market Street (Sec. 721), Upper Market Street NCT (Sec. 733), Mission Street (Sec.
5 736), North Beach (Sec. 722), Pacific Avenue (Sec. 732), Sacramento Street (Sec. 724), Inner Sunset
6 (Sec. 730), 24th Street – Mission (Sec. 727), 24th Street – Noe Valley (Sec. 728), Union Street (Sec.
7 725), Valencia Street (Sec. 726), and West Portal Avenue (Sec. 729) Neighborhood Commercial
8 Districts;

9 (2) Properties in the Mission Alcoholic Beverage Special Use District, as
10 described in Section 781.8 of this Code and as designated on Zoning Maps Numbers SU07
11 and SU08 of the Zoning Map of the City and County of San Francisco;

12 (3) ~~(2)~~ Properties in the North of Market Residential Special Use District, as
13 described in Section 249.5 of this Code and as designated on Zoning Maps Numbers SU01
14 and SU02;

15 (4) ~~(3)~~ Properties in the Divisadero Street (Section 783), Haight Street (Section
16 781.9) and Third Street (Section 782) Alcohol Restricted Use Districts, as described in Section 783 of
17 this Code and as designated on Zoning Maps Numbers SU02 and SU07 of the Zoning Map of the City
18 and County of San Francisco and the Excelsior Outer Mission Neighborhood Commercial District, as
19 described in Section 745 of this Code and as designated on Zoning Map ZN08 of the Zoning Map of the
20 City and County of San Francisco;

21 (4) ~~Properties in the Third Street Alcohol Restricted Use District, as described in~~
22 ~~Section 782 of this Code and as designated on Zoning Map Number SU10 of the Zoning Map of the~~
23 ~~City and County of San Francisco; and~~

1 ~~(5) — Properties in the Haight Street Alcohol Restricted Use Subdistrict, as described in~~
2 ~~Section 781.9 of this Code and as designated on Zoning Maps Numbers SU06 and SU07 of the Zoning~~
3 ~~Map of the City and County of San Francisco.~~

4 * * * *

5 (f) **Definitions:** The following definitions shall apply to this Section 249.35.

6 (1) ~~A "Fringe Financial Service" as defined in Section 102 of this Code shall mean~~
7 ~~a retail use that provides banking services and products to the public and is owned or operated by a~~
8 ~~"check casher" as defined in California Civil Code section 1789.31, as amended from time to time, or~~
9 ~~by a "licensee" as defined in California Financial Code section 23001(d), as amended from time to~~
10 ~~time.~~

11 (2) A "nonprofit fringe financial service" shall mean a fringe financial service
12 that is exempted from payment of income tax under Section 23701(d) of the California
13 Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the
14 United States. Any such nonprofit fringe financial service shall provide the Planning
15 Department with a true copy(ies) of its income tax documentation demonstrating its exemption
16 from payment of income tax under State and Federal Law.

17 (g) The Planning Department shall maintain information regarding the location of
18 existing fringe financial services located outside the Fringe Financial Service Restricted
19 Use District, which information shall be presumed accurate. An applicant for a new fringe
20 financial service use may submit information to the Department to demonstrate that an
21 existing fringe financial service use has closed or is otherwise not located within a one-quarter
22 1/4 mile of the location of the proposed new fringe financial service use.

23 **SEC. 249.35B. DESIGN AND DEVELOPMENT SPECIAL USE DISTRICT.**

24 In recognition of existing large parcels where a limitation on office square footage per
25 lot would be proportionally inappropriate, to accommodate office space for activities that

1 require space outside of downtown, to provide affordable office space to small firms and
2 organizations which may be engaged in incubator businesses and microenterprises, and to
3 accommodate office space in relation to the agglomeration of internal, telecommunications
4 and related utility uses in the immediate area, there shall be a Design and Development
5 Special Use District applied to certain portions of the South Basin area west of Third Street,
6 and to parcels on Third Street near the intersections of Cargo Way, Custer Avenue, Davidson
7 Avenue, Evans Avenue, and Egbert Avenue, as shown on Sectional Map 10 SU of the Zoning
8 Map. The following provisions shall apply within such special use district:

9 (a) Except as described below, the specific use definitions and controls for PDR-1
10 and PDR-2 Districts, as detailed in the District's Zoning Control Table Sections 213-277 of this
11 Code, shall apply to lots within this Design and Development SUD, including the accessory
12 use provisions contained in Section 204.3 of this Code.

13 (b) Any ~~o~~Office use is permitted, limited to a floor area ratio of 0.25 of gross floor
14 area to 1 square foot of lot area notwithstanding the office use size limitations of the PDR-2
15 District. In no case shall office use be limited to less than the size allowed in a PDR-2 District
16 as detailed in the District's Zoning Control Table under Planning Code Section 219; nor shall it
17 exceed a total of 50,000 square feet of gross floor area per lot.

18 (c) An ~~o~~Office use above the amount permitted in Section 249.35B(b) of this Code is
19 permitted provided that it shall be limited to the following activities:

20 (1) design activities, including but not limited to architectural, graphic, interior,
21 product, and industrial design;

22 (2) ~~b~~Business ~~s~~Service as defined in Planning Code Section 102 890.HH of this
23 Code;

24 (3) ancillary office activities related to internet, telecommunications, electronic
25 networking or data storage service and maintenance;

1 (4) digital media and arts.

2 (d) For all ~~o~~Office use square footage greater than the amount permitted under
3 249.35B(b), a Notice of Special Restriction shall be executed by the Zoning Administrator and
4 recorded in the Office of the County Recorder, specifying that the office activities are limited to
5 the uses permitted under Planning Code Section 249.35B(c).

6 (e) For all ~~o~~Office use square footage greater than the amount permitted under
7 249.35B(b) *of this Code*, each individual business shall be limited to 5,000 square feet of gross
8 floor area.

9 (f) Off-street parking spaces shall be provided in the minimum amounts as follows:

10 (1) for ~~o~~Office uses permitted under Section 249.35B(b), according to Table
11 151 of this Code;

12 (2) for office uses permitted under Section 249.35B(c), 1 space for every
13 2,500 square feet of occupied floor area.

14 **SEC. 249.41. 901 BUSH STREET SPECIAL USE DISTRICT.**

15 (a) In order to facilitate development of the 901 Bush Project in a manner consistent
16 with City policies and neighborhood character, there shall be the 901 Bush Special Use
17 District consisting of Assessor's Block 0282, Lot 001 as designated on the Zoning Map of the
18 City and County of San Francisco and generally bounded by Bush Street to the north, Taylor
19 Street to the East, and Assessor's Block 0282 Lots 017 and 022 to the west and south,
20 respectively.

21 (b) All the applicable provisions of the Planning Code for RC-4 Districts shall apply
22 within this Special Use District except for the following:

23 (1) **Residential Density.** The maximum density ratio for ~~d~~Dwelling ~~u~~Units in
24 RC-4 Districts as set forth in RC Zoning Control Table Section 209.1 shall not apply. Density in
25

1 the Special Use District shall not exceed one ~~d~~Dwelling ~~u~~Unit for each 120 square feet of lot
2 area.

3 (2) **Rear Yard.** The rear yard requirements established by Section 134 *of this*
4 *Code* shall not apply. The rear yard depth shall be 9% *percent* of total lot depth.

5 (3) **Open Space.** The dimensional requirements for useable open space
6 established by Section 135(g) *of this Code* shall not apply.

7 (4) ~~**Off-Street Parking.** The off-street parking requirements established by Section~~
8 ~~151 shall not apply. No off-street parking is required in the Special Use District.~~

9 (5) **Affordable Housing.** Notwithstanding the terms of Sections 415 *et seq.*;
10 *of this Code*, and due to the unique circumstances of the site, the existing building, and the
11 property's history; the existing residential project within this Special Use District shall contain
12 five (5) on-site inclusionary affordable housing units that meet all other requirements of
13 Sections 415 *et seq.*

14 (c) The terms of this Special Use District shall apply only to the existing building on
15 the subject lot and all successor lots or units that may be created through a subdivision. Any
16 demolition, new construction, or building additions within this Special Use District shall be
17 subject to all applicable terms of the Planning Code in effect at the time of the demolition, new
18 construction, or building addition.

19 **SEC. 249.42. INDIA BASIN INDUSTRIAL PARK SPECIAL USE DISTRICT.**

20 In order to provide continued enhancement and protection of certain retail, office, and
21 social service uses in the India Basin Industrial Park area, and to generally retain setback
22 requirements previously required under the India Basin Industrial Park Redevelopment Plan,
23 there shall be an India Basin Industrial Park Special Use District, the boundaries of which are
24 shown on Sectional Map *Nos. 8SU08 and 10SU10* of the Zoning Map *of the City and County of*
25 *San Francisco*. The following provisions shall apply within this Special Use District:

1 (a) **Parcels in close proximity to Third Street.** Parcels numbers 5203/035,
2 5203/043, 5203/083, 5203/084, 5211/028-054, 5235/012, 5235/015, 5242/001, 5242/002,
3 5242/007 and 5242/031, are subject to the provisions of the PDR-2 District except as provided
4 below:

5 (1) ~~1-~~ **Office Uses.** Office uses, as defined in Planning Code Section 102 ~~within~~
6 ~~the meaning of Section 219~~ shall not be subject to the use size limits for ~~o~~Office uses in the PDR-
7 2 District set forth in the PDR Zoning Control Table ~~Section 219~~ and the non-residential use size
8 limits in the PDR-2 District set forth in the PDR Zoning Control Table, Section 121.8, however, a
9 new or expanded ~~o~~Office use is not permitted if the total amount of ~~o~~Office use on one of the
10 parcels designated above would exceed 50,000 gross square feet.

11 (2) ~~2-~~ **Retail uses.** Retail Sales and Service uses as defined in Section 102 ~~within~~
12 ~~the meaning of Section 218~~ shall not be subject to the use size limits for ~~r~~Retail uses in the PDR-
13 2 District set forth in the PDR Zoning Control Table ~~Section 218~~ and the non-residential use size
14 limits for the PDR-2 District set forth in the PDR Zoning Control Table ~~Section 121.8~~, however,
15 any individual new or expanded ~~r~~Retail use that contains a gross floor area greater than 5,999
16 square feet shall require Conditional Use authorization pursuant to Section 303 and must
17 comply with the criteria of Sections 121.2(a)(1) through (3) of this Code.

18 (3) ~~3-~~ **Institutional uses.** Social ~~s~~Service and Philanthropic fFacilities as defined
19 in within the meaning of Section 102 217(d) shall not be subject to the use-size limit for the PDR-
20 2 District set forth in the PDR Zoning Control Table ~~Section 217(d)~~. Child-~~e~~Care facilities as defined
21 in Section 102 within the meaning of Section 217(e) shall be principally permitted. Health Service
22 uses, as defined in Section 102 of this Code. Clinics primarily providing outpatient care in medical,
23 psychiatric or other healing arts shall be principally permitted if the gross floor area of such
24 facility is less than 7,000 square feet. Such clinics may be affiliated with a medical institution,
25 which institution has met the applicable provisions of Section 304.5 of this Code concerning

1 institutional master plans. *Health Service uses Clinics* primarily providing outpatient care in
2 medical, psychiatric or other healing art with a gross floor area equal to or greater than 7,000
3 square feet, whether or not affiliated with a *Hospital medical institution*, which institution has
4 met the applicable provisions of Section 304.5 of this Code concerning institutional master
5 plans, shall require ~~e~~Conditional ~~#~~Use authorization pursuant to Section 303.

6 ~~(4)~~ **4. Off-Street Parking.** The minimum off-street parking requirements set
7 forth in Section 151 *of this Code* shall not apply. However, for the purpose of determining the
8 maximum amount of parking allowed as an accessory use under Section 204.5, the amount of
9 parking required ~~by this Code~~ shall be the amount set forth in Section 151.

10 (b) **Front setbacks.** All parcels within this Special Use District shall provide landscaped
11 front setbacks at depths and along frontages identified in this Subsection. The intent is to
12 maintain and reinforce existing landscaped front setbacks, including the landscaped berms,
13 India Basin Industrial Park signs, and tree hedges. Such setbacks shall be completely and
14 appropriately landscaped and shall remain unpaved and devoted to plant material, excepting
15 reasonable space necessary for ingress and egress to properties. Except as set forth in this
16 Subsection for corner properties, only those permitted obstructions identified in Section 132(f)
17 shall be permitted within such front setback. Corner properties with frontage along more than
18 one street identified below shall provide the required setback along all applicable frontages
19 with two exceptions: (1) the required setback along each frontage may be reduced to the
20 depth of the front setback of an existing building on an adjacent lot along the same frontage,
21 provided that the adjacent building occupies at least half of the width of the adjacent lot, and
22 (2) building elements may extend into portions of the required setback, resulting in an irregular
23 setback, provided that the total area of the resulting setback along each frontage is at least
24 equal to the total area of the setback that would otherwise be required. The required front
25 setbacks are as follows:

- 1 ~~1.~~ (1) Third Street, east side, north of Burke Avenue, 10 feet.
- 2 ~~2.~~ (2) Third Street, east side, south of Burke Avenue, 15 feet.
- 3 ~~3.~~ (3) Evans Avenue, north side, 15 feet.
- 4 ~~4.~~ (4) Evans Avenue, south side between Third Street and Mendell Street, 15 feet.
- 5 ~~5.~~ (5) Cargo Way, south side, 15 feet.

6 **SEC. 249.46. VETERANS COMMON SPECIAL USE DISTRICT.**

7 In order to facilitate the development of the Veterans Commons Project for homeless
8 veterans, that shall be a ~~special use district known as the~~ Veterans Commons Special Use
9 District, consisting of Assessor's Block No. 3513, Lot No. 07, at the street location address
10 150 Otis Street, and as designated on ~~Sheet~~ Sectional Map No. SU07 of the Zoning Map of the
11 City and County of San Francisco. The following provisions shall apply within the Veterans
12 Common Special Use District:

13 (a) **Construction of Affordable Housing Project.** The property in the Veterans
14 Commons Special Use District may be converted from public institutional special to a
15 residential housing project with attendant meeting rooms, community kitchens and ancillary
16 services, and property management offices.

17 (b) **Controls.** Notwithstanding any other provisions of this Code, the following
18 controls shall govern uses in this Special Use District:

19 (1) This Special Use District shall permit uses consistent with the RTO
20 (Residential Transit Oriented) subject to the exceptions listed below:

21 (A) **Rear Yard.** The rear yard requirements under Section 134 shall not
22 apply.

23 (B) **Usable Open Space.** The usable open space requirements under
24 Section 135(d) shall not apply.

25

1 (C) **Sunlight and Dwelling Unit Exposure.** The sunlight and dwelling
2 unit exposure requirements of Section 140 shall not apply to any west facing units.

3 (D) **Section 155.2 Bicycle Parking.** Bicycle parking requirements under
4 Section 155.2 shall not apply.

5 (E) **Section 207.6 Dwelling Unit Mix.** The two-bedroom unit
6 requirements under Section 207.6 shall not apply.

7 (2) **Density.** Notwithstanding the density requirements *in the Zoning Control Table*
8 *for the district in which the lot is located of Section 209*, the Special Use District shall allow up to
9 76 dwelling units (or a ratio of no less than 89.41 sq. ft./dwelling) in a single building.

10 (3) **On-site Social Services.** The area dedicated to on-site social
11 services/special service provision shall be no greater than 6,300 sq. ft. and shall be located in
12 or below the ground story.

13 **SEC. 249.54. EXECUTIVE PARK SPECIAL USE DISTRICT.**

14 (a) **General.** A Special Use District entitled the Executive Park Special Use District is
15 hereby established for Assessor's Block 4991, Lots 024, 061, 065, 074, 075, 078, 085 and
16 086 and Assessor's Block 5076, Lots 012 and 013, generally bounded by Harney Way on the
17 south, Highway 101 on the west, Executive Park Boulevard North on the north and Executive
18 Park Boulevard East on the east, and is set forth in Sectional Map No. SU10 of the Zoning
19 Map *of the City and County of San Francisco*.

20 (b) **Purpose.** The purpose of the Executive Park Special Use District (SUD) is to
21 accommodate and encourage medium to high density, mixed-use, predominately residential
22 development at the location of an existing office park. The new mixed-use development is
23 envisioned to tie together the new development with existing and approved residential
24 development north and east of the SUD, along with long-established neighborhoods to the
25 west. The SUD provides controls tailored to Executive Park's unique circumstances: the

1 existing area does not feature a fine-grained street and block pattern typical of San Francisco
2 residential development adequate to serve the access, circulation and open space needs of
3 the envisioned urban residential and mixed use neighborhood. Also, some portions of the
4 area may become part of dedicated public right-of-way as a result of the anticipated future
5 widening of Harney Way and redesign of on-ramps and off-ramps to Highway 101 at Alana
6 Way and Harney Way. The SUD anticipates a new mixed-use, predominately residential
7 neighborhood, with a fine-grained block and street pattern and new open space, and provides
8 for the transfer of buildable density from portions of the area that may become part of
9 dedicated public right-of-way to other parts of the area, among other provisions.

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

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

20 (2) **Uses.**

21 (A) Retail Sales and Service Uses as defined in ~~under~~ Planning Code
22 Section 102.218 are principally permitted at street level throughout the SUD when individual
23 establishments are less than 10,000 square feet of gross floor area. Retail establishments
24 equal to or greater than 10,000 square feet of gross floor area require Permit Design Review
25 under ~~Planning Code~~ Section 309.2 of this Code. Tenant spaces that are expanded to be

1 10,000 square feet or greater after initial approval will require addition review under *Planning*
2 *Code* Section 309.2.

3 (B) Ground floor retail is required at the two southern corners of the
4 intersection of Executive Park Boulevard North and Thomas Mellon Circle. (Portions of Block
5 4991, Lots 085 and 086). For each corner, retail frontage is required for a minimum of 100
6 feet along Executive Park Boulevard North and 50 feet along Thomas Mellon Circle.

7 (C) Child-]eCare facilities as defined in Section 102 of this Code ~~under~~
8 ~~Section 209.3(f)~~ are principally permitted.

9 (D) Community fFacilities and Private Community Facilities as defined in
10 Section 102 of this Code ~~under Section 209.4(a) and (b)~~ are principally permitted.

11 (E) Non-accessory parking is not permitted.

12 (3) **Required Residential to Non-Residential Use Ratio.** Non-residential
13 uses are limited to one occupiable square foot for every six occupiable square feet of
14 residential use.

15 (4) **Density Transfer.**

16 (A) In accordance with the provisions of this sSubsection, (i) the
17 density allowed on Block 4991, Lots 024, 061, 065 and 078, and Block 5076, Lots 012 and
18 013, may be transferred to any other lot within the SUD north of Alana Way or north of the
19 proposed Harney Way setback line and (ii) if the portion of Assessor's Block 4991, Lot 085
20 south of the Harney setback line becomes its own lot through a subdivision action, the new lot
21 south of the setback line may transfer its density to any other lot north of Alana Way or north
22 of the Harney setback line pursuant to the procedures described in this sSubsection. The
23 Blocks and Lots in the SUD and the location of the proposed Harney Way setback line are
24 shown on the map in Figure 249.54(A). In addition, a detailed description of the Harney Way
25

1 setback line is on file with the Clerk of the Board of Supervisors in File No. 110625 and
2 incorporated into this Section by this reference.

3 [Figure 249.54(A) is not shown but is not to be deleted.]

4 (B) To transfer density, a Notice of Special Restriction ("NSR") must be
5 recorded against lots that both provide and receive the density transfer. Prior to recording a
6 NSR for a density transfer, the Planning Department must have verified that the density
7 transfer proposed is authorized by this ~~s~~ subsection. The NSR shall explicitly state the square
8 footage of the providing lot, and the maximum number of residential units and the maximum
9 gross square footage of non-residential uses that are being forgone on the providing lot and
10 transferred to the receiving lot or lots. If density is being distributed between more than one
11 lot, the NSR shall explicitly state how much density each lot is receiving. The NSR must also
12 explicitly state that by transferring density, the providing lot is foregoing all rights to develop on
13 the providing lot the number of units and amount of non-residential square footage
14 transferred. In all cases, lots receiving density transfers will continue to be subject to all
15 relevant controls and guidelines notwithstanding new maximum allowed density. The NSR
16 memorializing the transfer must be approved as to form by the City Attorney.

17 (5) **Family Size Units.** Section 207.6 applies to lots within the SUD.

18 (6) **Harney Way Setback.** No building shall be built on the southern side of
19 the Harney setback line as shown on Figure 249.54(A) and described in the detailed
20 description of the Harney Way setback line on file with the Clerk of the Board of Supervisors
21 in File No. 110625. Residential and non-residential densities that would have otherwise been
22 allowed south of the setback line may be applied to other portions of the lot or transferred to
23 other lots within the SUD pursuant to Section 249.54(c)(4).

24 (7) **Site Coverage.** Rear yard provisions of Planning Code Section 134 do not
25 apply. The maximum site coverage of any building is 75 percent of the site area as measured

1 at the grade level of the building's main pedestrian entry and at each succeeding level or story
2 of the building. The site area used to create new publicly accessible streets, will be credited
3 toward the area required to be unbuilt when calculating the site coverage. The location of
4 proposed new publicly accessible streets and resulting new formulated blocks are shown in
5 Figure 249.54(B).

6 [Figure 249.54(B) is not shown but is not to be deleted.]

7 (8) **Open Space.** For all residential uses, 75 square feet of open space is
8 required per dwelling unit. All residential open space must meet the provisions described in
9 Section 135, except where modified through Design Review under Section 309.2. Open space
10 requirements may be met with the following types of open space: "private usable open
11 space" as defined in Section 135(a) of this Code, "common usable open space" as defined in
12 Section 135(a) of this Code, and "publicly accessible open space" as defined in Section
13 135(h) and (i) of this Code, except that in the case of new publicly accessible streets, "publicly
14 accessible open space" does not include the curb-to-curb area that is open to vehicles and
15 includes only the sidewalk area. At least 36 square feet of open space per dwelling unit must
16 be provided on-site. Exceptions to this requirement may be sought through the Section 309.2
17 approval process. For purposes of this Section "on-site" means the area within the new
18 formulated blocks shown in Figure 249.54(B). On-site includes setback area, but not areas
19 used to create new publicly accessible streets.

20 (9) **Obstructions.** Provisions in the Executive Park Design Guidelines shall
21 be used in-lieu of Planning Code Section 136 in determining allowable obstructions.

22 (10) **Off-Street Parking.** The minimum off-street parking requirements set
23 forth in Section 151 shall not apply. However, for the purpose of determining the maximum
24 amount of parking allowed as an accessory use under Section 204.5, the amount of parking
25 required by this Code shall be the amount specified in Section 151 for the use or activity.

1 (11) **Parking Location in Building.** Parking shall be located below the grade
2 of the floor of the main pedestrian entrance to the building, with exceptions for (A) parking
3 ingress and egress, and (B) parking spaces dedicated to car sharing, vanpools, and handicap
4 accessible parking spaces. Notwithstanding the above, for sloping lots, building floor
5 dedicated to parking may be partially above grade, if fully wrapped with active uses as defined
6 by Planning Code Section 145.1.

7 (12) **Off-street Loading.** Off-street loading pursuant to Section 152 through
8 152.2 is not required. There is no limit to the number of allowed loading spaces as long as
9 loading facilities meet the Executive Park Design Guidelines.

10 (13) **Car Sharing.** The car sharing provisions of Planning Code Section 166
11 shall apply to lots within the SUD.

12 (14) **Signs.** Sign controls for NC-2 Districts shall apply to the SUD in-lieu of
13 sign controls for the underlying use district.

14 (15) **Streetscape and Other Infrastructure Improvements.**

15 (A) **General Requirements For New Publicly Accessible Streets**
16 **and Improvements to Existing Streets.** For each building or phase of development, all
17 bordering streets, including proposed new publicly accessible streets as shown on Figure
18 249.54(B), shall be fully improved for the entire width of the right-of-way consistent with the
19 Executive Park Subarea Plan and the Executive Park Design Guidelines. If a proposed
20 building or phase does not directly connect with Thomas Mellon Drive, Executive Park
21 Boulevard West, Executive Park Boulevard North or Executive Park Boulevard East,
22 construction of the building or phase must also include right-of-way improvements leading to
23 at least one of these streets. Said improvements must be completed and operational prior to
24 the issuance of the first certificate of occupancy, whether temporary or final ("the time of
25

1 occupancy"), as required by the conditions of approval for each building or phase of
2 development.

3 (B) **General Requirements for New Publicly Accessible Open**
4 **Space.** To provide adequate public open space, the Executive Park Subarea Plan and
5 Executive Park Design Guidelines identify three new public open space areas in the SUD as
6 shown in Figure 249.54(B). For any building or phase of development that is immediately
7 adjacent to any of the three identified open spaces in the SUD as shown in Figure 249.54(B),
8 the construction of the open space shall be completed to the satisfaction of the City prior to
9 the issuance of any temporary or final certificate of occupancy. This requirement applies to
10 the first such building or phase of development adjacent to the open space.

11 (C) Planning Commission approval of a building or phase under
12 Section 309.2 shall incorporate conditions for each building or phase that clearly identifies
13 which portions of the publicly accessible streets and open space in Figure 249.54(B) will be
14 constructed pursuant to Subsections (A) and (B) above.

15 The Planning Commission may make exceptions to these General Requirements
16 in formulating the related conditions of approval in extraordinary circumstances, such as but
17 not limited to: (1) a subject right-of-way or open space is wholly or partially on a property
18 under different ownership; or (2) strict adherence to the delivery schedule pursuant to the
19 General Requirements would require a portion of a newly constructed right-of-way or open
20 space to be demolished and reconstructed within two years given construction phasing.

21 In making such exceptions, the Planning Commission shall include conditions
22 that will assure either of the following: (1) that the delivery of open space or right-of-way
23 improvements otherwise generally required at the time of occupancy be delivered no more
24 than two years after said occupancy as guaranteed by a letter of credit acceptable to the City
25 Attorney's Office or other instrument providing a similar level of guarantee acceptable to the

1 City Attorney's Office; or (2) delivery of other public improvements as described in the
2 Executive Park Subarea Plan of equal or greater value at the time of occupancy of the related
3 build or phase of development.

4 (D) Street improvements must comply with any applicable provisions of
5 the San Francisco Charter or Municipal Code and adopted implementing regulations,
6 including, without limitation, those contained in the City's Subdivision Code and Public Works
7 Code regarding street lighting, sidewalk paving, storm-water management, landscaping and
8 design of public structures.

9 (E) Conditions of approval of a building or phase within the SUD shall
10 require the abutting property owner or owners to hold harmless the City and County of San
11 Francisco, its officers, agents, and employees, from any damage or injury caused by reason
12 of the design, construction or maintenance of the improvements, and shall require the
13 owner(s) and their successors and assigns of the respective property to be solely liable for
14 any damage or loss occasioned by any act.

15 (F) Project Sponsors shall apply for all required permits for changes to
16 the legislated sidewalk widths and street improvements and pay all required fees.

17 **SEC. 249.61. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE**
18 **SUBDISTRICT.**

19 In order to facilitate the development of a neighborhood grocery store at 17th and
20 Rhode Island Street in the Potrero Hill neighborhood, in an area that does not have a
21 proliferation of off-sale Type 20 or Type 21 liquor establishments and previously was zoned
22 M-1 (which permitted liquor stores as a principal permitted use), there shall be a 17th and
23 Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the NC-3 zoned
24 block bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street
25

1 (Assessor's Block 3978, Lot 1). The following provisions shall apply within the Special Use
2 Subdistrict:

3 (a) One off-sale Type 20 and Type 21 liquor store, as defined by Section ~~102-790.55~~
4 of this Code, is permitted as a conditional use on the first or second story, provided that it is
5 operated as an integral element of a grocery store of not less than 30,000 gross square feet.

6 (b) Nighttime Entertainment, as defined by ~~Section 102.17~~ of this Code, shall not be
7 permitted.

8 **SEC. 249.65. BAYSHORE BOULEVARD HOME IMPROVEMENT SPECIAL USE**
9 **DISTRICT.**

10 (a) **General.** A Special Use District entitled the Bayshore Boulevard Home
11 Improvement Special Use District, the boundaries of which are designated on Sectional Maps
12 SU08 and SU10 of the Zoning Map of the City and County of San Francisco, is hereby
13 established for the purposes set forth below. The Bayshore Boulevard Home Improvement
14 Special Use District consists of properties on lots fronting Bayshore Boulevard from Jerrold
15 Avenue south to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue
16 south to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard,
17 Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell
18 Street from Industrial Street south to the 1-280 Freeway, and also include some lots on
19 Cortland Avenue; the blocks and lots included in the Bayshore Boulevard Home Improvement
20 Special Use District are designated in amendments to Sectional Maps SU08 and SU010 of
21 the Zoning Map of the City and County of San Francisco.

22 * * * *

23
24 (c) **Controls.** The following controls shall apply in the Bayshore Boulevard Home
25 Improvement Special Use District:

1 (1) A ~~R~~etail ~~S~~ales and ~~P~~ersona ~~S~~ervice use as defined in Section ~~102 218~~
2 of this Code shall be permitted regardless of the use size limitations in the *PDR Zoning Control*
3 *Table Sections 218*, however the use size controls set forth in Section 121.6 and 121.8 shall
4 continue to apply.

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

7 (A) a ~~f~~Formula ~~R~~etail use as defined in Section ~~102 703.3(b)~~ of this
8 Code that is 10,000 square feet or larger;

9 (B) a ~~L~~iquor ~~S~~Store as defined in Section ~~102 790.55~~ of this Code;

10 (C) a ~~d~~rive ~~U~~rp ~~f~~Facility as defined in Section ~~102 790.30~~ of this Code;

11 (D) an ~~a~~Adult Business ~~entertainment~~ establishment as defined in
12 Section ~~102 221(k)~~ of this Code;

13 (E) an ~~a~~Automotive use as defined in Section ~~102 223~~ of this Code; and

14 (F) a ~~f~~Fringe ~~f~~inancial ~~S~~ervice as defined in Section ~~102 249.35~~ of this
15 Code.

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

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

22 (A) New construction; or

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

24 (5) The provisions set forth in Section 230 of this Code, which relate to
25 demolition of industrial buildings in PDR districts, shall not apply.

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

3 (7) Formula retail uses as defined in Section 703.3(b) of this Code that are
4 10,000 square feet or larger shall be subject to the Redevelopment Agency's Bayview
5 Hunters Point "Employment and Contracting Policy."

6 * * * *

7 **SEC. 249.67. ART & DESIGN EDUCATIONAL SPECIAL USE DISTRICT.**

8 (a) **Purpose.** The Art & Design Educational Special Use District is intended to
9 facilitate the continued operation of the California College of the Arts campus at 1111 Eighth
10 Street, which is characterized by instruction in industrial arts and/or fine arts, while providing
11 an appropriate regulatory scheme for a potential phased expansion of the campus in the
12 future.

13 (b) **Geography.** The boundaries of the Art & Design Educational Special Use District
14 are shown on Sectional Map No. SU08 of the Zoning Map. The area includes Parcel numbers
15 3808/004, 3820/002, 3913/002, and 3913/003.

16 (c) **Controls.** All provisions of the Planning Code currently applicable shall continue
17 to apply, including but not limited to the provisions of the PDR-1-D zoning district, except as
18 otherwise provided in this Section.

19 (1) **Postsecondary Educational Institutional Uses.** Postsecondary
20 educational institutional uses are exempted from use size limitations and shall be permitted as
21 of right. Postsecondary educational institutional uses for the purposes of academic,
22 professional, business or fine-arts education shall have an institutional master plan
23 considered by the Planning Commission pursuant to Section 304.5 of this Code.

24 (2) **Student Housing.** Student ~~H~~Housing, as defined by Section 102-~~36~~ of this
25 Code, is permitted subject to the following requirements:

1 ~~(A) (i)~~ For any housing project within this Special Use District, the
2 standards for development project review, entitlement process, and impact fees of the UMU
3 District shall apply.

4 ~~(B) (ii)~~ The total number of beds on all parcels within the Special Use
5 District shall not exceed 750. The number of beds per parcel is not limited, but will be
6 determined by the regulations on the built envelope of buildings, including height, bulk,
7 setbacks, and lot coverage.

8 (3) **Temporary Structures.** The Zoning Administrator may authorize a
9 temporary structure without a public hearing provided that the structure is occupied by a use
10 that is permitted by right or is a use authorized by this Section 249.67.

11 **SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A**
12 **HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC**
13 **DISTRICTS.**

14 (a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM,
15 or RC District, established by the use district provisions of Article 2 of this Code, wherever a
16 height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District,
17 is prescribed by the height and bulk district in which the property is located, any building or
18 structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC
19 District, shall be permitted only upon approval by the Planning Commission according to the
20 procedures for conditional use approval in Section 303 of this Code; provided, however, that a
21 building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage
22 on the front ~~faeade~~ façade is subject to the conditional use requirement.

23 (b) **Commission review of proposals.**

24 (1) In reviewing any such proposal for a building or structure exceeding 40 feet
25 in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC

1 District where the street frontage of the building is more than 50 feet the Planning
2 Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC
3 Districts, and of the height and bulk districts, set forth in Sections 101, ~~206 through 206.3~~ 209.1,
4 209.2 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and
5 the objectives, policies and principles of the ~~Master~~ General Plan, and may permit a height of
6 such building or structure up to but not exceeding the height limit prescribed by the height and
7 bulk district in which the property is located.

8 ~~(2) (1) On narrow streets and alleys.~~ In reviewing a proposal for a building
9 exceeding 50 feet in RM and RC districts, the Planning Commission may require that the
10 permitted bulk and required setbacks of a building be arranged to maintain appropriate scale
11 on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and
12 alleys.

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

14 (a) **Method of Measurement.** The limits upon the height of buildings and structures
15 shall be as specified on the Zoning Map. In the measurement of height for purposes of such
16 limits, the following rules shall be applicable:

17 (1) The point above which such measurements shall be taken shall be as
18 specified ~~in the definition of "height" in this Code as follows.~~

19 (A) In the case of either (B) or (C) below, such point shall be taken at the
20 centerline of the building or, where the building steps laterally in relation to a street that is the basis
21 for height measurement, separate points shall be taken at the centerline of each building step.

22 (B) Where the lot is level with or slopes downward from a street at the
23 centerline of the building or building step, such point shall be taken at curb level on such a street. This
24 point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet
25 from and parallel to such street, or beyond a line equidistant between such street and the street on the

1 opposite side of the block, whichever depth is greater. Measurement of height for any portion of the lot
2 extending beyond such line shall be considered in relation to the opposite (lower) end of the lot, and
3 that portion shall be considered an upward sloping lot in accordance with Subsection (C) below,
4 whether or not the lot also has frontage on a lower street.

5 (C) Where the lot slopes upward from a street at the centerline of the building
6 or building step, such point shall be taken at curb level for purposes of measuring the height of the
7 closest part of the building within 10 feet of the property line of such street; at every other cross-section
8 of the building, at right angles to the centerline of the building or building step, such point shall be
9 taken as the average of the ground elevations at either side of the building or building step at that
10 cross-section. The ground elevations used shall be either existing elevations or the elevations resulting
11 from new grading operations encompassing an entire block. Elevations beneath the building shall be
12 taken by projecting a straight line between ground elevations at the exterior walls at either side of the
13 entire building in the same plane.

14 (D) Where the lot has frontage on two or more streets, the owner may choose
15 the street or streets from which the measurement of height is to be taken, within the scope of the rules
16 stated above.

17 Where the height limits for buildings and structures are established by this Code, the upper
18 points to be taken for measurement of height shall be as prescribed in the provisions relating to such
19 height limits.

20 (2) The upper point to which such measurement shall be taken shall be the
21 highest point on the finished roof in the case of a flat roof, and the average height of the rise in
22 the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a
23 feature not exempted under Subsection (b) below. For any building taller than 550 feet in
24 height in the S-2 Bulk District, the height of the building shall be measured at the upper point
25 of all features of the building and exempted features in such cases shall be limited to only

1 those permitted in sSubsection (b)(1)(M) and which are permitted by the Planning Commission
2 according to the procedures of Section 309.

3 (3) In cases where the height limit is 65 feet or less and a street from which
4 height measurements are made slopes laterally along the lot, or the ground slopes laterally on
5 a lot that also slopes upward from the street, there shall be a maximum width for the portion of
6 the building or structure that may be measured from a single point at curb or ground level,
7 according to the definition of "height," as specified in the following table. These requirements
8 shall not apply to any property to which the bulk limitations in Section 270 of this Code are
9 applicable.

10 **TABLE 260**
11 **HEIGHT MEASUREMENT**
12 **ON LATERAL SLOPES WHERE**
13 **HEIGHT LIMIT IS 65 FEET OR LESS**

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet

14 [NOTE: Diagram not shown but not to be deleted.]

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

4 * * * *

5 (2) The following features shall be exempt, without regard to their horizontal
6 area, provided the limitations indicated for each are observed:

7 (A) Railings, parapets and catwalks, with a maximum height of four feet.

8 (B) Open railings, catwalks and fire escapes required by law, wherever
9 situated.

10 (C) Unroofed recreation facilities with open fencing, including tennis and
11 basketball courts at roof level, swimming pools with a maximum height of four feet and play
12 equipment with a maximum height of 10 feet.

13 (D) Unenclosed seating areas limited to tables, chairs and benches, and
14 related windscreens, lattices and sunshades with a maximum height of 10 feet.

15 (E) Landscaping, with a maximum height of four feet for all features
16 other than plant materials.

17 (F) Short-term parking of passenger automobiles, without additional
18 structures or equipment other than trellises or similar overhead screening for such
19 automobiles with a maximum height of eight feet.

20 (G) Amusement parks, carnivals and circuses, where otherwise
21 permitted as temporary uses.

22 (H) Flagpoles and flags, clothes poles and clotheslines, and
23 weathervanes.

24 (I) Radio and television antennae where permitted as accessory uses
25 and towers and antennae for transmission, reception, or relay of radio, television or other

1 electronic signals, where permitted as principal or conditional uses, subject to the limitations *in*
2 *the definition for Wireless Facilities in Section 102 of this Code and the Zoning Control Table for the*
3 *district in which the Lot is located of Subsections 227(h) and (i) of this Code* and limitations imposed
4 by the ~~City~~ Planning Commission.

5 (J) Warning and navigation signals and beacons, light standards and similar
6 devices, not including any sign regulated by this Code.

7 (K) Public monuments owned by government agencies.

8 (L) Cranes, scaffolding and batch plants erected temporarily at active
9 construction sites.

10 (M) Structures and equipment necessary for the operation of industrial plants,
11 transportation facilities, public utilities and government installations, where otherwise
12 permitted by this Code and where such structures and equipment do not contain separate
13 floors, not including towers and antennae for transmission, reception, or relay of radio,
14 television, or other electronic signals where permitted as principal or conditional uses by this
15 Code.

16 (N) Buildings, structures and equipment of the San Francisco Port
17 Commission, where not subject to this Code due to provisions of the San Francisco Charter or
18 State law.

19 (O) Additional building height, up to a height of five feet above the otherwise
20 applicable height limit, where the uppermost floor of the building is to be occupied solely by
21 live/work units located within a South of Market District.

22 (P) Enclosed recreational facilities up to a height of 10 feet above the otherwise
23 applicable height limit when located within a 65-U Height and Bulk District and either an MUO
24 or SSO District, and only then when authorized by the Planning Commission as a conditional
25 use pursuant to Sections 303 and 316 of this Code, provided that the project is designed in

1 such a way as to reduce the apparent mass of the structure above a base 50 foot building
2 height.

3 (Q) Historic signs within an historic sign district permitted pursuant to Sections
4 302, 303 and 608.14 of this Code.

5 (R) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility sheds of
6 not more than 100 square feet, exclusively for the storage of landscaping and gardening
7 equipment for adjacent rooftop landscaping, with a maximum height of 8 feet above the
8 otherwise applicable height limit.

9 **SEC. 263.28. SPECIAL EXCEPTIONS: SALI DISTRICTS IN THE 40-55-X HEIGHT AND**
10 **BULK DISTRICT.**

11 (a) **Purpose.** Arts activities are encouraged in the Western SoMa Planning Area
12 Special Use District, and especially in the SALI District. Therefore, additional development
13 potential is provided in the SALI District when additional space is provided for the exclusive
14 use of arts activities.

15 (b) **Applicability.** This Section shall apply to all properties zoned SALI and a Height
16 and Bulk district of 40-55-X.

17 (c) **Controls.**

18 (1) **Additional Height Permitted.** In SALI Districts in the 40-55-X Height and
19 Bulk District, buildings are limited to a maximum height of 40 feet unless all of the following
20 criteria are met, in which case they may extend to a maximum height of 55 feet:

21 (A) At least one ~~s~~Story of the ~~b~~Building, as defined in Section 102.23,
22 located on the ~~First ground s~~Story or above, as defined in Section 102.24 *under the definition for*
23 *Story*, is designated for the exclusive use of Arts Activities, as defined in Section 102.2. If the
24 ~~First Story ground floor~~ is designated for the use of Arts Activities, it shall also be permitted to
25

1 contain lobbies, egress, building services, and other features necessary for the operation of
2 the building and permitted uses elsewhere in the building.

3 (B) Any such story dedicated to arts activities pursuant to ~~s~~Subsections
4 (2) and (3) below, regardless of its location within the building, shall have a minimum floor-to-
5 floor height of 15 feet.

6 (2) **Timing of Designation.** In the case of the new construction of a building
7 that extends beyond 40 feet in height, exclusive of permitted obstructions under Section
8 260(b), any designated arts activity story shall be established prior to the issuance of a first
9 building permit or along with any associated Planning Commission action, whichever occurs
10 first. In the case of buildings that were constructed prior to the effective date of this Section
11 that would be expanded such that they would extend beyond 40 feet in height, exclusive of
12 permitted obstructions under Section 260(b), any such story shall be designated prior to the
13 issuance of any building permit or along with any associated Planning Commission action,
14 whichever occurs first.

15 (3) **Recordation of Designation.** Notice of the designation of the arts
16 activities story shall be recorded as a restriction on the deed of the property along with plans
17 clearly depicting the designated story in relation to the balance of the building. A designated
18 arts activity story may be re-designated to a different story within the same building only if the
19 newly designated story meets the minimum criteria listed above. Such re-designation shall
20 follow all required procedures listed in this Section for the initial designation of an arts
21 activities story. In no case may the designated arts activity story be converted to a use other
22 than arts activity without complete removal of all portions of the building that extend above 40
23 feet in height, exclusive of permitted obstructions under Section 260(b).

1 Section 4. Article 3 of the Planning Code is hereby amended by amending Sections
2 303, 304.5, 307, 309.2, 320, and 342.1, to read as follows:

3 **SEC. 303. CONDITIONAL USES.**

4 * * * *

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

9 (1) ~~That~~ The proposed use or feature, at the size and intensity contemplated and
10 at the proposed location, will provide a development that is necessary or desirable for, and
11 compatible with, the neighborhood or the community.:

12 ~~(A) If In Neighborhood Commercial Districts, if~~ the proposed use ~~is to be~~
13 ~~located at a location in which the square footage~~ exceeds the Non-Residential Use Size limitations
14 ~~for the district in which the use is located found in Planning Code Section 121.2(a) or 121.2(b)~~, the
15 following shall be considered:

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

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

21 ~~(C) (iii)~~ The building in which the use is to be located is designed
22 in discrete elements which respect the scale of development in the district; and

23 (2) ~~That~~ Such use or feature as proposed will not be detrimental to the health,
24 safety, convenience or general welfare of persons residing or working in the vicinity, or
25

1 injurious to property, improvements or potential development in the vicinity, with respect to
2 aspects including but not limited to the following:

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

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

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

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

13 (3) ~~That s~~Such use or feature as proposed will comply with the applicable
14 provisions of this Code and will not adversely affect the General Plan; and

15 (4) ~~With respect to applications filed pursuant to Article 7 of this Code, that s~~Such use
16 or feature as proposed will provide development that is in conformity with the stated purpose
17 of the applicable *Neighborhood Commercial Use* District; and

18 (5) ~~The use or feature satisfies any criteria specific to the use or feature in Subsections~~
19 ~~(g), et seq. of this Section. (A) With respect to applications filed pursuant to Article 7, Section 703.2(a),~~
20 ~~for a movie theater use as defined in Planning Code Section 790.64, an Adult Entertainment use as~~
21 ~~defined in Planning Code Section 790.36, or Other Entertainment uses as defined in Planning Code~~
22 ~~Section 790.38, that such use or feature will:~~

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

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

1 ~~(iii) — Not use electronic amplification between midnight and six a.m.;~~

2 ~~and~~

3 ~~(iv) — Be adequately soundproofed or insulated for noise and operated so~~
4 ~~that incidental noise shall not be audible beyond the premises or in other sections of the building and~~
5 ~~fixed source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise~~
6 ~~Control Ordinance.~~

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

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

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

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

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

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

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

25 * * * *

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

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

23 (2) **Notification.** The notice for the public hearing on a conditional use
24 abatement shall be subject to the notification procedure ~~as~~ described in Sections 306.3 and
25

1 306.8 except that notice to the property owner and the operator of the subject establishment
2 or use shall be mailed by regular and certified mail.

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

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

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

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

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

18 (g) **Hotels and Motels.** ~~(f)~~ With respect to applications for development of tourist
19 hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth
20 in Subsections (c) and (d) above:

21 (1) ~~(A)~~ The impact of the employees of the hotel or motel on the demand in
22 the City for housing, public transit, child_care, and other social services. To the extent
23 relevant, the Commission shall also consider the seasonal and part-time nature of
24 employment in the hotel or motel;

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

3 ~~(3) (C)~~ The market demand for a hotel or motel of the type proposed; and

4 ~~(4) (D)~~ In the Transit Center C-3-O(SD) Commercial Special Use District, the
5 opportunity for commercial growth in the Special Use District and whether the proposed hotel,
6 considered with other hotels and non-commercial uses approved or proposed for major
7 development sites in the Special Use District since its adoption would substantially reduce the
8 capacity to accommodate dense, transit-oriented job growth in the District.

9 ~~(2) — Notwithstanding the provisions of Subsection (g)(1) above, the Planning~~
10 ~~Commission shall not consider the impact of the employees of a proposed hotel or motel project on the~~
11 ~~demand in the City for housing where:~~

12 ~~(A) — The proposed project would be located on property under the jurisdiction~~
13 ~~of the San Francisco Port Commission; and~~

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

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

1 (h) **Internet Services Exchange.**

2 (1) With respect to application for development of Internet Services Exchange
3 as defined in Section 102, 209.6(e), the Planning Commission shall, in addition to the criteria
4 set forth in Subsection (c) above, find that:

5 (A) The intensity of the use at this location and in the surrounding
6 neighborhood is not such that allowing the use will likely foreclose the location of other
7 needed neighborhood-serving uses in the area;

8 (B) The building in which the use is located is designed in discrete
9 elements, which respect the scale of development in adjacent blocks, particularly any existing
10 residential uses;

11 (C) Rooftop equipment on the building in which the use is located is
12 screened appropriately.

13 (D) The back-up power system for the proposed use will comply with
14 all applicable ~~f~~Federal, ~~s~~State, regional, and local air pollution controls.

15 (E) Fixed-source equipment noise does not exceed the decibel levels
16 specified in the San Francisco Noise Control Ordinance.

17 (F) The building is designed to minimize energy consumption, such as
18 through the use of energy-efficient technology, including without limitation, heating, ventilating
19 and air conditioning systems, lighting controls, natural ventilation and recapturing waste heat,
20 and as such commercially available technology evolves;

21 (G) The project sponsor has examined the feasibility of supplying and,
22 to the extent feasible, will supply all or a portion of the building's power needs through on-site
23 power generation, such as through the use of fuel cells or co-generation;

24 (H) The project sponsor shall have submitted design capacity and
25 projected power use of the building as part of the conditional use application; and

1 (2) As a condition of approval, and so long as the use remains an Internet
2 Services Exchange, the project sponsor shall submit to the Planning Department on an
3 annual basis power use statements for the previous twelve-month period as provided by all
4 suppliers of utilities and shall submit a written annual report to the Department of Environment
5 and the Planning Department which shall state: (a) the annual energy consumption and fuel
6 consumption of all tenants and occupants of the Internet Services Exchange; (b) the number
7 of all diesel generators located at the site and the hours of usage, including usage for testing
8 purposes; (c) evidence that diesel generators at the site are in compliance with all applicable
9 local, regional, ~~s~~State, and ~~f~~Federal permits, regulations and laws; and (d) such other
10 information as the Planning Commission may require.

11 (3) The Planning Department shall have the following responsibilities
12 regarding Internet Services Exchanges:

13 (A) Upon the effective date of the requirement of a ~~e~~Conditional ~~#~~Use
14 ~~permit~~ authorization for an Internet Services Exchange, the Planning Department shall notify
15 property owners of all existing Internet Services Exchanges that the use has been reclassified
16 as a conditional use;

17 (B) Upon the effective date of the requirement of a ~~e~~Conditional ~~#~~Use
18 ~~permit~~ authorization for an Internet Services Exchange, the Planning Department shall submit
19 to the Board of Supervisors and to the Director of the Department of Building Inspection a
20 written report covering all existing Internet Services Exchanges and those Internet Services
21 Exchanges seeking to obtain a ~~e~~Conditional ~~#~~Use ~~permit~~ authorization, which report shall state
22 the address, assessor's block and lot, zoning classification, square footage of the Internet
23 Services Exchange constructed or to be constructed, a list of permits previously issued by the
24 Planning and/or Building Inspection Departments concerning the Internet Services Exchange,
25 the date of issuance of such permits, and the status of any outstanding requests for permits

1 from the Planning and/or Building Inspection Departments concerning Internet Services
2 Exchange; and

3 (C) Within three years from the effective date of the requirement of a
4 ~~e~~Conditional ~~u~~Use ~~permit~~ authorization for an Internet Services Exchange, the Planning
5 Department, in consultation with the Department of Environment, shall submit to the Board of
6 Supervisors a written report, which report shall contain the Planning Commission's evaluation
7 of the effectiveness of the conditions imposed on Internet Services Exchanges, and whether it
8 recommends additional or modified conditions to reduce energy and fuel consumption, limit air
9 pollutant emissions, and enhance the compatibility of industrial uses, such as Internet
10 Services Exchanges, located near or in residential or commercial districts.

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

12 (1) **Formula Retail Use.** A ~~f~~Formula ~~r~~Retail use is defined in Sections 102, 703.3
13 and 803.6 of this Code ~~hereby defined as a type of retail sales activity or retail sales establishment~~
14 ~~which has eleven or more other retail sales establishments located in the United States. In addition to~~
15 ~~the eleven establishments, the business maintains two or more of the following features: a standardized~~
16 ~~array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel,~~
17 ~~standardized signage, a trademark or a servicemark.~~

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

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

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

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

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

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

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

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

12 (2) **"Retail Sales Activity or Retail Sales Establishment."** For the purposes
13 of ~~s~~Subsection (i), a retail sales activity or retail sales establishment shall include the following
14 uses, as defined in Article 7 and Article 8 of this Code: "Bar," "Drive-up Facility," "Eating and
15 Drinking Use," "Liquor Store," "Sales and Service, Other Retail," "Restaurant," "Limited-
16 Restaurant," "Take-Out Food," "Sales and Service, Retail," "Service, Financial," "Movie
17 Theater," and "Amusement and Game Arcade."

18 (3) **Conditional Use Criteria.** With regard to a ~~e~~Conditional ~~u~~Use
19 authorization application for a ~~f~~Formula ~~r~~Retail use, the Planning Commission shall consider,
20 in addition to the criteria set forth in Subsection (c) above:

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

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

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

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

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

3 (4) **Conditional Use Authorization Required.** A Conditional Use
4 ~~A~~authorization shall be required for a ~~f~~Formula ~~r~~Retail use in the following zoning districts
5 unless explicitly exempted:

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

7 (B) All Mixed Use-General Districts in Section 840;

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

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

10 (E) ~~All Residential and Residential Enclave Districts Japantown Special Use~~
11 ~~District as defined in Section 249.31;~~

12 (F) Chinatown Community Business District as defined in Section
13 810.1;

14 (G) Chinatown Residential/Neighborhood Commercial District as
15 defined in 812.1;

16 (H) Western SoMa Planning Area Special Use District as defined in
17 823;

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

19 (J) ~~Limited Conforming Use/Non-Conforming Use in RH-RM-RTO and RED~~
20 ~~Districts.~~

21 (K) Third Street Formula Retail Restricted Use District, as defined in
22 Section 786.

23 (5) **Formula Retail Uses Not Permitted.** Formula Retail uses are not
24 permitted in the following zoning districts:

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

1 (B) North Beach Neighborhood Commercial District;
2 (C) Chinatown Visitor Retail District;
3 (D) Upper Fillmore District does not permit Formula Retail uses that
4 are also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;

5 (E) Broadway Neighborhood Commercial District does not permit
6 Formula Retail uses that are also Restaurant or Limited-Restaurant uses as defined in
7 Section 790.90 and 790.91;

8 (F) Mission Street Formula Retail Restaurant Subdistrict does not
9 permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses as defined in
10 Section 790.90 and 790.91;

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

14 (H) Taraval Street Restaurant Subdistrict does not permit Formula
15 Retail uses that are also Restaurant or Limited-Restaurant uses as defined in Section 790.90
16 and 790.91;

17 (6) **Neighborhood Commercial Notification and Design Review.** Any
18 building permit application for a "formula retail use" as defined in this section and located
19 within a Neighborhood Commercial District in Article 7 shall be subject to the Neighborhood
20 Commercial Notification and Design Review Procedures of Section 312 of this Code.

21 (7) **Change in Use.** A change from one formula retail use to another requires
22 a new Conditional Use Authorization, whether or not a Conditional Use Aauthorization would
23 otherwise be required by the particular change in use in question. This Conditional Use
24 Aauthorization requirement also applies in changes from one Formula Retail operator to
25

1 another within the same use category. A new Conditional Use Aauthorization shall not apply to
2 a change in a fFormula Retail use retailer that meets the following criteria:

3 (A) the fFormula Retail use operation remains the same in terms of its
4 size, function and general merchandise offering as determined by the Zoning Administrator,
5 and

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

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

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

25 * * * *

1 (k) **Change in Use or Demolition of Movie Theater Uses.**

2 (1) With respect to a change in use or demolition of a ~~m~~M~~o~~Movie ~~t~~T~~h~~heater use as
3 ~~set forth defined~~ in Sections ~~102 221.1~~, 703.2(b)(1)(B)(ii), 803.2(b)(1)(B)(iii) or 803.3(b)(1)(B)(ii),
4 in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall
5 make the following findings:

6 (A) Preservation of a ~~m~~M~~o~~Movie ~~t~~T~~h~~heater use is no longer economically
7 viable and cannot effect a reasonable economic return to the property owner.;

8 ~~(t)~~ For purposes of defining "reasonable economic return," the Planning
9 Commission shall be guided by the criteria for Fair Return on Investment "~~fair return on~~
10 ~~investment~~" as set forth in Section ~~102 228.4(a)~~; and

11 (B) The change in use or demolition of the ~~m~~M~~o~~Movie ~~t~~T~~h~~heater use will not
12 undermine the economic diversity and vitality of the surrounding ~~Neighborhood Commercial~~
13 District; and

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

16 * * * *

17 (m) **Change in Use or Demolition of General Grocery Store Uses.**

18 (1) With respect to a change in use or demolition of ~~g~~G~~e~~neral ~~g~~G~~r~~ocery ~~s~~S~~t~~ore
19 use as ~~set forth defined~~ in Sections ~~102 218.2~~, 703.2(b)(1)(B)(iii), 803.2(b)(1)(B)(iv) or 803.3
20 (b)(1)(B)(iii) of this Code which use exceeds 5,000 gross square feet, in addition to the criteria
21 set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

22 (A) Preservation of a ~~g~~G~~e~~neral ~~g~~G~~r~~ocery ~~s~~S~~t~~ore use is no longer
23 economically viable and cannot effect a reasonable economic return to the property owner.
24 The Commission may disregard the above finding if it finds that the change in use or
25 replacement structure in the case of demolition will contain a general grocery store that is of a

1 sufficient size to serve the shopping needs of nearby residents and offers comparable
2 services to the former general grocery store.

3 ~~(f)~~ For purposes of defining "reasonable economic return," the Planning
4 Commission shall be guided by the criteria for *Fair Return on Investment* "~~f~~Fair~~r~~Return on
5 iInvestment" ~~as~~ set forth in Section 102 228.4(a); and

6 (B) The change in use or demolition of the ~~g~~G~~eneral~~ ~~s~~G~~rocery~~ ~~s~~S~~ore~~ use will
7 not undermine the economic diversity and vitality of the surrounding neighborhood.

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

9 (1) With respect to a Tobacco Paraphernalia Establishment, as defined in
10 Section 102 227~~(v)~~ of this Code, in addition to the criteria set forth in Subsections (c) and (d)
11 above, the Commission shall make the following findings:

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

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

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

23 (o) **Massage Establishments.**

24 (1) With respect to Massage Establishments that are subject to Conditional
25 Use authorization, as defined in Sections 102 218.1, 790.60, and 890.60 of this Code, in

1 addition to the criteria set forth in Subsection (c) above, the Commission shall make the
2 following findings:

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

6 (B) Whether the use's ~~faeade~~ façade is transparent and open to the
7 public. Permanent transparency and openness are preferable. Elements that lend openness
8 and transparency to a ~~faeade~~ façade include:

9 (i) active street frontage of at least 25' feet in length where 75%
10 percent of that length is devoted to entrances to commercially used space or windows at the
11 pedestrian eye-level;

12 (ii) windows that use clear, untinted glass, except for decorative
13 or architectural accent;

14 (iii) any decorative railings or decorative grille work, other than
15 wire mesh, which is placed in front of or behind such windows, should be at least 75 percent
16 open to perpendicular view and no more than six feet in height above grade;

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

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

1 (p) **Eating and Drinking Uses.** ~~(1) — Conditional Use Criteria.~~ With regard to a
2 ~~e~~Conditional ~~u~~Use authorization application for a Restaurant, Limited-Restaurant and Bar uses
3 ~~in Neighborhood Commercial Districts or Mixed Use Districts,~~ the Planning Commission shall
4 consider, in addition to the criteria set forth in Subsection (c) above, ~~(A) The~~ the existing
5 concentration of eating and drinking uses in the area. Such concentration should not exceed
6 25% percent of the total commercial frontage as measured in linear feet within the immediate
7 area of the subject site. For the purposes of this Section of the Code, the immediate area shall
8 be defined as all properties located within 300' of the subject property and also located within
9 the same zoning district.

10 **(q) Adult Business and Other Entertainment Uses.**

11 (1) With respect to conditional use authorization applications for Adult Business and
12 Other Entertainment uses, such use or feature shall:

13 (A) If the use is an Adult Business, it shall not be located within 1,000 feet of
14 another such use; and/or

15 (B) Not be open between two a.m. and six a.m.; and

16 (C) Not use electronic amplification between midnight and six a.m.; and

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

21 (2) Notwithstanding the above, the Planning Commission may authorize a conditional
22 use which does not satisfy the criteria set forth in (q)(1)(B) and/or (q)(1)(C) above, if facts presented
23 are such to establish that the use will be operated in such a way as to minimize disruption to residences
24 in and around the district with respect to noise and crowd control.

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

3 (r) **Power Plants.** The controls of this Subsection shall apply to all Power Plants in M-1, M-2,
4 and PDR-1-G, and PDR-2 Districts, including any intensification of a Power Plants as described in
5 Section 178(c)(2).

6 (1) **Criteria.** In acting on any application for Conditional Use authorization for a Power
7 Plant, the Commission shall consider the conditional use authorization requirements set forth in
8 Subsection (c) above and, in addition, shall only approve an application for a Conditional Use
9 authorization if facts are presented to establish that, on the basis of the record before the Commission:

10 (A) The benefits to the City's energy system resulting from the energy generated
11 by the proposed power plant cannot be obtained in a reasonable time from a technically and
12 economically feasible power plant and/or energy conservation project that would have materially fewer
13 potential environmental impacts considering, but not limited to, the following: (i) Emissions of criteria
14 air pollutants and greenhouse gas emissions; (ii) Storm-water and wastewater discharges; and (iii)
15 noise and vibration impacts.

16 (B) A newly proposed Power Plant use would not directly and adversely impact
17 existing or reasonably foreseeable adjoining land uses, or, as applied to a prior nonconforming use,
18 the extension of the power plant use or the increase in intensity of the use would not result in increased
19 direct and adverse impacts on existing or reasonably foreseeable adjoining land uses; and

20 (C) Granting Conditional Use authorization would not reasonably be expected
21 to leave known contamination in place in such a way that would prolong or increase public health risks
22 associated with such contamination at levels inconsistent with a risk-based remediation consistent with
23 the proposed power plant use; and

24 (D) Granting Conditional Use authorization would not reasonably be expected
25 to preclude future redevelopment and reuse of the property for non-power plant uses.

1 (2) **Written Findings.** The Planning Commission shall make detailed written findings
2 explaining the basis for its decision under this Section.

3 (3) **Severability.** In the event that a court or agency of competent jurisdiction holds that
4 Federal or State law, rule, or regulation invalidates any clause, sentence, paragraph of this Section or
5 the application thereof to any person or circumstances, it is intended that the court or agency sever
6 such clause, sentence, paragraph or section so that the remainder of this Section shall remain in effect.

7 **SEC. 304.5. INSTITUTIONAL MASTER PLANS.**

8 * * * *

9 (b) **When Required.** Each ~~Hospital~~ *medical institution* and each ~~Post-sA~~ *Secondary*
10 *eEducational iInstitution* in the City and County of San Francisco *(for the purposes of this Section*
11 *collectively referred to as "institution(s)"),* including ~~Group~~ *Housing* affiliated with and
12 operated by any such institution, ~~as described in Sections 209.2(e), 209.3(a) and (i), 216(a), and~~
13 ~~217(a) and (h) of this Code,~~ shall have on file with the Planning Department a current
14 institutional master plan describing the existing and anticipated future development of that
15 institution as provided in Subsection (c) below. Medical and educational institutions of less
16 than 50,000 square feet or medical and educational institutions of less than 100,000 square
17 feet in the C-3 district may submit an Abbreviated Institutional Master Plan as described in
18 Subsection (d) below.

19 Thereafter, at intervals of two years, each such institution shall file an Update with the
20 Planning Department describing the current status of its institutional master plan. The
21 requirements for an update are provided in Subsection (f) below.

22 The Zoning Administrator shall be notified whenever the following occur to determine
23 whether a new Institutional Master Plan or an Update shall be required: there are significant
24 revisions to the information contained in the Institutional Master Plan; or 10 years have
25 passed since the last Institutional Master Plan was submitted and heard by the Planning

1 Commission (as described by Subsection (e) below). Significant revisions may include plans
2 to construct new facilities that were not previously discussed in the Institutional Master Plan,
3 plans to demolish existing facilities that were not discussed in the Institutional Master Plan,
4 closure of an existing unit, opening of a new unit, change in use of an existing unit or inpatient
5 facility, an increase in the institutions size by 10,000 square feet or 25% of total square
6 footage (whichever is less), or significant changes in use of existing facilities that were not
7 discussed in the Institutional Master Plan.

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

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

14 * * * *

15 (j) **Conversion from Student Housing to Non-Student Residential Use.** If a
16 residential project no longer qualifies as Student Housing as defined in Planning Code Section
17 102.36, the Zoning Administrator may allow the conversion of the Student Housing to any
18 permitted residential use in the zoning district in which the Student Housing is located upon
19 determination that the converted Student Housing has complied with any applicable
20 Inclusionary Affordable Housing Requirements as outlined in Planning Code Section
21 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable to that residential
22 use have been met or modified through appropriate procedures.

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

24 The provisions and procedures set forth in Section 309.1, applicable in Downtown
25 Residential Districts, shall also apply in the Executive Park Special Use District (SUD) to

1 achieve the objectives and policies of the General Plan and the purposes of this Code,
2 including but not limited to Section 249.54 and Section 263.27, except that Section 309.2(a)
3 and (b) shall apply instead of the provisions in Section 309.1(a) and (b), the provisions of
4 Section 309.1(c) are modified as provided in Section 309.2(c) and Section 309.1(e) is
5 inapplicable in the SUD.

6 (a) **Design Review.**

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

- 13 (A) Overall building massing and scale;
- 14 (B) Architectural treatments, façade design and building materials;
- 15 (C) The design of lower floors, including building setback areas,
16 townhouse-style units and entries, and parking and loading access;
- 17 (D) The provision of required open space, both on- and off-site;
- 18 (E) Streetscape and other public improvements, including tree planting,
19 street furniture, and lighting and adherence to all relevant regulations, plans and guidelines;
- 20 (F) Circulation, including streets, alleys and mid-block pedestrian
21 pathways.

22 (2) For review of projects that include ~~retail~~ space *for Retail Sales and Service*
23 *uses as defined specified* in ~~Planning~~ Code Section ~~102-218~~ of 10,000 gross square feet or more,
24 the Planning Commission shall consider the criteria in Section 121.2(a)(1)-(3).
25

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

10 * * * *

11 **SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND**
12 **DEMOLITION.**

13 (a) **Findings.** San Francisco faces a continuing shortage of affordable housing.
14 There is a high ratio of rental to ownership tenure among the City's residents. The General
15 Plan recognizes that existing housing is the greatest stock of rental and financially accessible
16 residential units, and is a resource in need of protection. Therefore, a public hearing will be
17 held prior to approval of any permit that would remove existing housing, with certain
18 exceptions, as described below. The Planning Commission shall develop a Code
19 Implementation Document setting forth procedures and regulations for the implementation of
20 this Section 317 as provided further below. The Zoning Administrator shall modify economic
21 criteria related to property values and construction costs in the Implementation Document as
22 warranted by changing economic conditions to meet the intent of this Section.

23 (b) **Definitions.** For the purposes of this Section 317, the terms below shall be defined
24 as follows:

1 (1) "Residential Conversion" shall mean the removal of cooking facilities in a
2 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),
3 or the change of use (as defined and regulated by the Planning Code), of any Residential Use
4 or Live-Work Unit to a non-residential use. The change of occupancy from a ~~a~~Dwelling ~~#~~Unit,
5 ~~g~~Group ~~#~~Housing, or SRO to Student Housing is also considered a conversion of a
6 Residential Unit. Notwithstanding the foregoing, the change of use or occupancy of a
7 ~~a~~Dwelling ~~#~~Unit, ~~g~~Group ~~#~~Housing, or SRO to Student Housing is not considered a conversion
8 of a Residential Unit if the ~~a~~Dwelling ~~#~~Unit, ~~g~~Group ~~#~~Housing or SRO will be Student Housing
9 owned, operated or otherwise controlled by a not for profit ~~p~~Post-~~s~~Secundary Educational
10 Institution and

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

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

13 (C) it is on an adjoining lot (i.e., sharing the same lot line) to the ~~p~~Post-
14 ~~s~~Secundary Educational Institution, so long as the lot has been owned by the ~~p~~Post-
15 ~~s~~Secundary Educational Institution for at least ten years as of the effective date of Ordinance
16 188-12; or

17 (D) as of August 10, 2010, it was owned, operated or otherwise
18 controlled by a ~~p~~Post-~~s~~Secundary Educational Institution that had an Institutional Master Plan
19 on file with the Planning Commission, and where the occupancy by those other than students
20 at that date was less than 20% of the total occupants. For purposes of determining
21 occupancy, the ~~p~~Post-~~s~~Secundary Educational Institution shall present to the Planning
22 Department verified information regarding its rental or lease of units as of that date.

23 (2) "Residential Demolition" shall mean any of the following:

24 (A) Any work on a Residential Building for which the Department of
25 Building Inspection determines that an application for a demolition permit is required, or

1 (B) A major alteration of a Residential Building that proposes the
2 Removal of more than 50% of the sum of the Front Facade and Rear Facade and also
3 proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal
4 feet at the foundation level, or

5 (C) A major alteration of a Residential Building that proposes the
6 Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the
7 Horizontal Elements of the existing building, as measured in square feet of actual surface
8 area.

9 (D) The Planning Commission may reduce the above numerical
10 elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values
11 should it deem that adjustment is necessary to implement the intent of this Section 317, to
12 conserve existing sound housing and preserve affordable housing.

13 (3) *"Façade" Façade is defined in Section 102 of this Code shall mean an entire*
14 *exterior wall assembly, including but not limited to all finishes and siding, fenestration, doors, recesses,*
15 *openings, bays, parapets, sheathing and framing.*

16 (4) *"Front Façade Façade" is defined in Section 102 of this Code. shall mean the*
17 *portion of the Façade Façade fronting a right of way, or the portion of the Façade most closely*
18 *complying with that definition, as in the case of a flag lot. Where a lot has more than one frontage on*
19 *rights-of-way. all such frontages shall be considered Front Facades except where a facade meets the*
20 *definition of "Rear Façade."*

21 (5) "Horizontal Elements" shall mean all roof areas and all floor plates, except
22 floor plates at or below grade.

23 (6) "Mandatory Discretionary Review" *is defined in Section 102 of this Code shall*
24 *mean a hearing before the Planning Commission that is required by this Section 317 at which the*
25 *Commission will determine whether to approve, modify or disapprove a permit application.*

1 (7) "Residential Merger" shall mean the combining of two or more legal
2 Residential Units, resulting in a decrease in the number of Residential Units within a building,
3 or the enlargement of one or more existing units while substantially reducing the size of others
4 by more than 25% of their original floor area, even if the number of units is not reduced. The
5 Planning Commission may reduce the numerical element of this criterion by up to 20% of its
6 value should it deem that adjustment is necessary to implement the intent of this Section 317,
7 to conserve existing housing and preserve affordable housing.

8 (8) "Rear ~~Facade Faecade~~" is defined in Section 102 of this Code shall mean that
9 portion of the Facade facing the part of a lot that most closely complies with the applicable Planning
10 Code rear yard requirements.

11 (9) "Removal" shall mean, with reference to a wall, roof or floor structure, its
12 dismantling, its relocation or its alteration of the exterior function by construction of a new
13 building element exterior to it. Where a portion of an exterior wall is removed, any remaining
14 wall with a height less than the Building Code requirement for legal head room shall be
15 considered demolished. Where exterior elements of a building are removed and replaced for
16 repair or maintenance, in like materials, with no increase in the extent of the element or
17 volume of the building, such replacement shall not be considered Removal for the purposes of
18 this Section. The foregoing does not supersede any requirements for or restrictions on
19 noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

20 (10) "Removal" shall mean, with reference to a Residential Unit, its Conversion,
21 Demolition, or Merger.

22 (11) "Residential Building" is defined in Section 102 of this Code shall be mean any
23 structure containing one or more Residential Uses or Live-Work Units as a principal use, regardless of
24 any other uses present in the building.

1 (12) "Residential Unit" shall mean a legal conforming or nonconforming
2 ~~a Dwelling u~~Unit ~~as defined in Planning Code Section 102.7,~~ or a legal nonconforming Live/Work
3 Unit ~~as defined in Planning Code Section 102.13,~~ or Group Housing, which are defined in
4 ~~Planning Code~~ Section 102 of this Code ~~209.2(a), (b), and (e);~~ provided, however, this definition
5 shall not include a Residential Unit in a Residential Hotel, as defined and regulated by
6 Chapter 41 of the San Francisco Administrative Code.

7 (13) "Vertical Envelope Elements" shall mean all exterior walls that provide
8 weather and thermal barriers between the interior and exterior of the building, or that provide
9 structural support to other elements of the building envelope.

10 * * * *

11 **SEC. 320. OFFICE DEVELOPMENT; DEFINITIONS.**

12 When used in Sections 320, 321, 322 and 323, the following terms shall each have the
13 meaning indicated. See also Section 102.

14 * * * *

15 (f) "Office space" shall mean space within a structure intended or primarily suitable for
16 occupancy by persons or entities which perform for their own benefit or provide to others
17 services at that location, including but not limited to professional, banking, insurance,
18 management, consulting, technical, sales and design, or the office functions of manufacturing
19 and warehousing businesses, but shall exclude the following: Retail use; repair; any business
20 characterized by the physical transfer of tangible goods to customers on the premises;
21 wholesale shipping, receiving and storage; any facility, other than physicians' or other
22 individuals' offices and uses accessory thereto, customarily used for furnishing medical
23 services, and design showcases or any other space intended and primarily suitable for display
24 of goods. This definition shall include all uses encompassed within Section ~~219~~ 102 of this
25 Code.

1 **SEC. 342.1. DEFINITIONS.**

2 As used in these Sections 342 to 342.10, ~~the following terms shall have the following~~
3 ~~meanings:~~

4 ~~(a)~~ "Medical Use" shall mean a use as defined in Sections 790.114, 790.44, 890.114,
5 890.44, ~~209.3(a), 217(a) and (e)~~ of ~~the~~ this Planning Code ~~or a Hospital or Health Service use as~~
6 ~~defined in Section 102 of this Code~~ , excluding any housing operated by a medical provider or
7 any massage use.

8
9 Section 5. Article 4 of the Planning Code is hereby amended by amending Sections
10 401, 411.13, 415.3, and 417.2, to read as follows:

11 **SEC. 401. DEFINITIONS.**

12 In addition to the specific definitions set forth elsewhere in this Article, the following
13 definitions shall govern interpretation of this Article:

14 * * * *

15 "Board" or "Board of Supervisors." As defined in Section 102. ~~The Board of Supervisors of~~
16 ~~the City and County of San Francisco.~~

17 "Change of Use." As defined in Section 102. ~~A change of gross floor area from one category of~~
18 ~~use to another category of use listed in the use table for the zoning district of the subject lot.~~

19 "Child-care facility." As defined in Section 102. ~~A child-care facility as defined in California~~
20 ~~Health and Safety Code Section 1596.750.~~

21 "Child-care provider." A provider as defined in California Health and Safety Code
22 Section 1596.791.

23 "City" or "San Francisco." As defined in Section 102. ~~The City and County of San Francisco.~~

24 "Commission" or "Planning Commission." As defined in Section 102. ~~The San Francisco~~
25 ~~Planning Commission.~~

1 "Community apartment." As defined in San Francisco Subdivision Code Section
2 1308(b).

3 "Community facilities." As defined in Section 102. All uses as defined under Section 209.4(a)
4 and 209.3(d) of this Code.

5 "Condition(s) of approval." ~~or "conditions of approval."~~ As defined in Section 102. A condition
6 or set of written conditions imposed by the Planning Commission or another permit approving or
7 issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it
8 receives approval for the construction of a development project subject to this Article.

9 "Condominium." As defined in California Civil Code Section 783.

10 "Cultural/Institution/Education (CIE)." An economic activity category subject to the TIDF
11 that includes, but is not limited to, Schools and Post-Secondary Educational Institutions, as
12 defined in Sections 209.3(g), (h), and (i) and 217(f) (i) of this Code; eChild eCare fFacilities as
13 defined in Sections 209.3(e) and (f); museums and zoos considered Public Facilities; and
14 eCommunity fFacilities and Private Community Facilities, as defined in Sections 209.4 and 221(a)-
15 (e) 102 of this Code.

16 "DBI." As defined in Section 102. The San Francisco Department of Building Inspection or its
17 successor.

18 * * * *

19 "Department" or "Planning Department." As defined in Section 102. The San Francisco
20 Planning Department or the Planning Department's designee, including the Mayor's Office of Housing
21 and other City agencies or departments.

22 * * * *

23 "Development impact fee." As defined in Section 102. A fee imposed on a development project
24 as a condition of approval to mitigate the impacts of increased demand for public services, facilities or
25

1 ~~housing caused by the development project that may or may not be an impact fee governed by the~~
2 ~~California Mitigation Fee Act (California Government Code Section 66000 et seq.).~~

3 * * * *

4 "Director." As defined in Section 102. The Director of Planning or his or her designee.

5 "Director of Transportation." The Director of Transportation of the MTA or his or her
6 designee(s).

7 "DPW." As defined in Section 102. The Department of Public Works, or its successor.

8 * * * *

9 "Entertainment use." For the purposes of this Section shall mean Space within a structure
10 or portion thereof intended or primarily suitable for or accessory to the operation of Nighttime
11 Entertainment, General Entertainment, Adult Businesses, and Movie Theater uses as defined in
12 Section 102 defined in San Francisco Planning Code Sections 102.17 (Nighttime Entertainment),
13 790.38 and 890.37 (Other Entertainment), 790.36 and 890.36 (Adult Entertainment), 790.64 and
14 890.64 (Movie Theater), and 790.4 and 890.4 (Amusement Arcade), regardless of the zoning district
15 that the use is located in.

16 * * * *

17 "Gross floor area." The total area of each floor within the building's exterior walls, as
18 defined in Section 102.9 of this Code, except that for the purposes of determining the
19 applicability of the TIDF, the exclusion from this definition set forth in Subsection Section
20 102.9(b)(12) of the definition of Gross Floor Area shall not apply.

21 * * * *

22 "Hotel" or "Hotel use." Space within a structure or portion thereof intended or primarily
23 suitable for or accessory to the operation of a Hotel uses as defined in San Francisco Planning
24 Code Sections 102 790.46 and 890.46, regardless of the zoning district that the use is located
25 in.

1 * * * *

2 "In-Kind Agreement." As defined in Section 102. ~~An agreement acceptable in form and~~
3 ~~substance to the City Attorney and the Director of Planning, under which the project sponsor agrees to~~
4 ~~provide a specific set of community improvements, at a specific phase of construction, in lieu of~~
5 ~~contribution to the relevant Fund.~~

6 "Infrastructure." Open space and recreational facilities; public realms improvements
7 such as pedestrian improvements and streetscape improvements; public transit facilities; and
8 community facilities such as libraries, child care facilities, and community centers.

9 "In lieu fee." As defined in Code Section 102. ~~A fee paid by a project sponsor in lieu of~~
10 ~~complying with a requirement of this Code and that is not a development impact fee governed by the~~
11 ~~Mitigation Fee Act.~~

12 "Institutional use." Space within a structure or portion thereof intended or primarily
13 suitable for or accessory to the operation of an Institutional use as defined in Code Section 102.
14 ~~uses contained in San Francisco Planning Code Section 217 and 890.50,~~ regardless of the zoning
15 district that the use is located in.

16 ~~"Integrated PDR use." Space within a structure or portion thereof intended or primarily suitable~~
17 ~~for or accessory to the operation of Integrated PDR Uses as uses defined in San Francisco Planning~~
18 ~~Code Section 890.49, regardless of the zoning district that the use is located in.~~

19 * * * *

20 "Licensed Child-eCare fFacility." As defined in Section 102. ~~A child-care facility which has~~
21 ~~been issued a valid license by the California Department of Social Services pursuant to California~~
22 ~~Health and Safety Code Sections 1596.80-1596.875, 1596.95-1597.09, or 1597.30-1597.61.~~

23 * * * *

24 "Long term housing." As defined in Section 102. ~~Housing intended for occupancy by a person~~
25 ~~or persons for 32 consecutive days or longer.~~

1 * * * *

2 "Net addition." As defined in e Section 102. ~~The total amount of gross floor area defined in~~
3 ~~Planning Code Section 102.9 contained in a development project, less the gross floor area contained in~~
4 ~~any structure demolished or retained as part of the proposed development project.~~

5 * * * *

6 "Non-residential use." As defined in Section 102. ~~Space within any structure or portion thereof~~
7 ~~intended or primarily suitable for or accessory to occupancy by retail, office, commercial, or other~~
8 ~~non-residential uses defined in Section 209.3, 209.8, 217, 218, 219, 221, and 227 of this Code, except~~
9 ~~uses 227(a), (b), and (p), regardless of the zoning district that the use is located in; except that~~
10 ~~residential components of uses defined in Section 209.3(a)-(e) and (g)-(i) shall be defined as a~~
11 ~~"residential use" for purposes of this Article. For the purposes of this Article, non-residential use shall~~
12 ~~not include PDR and publicly owned and operated community facilities.~~

13 "Notice of Special Restrictions." As defined in Section 102. ~~A document recorded with the~~
14 ~~San Francisco Recorder's Office for any unit subject to the Inclusionary Housing Program detailing~~
15 ~~the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels~~
16 ~~included as a Condition of Approval of the principal project relating to the unit.~~

17 "Office use." As defined in Section 102. ~~Space within a structure or portion thereof intended or~~
18 ~~primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code~~
19 ~~Section 890.70, regardless of the zoning district that the use is located in.~~

20 * * * *

21 "PDR use." As defined in Section 102. ~~An economic activity category under the TIDF that~~
22 ~~includes, but is not limited to, uses defined in San Francisco Planning Code Sections 220, 222, 223,~~
23 ~~224, 225, 226, 227(a), 227(b), and 227(p), regardless of the zoning district that the use is located in.~~

24 * * * *

1 "Residential use." As defined in Section 102. ~~Space within any structure or portion thereof~~
2 ~~intended or primarily suitable for or accessory to occupancy by uses defined in San Francisco~~
3 ~~Planning Code Sections 209.1, 790.88, and 890.88, as relevant for the subject zoning district, or~~
4 ~~containing group housing as defined in Section 209.2(a)-(c) of this Code and any residential~~
5 ~~components of institutional uses as defined in Section 209.3(a)-(c) and (g)-(i) of this Code.~~

6 "Retail/entertainment." An economic activity category under the TIDF that includes, but
7 is not limited to, a retail use; an entertainment use; and massage establishments, as defined
8 in Section 102 218.1 of this Code.

9 "Retail use." For the purposes of this Section, space ~~Space~~ within any structure or portion
10 thereof intended or primarily suitable for or accessory to the operation of uses contained in
11 ~~San Francisco Planning Code Section 218~~ the definition of Retail Sales and Services in Section 102,
12 excluding any use that is also considered a PDR Use per Section 102, regardless of the zoning
13 district that the use is located in.

14 * * * *

15 "Small Enterprise Workspace use." As defined in Section 102. ~~Space within a structure or~~
16 ~~portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San~~
17 ~~Francisco Planning Code Section 227(t), regardless of the zoning district that the use is located in.~~

18 * * * *

19 "Student Housing." As defined in ~~Planning Code~~ Section 102.36.

20 * * * *

21 "Use." As defined in Section 102. ~~The purpose for which land or a structure, or both, are~~
22 ~~legally designed, constructed, arranged, or intended, or for which they are legally occupied or~~
23 ~~maintained, let or leased.~~

24 * * * *

1 "Visitor services." An economic activity category under the TIDF that includes, but is not
2 limited to, Hotel use; Motel use, as defined in Section 102 of this Code 216(e) and (d); and time-
3 share projects, as defined in Section 11003.5(a) of the California Business and Professions
4 Code.

5 * * * *

6 **SEC. 411.3. APPLICATION OF TIDF.**

7 (a) **Application.** Except as provided in Subsections (1) and (2) below, the TIDF shall
8 be payable with respect to any new development in the City for which a building or site permit
9 is issued on or after September 4, 2004. In reviewing whether a development project is
10 subject to the TIDF, the project shall be considered in its entirety. A sponsor shall not seek
11 multiple applications for building permits to evade paying the TIDF for a single development
12 project.

13 (1) The TIDF shall not be payable on new development, or any portion thereof,
14 for which a TIDF has been paid, in full or in part, under the prior TIDF Ordinance (former
15 Chapter 38 of the Administrative Code as amended through June 30, 2010), except where

16 (A) ~~g~~Gross ~~s~~Square ~~f~~Feet of use is being added to the building; or

17 (B) the TIDF rate for the new development is in an economic activity
18 category with a higher fee rate than the current rate for the economic activity category under
19 which the TIDF was originally paid, as set forth in Section 411.3(e).

20 (2) No TIDF shall be payable on the following types of new development.

21 * * * *

22 (F) The following types of new developments, except to the extent that
23 any such new development is also captured under a more specific use under this Code that is
24 not otherwise exempt:

1 (i) Public Facility, facilities/utilities-Internet Service Exchange and
2 Utility Installation uses, as defined in Section 102 209.6 of this Code, except that this exclusion
3 shall not apply to new development on property owned by a private person or entity and
4 leased to the City;

5 (ii) Agricultural and Non-Commercial Entertainment and Recreation
6 uses Open recreation/horticulture, as defined in Section 102 209.5 of this Code, ~~including private~~
7 ~~noncommercial recreation open use, as referred to in Section 221(g) of this Code;~~

8 (iii) Private and Public Auto Parking Garages and Lots Vehicle
9 storage and access, as defined in Section 102 209.7 of this Code;

10 (iv) Automotive services, which includes Public and Private Parking
11 Lots, Public and Private Parking Garages, Parcel Delivery Services, Ambulance Services, Vehicle
12 Storage Lots and Garages, and Truck Terminals as defined in Section 102 223(l)-(v) of this Code,
13 that are in a new development, where the project sponsor has met the deadline established in
14 Section 411.3(a)(3);

15 (v) Wholesale Storage of materials and equipment, as defined in
16 Section 102 225 of this Code, where the project sponsor has met the deadline established in
17 Section 411.3(a)(3);

18 (vi) Mortuary, Public Facility, Utility Installation, Public Transport
19 Facility, Wireless Telecommunication Facility, Temporary Uses, Waterborne Commerce, and Internet
20 Service Exchange Uses as defined in Section 102 of this Code, as well as Any use that is permitted as a
21 principal use in any other C, M, or PDR District without limitation as to enclosure within a building,
22 wall or fence. Other Uses, as defined in Section 227(e) (l), (n) (o), and (q) (r) of this Code;

23 (3) The exclusions from TIDF set forth in Section 411.3(a)(2)(F)(iv) and (v)
24 (automotive services and ~~Wholesale Storage of materials and equipment~~) shall only apply
25 where a project sponsor for a new development has filed an application for environmental

1 evaluation, a categorical exemption or a preliminary project assessment for the project on or
2 before the effective date of Ordinance No. 18-14, or, for new development subject to a
3 redevelopment plan, development agreement, interagency cooperation agreement, or other
4 agreement entered into by the City, the project sponsor submits proof that the sponsor has
5 submitted to the successor agency to the former Redevelopment Agency of the City and
6 County of San Francisco documentation comparable to that required for an application for
7 environmental evaluation, a categorical exemption or a preliminary project assessment for the
8 project, on or before the effective date of Ordinance No. 18-14.

9 (b) **Timing of Payment.** ~~Except for those Integrated PDR projects subject to Section 328~~
10 ~~of this Code, the~~ The TIDF shall be paid prior to issuance of the first construction document,
11 with an option for the project sponsor to defer payment until prior to issuance of the first
12 certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section
13 107A.13 of the San Francisco Building Code. Under no circumstances may any City official or
14 agency, including the Port of San Francisco, issue a certificate of final completion and
15 occupancy for any new development subject to the TIDF until the TIDF has been paid.

16 * * * *

17 (d) **Credits.** When determining the number of gross square feet of use to which the
18 TIDF applies, the Department shall provide the following credits:

19 (1) **Prior Use Credits.** There shall be a credit for prior uses eliminated on the
20 site. The credit shall be calculated according to the following formula:

21 (A) There shall be a credit for the number of gross square feet of use
22 being eliminated by the new development, multiplied by an adjustment factor to reflect the
23 difference in the fee rate of the use being added and the use being eliminated. The
24 adjustment factor shall be determined by the Department as follows:
25

1 (i) The adjustment factor shall be a fraction, the numerator of
2 which shall be the fee rate which the Department shall determine, in consultation with the
3 MTA, if necessary, applies to the economic activity category in the most recent calculation of
4 the TIDF Schedule approved by the Board or Supervisors for the prior use being eliminated by
5 the project.

6 (ii) The denominator of the fraction shall be the fee rate for the
7 use being added, as set forth in the most recent calculation of the TIDF Schedule approved by
8 the Board of Supervisors.

9 (B) A credit for a prior use may be given only if the prior use was active
10 on the site within five years before the date of the application for a building or site permit for
11 the proposed use.

12 (C) As of September 4, 2004, no sponsor shall be entitled to a refund
13 of the TIDF on a building for which the fee was paid under the former Chapter 38 of the San
14 Francisco Administrative Code.

15 (D) Notwithstanding the foregoing, the adjustment factor shall not
16 exceed one.

17 (2) **Policy Credits.** Development projects that meet the criteria outlined in
18 Subsection 411.3(d)(2)(B) may receive Policy Credits, subject to the following limitations:

19 (A) **Limit on Available Policy Credits.** When making a determination
20 under this Article for the amount of TIDF owed, the Department shall allocate available Policy
21 Credits, described in Section 411.3(d)(2)(B), as follows:

22 (i) No development project shall receive a Policy Credit under
23 Section 411.3(d)(2)(B) if the total amount of credits received by development projects under
24 that section would exceed 3% of the total anticipated TIDF revenue for the current Fiscal
25 Year. To the extent Policy Credits allowed in any Fiscal Year are not allocated, the

1 unallocated amount shall be carried over to the next Fiscal Year. The amount to be carried
2 over to the next Fiscal Year shall be calculated based upon 3% of the sum of the actual TIDF
3 revenues collected during the current Fiscal Year and the total amount of policy credits
4 granted during the current Fiscal Year.

5 (ii) In no event shall the Policy Credits for a single development
6 exceed 100% of the total TIDF that would otherwise be due.

7 (B) The Planning Department shall maintain and shall make available
8 on the Planning Department's website, a list showing:

9 (i) All development projects receiving Policy Credits under
10 Section 411.3(d)(2)(C) of this Article, and, if applicable, the date(s) of approval and the
11 issuance of any building or site permit;

12 (ii) The total amount of Policy Credits received with respect to
13 each listed development project;

14 (iii) Any Policy Credits allocated to a development project the
15 site permit for which is modified, cancelled, revoked, or has expired;

16 (iv) Such other information as the Department may determine is
17 appropriate.

18 (C) **Available Policy Credits.** The following development projects may
19 receive Policy Credits, subject to the limitations set forth in Section 411.3(d)(2)(A):

20 (i) **Small Businesses.** Businesses that either occupy or expand
21 any preexisting non-residential space, provided that: (a) the gross square footage of such
22 non-residential space is not greater than 5,000 square feet, and (b) the business is not
23 formula retail, as defined in this Code. Only the gross square footage dedicated to such
24 business shall be eligible for the Policy Credit.

(ii) **Reduced Parking Developments.** In zoning districts that set a parking maximum, development projects that provide a lower number, or ratio, of off-street parking than permitted on an as-of-right basis without conditional use authorization in Table 151.1 of this Code. The credit shall be determined by the Department as follows:

Max. Allowed in Planning Code Table 151.1	50% of Max. or less	More than 50% but less than 60% of Max.	60% or more but less than 75% of Max.	75% or more but less than 90% of Max.	90% of Max. or more
TIDF Credit	90%	80%	50%	20%	0%

(D) **Process for Allocation of Policy Credits.** The Policy Credits described in this Section shall be allocated to qualifying development projects by the Zoning Administrator at the moment their first entitlement is approved by the Planning Commission or the Planning Department. In addition, the following considerations shall apply:

(i) If a development project is modified for any reason after it is first approved, and such modification would result in a potential increase in the amount of Policy Credits allocated to it, the development project shall maintain the credits allocated on the list described in Section 411.3(d)(2)(~~B~~)(~~A~~)(~~v~~). Any additional credit may only be allocated at the time such modification is approved, subject to the limits of Section 411.3(d)(2)(A)(i).

(ii) If a development project is modified for any reason after it is first approved, and such modification would result in a potential decrease in the amount of Policy Credits allocated to it, the remainder Policy Credits shall become available for other qualifying development projects during the approval period on account of such a modification.

(iii) The maximum amount of Policy Credits available for the approval period shall be increased by the amount of Policy Credits allocated to a development

1 project for which an issued site or building permit has been finally cancelled or revoked, or
2 has expired, with the irrevocable effect of preventing construction of the development.

3 (3) **Limitation.** In no event shall the combined Policy Credits and Prior Use
4 Credits for a single development exceed 100% of the total TIDF that would otherwise be due.

5 * * * *

6 **SEC. 415.3. APPLICATION.**

7 (a) Notwithstanding any other provision to the contrary in this Code, Section 415.1 *et*
8 *seq.* shall apply to any housing project that consists of ten or more units where an individual
9 project or a phased project is to be undertaken and where the total undertaking comprises a
10 project with ten or more units, even if the development is on separate but adjacent lots; and

11 (1) Does not require Commission approval as a Conditional Use
12 ~~A~~authorization or Planned Unit Development;

13 (2) Requires Commission approval as a Conditional Use Authorization or
14 Planned Unit Development;

15 (3) Consists of ~~Live/Work~~ ~~Units~~ as defined by Section 102-~~13~~ of this Code;
16 or

17 (4) Requires Commission approval of replacement housing destroyed by
18 earthquake, fire or natural disaster only where the destroyed housing included units restricted
19 under the Inclusionary Affordable Housing Program or the City's predecessor inclusionary
20 housing policy, condominium conversion requirements, or other affordable housing program.

21 * * * *

22 (c) Section 415.1 *et seq.*, the Inclusionary Housing Program, shall not apply to:

23 (1) That portion of a housing project located on property owned by the United
24 States or any of its agencies or leased by the United States or any of its agencies for a period
25

1 in excess of 50 years, with the exception of such property not used exclusively for a
2 governmental purpose;

3 (2) That portion of a housing project located on property owned by the State
4 of California or any of its agencies, with the exception of such property not used exclusively
5 for a governmental or educational purpose; or

6 (3) That portion of a housing project located on property under the jurisdiction
7 of the San Francisco Redevelopment Agency or the Port of San Francisco where the
8 application of Section 415.1 *et seq.* is prohibited by California or local law.

9 (4) A 100% percent affordable housing project in which rents are controlled or
10 regulated by any government unit, agency or authority, excepting those unsubsidized and/or
11 unassisted units which are insured by the United States Department of Housing and Urban
12 Development. The Mayor's Office of Housing must represent to the Planning Commission or
13 Planning Department that the project meets this requirement.

14 (A) **Restrictions.** If a project sponsor takes advantage of this
15 subsection, all of the rules and regulations of the programs or recorded documents
16 guaranteeing the affordability of the units shall govern the units and the requirements of this
17 Program shall not apply.

18 (B) **Conditions.** In order to qualify for this provision, the project
19 sponsor must record an NSR against the property that provides that, in the event of
20 foreclosure or for any other reason, the project no longer qualifies as a project meeting the
21 requirements of subsection (4) the project will either:

22 (i) pay the Affordable Housing Fee plus interest from the date
23 the project received its first construction document for the project if no affordable units were
24 ever provided or, if affordable units were provided and occupied, then the Affordable Housing
25

1 Fee with no interest is due on the date the units were no longer occupied by qualifying
2 households; or

3 (ii) provide the required number of on-site affordable units
4 required at time of original project approval and that those units shall be subject to all of the
5 requirements of this Program.

6 (C) In the event that there is a foreclosure or other event triggering the
7 requirements of ~~s~~Subsection (B) above, the project sponsor shall record a new NSR specifying
8 the manner ~~in~~ which it complies with this Program, including but not limited to any specific
9 units restricted as affordable under (B)(ii). The new NSR shall provide that the units must
10 comply with all of the requirements of this Program.

11 (5) A Student Housing project that meets all of the following criteria:

12 (A) The building or space conversion does not result in loss or
13 conversion of existing housing, including but not limited to rental housing and dwelling units;

14 (B) An institutional master plan (IMP) pursuant to Section 304.5 is on
15 file with the Planning Department prior to the issuance of any building permit or alteration
16 permit in connection with the creation of the Student Housing project, and, in addition to the
17 requirements of Section 304.5, such IMP shall describe:

18 (i) to the extent such information is available, the type and
19 location of housing used by its students;

20 (ii) any plans for the provision of Student Housing; and

21 (iii) the Educational Institution's need for student housing to
22 support its program; and (iv) the percentage of its students, on an average annual basis, that
23 receive some form of need-based assistance as described in (113B).

24 (C) The Mayor's Office of Housing (MOH) is authorized to monitor this
25 program. MOH shall develop a monitoring form and annual monitoring fee to be paid by the

1 owner of the real property or the *p*Post-sSecondary Educational Institution or *Religious*
2 Institutions, as defined in Section 102 209.3(f) of this Code. The owner of the real property and
3 each *p*Post-sSecondary Educational Institution or Institutions shall agree to submit annual
4 documentation to the Mayor's Office of Housing (MOH) and the Planning Department, on or
5 before December 31 of each year, that addresses the following:

6 (i) Evidence that the *p*Post-sSecondary Educational Institution
7 continues to own or otherwise control the Student Housing project under a master lease or
8 other contractual agreement with at least a 5 year term, including a certificate from the owner
9 of the real property and the *p*Post-sSecondary Educational Institution attaching a true and
10 complete copy of the master lease or other contractual agreement (financial information may
11 be redacted) and certifying that the lease or contract has not otherwise been amended or
12 terminated; and

13 (ii) Evidence, on an average annualized basis, of the percentage
14 of students in good standing enrolled at least half time or more in the post-secondary
15 Educational Institution or Institutions who are occupying the beds or accessory living space in
16 the Student Housing project; and

17 (iii) The owner of the real property records a Notice of Special
18 Restrictions (NSR) against fee title to the real property on which the Student Housing is
19 located that states the following:

20 - The *p*Post-sSecondary Educational Institution, or the owner of the real property
21 on its behalf, must file a statement with the Department if it intends to terminate the Student
22 Housing project at least 60 days before it terminates such use ("statement of termination");

23 - The Student Housing project becomes subject to the Inclusionary Housing
24 Ordinance requirements applicable to Housing Projects other than Qualified Housing Projects
25 if (1) a post-secondary Educational Institution files a statement of termination with the

1 Department and another ~~p~~Post-~~s~~Secondary Educational Institution or Institutions have not
2 been substituted or obligated to meet the requirements of this section; or (2) the owner of the
3 real property or the post-secondary Educational Institution fails to file a statement of
4 termination and fails to meet the requirements for a Student Housing project, then within not
5 more than one year of a Notice Of Violation issued by the Planning Department;

6 - If units in a Student Housing project become subject to the Inclusionary
7 Housing Ordinance then the owner of those units shall (1) pay the Affordable Housing Fee
8 plus interest from the date the project received its first construction document for the project if
9 there is no evidence the Project ever qualified as Student Housing or, if Student Housing was
10 provided and occupied, then the Affordable Housing Fee with no interest is due on the date
11 the units were no longer occupied by qualifying households and interest would accrue from
12 that date if the fee is not paid; or (2) provide the required number of on-site affordable units
13 required at time of original project approval and that those units shall be subject to all of the
14 requirements of this Program. In this event, the owner of the real property shall record a new
15 NSR providing that the designated units must comply with all of the requirements of this
16 Program.

17 - The ~~p~~Post-~~s~~Secondary Educational Institution is required to report annually
18 as required in ~~s~~Subsection (C) above;

19 - The City may commence legal action against the owner and/or ~~P~~post-
20 ~~S~~secondary Educational Institution to enforce the NSR and the terms of Article IV of the
21 Planning Code and Planning Code Section 415 *et seq.* if it determines that the project no
22 longer meets the requirements for a Student Housing project; and

23 - The Student Housing project may be inspected by any City employee to
24 determine its status as a Student Housing project and its compliance with this Section at any
25

1 time upon at least 24 hours' prior notice to the owner of the real property or to the master
2 lessee.

3 (d) For projects that have received a first site or building permit prior to the effective
4 date of Section 415.1 *et seq.*, the requirements in effect prior to the effective date of Section
5 415.1 *et seq.* shall apply.

6 (e) In November, 2012 the voters amended the Charter by adopting Proposition C
7 "The Affordable Housing Trust Fund and Housing Production Incentives" which is, in part,
8 codified as Charter Section 16.110 ("Proposition C"). To the extent that there is any
9 inconsistency between the provisions of Proposition C and Sections 415 *et seq.* or any other
10 Planning Code provisions, the provisions of Proposition C shall control.

11 **SEC. 417.2. DEFINITIONS.**

12 See Section 401 of this Article.

13 "~~Gross s~~quare ~~f~~ootage" shall have the meaning set forth in Section 102-9.

14 "Eastern Neighborhood Controls" shall have the meaning set forth in Section 175.6(c)(1).

15 ~~Application.~~

16
17 Section 6. Article 6 of the Planning Code is hereby amended by amending Sections
18 606 and 607.1, and deleting Sections 607.3, 607.4, and 608.10, to read as follows:

19 **SEC. 606. RESIDENTIAL DISTRICTS.**

20 Signs in Residential and Residential Enclave Districts, other than those signs exempted by
21 Section 603 of this Code, shall conform to the following provisions:

22 (a) **General Provisions for All Signs.**

23 (1) No sign shall project beyond a street property line or legislated setback line,
24 or into a required front setback area.

1 (2) No sign shall have or consist of any moving, rotating or otherwise animated
2 part, or (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated
3 light.

4 (3) No roof sign, wind sign, or general advertising sign shall be permitted.

5 (4) No sign shall extend above the roofline of a building to which it is attached,
6 or above a height of 12 feet.

7 (b) **Signs for Uses Permitted in Residential and Residential Enclave Districts.** The
8 following types of signs, subject to the limitations prescribed for them, shall be the only signs
9 permitted for uses authorized as principal or conditional uses in R and RED Districts, except
10 that signs for any commercial establishments ~~so authorized in RC Districts~~ shall be subject to
11 the limitations of Paragraph (c)~~(3)~~ below.

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

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

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

19 (B) In RM, RTO or RED Districts: maximum area eight square feet if
20 directly illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

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

24 (3) **Sale or Lease Signs.** One temporary nonilluminated or indirectly illuminated
25 sale or lease sign for each street frontage of the total parcel involved, not exceeding a height

1 of 24 feet if freestanding and not above the roofline if attached to a building, and having an
2 area not exceeding six square feet for each lot or for each 3,000 square feet in such total
3 parcel, whichever ratio permits the larger area, provided that no such sign shall exceed 50
4 square feet in area and any such sign exceeding 18 square feet in area shall be set back at
5 least 25 feet from all street property lines. Any sale or lease sign shall be removed within
6 seven days following removal of the property from the market.

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

11 (c) **Business Signs for Limited Commercial Uses.** *For Limited Commercial Uses, as*
12 *described in Section 186 of this Code, and for Limited Corner Commercial Uses, as permitted by*
13 *Section 231, the following controls shall apply:*

14 (1) **Wall Signs.** *One wall sign is permitted for each street frontage occupied by the use,*
15 *placed flat against the wall that faces such street and not located above the ground floor. Such sign*
16 *shall not exceed an area of one square foot for each linear foot of street frontage occupied by the*
17 *building or part thereof that is devoted to the commercial use or 50 square feet per street frontage,*
18 *whichever is less. Any such sign may be nonilluminated or indirectly illuminated.*

19 (2) **Window Signs.** *Window signs, limited to signs painted or similarly applied directly*
20 *on the surface of the window glass, are permitted. The total area of all window signs, as defined in*
21 *Section 602.1(b), shall not exceed one-quarter the area of the window on which the signs are located.*
22 *Such signs may be nonilluminated or indirectly illuminated.*

23 (3) **Projecting Signs.** *The number of projecting signs shall not exceed one per business.*
24 *The area of such sign, as defined in Section 602.1(a), shall not exceed six square feet. The height of*
25 *such sign shall not exceed 14 feet, or the height of the lowest residential windowsill above the*

1 commercial use, whichever is lower. No part of the sign shall project more than 75 percent of the
2 horizontal distance from the street property line to the curbline, or four feet, whichever is less. Any
3 such sign may be nonilluminated or indirectly illuminated.

4 (4) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall
5 signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed
6 20 square feet per business. Such sign copy may be nonilluminated or indirectly illuminated.

7 (5) **Illumination.** Any illumination permitted for signs covered by this Subsection (c)
8 shall be extinguished at all times when the commercial use is not open for business.

9 (d) **Signs for Other Nonconforming Uses.** Signs for any use in an R District which is
10 nonconforming under the provisions of Sections 180 through 187 of this Code, or which is given
11 conditional use status under said sections, shall be subject to the provisions of this Subsection (e);
12 except that any such use that would first be permitted as either a principal or a conditional use in some
13 other R District under Article 2 of this Code, other than an RC District, shall be subject to the
14 provisions of Subsection 606(b) above. Any illumination permitted for signs covered by this
15 Subsection (e)(d) shall be extinguished at all times when the nonconforming use is not open
16 for business.

17 **(1) Automobile Service Stations.** The following business signs are permitted
18 for an automobile service station. Any such signs may be nonilluminated or indirectly or
19 directly illuminated. Directly illuminated signs may be illuminated only during open business hours.

20 (A) A maximum of two oil company signs, which shall not extend ~~more~~
21 ~~than 10 feet~~ above the roofline if attached to a building, or exceed a height of 24 feet if
22 freestanding. The area of any such sign shall not exceed 180 square feet, and along each
23 street frontage all parts of such a sign or signs that are within 10 feet of the street property line
24 shall not exceed 80 square feet in area. The areas of other permanent and temporary signs
25

1 as covered in Subparagraph 606~~(e)~~(d)(1)(B) below shall not be included in the calculation of
2 the areas specified in this Subparagraph.

3 (B) **Other Permanent and Temporary Signs Customarily Incidental to**
4 **the Service Station Business.** No such sign shall extend above the roofline if attached to a
5 building, or exceed a height of 12 feet if freestanding. The area of such signs shall not exceed
6 20 square feet for each such sign or a total of 80 square feet for all such signs on the
7 premises.

8 (2) **Open Land Uses.** If there is no building with more than 50 square feet of
9 floor area involved in the use, one business sign is permitted for each street frontage
10 occupied by such use, not exceeding a height of 12 feet and having an area not exceeding
11 one square foot for each foot of such street frontage. The total area of all signs for such a use
12 shall not exceed 50 square feet. Any such sign may be nonilluminated or indirectly
13 illuminated.

14 (3) **Other Uses.** For a use not listed in *Subsections Paragraph* 606(c)~~(1)~~ or
15 606~~(e)~~(2)(d) above, one business sign is permitted for each street frontage occupied by the
16 use, placed flat against the wall that faces such street and not located above the ground floor.
17 Such sign shall not exceed an area of one ~~two~~ square feet for each foot of street frontage
18 occupied by the building or part thereof that is devoted to the nonconforming use. The total
19 area of all signs for such a use shall not exceed 100 square feet. Any such sign may be
20 nonilluminated or indirectly illuminated. *In RM, RED and RC Districts, any such sign may be*
21 *directly illuminated.*

22 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
23 **DISTRICTS.**

24 Signs located in Neighborhood Commercial Districts shall be regulated as provided
25 herein, except for those signs which are exempted by Section 603 of this Code or as more

1 specifically regulated in a Special Sign District under Sections 608 et seq. In the event of
2 conflict between the provisions of Section 607.1 and other provisions of Article 6, the
3 provisions of Section 607.1 shall prevail in Neighborhood Commercial and Residential-
4 Commercial Districts, ~~provided, however, that with respect to properties also located in the Upper~~
5 ~~Market Special Sign District, the provisions of Section 608.16 of this Code shall prevail.~~

6 In each such Special Sign District, signs, other than those signs exempted by Section
7 603 of this Code, shall be subject to the special controls in Sections 608.1 through 608.16,
8 respectively, in addition to all other or, if so expressly specified in those Sections in lieu of
9 other applicable sign provisions of this Code. In the event of inconsistency with any other
10 provision of Article 6, the most restrictive provision shall prevail unless this Code specifically
11 provides otherwise.

12 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
13 601 of this Code, the following purposes apply to Neighborhood Commercial and Residential-
14 Commercial Districts. These purposes constitute findings that form a basis for regulations and
15 provide guidance for their application.

16 (1) As Neighborhood Commercial and Residential-Commercial Districts change,
17 they need to maintain their attractiveness to residents, customers and potential new
18 businesses alike. Physical amenities and a pleasant appearance will profit both existing and
19 new enterprises.

20 (2) The character of signs and other features projecting from buildings is an
21 important part of the visual appeal of a street and the general quality and economic stability of
22 the area. Opportunities exist to relate these signs and projections more effectively to street
23 design and building design. These regulations establish a framework that will contribute
24 toward a coherent appearance of Neighborhood Commercial and Residential-Commercial
25 Districts.

1 (3) Neighborhood Commercial and Residential-Commercial Districts are typically
2 mixed use areas with commercial units on the ground or lower stories and residential uses on
3 upper stories. Although signs ~~and other advertising devices~~ are essential to a vital commercial
4 district, they should not be allowed to interfere with or diminish the livability of residential units
5 within a Neighborhood Commercial District or in adjacent residential districts.

6 (4) The scale of most Neighborhood Commercial and Residential-Commercial
7 Districts as characterized by building height, bulk, and appearance, and the width of streets
8 and sidewalks differs from that of other commercial and industrial districts. Sign sizes should
9 relate and be compatible with the surrounding district scale.

10 (b) **Signs or Sign Features Not Permitted in NC and RC Districts.** Roof signs as
11 defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code,
12 and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC
13 and RC Districts. No sign shall have or consist of any moving, rotating, or otherwise physically
14 animated part, or lights that give the appearance of animation by flashing, blinking, or
15 fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign
16 features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

17 (c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be
18 permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the
19 limits set forth below.

20 (1) One sign per lot shall be permitted and such sign shall not exceed 20
21 square feet in area. The sign may be a freestanding sign, if the building is recessed from the
22 street property line, or may be a wall sign or a projecting sign. The existence of a freestanding
23 identifying sign shall preclude the erection of a freestanding business sign on the same lot. A
24 wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not
25

1 exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
2 illuminated.

3 (2) One sign identifying a shopping center or shopping mall shall be permitted
4 subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any
5 sign identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a)
6 in an NC District shall be considered a business sign and subject to Section 607.1(f) of this
7 Code. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during
8 the hours of operation of the businesses in the shopping center or shopping mall.

9 (d) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not
10 exceeding an area of two square feet, shall be permitted for each noncommercial use in NC
11 Districts.

12 (e) **General Advertising Signs.** General advertising signs, as defined in Section
13 602.7, ~~shall are not be~~ permitted in Neighborhood Commercial and Residential-Commercial
14 Districts, ~~except in the Inner Sunset Neighborhood Commercial District where they are not permitted,~~
15 ~~as provided for below. In NC Districts where such signs are permitted, general advertising signs may~~
16 ~~be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be~~
17 ~~parallel to and within three feet of an adjacent building wall. In either case, the building wall shall~~
18 ~~form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from~~
19 ~~which it is legible. No general advertising sign shall be permitted to cover part or all of any windows.~~
20 ~~Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the~~
21 ~~calculation of the sign, as defined in Section 602.1(a) of this Code.~~

22 (1) ~~NC-2, NCT-2, and NC-S Districts. No more than one general advertising sign shall~~
23 ~~be permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area~~
24 ~~nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.~~

1 ~~(2) NC-3, NCT-3, and Broadway Districts. No more than one general advertising sign~~
2 ~~not exceeding 300 square feet or two general advertising signs of 72 square feet each shall be~~
3 ~~permitted per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which~~
4 ~~it is attached, or the height of the lowest of any residential windowsills on the wall to which it is~~
5 ~~attached, whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a~~
6 ~~freestanding sign, whichever is lower.~~

7 ~~(A) NC-3 and NCT-3 Districts. Signs may be either nonilluminated or indirectly~~
8 ~~illuminated.~~

9 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
10 all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set
11 forth below.

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

13 (A) **Window Signs.** The total area of all window signs, as defined in
14 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
15 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

16 (B) **Wall Signs.** The area of all wall signs shall not exceed one square
17 foot per square foot of street frontage occupied by the business measured along the wall to
18 which the signs are attached, or 50 square feet for each street frontage, whichever is less.
19 The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is
20 attached. Such signs may be nonilluminated or indirectly illuminated; or during business
21 hours, may be directly illuminated.

22 (C) **Projecting Signs.** The number of projecting signs shall not exceed
23 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which
25 it is attached. No part of the sign shall project more than 75 percent of the horizontal distance

1 from the street property line to the curblineline, or six feet six inches, whichever is less. The sign
2 may be nonilluminated or indirectly illuminated, or during business hours, may be directly
3 illuminated.

4 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings
5 in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section
6 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly
7 illuminated.

8 (2) **RC, NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street,**
9 **Outer Clement Street, Upper Fillmore Street, Folsom Street, Glen Park, Inner Sunset,**
10 **Irving Street, Haight Street, Hayes-Gough, Judah Street, Upper Market Street, Excelsior**
11 **Outer Mission Street, Noriega Street, North Beach, Ocean Avenue, Pacific Avenue, Polk**
12 **Street, RCD, Sacramento Street, SoMa, Taraval Street, Union Street, Valencia Street,**
13 **24th Street - Mission, 24th Street - Noe Valley, and West Portal Avenue, ~~Glen Park, RCD,~~**
14 **~~and Folsom Street~~ Neighborhood Commercial Districts.**

15 (A) **Window Signs.** The total area of all window signs, as defined in
16 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
17 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

18 (B) **Wall Signs.** The area of all wall signs shall not exceed two square
19 feet per foot of street frontage occupied by the use measured along the wall to which the
20 signs are attached, or 100 square feet for each street frontage, whichever is less. The height
21 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
22 height of the lowest of any residential windowsill on the wall to which the sign is attached,
23 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

24 (C) **Projecting Signs.** The number of projecting signs shall not exceed
25 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24

1 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which
2 it is attached, or the height of the lowest of any residential windowsill on the wall to which the
3 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
4 the horizontal distance from the street property line to the curblineline, or six feet six inches,
5 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
6 business hours, may be directly illuminated.

7 (D) **Signs on Awnings and Marquees.** Sign copy may be located on
8 permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as
9 defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be
10 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
11 or places of entertainment may be directly illuminated during business hours.

12 (E) **Freestanding Signs and Sign Towers.** With the exception of
13 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one
14 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the
15 building or buildings are recessed from the street property line. The existence of a
16 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
17 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
18 shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the
19 sign shall project more than 75 percent of the horizontal distance from the street property line
20 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
21 illuminated; or during business hours, may be directly illuminated.

22 (3) **Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial**
23 **Districts.**

1 (A) **Window Signs.** The total area of all window signs, as defined in
2 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
3 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

4 (B) **Wall Signs.** The area of all wall signs shall not exceed three square
5 feet per foot of street frontage occupied by the use measured along the wall to which the
6 signs are attached, or 150 square feet for each street frontage, whichever is less. The height
7 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
8 height of the lowest of any residential windowsill on the wall to which the sign is attached,
9 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

10 (C) **Projecting Signs.** The number of projecting signs shall not exceed
11 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32
12 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it
13 is attached, or the height of the lowest of any residential windowsill on the wall to which the
14 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
15 the horizontal distance from the street property line to the curblineline, or six feet six inches,
16 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

17 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located
18 on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as
19 defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be
20 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
21 or places of entertainment may be directly illuminated during business hours.

22 (E) **Freestanding Signs and Sign Towers.** With the exception of
23 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this
24 Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign
25 if the building or buildings are recessed from the street property line. The existence of a

1 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
2 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
3 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the
4 sign shall project more than 75 percent of the horizontal distance from the street property line
5 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
6 illuminated, or during business hours, may be directly illuminated.

7 (4) **Special Standards for Automotive Gas and Service Stations.** For
8 automotive gas and service stations in Neighborhood Commercial Districts, only the following
9 signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards
10 in this Section 607.1.

11 (A) A maximum of two oil company signs, which shall not extend above
12 the roofline if attached to a building, or exceed the maximum height permitted for freestanding
13 signs in the same district if freestanding. The area of any such sign shall not exceed 180
14 square feet, and along each street frontage, all parts of such a sign or signs that are within 10
15 feet of the street property line shall not exceed 80 square feet in area. No such sign shall
16 project more than five feet beyond any street property line. The areas of other permanent and
17 temporary signs as covered in Subparagraph (B) below shall not be included in the calculation
18 of the areas specified in this Subparagraph.

19 (B) Other permanent and temporary business signs, not to exceed 30
20 square feet in area for each such sign or a total of 180 square feet for all such signs on the
21 premises. No such sign shall extend above the roofline if attached to a building, or in any case
22 project beyond any street property line or building setback line.

23 (g) **Temporary Signs.** One temporary nonilluminated or indirectly illuminated sale or
24 lease sign or nonilluminated sign of persons and firms connected with work on buildings under
25 actual construction or alteration, giving their names and information pertinent to the project

1 per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all
2 regulations of Subsection 607.1(f) for business signs in the respective NC or RC District in
3 which the sign is to be located. All temporary signs shall be promptly removed upon
4 completion of the activity to which they pertain.

5 (h) **Special Sign Districts.** Additional controls apply to certain Neighborhood
6 Commercial and Residential-Commercial Districts that are designated as Special Sign Districts.
7 Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and
8 with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and
9 boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of
10 San Francisco.

11 (i) **Restrictions on Illumination.** Signs in Neighborhood Commercial and Residential-
12 Commercial Districts shall not have nor consist of any flashing, blinking, fluctuating or
13 otherwise animated light except those moving or rotating or otherwise physically animated
14 parts used for rotation of barber poles and the indication of time of day and temperature, and
15 in the following special districts, all specifically designated as "Special Districts for Sign
16 Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San
17 Francisco.

18 (1) **Broadway Neighborhood Commercial District.** Along the main
19 commercial frontage of Broadway between west of Columbus Avenue and Osgood Place.

20 (2) **NC-3.** NC-3 District along Lombard Street from Van Ness Avenue to
21 Broderick Street.

22 (3) Notwithstanding the type of signs permissible under subparagraph (i), a
23 video sign is prohibited in the districts described in subparagraphs (1) and (2).

24 (j) **Other Sign Requirements.** Within Neighborhood Commercial and Residential-
25 Commercial Districts, the following additional requirements shall apply:

1 ~~(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public~~
2 ~~plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are~~
3 ~~otherwise permitted by this Code and signs, structures, and features as are specifically approved by the~~
4 ~~appropriate public authorities under applicable laws and regulations not inconsistent with this Code~~
5 ~~and under such conditions as may be imposed by such authorities.~~

6 ~~(2) **Maintenance.** Every sign pertaining to an active establishment shall be adequately~~
7 ~~maintained in its appearance. When the activity for which the business sign has been posted has ceased~~
8 ~~operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that~~
9 ~~business activity shall be removed after that time.~~

10 ~~(3)~~ (1) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall
11 apply.

12 ~~(4)~~ (2) **Special Standards for Automotive Gas and Service Stations.** The
13 provisions of Section 607.1(f)(4) of this Code shall apply.

14 ~~**SEC. 607.3. VAN NESS SPECIAL SIGN DISTRICT.**~~

15 ~~(a) **General.** Signs located within the Van Ness Special Use District, with the exception of the~~
16 ~~Civic Center Special Sign District as shown in Sectional Map SSD, shall be regulated by the provisions~~
17 ~~of Article 6 and those set forth below, except for those signs which are exempt pursuant to Section 603.~~
18 ~~In the event of conflict between the provisions of this Section and those of Article 6, the provisions of~~
19 ~~this Section shall prevail in the Van Ness Special Use District.~~

20 ~~(b) **Purposes.** In addition to the purposes stated in Sections 101 and 601 of this Code, the~~
21 ~~following purposes apply to the Van Ness Special Use District. These purposes constitute findings that~~
22 ~~form a basis for regulations and provide guidance for their application.~~

23 ~~(1) As Van Ness Avenue changes from an automotive oriented area to a mixed use,~~
24 ~~predominantly residential district, it needs to maintain its attractiveness to business customers and~~
25

1 ~~residents alike. Physical amenities and a pleasant appearance will benefit both existing and new~~
2 ~~enterprises.~~

3 ~~(2) The character of signs and other features projecting from buildings is an important~~
4 ~~part of the visual appeal of a street and the general quality and economic stability of the area.~~
5 ~~Opportunities exist to relate these signs and projections more effectively to street design and building~~
6 ~~design. These regulations establish a framework that will contribute toward a coherent appearance of~~
7 ~~the Van Ness Special Use District.~~

8 ~~(3) The Van Ness Special Use District is intended to be a mixed-use area with~~
9 ~~commercial units on the ground or lower stories and residential uses on upper stories. Although signs~~
10 ~~and other advertising devices are essential to a vital commercial district, they should not be allowed to~~
11 ~~interfere with or diminish the livability of residential units within the Van Ness Special Use District or~~
12 ~~in adjacent residential districts.~~

13 ~~(4) The scale of the Van Ness Special Use District as characterized by building height,~~
14 ~~bulk, and appearance, and by the width of streets and sidewalks, differs from that of other commercial~~
15 ~~and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.~~

16 ~~(c) **Controls.**~~

17 ~~(1) **Signs or Sign Features Not Permitted in the Van Ness Special Use District.** Roof~~
18 ~~signs as defined in Section 602.16 are not permitted.~~

19 ~~(2) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted~~
20 ~~in the Van Ness Special Use District subject to the limits set forth below.~~

21 ~~(A) An identifying sign shall not exceed 20 square feet in area. The sign may be~~
22 ~~a wall sign or a projecting sign. A wall sign or projecting sign shall be mounted at or below the level of~~
23 ~~the lowest residential windowsill or 25 feet, whichever is lower. Such sign may be nonilluminated,~~
24 ~~indirectly illuminated, or directly illuminated. For the purposes of this Section, "wall signs" shall be~~
25

1 ~~defined as signs placed flat against a building wall with its copy parallel to the wall to which it is~~
2 ~~attached and not protruding more than the thickness of the sign cabinet.~~

3 ~~(B) One name plate, as defined in Section 602.12, not exceeding an area of six~~
4 ~~square feet, shall be permitted for each resident and occupant of the building.~~

5 ~~(3) **General Advertising Signs.** General advertising signs, as defined in Section 602.7,~~
6 ~~shall be permitted in the Van Ness Special Use Districts as provided below. General advertising signs~~
7 ~~may be either a wall sign or a freestanding sign, provided that the surface of any freestanding sign~~
8 ~~shall be parallel to and within three feet of an adjacent building wall. The building wall shall form a~~
9 ~~complete backdrop for the wall sign, as the sign is viewed from those points on a street or alley from~~
10 ~~which it is legible. Signs painted directly on a building wall shall be considered general advertising~~
11 ~~signs for the purposes of this Section. No general advertising sign shall be permitted to cover part or~~
12 ~~all of any window. No more than one general advertising sign of 300 square feet or two general~~
13 ~~advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not~~
14 ~~exceed 36 feet, or the height of the wall to which it is attached or before which it is placed, or the~~
15 ~~height of the lowest residential windowsill located on the wall to which the sign is attached or before~~
16 ~~which it is placed, whichever is lowest. Signs may be either non-illuminated, directly or indirectly~~
17 ~~illuminated. All general advertising signs shall conform to the provisions of Section 5408 of the~~
18 ~~California Business and Professions Code, including the requirement that no advertising display shall~~
19 ~~be placed within 100 feet from another advertising display on the same side of Van Ness Avenue.~~

20 ~~(4) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted~~
21 ~~subject to the following restrictions:~~

22 ~~(A) **Window Signs.** The total area of any window sign, as defined in Section~~
23 ~~602.1(b), shall not exceed 1/3 the area of the window on or in which the sign is located. Such signs may~~
24 ~~be nonilluminated, indirectly illuminated, or directly illuminated. For purposes of this Section,~~
25 ~~"window signs" shall be defined as signs placed directly on the surface of the glass inside the building.~~

1 ~~(B) **Wall Signs.** The area of any wall sign shall not exceed three square feet per~~
2 ~~foot of street frontage occupied by the building on which the sign is located. The height of any wall sign~~
3 ~~shall not exceed 45 feet, or the height of the wall to which it is attached, or the height of the lowest of~~
4 ~~any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may~~
5 ~~be nonilluminated, indirectly, or directly illuminated.~~

6 ~~(C) **Projecting Signs.** The area of any projecting sign shall not exceed 36 square~~
7 ~~feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or~~
8 ~~the height of the lowest of any residential windowsill on the wall to which the sign is attached,~~
9 ~~whichever is lowest. No part of the sign shall project more than six feet from the property line. Such~~
10 ~~signs may be nonilluminated, indirectly, or directly illuminated.~~

11 ~~(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted~~
12 ~~awnings and marquees in lieu of projecting signs. The area of such sign copy shall not exceed 60~~
13 ~~square feet. Such sign copy may be nonilluminated, indirectly illuminated or directly illuminated.~~

14 ~~(E) **Freestanding Signs and Sign Towers.** Freestanding signs and sign towers~~
15 ~~shall not be permitted in the Van Ness Special Sign District except as provided in Section 606(e)(1).~~

16 ~~(F) **Automotive Gas and Service Stations.** For automotive gas and service~~
17 ~~stations, only the following signs are permitted:~~

18 ~~(i) A maximum of two oil company signs, which shall not extend more~~
19 ~~than 10 feet above the roof line if attached to a building, or exceed 24 feet in height if freestanding. The~~
20 ~~area of any such sign shall not exceed 180 square feet. Along each street frontage, all parts of such a~~
21 ~~sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area.~~
22 ~~No such sign shall project more than five feet beyond any property line. The areas of other permanent~~
23 ~~and temporary signs as covered in Subparagraph (ii) below shall not be included in the calculation of~~
24 ~~the areas specified in this Subsection.~~

1 ~~(ii) Other permanent and temporary signs customarily incidental to the~~
2 ~~service station business, not to exceed 30 square feet in area for each such sign or a total of 180 square~~
3 ~~feet for all such signs on the premises. No such sign shall extend above the roof line if attached to a~~
4 ~~building, or in any case project beyond any street property line or building setback line.~~

5 ~~(5) **Temporary Signs.** Temporary signs permitted in the Van Ness Special Use District~~
6 ~~are sale or lease signs as defined in Section 602.17 and construction signs giving the names of persons~~
7 ~~and firms connected with work on buildings under actual construction or alteration and information~~
8 ~~pertinent to the project. One sign per lot not exceeding 50 square feet shall be permitted and conform~~
9 ~~to all regulations as set forth in Section 607(f). All temporary signs shall be promptly removed upon~~
10 ~~removal of the property from the market or completion of the construction activity.~~

11 ~~(6) **Maintenance and Removal of Signs.** Every business and identifying sign shall be~~
12 ~~adequately maintained in its appearance, or else removed or obscured. When the business, service,~~
13 ~~industry, use or activity for which a business sign or identifying sign has been erected has ceased~~
14 ~~operation on the premises, all such signs pertaining to such establishment shall be removed or~~
15 ~~obscured within 180 days.~~

16 ~~(7) **Additional Controls.** Additional sign controls apply to certain areas of the Van Ness~~
17 ~~Special Use District designated as Special Sign Districts. Special Sign Districts are described within~~
18 ~~Sections 608.1 through 608.11 of this Code and, with the exception of Sections 608.1, 608.2 and~~
19 ~~608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning~~
20 ~~Map of the City and County of San Francisco.~~

21 ~~(8) Automotive sales and service signs within the Automotive Special Use District which~~
22 ~~have all required permits but which do not comply with the controls for new signs established in~~
23 ~~Section 607.3 of this Code shall be permitted to remain as nonconforming uses and shall be permitted~~
24 ~~to modify the signage text to describe new automobile ownerships and dealerships that may occur from~~
25 ~~time to time.~~

1 ~~(d) **Landmark Buildings.** Notwithstanding any other provision of this Code to the contrary,~~
2 ~~any sign which is presently located upon or was once located upon a structure within the Van Ness~~
3 ~~Special Use District which is designated a landmark under Section 1004 may be replaced and/or~~
4 ~~restored subject to the limits set forth below.~~

5 ~~(1) The sign may not exceed the size, shape and number of the sign(s) being replaced~~
6 ~~and/or restored.~~

7 ~~(2) The sign may be a wall, projecting, or freestanding sign.~~

8 ~~(3) The height of the sign may not exceed 80 feet from the sidewalk elevation.~~

9 ~~(4) The sign must be in the same location of the sign being replaced and/or restored.~~

10 ~~(5) The sign may not be located on the roof.~~

11 ~~(6) The sign may not cover or partially block any window.~~

12 ~~(7) The light of the sign may not be flashing, intermittent, or moving.~~

13 ~~(8) The features of the sign including size, shape and illumination must be reviewed and~~
14 ~~approved in accordance with the procedures for the application of a Certificate of Appropriateness~~
15 ~~under Section 1006 of this Code and subject to the discretion of the City Planning Commission. Both~~
16 ~~the Landmark Preservation Advisory Board and the City Planning Commission have the authority to~~
17 ~~modify any features of the sign in order to preserve the historical nature of the building.~~

18 **~~SEC. 607.4. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.~~**

19 ~~Signs located in the RC-4 portion of the North of Market Residential Special Use District shall~~
20 ~~be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code.~~

21 ~~(a) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted subject to~~
22 ~~the regulations set forth below:~~

23 ~~(1) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),~~
24 ~~shall not exceed 1/3 of the area of the window on or in which the signs are located. Such signs may be~~
25 ~~nonilluminated, indirectly illuminated, or directly illuminated.~~

1 ~~(2) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of~~
2 ~~street frontage occupied by the use measured along the wall to which the signs are attached, or 150~~
3 ~~square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24~~
4 ~~feet, or the height of the wall to which it is attached, or the height of the lowest of any residential~~
5 ~~windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be~~
6 ~~nonilluminated, indirectly, or directly illuminated.~~

7 ~~(3) **Projecting Signs.** The number of projecting signs shall not exceed one per business.~~
8 ~~The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the~~
9 ~~sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest~~
10 ~~of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of~~
11 ~~the sign shall project more than 75 percent of the horizontal distance from the street property line to~~
12 ~~the curblin, or six feet, six inches, whichever is less. Such signs may be nonilluminated, indirectly, or~~
13 ~~directly illuminated.~~

14 ~~(4) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted~~
15 ~~awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section~~
16 ~~602.1(e), shall not exceed 40 square feet. Such sign copy may be nonilluminated, or indirectly~~
17 ~~illuminated.~~

18 ~~(5) **Freestanding Signs and Sign Towers.** With the exception of automotive service~~
19 ~~station signs, which are permitted subject to the provisions of Section 606(e)(1) of this Code, one~~
20 ~~freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or~~
21 ~~buildings are recessed from the street property line. The existence of a freestanding business sign shall~~
22 ~~preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding~~
23 ~~sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet, nor shall the height~~
24 ~~of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal~~
25

1 ~~distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be~~
2 ~~nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.~~

3 ~~(b) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not exceeding an~~
4 ~~area of two square feet, shall be permitted for each non-commercial use.~~

5 ~~(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted subject~~
6 ~~to the following regulations:~~

7 ~~(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in~~
8 ~~area. The sign may be a freestanding sign, if the building is recessed from the street property line, or~~
9 ~~may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude~~
10 ~~the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted~~
11 ~~on the first story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be~~
12 ~~nonilluminated, indirectly illuminated, or directly illuminated.~~

13 ~~(d) **Signs or Sign Features Not Permitted in the North of Market Residential Special Use**~~
14 ~~**District.** Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22~~
15 ~~of this Code and general advertising signs as defined in Section 602.7 are not permitted. In addition, no~~
16 ~~sign shall have or consist of any moving, rotating, or otherwise physically animated part or any lights~~
17 ~~that give the appearance of animation by flashing, blinking or fluctuating. All signs or sign features not~~
18 ~~otherwise specifically regulated in this Section shall be prohibited.~~

19 ~~**SEC. 608.10. ON AND NEAR MARKET STREET FROM THE CENTRAL SKYWAY OVERPASS**~~
20 ~~**TO DIAMOND STREET.**~~

21 ~~There shall be a special sign district known as the Upper Market Special Sign District in the~~
22 ~~vicinity of Market Street from the Central Skyway overpass to Diamond Street as designated on~~
23 ~~Sectional Map SSD of the Zoning Map of the City and County of San Francisco. The original copy of~~
24 ~~said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the~~
25

1 *Board of Supervisors under File No. 324-76-2. With respect to said Special Sign District, the following*
2 *regulations shall apply:*

3 *(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this*
4 *Code, the following purposes apply to the Upper Market Special Sign District. These purposes*
5 *constitute findings that form a basis for these regulations and provide guidance for their application.*

6 *(1) In November 1962, the electorate of San Francisco voted approval of an investment*
7 *in a City and regional rapid transit system that will run beneath Market Street, including a city*
8 *subway along Upper Market. In June 1968, the electorate approved a bonded indebtedness of*
9 *\$24,500,000, including payment for reconstruction and improvement of Market Street from the Central*
10 *Skyway overpass to the vicinity of Castro Street. The street is being rebuilt at public expense, with*
11 *special paving, furnishings and landscaping. When rebuilt, this portion of Market Street will have*
12 *heavy concentrations of pedestrians, and will increase in importance as a transit and shopping*
13 *corridor. It is a purpose of the Upper Market Special Sign District to further this public endeavor.*

14 *(2) As the street is rebuilt, the area is attracting and will continue to attract investments,*
15 *development and design efforts in reliance upon the promise of a street of high quality. Both existing*
16 *and new enterprises will be strengthened by the high standards of their environment and by the joint*
17 *efforts of owners and business people.*

18 *(3) The character of signs along the street and of other features projecting from*
19 *buildings is especially significant to street appearance and to the general quality and economic*
20 *stability of the area. Opportunities exist to relate these signs and projections more effectively to the*
21 *street design and to the design of buildings, and it is a purpose of these regulations to set a framework*
22 *that will contribute toward those ends.*

23 *(4) The standards established by these regulations are reasonable standards related to*
24 *the unique nature of the Upper Market area and to its present and future needs. Where removal or*
25 *alteration of existing signs is required, the periods for removal or alteration allow adequate time for*

1 ~~amortization of the signs, consistent with other improvements along the street. The removal or~~
2 ~~alteration will help to promote equality among establishments, adding greater significance to the~~
3 ~~improvement efforts.~~

4 ~~(5) The standards established by these regulations are deemed to be minimum~~
5 ~~requirements, forming a basic framework for development and remodeling. They are not intended in~~
6 ~~any way to preclude further design refinement or review by individuals or duly constituted~~
7 ~~organizations which might consider more restrictive requirements as to any aspects limited herein, or~~
8 ~~as to additional aspects such as materials, color, graphics, types of representation, relationship of~~
9 ~~signs to one another and to architectural features, or the general quality of design. It is anticipated that~~
10 ~~private efforts along such lines will and should be made for the further improvement of the Upper~~
11 ~~Market area.~~

12 ~~(b) **General Advertising Signs.** Except as specified in Subsection 608.10(f) below:~~

13 ~~(1) No general advertising sign shall be permitted at any location within said Special~~
14 ~~Sign District; and~~

15 ~~(2) No general advertising sign shall be located within 200 feet of said Special Sign~~
16 ~~District, if any portion of a face of such sign would be visible from any point on a street, alley or plaza~~
17 ~~within the Special Sign District.~~

18 ~~(c) **Roof Signs.** Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no~~
19 ~~roof sign shall be permitted within said Special Sign District.~~

20 ~~(d) **Projection of Signs and Other Features.** Within said Special Sign District:~~

21 ~~(1) No projection shall exceed a horizontal distance of six feet beyond any street~~
22 ~~property line. This limitation shall apply to signs and to all other features including but not limited to~~
23 ~~marquees, awnings and canopies, with the sole exception of flagpoles for flags of any nation or~~
24 ~~political subdivision.~~

1 ~~(2) Projecting signs for each establishment shall be limited to one sign on each street~~
2 ~~frontage occupied by the establishment, in addition to any signs that are placed flat upon or otherwise~~
3 ~~integrated in the design of marquees and awnings.~~

4 ~~(e) **Height and Extension Above Roofline.** Within said Special Sign District, all of the~~
5 ~~following limitations shall apply:~~

6 ~~(1) Notwithstanding the exceptions stated in Subsection 607(g) of this Code, no sign~~
7 ~~attached to a building shall extend or be located above the roofline of the building to which it is~~
8 ~~attached.~~

9 ~~(2) A projecting sign attached to a building with lettering or other inscription arranged~~
10 ~~in a vertical manner shall have a maximum height of 50 feet or the roofline of the building to which it is~~
11 ~~attached, whichever is the lesser.~~

12 ~~(3) Except as provided in Paragraph 608.10(e)(5) below, all other signs attached to a~~
13 ~~building shall be located no higher than the windowsill level of the lowest story (if any) that has a~~
14 ~~window or windows on the building facade on which the signs are placed, exclusive of the ground story~~
15 ~~and mezzanine, provided that no such sign shall in any case exceed a height of 50 feet or the roofline of~~
16 ~~the building to which it is attached, whichever is the lesser.~~

17 ~~(4) In addition, except as provided in Paragraph 608.10(e)(5) below, uniformity of~~
18 ~~height shall be maintained in both the upper and lower edges of signs placed flat upon or essentially~~
19 ~~parallel to each facade of a single building.~~

20 ~~(5) As to the requirements of Paragraphs 608.10(e)(3) and (4) above, deviation from~~
21 ~~the requirements may be permitted to the extent an alternative placement of signs is made necessary by~~
22 ~~the location of arches, entrances and other architectural features, as determined by the Zoning~~
23 ~~Administrator, or for the purpose of installing special lighting effects and temporary holiday~~
24 ~~decorations.~~

25 ~~(6) The maximum height for freestanding signs shall be 24 feet.~~

1 ~~(f) **Public Areas.** No sign or other structure or feature shall be placed upon any public street,~~
2 ~~alley or public plaza, or in any portion of a transit system, except such signs, structures and features as~~
3 ~~are specifically approved by the appropriate public authorities under applicable laws and regulations~~
4 ~~not inconsistent with this Code and under such conditions as may be imposed by such authorities.~~
5 ~~o the extent an alternative placement of signs is made necessary by the location of arches, entrances~~
6 ~~and other architectural features, as determined by the Zoning Administrator, or for the purpose of~~
7 ~~installing special lighting effects and temporary holiday decorations.~~

8 ~~(6) The maximum height for freestanding signs shall be 24 feet.~~

9 ~~(f) **Public Areas.** No sign or other structure or feature shall be placed upon any public street,~~
10 ~~alley or public plaza, or in any portion of a transit system, except such signs, structures and features as~~
11 ~~are specifically approved by the appropriate public authorities under applicable laws and regulations~~
12 ~~not inconsistent with this Code and under such conditions as may be imposed by such authorities.~~

13
14 Section 7. Article 7 of the Planning Code is hereby amended by adding Section 701.3
15 and amending Section 799, to read as follows:

16 **SEC. 701.3. REFERENCES TO ARTICLES 1 & 2 (TEMPORARY).**

17 Articles 1 and 2 of this Code are in the process of a significant reorganization. As a result,
18 some references to Articles 1 and 2 have not yet been modified. The following references in this
19 Section of the Code are amended as follows:

20 102.8 shall refer to Section 102, Family

21 102.9 shall refer to Section 102, Gross Floor Area Ratio

22 102.10 shall refer to Section 102, Occupied Floor Area

23 102.11 shall refer to Section 102, Floor Area Ratio

24 102.12, shall refer to Section 102, Height (of a building)

25 102.18, shall refer to Section 102, One Ownership

1 102.35(a), shall refer to Section 102, Neighborhood Agriculture

2 102.35 (b) shall refer to Section 102, Large Scale Urban Agriculture.

3 Any other discrepancy between an Article 1 or 2 references in this Section of the Code and the
4 actual or intended reference shall be arbitrated by the Zoning Administrator on a case-by-case basis.

5 **SEC. 799. OTHER APPLICABLE SECTIONS OF THE PLANNING CODE.**

6 Reference should be made to other sections which also apply to Neighborhood
7 Commercial Districts. These sections and their titles are listed below.

8 ****

9 **General Provisions**

10 Section 101 Purposes

11 Section 101.1 General Plan Consistency and Implementation

12 Section 109 Severability

13 **Definitions**

14 Section~~s~~ 102-~~102.25~~ Definitions

15 ****

16 **Uses**

17 Section 201 Classes of Use Districts

18 Section 202 Uses Permitted by This Code

19 Section 202.1 Zoning Control Tables

20 Section 202.2 Operating Conditions

21 Section 202.3 Limitation on Change in Use or Demolition of General Grocery Store Use

22 Section 202.4 Limitation on Change in Use or Demolition of Movie Theater Use

23 Section 202.5 Conversion of Automotive Service Stations

24 Section 202.6 Live/Work Units

25 Section 203 Effect on Certain Public Services

1	Section 204	Accessory Uses, General
2	Section 204.1	Accessory Uses for Dwellings in All R and NC Districts
3	Section 204.4	Dwelling Units Accessory to Other Uses
4	Section 204.5	Parking and Loading as Accessory Uses
5	Section 205	Temporary Uses, General
6	Section 205.1	Temporary Uses, Sixty-day Limit
7	Section 205.2	Temporary Uses, Two-year Limit
8	Section 207.1	Rules for Calculation of Dwelling Unit Densities
9	Section 207.4	Density of Dwelling Units in Neighborhood Commercial Districts
10	Section 208	Density Limitations for Group Housing
11	Section 211 234	<u>P (Public) Districts</u>
12	Section 211.1 234.1	<u>Principal Uses Permitted, P Districts</u>
13	Section 211.2 234.2	<u>Conditional Uses, P Districts</u>
14	Section 235	Special Use Districts

15 * * * *

16 Section 8. Article 8 of the Planning Code is hereby amended by adding Section 801.2
 17 and amending Sections 803.5 and 899, to read as follows:

18 **SEC. 801.2. REFERENCES TO ARTICLES 1 & 2 (TEMPORARY).**

19 Articles 1 and 2 of this Code are in the process of a significant reorganization. As a result, some
 20 references to Articles 1 and 2 have not yet been modified. The following references in this Section of
 21 the Code are amended as follows:

22 102.8 shall refer to Section 102, Family

23 102.9 shall refer to Section 102, Gross Floor Area Ratio

24 102.10 shall refer to Section 102, Occupied Floor Area

25 102.11 shall refer to Section 102, Floor Area Ratio

1 102.12, shall refer to Section 102, Height (of a building)

2 102.18, shall refer to Section 102, One Ownership

3 102.35(a), shall refer to Section 102, Neighborhood Agriculture

4 102.35 (b) shall refer to Section 102, Large Scale Urban Agriculture.

5 209.5(a) & (b) shall refer to Section 102, Entertainment and Recreation, Non-Commercial

6 209.9(f) and (g) shall refer to Section 102, Live/Work Unit

7 221(c) shall refer to Section 102, Community Facility

8 221(d) shall refer to Section 102, Arts Activities.

9 221(f) shall refer to Section 102, Entertainment, General

10 224 shall refer to Section 102, Animal Hospital, Cat Boarding, and Kennel

11 225 shall refer to Section 102, Storage Yard, Wholesale Sales, and Wholesale Storage

12 226 shall refer to Section 102, Industrial Use

13 227(a) shall refer to Section 102, Greenhouse.

14 227(c) shall refer to Section 102, Mortuary

15 227(h) shall refer to Section 102, Commercial Wireless Telecommunication Facility

16 Any other discrepancy between an Article 1 or 2 references in this Section of the Code and the
17 actual or intended reference shall be arbitrated by the Zoning Administrator on a case-by-case basis.

18 **SEC. 803.5. GOOD NEIGHBOR POLICIES GOVERNING USES IN MIXED USE**

19 **DISTRICTS.**

20 (a) **Eating and Drinking Uses** ~~Bars and Restaurants in the Eastern Neighborhoods Mixed~~
21 ~~Use Districts and South of Market Mixed Use Districts.~~ Within ~~the Eastern Neighborhoods Mixed~~
22 ~~Use Districts and South of Market Mixed Use Districts,~~ the Operating Conditions of Section 202.2(a)
23 shall apply to all Eating and Drinking Uses. ~~bars and restaurants, permitted pursuant to Sections 813~~
24 ~~through 818, and 840 through 843 of this Code, shall not be allowed except on conditions which, in the~~

1 ~~judgment of the City agency, board or commission which last exercises jurisdiction to apply this Code~~
2 ~~to a proposed such use, are reasonably calculated to insure that:~~

3 ~~(1) the quiet, safety and cleanliness of the premises and its adjacent area are~~
4 ~~maintained;~~

5 ~~(2) adequate off-street parking is provided, for which purpose the agency, board or~~
6 ~~commission may require parking in excess of that required under the provisions of Section 150(e) of~~
7 ~~this Code and may include participation in a South of Market Parking Management Program if and~~
8 ~~when such a program exists ;~~

9 ~~(3) proper and adequate storage and disposal of debris and garbage is provided;~~

10 ~~(4) noise and odors are contained within the premises so as not to be a nuisance to~~
11 ~~neighbors; and~~

12 ~~(5) sufficient toilet facilities are made accessible to patrons, including persons waiting~~
13 ~~to enter the establishment.~~

14 * * * *

15 **SEC. 899. OTHER APPLICABLE SECTIONS OF THE PLANNING CODE.**

16 Certain sections of the Planning Code in Articles other than this Article also apply to Mixed
17 Use Districts. Such sections and their titles are listed below. The following listing is set forth
18 for convenience; in the event of any omission of a provision, that provision shall nevertheless
19 still apply.

20 **General Provisions**

21 Section 101 Purposes

22 Section 101.1 General Plan Consistency and Implementation

23 Section 109 Severability

24 **Definitions**

25 Sections 102-~~102.28~~ Definitions

1	****	
2	Parking	
3	Section 150	Off-Street Parking and Loading Requirements
4	Section 151. <u>1</u>	Schedule of <i>Permitted Required</i> Off-Street Parking Spaces <i>in</i>
5		<i>Specified Districts</i>
6	Section 152	Schedule of Required Off-Street Freight Loading Spaces
7	Section 153	Rules for Calculation of Required Spaces
8	Section 154	Minimum Dimensions for Required Off-Street Parking and Loading
9		Spaces
10	Section 155	General Standards as to Location and Arrangement of Off-Street
11		Parking and Loading Spaces
12	Sections 155.1 to 155.5	Bicycle Parking Requirements
13	Section 156	Parking Lots
14	Section 157	Conditional Use Applications for Parking Exceeding Accessory
15		Amounts
16		
17	Section 159	Required Off-Street Parking Not on the Same Lot as Structure or
18		Use Served
19	Section 160	Collective Provision and Joint Use of Required Off-Street Parking
20	Section 161	Exemptions from Off-Street Parking, Freight Loading
21	Section 163	Transportation Management Programs
22	****	
23	Uses	
24	Section 201	Classes of Use Districts
25	Section 202	Uses Permitted By This Code

1	<u>Section 202.1</u>	<u>Zoning Control Tables</u>
2	<u>Section 202.2</u>	<u>Operating Conditions</u>
3	<u>Section 202.3</u>	<u>Limitation on Change in Use or Demolition of General Grocery Store</u>
4		<u>Use</u>
5	<u>Section 202.4</u>	<u>Limitation on Change in Use or Demolition of Movie Theater Use</u>
6	<u>Section 202.5</u>	<u>Conversion of Automotive Service Stations</u>
7	<u>Section 202.6</u>	<u>Live/Work Units</u>
8	Section 203	Effect on Certain Public Services
9	Section 204	Accessory Uses, General
10	<u>Section 204.1</u>	<u>Accessory Uses for Dwellings in All Districts</u>
11	Section 204.4	Dwelling Units Accessory to Other Uses
12	Section 204.5	Parking and Loading as Accessory Uses
13	Sections 205-205.3	Temporary Uses
14	Section 207.1	Rules for Calculation of Dwelling Unit Densities
15	Section 207.5	Density of Dwelling Units in Mixed Use Districts
16	Section 208	Density Limitations for Group Housing
17	Section 233	Live/Work Units
18	Section <u>211.2</u> 234.2	Conditional Uses, P Districts
19	Section 235	Special Use Districts
20	* * * *	

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22 Section 9. Effective Date. This ordinance shall become effective 30 days after

23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

25 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.


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

10 By: JUDITH A. BOYAJIAN
11 Deputy City Attorney

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