



SAN FRANCISCO PLANNING DEPARTMENT

Memorandum Planning Code Text Changes

Project Name: 2010 Planning Code 'Clean Up'
Case Number: 2010.0080T
Initiated by: John Rahaim, Director of Planning
Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257
Reviewed by: AnMarie Rodgers, Manager of Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Initiate Planning Code Amendments**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Planning and Historic Preservation Commissioners,

The proposed Ordinance ("2010 Clean-Up") to amend the Planning Code is **396 pages** in length.

Both Commissions have received a hard copy of the legislation – the Planning Commission for their July 8th initiation hearing, and the Historic Preservation Commission for their July 21st hearing.

In order to conserve resources, the Department is not providing an additional hard copy of the legislation in the packets.

If any Commissioner would like to receive an electronic copy or if another hard copy of the proposed Ordinance is needed, please don't hesitate to contact the Department. They will be forwarded to you at the earliest convenience.

Members of the public can view the legislation at 1650 Mission Street Suite #400 or on the Planning Department website under Planning Department Case No. 2010.0080T.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Executive Summary

Planning Code Text Changes

HEARING DATE: AUGUST 5, 2010

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Recommendation: **Approve Planning Code Amendments with Modifications**

The action before the Planning Commission (hereinafter "Commission") is to make a recommendation to the Board of Supervisors of proposed amendments to the Planning Code that are described below. The Commission initiated these proposed amendments on July 8, 2010. The Historic Preservation Commission reviewed the proposed amendments on August 4, 2010.

PLANNING CODE AMENDMENTS

The proposed Ordinance would amend several sections of the Planning Code as detailed in Attachment B: *2010 Planning Code Clean Up Amendments* and incorporated herein.

The proposed changes are minor in scope - typographical errors, updating and consolidating definitions, and correcting errors that were inadvertently made by subsequent code changes and/or by the publisher. This proposal contains non-substantive changes not changes in policy.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve, disapprove, or approve with modifications the proposed Planning Code amendments.

RECOMMENDATION

The Department recommends that the Commission recommend *approval of the amendments with modifications* to the Planning Code and adopt the attached Draft Resolution to that effect. Specifically, the proposed modifications are:

1. Amendments to Articles 10 and 11 that incorporate additional Charter Section 4.135 language, as detailed in Attachment G;

2. Clarification to Section 311(c) of the Code that outlines the notice process, as detailed in Attachment H;
3. Clarification and deletion to Section 309 of the Code, as detailed in Attachment H; and
4. Additional minor amendments to Code Sections 134, 201, 209, and Article 7 as detailed in Attachment H.

BASIS FOR RECOMMENDATION

The Planning Code has been amended dozens of times over the past three years. In addition to the Eastern Neighborhoods, Balboa Park, and Ocean Avenue plans being created (among others), the Board of Supervisors has regularly amended Code sections. Many factors contribute to the errors that need fixing by this legislation. First, there is a delay between the effective date of a Ordinance and when the online Planning Code is updated to reflect the change. In addition, amendments from the Planning Code are proposed by many sources including the Planning Department, the Board of Supervisors, the Mayor and private parties. Legislation does not march in an orderly manner through the approvals process. An Ordinance considered by the Planning Commission in the spring may sit at the Board for months before it is called to hearing before a Committee. In the meantime, other pieces of legislation may move ahead that were not considered in the original ordinance. The most recent Code changes not yet visible online may not be used as a basis for new Code amendments. As a result, many code amendments were inadvertently removed and controls were amended or omitted. The majority of this legislation addresses these issues. Attachment B details the Code sections that are being amended and the specific changes being made.

The Department supports these changes, as the existing errors lead inconsistent application of the Code, cause confusion among staff and the public, and will bring the Code up to date.

In addition to the clean up amendments, below are a few proposed amendments to Code sections/topics that the Department would like to highlight.

FORMULA RETAIL CONTROLS

The main definition of a formula retail use is located in Article 7: Neighborhood Commercial Districts. The formula retail controls originated in the neighborhood commercial districts. However, over time, these controls have been placed on other use districts, such as Residential-Commercial Districts. There is not one consolidated location for the definition of what qualifies as a formula retail use, what controls apply, and which districts require a Conditional Use Authorization or are not permitted. The Department is proposing to amend Section 303(i) to incorporate these controls. Section 303 deals with Conditional Use Authorizations and has sections for specific topics, such as hotels, general advertising signs, and gas stations. Currently formula retail is briefly mentioned in subsection (i), but it points to Article 7 (703.3) for the controls, as does formula retail controls in Article 2 and Article 8. The Department would like Section 303 to be the main location for formula retail controls and have drafted the amended section to clearly list out what areas in the City require a Conditional Use Authorization, which are not permitted, and the definitions and requirements for formula retail uses. This amendment will help the public and staff understand the requirements of formula retail controls.

MEDICAL MARIJUANA DISPENSARIES ("MCD")

In 1992 California voters passed the Compassionate Use Act, legalizing marijuana for medical use. Locally, San Francisco's Medical Cannabis Act became effective on December 30, 2005. The Act, set forth in Board of Supervisors Ordinance 275-05 (BOS File No. 05-1250) and supported by Ordinances 271-05 (BOS File No. 05-1747) and 273-05 (BOS File No. 05-1748), amended the Planning, Health, Traffic, and Business and Tax Regulation Codes in order to establish a comprehensive regulatory framework for medical cannabis dispensaries ("MCDs") in San Francisco. All MCDs that were in existence prior to April 1, 2005 have either received City permits or have closed.

The 'definition' of an MCD was amended four times to accommodate the final permitting of the City's existing dispensaries. The result is definitions and controls that are extremely confusing to understand – both for the public and for Department staff. It does not clearly lay out the restrictions for new MCDs. The Department is not amending the definition of an MCD; rather the amendments are streamlining existing controls and processes and making them consistent throughout the Planning Code (Articles 2, 7, and 8 all have MCD definitions). As with the formula retail controls described above, the Department believes that the MCD amendments will create certainty for the public and for staff.

SECTION 309

Section 309 regulates permit review in downtown districts. It was placed in the Code when the Downtown Element and Plan were adopted in 1985. Reading through this Code section, it is apparent that it is long overdue for a 'clean-up': certain processes are not regularly followed and considered to be excessive, such as notification of when a 309 permit is filed with the Department, references to the City Planning Commission proliferate, and several sections are extremely confusing to read. There are no substantive amendments to the requirements of Section 309 – all of the exceptions and design criteria are remaining unchanged. The focus of the amendments clarifies the role between the Director and the Zoning Administrator when reviewing these applications, as well as when a Planning Commission hearing is required. The Department believes that these amendments will bring Section 309 up to date while making the requirements and processes clearer.

ARTICLES 10 & 11

The Historic Preservation Commission ("HPC") was created in the fall of 2008. Articles 10 and 11 are the Planning Code chapters that outline the designation and permit review processes for historic buildings and have not been updated and do not conform to Charter Section 4.135. At the request of the Planning Commission and the HPC, the Department is proposing amendments to these two Articles. These revisions will simply make them consistent with Charter Section 4.135. There will not be any substantive changes to the Planning Code; the amendments will only remove references to the former Landmarks Preservation Advisory Board and where appropriate, the Planning Commission, to reflect the Charter.

The proposed additional modifications to Articles 10 and 11 were brought to the Department after the Commission initiated the Code changes. These modifications are minor in scope and incorporate additional language from Charter Section 4.135.

RECOMMENDATION: Approve Proposed Planning Code Amendments with Modifications

ENVIRONMENTAL REVIEW

The proposed Ordinance is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comment about the proposed amendments.

Attachments:

- Exhibit A: Draft Ordinance
- Exhibit B: 2010 Planning Code 'Clean Up' Amendments List
- Exhibit C: Proposed revisions to the Formula Retail Controls
- Exhibit D: Proposed revisions to Section 309
- Exhibit E: Proposed revisions to MCD Controls
- Exhibit F: Charter Section 4.135 (Historic Preservation Commission)
- Exhibit G: Proposed additional modifications to Articles 10 & 11, July 23, 2010
- Exhibit H: Proposed additional modifications to Code Sections 134, 201, 209, and Article 7, July 28, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution No.

Planning Code Text Changes

HEARING DATE: AUGUST 5, 2010

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE TO CORRECT CLERICAL ERRORS, MAKE NONSUBSTANTIVE LANGUAGE REVISIONS AND UPDATE VARIOUS SECTIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 121.2, 136.1, 145.2, 151.1, 185, 186, 201, 204.1, 204.2, 207.2(15)(C), 209.3, 209.8, 217, 243, 263.9, 303, 309, 311, 607.1, 608.8, 803.3, 890.44, 890.133, 890.140; AND VARIOUS AMENDMENTS TO ARTICLE 7 – NEIGHBORHOOD COMMERCIAL DISTRICTS, ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS, AND ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND PLANNING CODE SECTION 101.1 FINDINGS.

PREAMBLE

Whereas, on February 3, 2010, the Planning Director requested that amendments be made to the Planning Code under Case Number 2010.0080T; and

Whereas, the proposed Planning Code text changes would amend several sections of the Code as outlined in Attachment B and incorporated herein, as well as amendments to Articles 7, 10, and 11; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on July 8, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18133 initiating amendments to the Planning Code on July 8, 2010; and

WHEREAS, the Historic Preservation Commission ("HPC") conducted a duly noticed public hearing to consider the proposed Ordinance on August 4, 2010; and

WHEREAS, the HPC passed Resolution No. XXXX, recommending approval with modifications of the proposed amendments to the Board of Supervisors; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

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

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

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

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

1. Amendments to Articles 10 and 11 that incorporate additional Charter Section 4.135 language, as detailed in Attachment G;
2. Clarification to Section 311(c) of the Code that outlines the notice process, as detailed in Attachment H;
3. Clarification and deletion to Section 309 of the Code, as detailed in Attachment H; and
4. Additional minor amendments to Code Sections 134, 201, 209, and Article 7 as detailed in Attachment H.

FINDINGS

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

1. The Planning Code has been amended dozens of times over the past three years. In addition to the Eastern Neighborhoods, Balboa Park, and Ocean Avenue plans being created (among others), the Board of Supervisors has regularly amended Code sections.
2. Many factors contribute to the errors that need fixing by this legislation. First, there is a delay between the effective date of a Ordinance and when the online Planning Code is updated to reflect the change.

3. In addition, amendments from the Planning Code are proposed by many sources including the Planning Department, the Board of Supervisors, the Mayor and private parties. Legislation does not march in an orderly manner through the approvals process. An Ordinance considered by the Planning Commission in the spring may sit at the Board for months before it is called to hearing before a Committee. In the meantime, other pieces of legislation may move ahead that were not considered in the original ordinance. The most recent Code changes not yet visible online may not be used as a basis for new Code amendments.
4. As a result, many code amendments were inadvertently removed and controls were amended or omitted. The majority of this legislation addresses these issues. (Attachment B, G, and H) details the Code sections that are being amended and the specific changes being made).
5. With regard to the proposed changes to Articles 10 and 11, HPC was created in the fall of 2008. Articles 10 and 11 are the Planning Code chapters that outline the designation and permit review processes for historic buildings and have not been updated and do not conform to Charter Section 4.135. The proposed revisions will simply make them consistent with Charter Section 4.135. There will not be any substantive changes to the Planning Code; the amendments will only remove references to the former Landmarks Preservation Advisory Board and where appropriate, the Planning Commission, to reflect the Charter.
6. With regard to the remainder of the proposed changes to the Planning Code the proposed changes are minor in scope - typographical errors, updating and consolidating definitions, and correcting errors that were inadvertently made by subsequent code changes and/or by the publisher. This proposal contains non-substantive changes not changes in policy.
7. Therefore, the Commission recommends *approval with modifications of the proposed Ordinance*.
8. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

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

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically

unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

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

POLICY 1.3

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

OBJECTIVE 6

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

POLICY 6.1

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

POLICY 6.3

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

POLICY 6.8

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

II. URBAN DESIGN ELEMENT

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

GOALS

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

OBJECTIVE 1

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

POLICY 1.3

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

OBJECTIVE 2

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

POLICY 2.4

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

POLICY 2.5

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

POLICY 2.7

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

III. DOWNTOWN ELEMENT

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

OBJECTIVE 1

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

OBJECTIVE 12

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

Policy 12.1

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

The goal of the proposed Ordinance is to make typographical and clerical errors to the Planning Code, as well as to update Articles 10 and 11 to make it conform to Charter Section 4.135.

9. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on August 5, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 5, 2010

Exhibit A: Draft Ordinance
Exhibit B: 2010 Planning Code 'Clean Up' Amendments List
Exhibit C: Proposed revisions to the Formula Retail Controls
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Exhibit G: Proposed additional modifications to Articles 10 & 11, July 23, 2010
Exhibit H: Proposed additional modifications to Code Sections 134, 201, 209, and Article 7, July 28, 2010

FILE NO.

ORDINANCE NO.

1 [Planning Code Amendment – Miscellaneous Amendments.]

2
3 **Ordinance amending Planning Code to correct clerical errors, make nonsubstantive**
4 **language revisions and update various sections, including but not limited to Sections**
5 **121.2, 136.1, 145.2, 151.1, 185, 186, 201, 204.1, 204.2, 207.2(15)(c), 209.3, 209.8, 217, 243,**
6 **263.9, 303, 309, 311, 607.1, 608.8, 803.3, 890.44, 890.133, 890.140; and various**
7 **amendments to Article 7 – Neighborhood Commercial Districts, Article 10 –**
8 **Preservation of Historical Architectural and Aesthetic Landmarks, and Article 11 –**
9 **Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic**
10 **Importance in the C-3 Districts; and making findings including findings of consistency**
11 **with Section 101.1, and findings under the California Environmental Quality Act.**

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

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

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

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

23 (b) On _____, 2009, the Planning Commission, in Resolution
24 No. _____ approved and recommended for adoption by the Board this legislation
25 and adopted findings that it is consistent, on balance, with the City's General Plan and eight
priority policies of Planning Code Section 101.1. The Board adopts these findings as its own.

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

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

7 Section 2. The San Francisco Planning Code is hereby amended by amending the
8 Table in Section 121.2, to read as follows:

9 SEC. 121.2. USE SIZE LIMITS (NONRESIDENTIAL), NEIGHBORHOOD
10 COMMERCIAL DISTRICTS.

11 (a) In order to protect and maintain a scale of development appropriate to each
12 district, nonresidential uses of the same size or larger than the square footage stated in the
13 table below may be permitted only as conditional uses subject to the provisions set forth in
14 Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor
15 area for each individual nonresidential use.

District	Lot Size Limits
North Beach	2,000 sq. ft.
Castro Street	
<i>Polk Street</i>	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	

1	Haight Street	
2	<i>Polk Street</i>	
3	Sacramento Street	
4	Union Street	
5	24th Street-Mission	
6	24th Street-Noe Valley	
7	West Portal Avenue	
8	NC-1, NCT-1	3,000 sq. ft.
9	Broadway	
10	Hayes-Gough	
11	Upper Market Street	
12	Valencia Street	
13	NC-2, NCT-2, SoMa, Ocean Avenue	4,000 sq. ft.
14	NC-3, NCT-3, Mission Street	6,000 sq. ft.

Section 3. The San Francisco Planning Code is hereby amended by amending the Table in Section 151.1, to read as follows:

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

Table 151.1
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 units in RH-DTR Districts	P up to one car for each two dwelling units; up to

1		one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(d); NP above one space per unit.
2	Dwelling units in C-3 and SB-DTR, Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above 0.75 cars for each dwelling unit.
3		
4		
5	Dwelling units in C-3 and 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 dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one car for each dwelling unit.
6		
7	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 dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above two cars for each four dwelling units.
8		
9	Dwelling units and SRO units in MUG, MUR, MUO, SPD Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
10		
11	Dwelling units in MUG, MUR, MUO, SPD 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 dwelling units; up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(f); NP above one car for each dwelling unit.
12		
13	Dwelling units in NCT Districts, except as specified below	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
14		
15	Dwelling units in the Ocean Avenue NCT Districts	P up to one car for each unit; NP above.
16		
17	Dwelling units in RTO Districts, except as specified below	P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
18		
19	Dwelling units and SRO units in UMU Districts, except as specified below	P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(f); NP above.
20		
21	Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to 1 car for each dwelling unit and subject to the conditions of 151.1(f); NP above.
22		
23	Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
24		
25	All non-residential uses in C-3 Districts	Not to exceed 7% of gross floor area of such uses.

1		See requirements in Section 204.5.
2	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.
3	Motel	P up to one for each guest unit, plus one for the manager's dwelling unit, if any.
4	Hospital or other inpatient medical institution	P up to one for each 8 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement
5		
6	Residential care facility	P up to one for each 10 residents.
7	Child care facility	P up to one for each 25 children to be accommodated at any one time.
8	Elementary school	P up to one for each six classrooms.
9	Secondary school	P up to one for each two classrooms.
10	Post-secondary educational institution	P up to one for each two classrooms.
11	Church or other religious institutions	P up to one for each 20 seats.
12	Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.
13	Stadium or sports arena	P up to one for each 15 seats.
14	Medical or dental office or outpatient clinic	P up to one for each 300 square feet of occupied floor area.
15	All office uses in C-3, DTR, SPD, MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.
16	Office uses in UMU, PDR-1-D, and PDR-1-G Districts, except as specified below	P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.
17		
18	Office uses in UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd and 4th Streets	P up to one car per 500 square feet of gross floor area; NP above.
19		
20	Non-residential uses in RTO districts permitted under Sections 209.8(e) and 231.	None permitted.
21		
22	All non-residential uses in NCT districts <i>except for retail grocery stores with over 20,000 gross square feet</i> as specified below	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(f). NP above.
23		
24		
25		

1	Retail grocery store uses in NCT districts with over 20,000 square feet of occupied floor area	P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(f). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(f). NP above.
2		
3		
4	All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than ¼ mile from Market, Mission, 3rd and 4th Streets, except grocery stores of over 20,000 gross square feet.	P up to one for each 1,500 square feet of gross floor area.
5		
6		
7	With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other restaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise	P up to one for each 200 square feet of occupied floor area.
8		
9		
10	With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	P up to one for each 1,000 square feet of occupied floor area.
11		
12		
13	With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other greenhouse or plant nursery	P up to one for each 4,000 square feet of occupied floor area.
14		
15		
16	With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space	P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.
17		
18	Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	P up to one for each 1,000 square feet of occupied floor area.
19		
20	Mortuary	P up to five.
21	Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	P up to one for each 2,000 square feet of occupied floor area.
22		
23	Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area.
24	Laboratory	P up to one for each 1,500 square feet of occupied floor area.
25	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied

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

Section 4. The San Francisco Planning Code is hereby amended by amending Section 136.1, to read as follows:

SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN Limited Commercial Uses, Neighborhood Commercial Districts, EASTERN NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE DISTRICTS.

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

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

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

(1) Limited Commercial Uses and NC-1 Districts. The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance.

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

10 (b) Canopies. Canopies, as defined in Section 790.26 of this Code, shall be
11 regulated in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern
12 Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

13 (1) Limited Commercial Uses and NC-1 Districts. No canopy shall be permitted in any
14 Limited Commercial Use or in any NC-1 District.

15 (2) All Other Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use
16 and South of Market Mixed Use Districts. The maximum width of any canopy shall be 10 feet.
17 The horizontal projection of any canopy may extend to a point not closer than two feet from
18 the curb. The outer column support shall be located in the outer 1/3 of the sidewalk and shall
19 be no less than four feet from the building face to ensure adequate clear space along the
20 sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed an
21 average of two feet, including any valance. The highest point of the canopy shall not exceed a
22 point four feet above the door opening or 16 feet, whichever is less. All portions of any
23 canopy, excluding the column supports and excluding any valance which may be not less
24 than seven feet above the finished grade, shall be not less than eight feet above the finished
25

1 grade. Canopies shall not be spaced closer than 20 feet from each other, measured from
2 centerline to centerline.

3 (c) Marquees. Marquees, as defined in Section 790.58 of this Code, shall be
4 regulated in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern
5 Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

6 (1) Limited Commercial Uses and NC-1 Districts. No marquee shall be permitted in
7 any Limited Commercial Use or in any NC-1 District.

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

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

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

24 (C) A marquee projecting less than four feet from the property line and not
25 exceeding two feet in thickness may extend over the total length of the building along the

1 direction of the street. All portions of such marquee shall not be less than 10 feet nor more
2 than 16 feet above the finished grade, nor higher than the windowsill level or windows on the
3 building facade on which the marquee is placed, exclusive of ground story and mezzanine.
4 Each building frontage shall be considered separately.

5 Section 5. The San Francisco Planning Code is hereby amended by amending Section
6 142, to read as follows:

7 SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICLE USE AREAS

8 Off-street parking and "vehicle use areas" adjacent to the public right-of-way shall be
9 screened as provided in this Section.

10 (a) Screening of parking and vehicle use areas less than 25 linear feet adjacent to a
11 public right-of-way:

12 (1) Every off-street parking space within a building, where not enclosed by solid
13 building walls, shall be screened from view from all streets and alleys through use of garage
14 doors or by some other means.

15 (2) Along rear yard areas and other interior open spaces, all off-street parking
16 spaces, driveways and maneuvering areas within buildings shall be screened from view and
17 confined by solid building walls.

18 (3) Off-street parking spaces in parking lots shall meet the requirements of Section
19 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be
20 screened from view as provided in Section 156(d) of this Code.

21 (b) Vehicular use areas that are greater than 25 linear feet along the public right-of-
22 way. All lots containing vehicular use areas where such area has more than 25 linear feet
23 along any public right-of-way shall provide screening in accordance with the requirements of
24 this Section and the Ornamental Fencing Section 102.32. The following instances shall trigger
25 the screening requirements for these vehicle use areas:

1 (1) Any existing vehicular use area that is accessory to an existing principal use if
2 such use expands gross floor area equal to 20 percent or more of the gross floor area of an
3 existing building;

4 (2) Any repair rehabilitation or expansion of any existing vehicular use area, if such
5 repair, rehabilitation or expansion would increase the number of existing parking spaces by
6 either more than 20% or by more than four spaces, whichever is greater; or

7 (3) The excavation and reconstruction of an existing vehicular use are if such
8 excavation and reconstruction involves the removal of ~~50%~~ 200 square feet or more of the
9 asphalt, concrete or other surface devoted to vehicular use. This provision does not apply to
10 the resurfacing due to emergency work to underground utilities if such work is intended to
11 maintain safety or other public purpose beyond the control of the property owner.

12 (c) Perimeter Screening. All vehicular use areas that are greater than 25 linear feet
13 adjacent to the public right-of-way shall provide a screening feature around the perimeter of
14 the lot adjacent to the public right-of-way. Screening shall add to the visual diversity of the use
15 and need not be an opaque barrier. This feature shall be at least one of the following:

16 (1) Ornamental fencing or a solid wall that is 4 feet in height and a 5 foot deep
17 permeable surface with landscaping along the perimeter of the lot that is adjacent to a public
18 right-of-way and compliant with the applicable water use requirements of Administrative Code
19 Chapter 63; or

20 (2) A combination of permeable landscaping compliant with the applicable water
21 use requirements of Administrative Code Chapter 63 and ornamental fencing where the
22 permeable surface and landscaping is the equivalent area of a 5 foot deep average perimeter
23 landscaping that has been otherwise configured to result in either: (i) a public space or
24 amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such
25

1 as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater
2 runoff.

3 (d) The Zoning Administrator is authorized to modify the requirements of subsection
4 thereby allowing alternative landscape treatments to partially or wholly satisfy this screening
5 requirement provided that alternative landscape treatments such as landscaped berms,
6 perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping
7 and tree plantings are provided elsewhere on the site and will be visible from the public right-
8 of-way or are provided in the public right-of-way as regulated by Section 810B of the Public
9 Works Code. The Zoning Administrator may authorize such modification only upon finding that
10 the proposed alternative landscape treatment would:

11 (1) Provide a visual effect that promotes and enhances the pedestrian experience
12 through the use of quality urban design;

13 (2) Promote the reduction of stormwater runoff and

14 (3) Use climate appropriate plant materials, as defined in Public Works Code
15 Section 802.1, that are compliant with the applicable water use requirements of Administrative
16 Code Chapter 63.

17 Section 6. The San Francisco Planning Code is hereby amended by amending Section
18 185, to read as follows:

19 SEC. 185. CONTINUANCE OF OTHER NONCONFORMING USES.

20 The purpose of this Section is to provide for the gradual elimination or conversion, after
21 a reasonable allowance of time for the amortization of investments therein, of certain classes
22 of nonconforming uses in buildings, in order to encourage and promote the orderly and
23 beneficial development of the land and buildings with conforming uses. The Section is
24 intended to apply to obsolescent buildings whose use is widely at variance with the
25 regulations of this Code, and is safeguarded against unnecessary hardship in application by

1 provision for a minimum period of continuance of 20 years, by procedures for extension and
2 exceptions, and by the requirement of repeated notice as the buildings approach an age
3 indicative of obsolescence. It is further declared that the requirement of eventual removal, or
4 conversion to conforming use of such buildings, subject to the exceptions set forth, is in the
5 public interest and is intended to promote the general welfare.

6 (a) This Section shall apply only to nonconforming uses occupying buildings in R
7 Districts, other than Residential-Commercial Combined Districts, when such uses would first
8 be permitted as a principal or conditional use in an NC, C or M District or in a Residential-
9 Commercial Combined District. It shall not apply to exempt limited commercial and industrial
10 uses meeting the requirements of Section 186, or to any nonconforming use of land or a
11 building whose continuance is more strictly limited by the provisions of Section 184.

12 (b) Every such building to which this Section applies may be continued in such use
13 for at least 20 years from the effective date of this Code (May 2, 1960), or of the amendment
14 thereto which causes it to be nonconforming, and may be continued for a longer period if it
15 has not yet reached the age hereinafter specified, computed from the date the building was
16 erected. For buildings of Type 1 or Type 2, as defined in the Building Code of the City, the
17 specified age shall be 50 years; for Type 3 buildings it shall be 40 years; and for Type 4 and
18 Type 5 buildings it shall be 30 years.

19 (c) Upon the expiration of the period specified for each such building, it shall be
20 completely removed or altered and converted to a conforming use, except as hereinafter
21 provided.

22 (d) Where special circumstances apply to any such building and use, which do not
23 apply generally to others affected hereby, extension of time may be granted under the
24 variance procedure as regulated in Section 305, but no such extension shall be for a period in
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1 excess of one year. Successive extensions, subject to the same limitations, may be granted
2 upon new application.

3 (e) Any nonconforming use affected by this Section shall be qualified for
4 consideration by the ~~City~~ Planning Commission as a conditional use as regulated in Section
5 303, upon application filed at any time during the period of permitted continuance specified
6 above. In the event that a conditional use is authorized by the ~~City~~ Planning Commission for
7 any such use, the provisions of Sections 180 through 183 shall continue to apply to such use
8 except as specifically provided in the action of the Commission, and no enlargement,
9 intensification or extension of the nonconforming use shall be permitted by the Commission.

10 ~~(f) The Zoning Administrator shall give notice by mail of the date of expiration of the~~
11 ~~periods of permitted continuance specified herein to each owner of record within four years of the~~
12 ~~effective date of this Code, or of the date of the amendment which caused the use to become~~
13 ~~nonconforming, and shall repeat such notice at approximate intervals of four years thereafter. A final~~
14 ~~notice shall be given one year before said date of expiration in each instance. The notices shall set forth~~
15 ~~all pertinent provisions of this Section, including the declared purposes thereof. Failure to send notice~~
16 ~~by mail to any such owner where the address of such owner is not a matter of public record, or where~~
17 ~~no Permit of Occupancy for a nonconforming use covered by this Section has been issued as provided~~
18 ~~in Section 171 of this Code, shall not invalidate any proceedings under this Section.~~

19 Section 7. The San Francisco Planning Code is hereby amended by amending Section
20 186, to read as follows:

21 SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL
22 NONCONFORMING USES.

23 The purpose of this Section is to provide for the further continuance in R Districts of
24 nonconforming uses of a limited commercial and industrial character, as herein described,
25 which are beneficial to, or can be accommodated within, the residential areas in which they

1 are located. It is hereby found and declared that, despite the general incompatibility of
2 nonconforming uses with the purposes of this Code, and with other nearby uses, these limited
3 commercial uses may be tolerated in residential areas, and tend to provide convenience
4 goods and services on a retail basis to meet the frequent and recurring needs of
5 neighborhood residents within a short distance of their homes or, within the South of Market
6 RED Districts, tend to provide jobs and continuation of small scale service and light industrial
7 activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a
8 minimum of interference with nearby streets and properties. Accordingly, this Section
9 recognizes the public advantages of these uses and establishes conditions for their continued
10 operation.

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

14 (1) Any nonconforming use at any story in an RH or RM District which is located
15 more than ¼ mile from the nearest Individual Area Neighborhood Commercial District or
16 Restricted Use Subdistrict described in Article 7 of this Code, and which complies with the use
17 limitations specified for the first story and below of an NC-1 District, as set forth in Sections
18 710.10 through 710.95 of this Code.

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

23 (A) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and
24
25

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

3 (C) Any Restricted Use Subdistrict within ¼ mile of the use, as set forth in Sections
4 781 through 781.7 of this Code.

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

10 (b) The limited nonconforming uses described above shall meet the following
11 conditions:

12 (1) The building shall be maintained in a sound and attractive condition, consistent
13 with the general appearance of the neighborhood;

14 (2) Any signs on the property shall be made to comply with the requirements of
15 Article 6 of this Code applying to nonconforming uses;

16 (3) The hours during which the use is open to the public shall be limited to the
17 period between 6:00 a.m. and 10:00 p.m.;

18 (4) Public sidewalk space may be occupied in connection with the use provided that
19 it is only occupied with tables and chairs as permitted by this Municipal Code;

20 (5) Truck loading shall be limited in such a way as to avoid undue interference with
21 sidewalks, or with crosswalks, bus stops, hydrants and other public features;

22 (6) Noise, odors and other nuisance factors shall be adequately controlled; and

23 (7) All other applicable provisions of this Code shall be complied with; *and*

24 (8) Any awnings on the property shall be made to comply with the requirements of awnings
25 in Section 136.1 of this Code.

(c) Any use affected by this Section which does not comply with all of the conditions herein specified shall be subject to termination in accordance with Section 185 at the expiration of the period specified in that Section, but shall be qualified for consideration as a conditional use under Section 185(e). Any such use which is in compliance with such conditions at the expiration of such period but fails to comply therewith at any later date shall be subject to termination when it ceases to comply with any of such conditions.

(d) The provisions for nonconforming uses contained in Sections 180 through 183 shall continue to apply to all uses affected by this Section 186, except that the cost limit for structural alterations contained in Section 181(b)(4) shall not be applicable thereto.

Section 8. The San Francisco Planning Code is hereby amended by amending the Table at Section 201, to read as follows:

SEC. 201. CLASSES OF USE DISTRICTS.

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

Public Use Districts (P)	
Residential Districts	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
Residential-Commercial Districts	
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density

1	RC-3	Residential-Commercial Combined Districts, Medium Density
2	RC-4	Residential-Commercial Combined Districts, High Density
3	Residential Transit-Oriented Neighborhood Districts	
4	RTO	Residential, Transit-Oriented Neighborhood Districts
5	RTO-M	Residential Transit-Oriented — Mission Neighborhood Districts
6	Neighborhood Commercial Districts	
7	(Also see Article 7)	
8	General Area Districts	
9	NC-1	Neighborhood Commercial Cluster District
10	NC-2	Small-Scale Neighborhood Commercial District
11	NC-3	Moderate-Scale Neighborhood Commercial District
12	NC-S	Neighborhood Commercial Shopping Center District
13	Individual Area Districts	
14	Broadway Neighborhood Commercial District	
15	Castro Street Neighborhood Commercial District	
16	Inner Clement Street Neighborhood Commercial District	
17	Outer Clement Street Neighborhood Commercial District	
18	Upper Fillmore Street Neighborhood Commercial District	
19	Haight Street Neighborhood Commercial District	
20	<i>Hayes Gough Neighborhood Commercial District</i>	
21	Inner Sunset Neighborhood Commercial District	
22	Upper Market Street Neighborhood Commercial District	
23	North Beach Neighborhood Commercial District	
24	<i>Pacific Avenue Neighborhood Commercial District</i>	
25	Polk Street Neighborhood Commercial District	
	Sacramento Street Neighborhood Commercial District	
	Union Street Neighborhood Commercial District	
	24th Street-Noe Valley Neighborhood Commercial District	

1	West Portal Avenue Neighborhood Commercial District	
2	Neighborhood Commercial Transit Districts (NCT)	
3	NCT-1	Neighborhood Commercial Transit Cluster District
4	NCT-2	Small-Scale Neighborhood Commercial Transit District
5	NCT-3	Moderate Scale Neighborhood Commercial Transit District
6	Individual Area Neighborhood Commercial Transit (NCT) Districts	
7	Hayes-Gough NCT	
8	Upper Market Street NCT	
9	Valencia Street NCT	
10	24th Street — Mission NCT	
11	Mission Street NCT	
12	SoMa NCT	
13	Ocean Avenue NCT	
14	<i>Neighborhood Commercial Special Use Districts</i>	
15	<i>Lakeshore Plaza Special Use District</i>	
16	<i>Bayshore-Hester Special Use District</i>	
17	<i>North Beach Special Use District</i>	
18	<i>Taraval Street Restaurant & Fast Food Subdistrict</i>	
19	<i>Irving Street Restaurant & Fast Food Subdistrict</i>	
20	<i>Geary Boulevard Fast Food Subdistrict</i>	
21	<i>Mission Street Fast Food Subdistrict</i>	
22	<i>North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict</i>	
23	<i>Chestnut Street Financial Subdistrict</i>	
24	<i>Neighborhood Commercial Restricted Use Districts</i>	
25	<i>Third Street Alcohol Restricted Use District</i>	
	<i>Divisadero Street Alcohol Restricted Use District</i>	
	<i>Lower Haight Street Alcohol Restricted Use District</i>	
	<i>Excelsior Alcohol Restricted Use District</i>	
	<i>Lower Haight Street Tobacco Paraphernalia Restricted Use District</i>	
	<i>Fringe Financial Service Restricted Use District</i>	

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Commercial Districts	
C-1	Neighborhood Shopping Districts
C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
Industrial Districts	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts
PDR-1-B	Production Distribution and Repair — Light Industrial Buffer
PDR-1-D	Production Distribution and Repair — Design
PDR-1-G	Production Distribution and Repair - General
PDR-2	Core Production Distribution and Repair — Bayview
Chinatown Mixed Use Districts (Also see Article 8)	
CCB	Chinatown Community Business District
CR/NC	Chinatown Residential/Neighborhood Commercial District
CVR	Chinatown Visitor Retail District
South of Market Mixed Use Districts (Also see Article 8)	
RED	Residential Enclave Districts
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District
Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	

1	SPD	South Park District
2	MUG	Mixed Use — General
3	MUO	Mixed Use — Office
4	MUR	Mixed Use — Residential
5	UMU	Urban Mixed Use
6	Downtown Residential Districts	
7	(Also see Article 8)	
8	RH-DTR	Rincon Hill Downtown Residential
9	SB-DTR	South Beach Downtown Residential
10	Mission Bay Districts	
11	(Also see Article 9)	
12	MB-R-1	Mission Bay Lower Density Residential District
13	MB-R-2	Mission Bay Moderate Density Residential District
14	MB-R-3	Mission Bay High Density Residential District
15	MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
16	MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
17	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
18	MB-O	Mission Bay Office District
19	MB-CI	Mission Bay Commercial-Industrial District
20	MB-H	Mission Bay Hotel District
21	MB-CF	Mission Bay Community Facilities District
22	MB-OS	Mission Bay Open Space District

19 Section 9. The San Francisco Planning Code is hereby amended by amending Section
20 204.1, to read as follows:

21 SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN R OR NC DISTRICTS.

22 No use shall be permitted as an accessory use to a dwelling unit in any R or NC District
23 which involves or requires any of the following:

- 24 (a) Any construction features or alterations not residential in character;
- 25

1 (b) The use of more than ¼ of the total floor area of the dwelling unit, except in the
2 case of accessory off-street parking and loading;

3 (c) The employment of any person not resident in the dwelling unit, other than a
4 domestic servant, gardener, janitor or other person concerned in the operation or
5 maintenance of the dwelling unit;

6 (d) Residential occupancy by persons other than those specified in the definition of
7 family in this Code;

8 (e) In RH-1(D), RH-1 and RH-1(S) Districts, the provision of any room for a roomer
9 or boarder with access other than from within the dwelling unit;

10 (f) Addition of a building manager's unit, unless such unit meets all the normal
11 requirements of this Code for dwelling units;

12 (g) The maintenance of a stock in trade, or the use of show windows or window
13 displays or advertising to attract customers or clients; or

14 (h) The conduct of a business office open to the public; *or*

15 (i) A Medical Cannabis Dispensary as defined in Section 209.3(k) and 217(k) of this Code.

16 Provided, however, that Subsection (h) of this Section shall not exclude the maintenance
17 within a dwelling unit of the office of a professional person who resides therein, if accessible
18 only from within the dwelling unit; and provided, further, that Subsection (g) shall not exclude
19 the display of signs permitted by Article 6 of this Code.

20 Section 10. The San Francisco Planning Code is hereby amended by amending
21 Section 204.2, to read as follows:

22 SEC. 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN R
23 DISTRICTS.

24 No use shall be permitted as an accessory use to a use other than a dwelling in any R
25 District which involves or requires any of the following:

1 No use shall be permitted as an accessory use to a use other than a dwelling in any R District
2 which involves or requires any of the following:

3 (a) The use of more than ¼ of the total floor area occupied by such use and the
4 principal or conditional use to which it is accessory, except in the case of accessory off-street
5 parking and loading;

6 (b) The use of show windows or window displays or advertising to attract customers
7 or clients, except for an identifying sign and regulated in Article 6 of this Code; or

8 (c) The conduct of any activity of a profit-making or commercial nature, except as
9 an integral part of the permitted principal or conditional use where such activity is expressly
10 permitted by Sections 209.1 through 209.9 of this Code; *or*

11 *(d) A Medical Cannabis Dispensary as defined in Section 209.3(k) and 217(k) of this Code.*

12 Section 11. The San Francisco Planning Code is hereby amended by amending
13 Section 205, to read as follows:

14 SEC. 205. TEMPORARY USES, GENERAL.

15 (a) The temporary uses listed in Sections 205.1 through 205.3, where not otherwise
16 permitted in the district, may be authorized as provided herein, up to the time limits indicated.
17 Further time for such uses may be authorized only by action upon a new application, subject
18 to all the requirements for the original application, unless otherwise indicated in Sections
19 205.1 through 205.3.

20 (b) Action upon such uses ~~shall be by the Planning Commission, subject to all the~~
21 ~~requirements for conditional uses in Sections 303 and 306 through 306.5 of this Code; except that uses~~
22 ~~listed in Section 205.1, uses listed in Section 205.2 if located in a PDR, C, or M District, and uses listed~~
23 ~~in Section 205.3 within the South of Market Mixed Use Districts and Eastern Neighborhoods Mixed~~
24 ~~Use Districts,~~ may be authorized by the Zoning Administrator without a public hearing.

1 (c) Wherever a use exists at the effective date of this Code or of an amendment
2 thereto under which such use is classified as a temporary use, or wherever a use is being
3 conducted under a temporary use authorization given prior to such a date, such use may be
4 continued for the maximum term specified therefore, calculated from said effective date or
5 date of authorization. No such use shall continue thereafter unless a temporary use
6 authorization shall have been sought and obtained under a new application. Continuance of a
7 temporary use beyond the date of expiration of the period authorized therefore, or failure to
8 remove a structure for such temporary use within 10 days thereafter, shall constitute a
9 violation of this Code.

10 (d) The time periods referenced in Sections 205.1 through 205.3 are consecutive hours or
11 consecutive calendar days; they are not the total number of hours or days that the use is in operation. Therefore,
12 a 24-hour authorization that begins at 6:00 a.m. expires at 6:00 a.m. the following day, even if the use was in
13 operation only eight hours of that period. Similarly, a 60-day authorization expires after 60 calendar days even
14 though the use may only have been open for business three days per week during that period. Hours or days of
15 unused authorization cannot be stored or credited.

16 Section 12. The San Francisco Planning Code is hereby amended by amending
17 Section 205, to read as follows:

18 SEC. 205.1. TEMPORARY USES, 60-DAY LIMIT.

19 A temporary use may be authorized for a period not to exceed 60 days for any of the following
20 uses:

21 (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an
22 organized group of residents in the vicinity or, in Neighborhood Commercial, Mixed Use, PDR, C,
23 or M Districts, sponsored by property owners or businesses in the vicinity;

24 (b) Booth for charitable, patriotic or welfare purposes;
25

1 (c) Open air sale of agriculturally produced seasonal decorations, including, but not
2 necessarily limited to, Christmas trees and Halloween pumpkins.

3 Section 13. The San Francisco Planning Code is hereby amended by amending
4 Section 205, to read as follows:

5 SEC. 205.3. TEMPORARY USES, TWENTY-FOUR HOUR LIMIT.

6 Within the PDR, C, M, Neighborhood Commercial, or South of Market Mixed Use Districts
7 ~~and Eastern Neighborhoods~~ Mixed Use Districts, a temporary use may be authorized for a
8 period not to exceed 24 hours per event once a month for up to 12 events per year per
9 premises for any of the following uses:

10 (a) A performance, exhibition, dance, celebration or festival requiring a liquor
11 license, ~~dance hall keeper or live~~ entertainment police permit and/or other City permit when
12 sponsored by an organized group of residents and/or business operators in the neighborhood;
13 or

14 (b) A performance, dance or party requiring a liquor license, ~~dance, live~~
15 entertainment and/or other City permit, an art exhibit, or other similar exhibition in each case if
16 sponsored by a residential or commercial tenant or group of tenants or owner-occupants of
17 the property or structure in which the temporary use is authorized.

18 ~~Similar events or exhibitions lasting no more than 24 hours and requiring no City permit shall~~
19 ~~be permitted without authorization under this Article and without limitation as to frequency, subject to~~
20 ~~compliance with all other applicable laws.~~

21 When multiple events are proposed within the allowable annual time limit and City
22 permits are to be issued to a particular applicant and premises, only one permit need be
23 granted per annual time period.

24 Section 14. The San Francisco Planning Code is hereby amended by amending
25 Section 207.2, to read as follows:

1 SEC. 207.2. SECOND UNITS

2 (a) Second units, as defined and referred to in Government Code Section 65852.2,
3 are precluded in RH-1(D) and RH-1 zoned areas, except where second units are currently
4 permitted under Section 209.1(m) or (n) for units designed for and occupied by senior citizens
5 ~~or physically handicapped persons~~ and except as may hereafter be permitted by later
6 amendments to this Code governing second units.

7 (b) Government Code Section 65852.2 requires a City to adopt either an ordinance
8 permitting or precluding second units within single-family and multifamily zoned areas or, in
9 the alternative, to be subject to certain restrictions set forth in Government Code Section
10 65852.2(b). The provisions of this ordinance, in light of other provisions of the ~~City~~ Planning
11 Code governing second units, do not result in the total preclusion of second units within
12 single-family and multifamily zoned areas and therefore San Francisco has a legislative
13 scheme which complies with Government Code Section 65852.2(a). In the event that it is
14 determined, however, that San Francisco's legislative scheme does not comply with
15 Government Code Section 65852.2(a), the following findings are made with the intent of
16 complying with Government Code Section 65852.2(c).

17 (1) San Francisco's total land area is approximately 49 square miles and much of
18 this land is not open to development because of topography or public ownership. San
19 Francisco does not have the option open to many other cities of annexing undeveloped land
20 currently outside its borders.

21 (2) San Francisco already has higher density development than other cities in
22 California, both in terms of units per square feet of lot area and in terms of units per linear feet
23 of street frontage. The density for housing development in San Francisco ranges from 4,000
24 square feet of lot area per unit in RH-1(D) (House, One-Family Detached Dwellings) Districts
25 to 200 square feet per unit in RM-4 (Mixed Residential, High Density) Districts. Except for

1 districts which require a lot width of 33 feet and an area of 4,000 square feet, the minimum lot
2 size for housing development is 2,500 square feet in area, following the standard lot size in
3 San Francisco (25 X 100 square feet), or 1,750 square feet for lots within 125 feet of a corner.
4 This density and lot size requirement allows greater density than other jurisdictions in
5 California where the typical density and lot size is about 5,000 square feet per unit for single-
6 family dwellings and 1,500 square feet per unit for multifamily development.

7 (3) San Francisco is the most densely populated city in California. It is the fourth
8 most densely populated city in the nation following only New York City and two cities in New
9 Jersey (Jersey City and Patterson).

10 (4) The limited land area and the limited developable land area of San Francisco
11 make it difficult to provide sites to replace single-family houses lost through conversion to a
12 higher density. Once single-family homes are converted into multiple dwelling structures by
13 the addition of a second unit, single-family housing stock is eliminated from the existing supply
14 of single-family homes. The irrevocable loss of the limited supply of single-family housing
15 stock throughout the City will adversely affect the health, safety and welfare of San Francisco
16 residents.

17 (5) Single-family residences have in recent years been demolished at a faster rate
18 than any other residential structures in the City primarily because new multiple-unit residential
19 development in the City often occurs as the result of the demolition of single-family homes in
20 multiple-unit districts. Single-family homes were 37 percent of the residential units demolished
21 in 1984, and 61 percent of the residential units demolished in 1983. Single-family homes
22 represented an even larger percentage of the residential structures demolished. Single-family
23 homes were 86 percent of the residential structures demolished in 1984, and 74.4 percent of
24 the residential structures demolished in 1983.

1 (6) Single-family structures represent only 1/3 of all residential structures in San
2 Francisco compared to 60 percent of the residential structures in the State of California.
3 Single-family homes accounted for 18 percent of the new housing units in San Francisco in
4 1984, and 7 percent of the new units in 1983. Other jurisdictions in California had single-family
5 structures representing approximately 50 percent of their new residential building permits for
6 the same period.

7 (7) The number of families in San Francisco declined in the years from 1970 to
8 1980, as evidenced by the school enrollment for the population group under 15 years old. The
9 decline in enrollment was from 106,900 to 83,790. The zoning policy of the City and County of
10 San Francisco should encourage families to live in the City rather than encouraging them to
11 leave the City. A further decline in the number of families living in the City is detrimental to the
12 public health, safety and welfare.

13 (8) The addition of second units to single-family dwellings usually results in an
14 increase in the cost of those dwellings, and, in addition, to the cost of the remaining smaller
15 supply of single-family homes without second units. An increase in the cost of these types of
16 dwellings will discourage families from living in the City because the cost of dwellings most
17 suitable for families will be beyond the means of many who would otherwise live in the City.

18 (9) San Francisco will probably face a need for more large units in the future than it
19 did in the past, as the population ages and the new baby boom continues. Many women born
20 between 1945 and 1952 who delayed child-bearing during the 1970's are now having babies
21 at the same rate as women born after 1952.

22 (10) The addition of second units in single-family houses throughout the City will
23 irrevocably deplete its limited supply of single-family homes and discourage families from
24 living in the City by removing the type and size of dwelling units most suitable for families.
25 Many of the residential parcels in the City are less than 2,500 square feet in size or 1,750

1 square feet for corner lots and do not meet minimum lot size standards. Many of these parcels
2 were developed without required garages or with minimal garage space, and do not comply
3 with existing off-street parking requirements. The addition of second residential units in these
4 areas could only worsen existing congestion.

5 (11) Parking problems are severe in a number of areas of the City because of its
6 dense population. The addition of second units in such areas will exacerbate the parking
7 problem. Imposing off-street parking requirements on secondary units would only partially
8 alleviate that problem in that additional units cause increased traffic other than that engaged
9 in by the occupants of the units (such as persons visiting the occupants for social or business
10 purposes) as well as by the occupants of the units.

11 (12) Increased parking problems in areas of the City already burdened with traffic
12 congestion adversely affects the health, safety and welfare of the residents of such areas by
13 interfering with access to off-street parking spaces, requiring additional police services to
14 control traffic problems and unlawful parking, requiring occupants and visitors to park further
15 from their homes (thereby also exposing themselves to greater inconvenience and, in some
16 instances, threat to safety), and interfering with access by emergency vehicles during an
17 emergency (a problem which is further complicated in areas with narrow streets, winding
18 roads, and other topographical features which make access by vehicles difficult).

19 (13) A need exists in San Francisco for additional affordable housing. Allowing
20 second units in RH-1(D) and RH-1 Districts is one means of providing such housing.
21 However, to allow second units without restriction in all areas currently zoned RH-1(D) and
22 RH-1 would adversely affect the health, safety and welfare of the public by permitting the
23 conversion of an undue number of single-family houses to multi-family units; by eliminating
24 low-density residential areas in the City and thereby depriving those who desire to live in the
25 City without the stress of living in higher-density areas of their opportunity to do so; and by

1 permitting second units to be added in areas where undue traffic congestion and the attendant
2 difficulties described above, will occur.

3 (14) A further period of time is needed in order to determine those areas of the City
4 where the traffic congestion problems described above would be least likely to occur and
5 where second units may therefore be permitted without adverse impact to the public.

6 (15) There are no large districts suitable for the provision of second units, but instead
7 there are small subareas which must be reviewed on a case-by-case basis with community
8 participation in the review process. A case-by-case review is needed in order to determine
9 those areas of the City where the traffic congestion problems described above would be least
10 likely to occur and where second units may therefore be permitted without adverse impact to
11 the public. Furthermore:

12 (A) The ~~City~~ Planning Code presently permits a secondary unit in all single-family
13 homes in RH-1(S) (House, One-Family with Minor Second Unit), RH-2 (House, Two-Family)
14 and RH-3 (House, Three-Family) Districts no matter what the lot size. Second units in single-
15 family homes are permitted in all other multifamily residential districts (all RM and RC
16 Districts), depending on the size of the lot.

17 (B) The City Planning Code Section 209.1(c) permits the mapping of the RH-1(S)
18 (House, One-Family with Minor Second Unit) District. These RH-1(S) Zoning Districts provide
19 for a two-family dwelling with the second dwelling limited to 600 square feet of net floor area.
20 The second unit remains subordinate to the owner's unit and the structures retain the
21 appearance of single-family dwellings. The RH-1(S) Zoning District has been mapped in four
22 areas of the City. Additional mapping of the RH-1(S) Zoning District may be used to legalize
23 existing secondary units in single-family homes and to increase the number of secondary
24 units.

1 (C) Dwellings specifically designed for and occupied by senior citizens ~~and~~
2 ~~handicapped persons~~ are presently permitted at a density ratio or number of dwelling units not
3 exceeding twice the number of dwelling units otherwise permitted as a principal use in the
4 district by the City Planning Code (Section 209.1(m) ~~and (n)~~).

5 (16) Restricting second units in single-family homes in San Francisco's RH-1(D) and
6 RH-1 Zoning Districts may limit the housing opportunities of the region. However, over time,
7 applications for RH-1(S) zoning designation may be reviewed on a case-by-case basis by the
8 ~~City~~ Planning Commission and its staff, the Board of Supervisors and the Mayor and where
9 second units would be appropriate and would not adversely affect the public health, safety
10 and welfare of residents of the City and County of San Francisco, such rezoning applications
11 would be approved. Neither the provisions of this Section nor those of Government Code
12 Section 65852.2 preclude the City from hereafter amending this Code in order to permit
13 second units in additional situations designed to address specific housing needs and
14 circumstances unique to San Francisco.

15 (17) San Francisco has been and will continue to be a major provider of affordable
16 housing opportunities in the region.

17 (A) Currently (1986) San Francisco administers 6,766 units of public housing and
18 2,574 Section 8 certificates.

19 (B) Article 34, Section 1 of the California Constitution requires the approval of the
20 electorate as a condition to the development or acquisition of a low-rent housing project by the
21 local jurisdiction. San Francisco has met the requirement with the City's voters approving the
22 development of a maximum of 3,000 low-income housing units by a vote on Proposition Q on
23 November 2, 1976. Together with the units previously approved, approximately 4,000 low-
24 income housing units may be developed, constructed or acquired.

25

1 (C) Between 1981 and 1985, San Francisco's housing production efforts included,
2 but were not limited to the following:

3 1. San Francisco undertook a major rezoning of underutilized land which will allow
4 the development of 14,000 housing units. Another 1,700 units are underway on vacant
5 publicly owned sites in the City.

6 2. San Francisco set aside \$10,000,000 in general-fund monies for an Affordable
7 Housing Fund. \$6,100,000 of this amount is committed to create 443 housing units including
8 the renovation of 82 vacant public housing units into privately managed two- and three-
9 bedroom apartments.

10 3. San Francisco combined \$1,000,000 in federal Community Development Funds
11 with the proceeds of an \$8,000,000 bond issue to finance home improvement loans for low-
12 and moderate-income homeowners.

13 4. The Office Housing Production Program (OHPP), under which high-rise office
14 developers are required to build or contribute to housing on a formula based on the size of
15 their projects was instituted in 1981. The program has resulted in \$25,000,000 and over 3,700
16 housing units to date.

17 5. The City of San Francisco has sold \$84,000,000 in two bond issues since 1982
18 to provide 30-year, 10¾ percent mortgages to some 900 low-to middle-income first-time
19 homebuyers. In addition a \$42,000,000 bond issue was sold to finance up to 400 homes with
20 9.8 percent mortgages. In June, 1985 the City sold \$44,000,000 in mortgage revenue bonds
21 to finance the construction of 563 units of rental housing on five sites.

22 (D) Between 1980 and mid-1985 community-based nonprofit organizations which
23 receive Community Development Block Grant funding built 1,166 new housing units for low-
24 and moderate-income households. At the time of the 1985 report on their activities they had
25 200 units under construction, and 426 units planned. During this same time the organizations

1 rehabilitated 1,780 units for lower-income households, had 426 units undergoing
2 rehabilitation, and had plans to rehabilitate 1,285 units.

3 Section 15 The San Francisco Planning Code is hereby amended by amending the
4 Table in Section 209.3, to read as follows:

5 SEC. 209. INSTITUTIONAL USES.

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RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	RTO-M	RC-1	RC-2	RC-3	RC-4	
															SEC. 209.3. INSTITUTIONS.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(a) Hospital, medical center or other medical institution which includes facilities for inpatient <i>or outpatient medical</i> 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	P	P	P	P	P	P	P	P	P	(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 aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article

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																6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(c) Residential care facility meeting all applicable requirements of Subsection 209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.
												C	C	C	C	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 14 or fewer children by licensed

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																personnel and meeting the open-space and other requirements of the State of California and other authorities.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 13 15 or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(g) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the

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																institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(i) Post secondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons

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														who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)
										<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<i>(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code. provided that: (a) Requirements. MCDs must meet the following requirements:</i> <i>1. the parcel containing the MCD cannot located within 1,000 feet from a parcel containing:</i> <i>a. a public or private elementary or secondary school and</i> <i>b. a community facility and/or recreation center as defined in 209.4(a) that primarily serves persons under 18 years of age; and</i> <i>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;</i>

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														<p><u>3. no alcohol is sold or distributed on the premises for on or off-site consumption;</u></p> <p><u>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;</u></p> <p><u>5. in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.</u></p> <p><u>(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</u></p>
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															<p><u>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.</u></p> <p><u>(c) 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.</u></p> <p><u>(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which</u></p>
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1 Section 16. The San Francisco Planning Code is hereby amended by amending the
 2 Table in Section 209.8, to read as follows:

3 SEC. 209.8. COMMERCIAL ESTABLISHMENTS.

5 RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	RTO-M	RC-1	RC-2	RC-3	RC-4	
															7 SEC. 209.8. COMMERCIAL ESTABLISHMENTS.
											P	NA	NA	NA	8 Except for massage establishments as noted in Section (a) 218.1, retail, personal service or other commercial establishment if permitted as a principal use in the nearest AC District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											C	NA	NA	NA	18 Except for massage establishments as noted in Section (b) 218.1, retail, personal service or other commercial establishment if permitted as a principal use in the nearest AC District, which is located in a building above the ground story; excluding any establishment

														Commercial Uses in RTO Districts.
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Section 17. The San Francisco Planning Code is hereby amended by amending the Table in Section 217, to read as follows:

SEC. 217. INSTITUTIONS.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
													SEC. 217. INSTITUTIONS.
C	C	C	C	C	C	C	C						(a) Hospital, medical center or other medical institution which includes facilities for inpatient <i>or outpatient medical</i> 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	C	P	P						(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 include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
P	P	P	P	P	P	P	P	P	P	P	P	P under 5,000 sf	(c) Clinic primarily providing outpatient care in medical,

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										under 5,000 gsf, C above	under 5,000 gsf, C above	under 7,500 sf		psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.
P	P	P	P	P	P	P	P	P	P	P	P	P	P under 5,000 sf	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature.
P	P	P	P	P	C	P	P				P			(d) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
P	P	P	P	P	P	P	P				P	P		(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P				P	P		(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P				P	P		(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts

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										20,000 sf if no housing	20,000 sf if no housing		education, which is required to submit an institutional master plan pursuant to Section 304.5 of this Code. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
					P	P	P	P	P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(i) Secondary or postsecondary educational institution, other than as specified in Subsection 217(g) and (h) above.
P	P	P	P	P	P	P	P	P	P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
P	P	P	P	P	P	P							(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code. provided that: (a) <u>Requirements. MCDs must meet the following requirements:</u> <u>1. the parcel containing the MCD cannot be located within 1,000 feet from a parcel containing:</u> <u>a. a public or private elementary or secondary school and</u> <u>b. a community facility and/or recreation center as</u>

defined in 209.4(a) 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.

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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.

(c) 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

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											<i>primarily serves persons under 18 years of age, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private;</i>
											<i>or a recreation building as defined in Section 209.4(a) of this Code that primarily serves person under 18 years of age; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is not located on the same parcel as a facility providing substance abuse services that is licensed or eertified by the State of California or funded by the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or off site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on the block face</i>

1 (a) General. A Special Use District entitled the Van Ness Special Use District, the
2 boundaries of which are shown on Sectional Map No. 2SU of the Zoning Map, is hereby
3 established for the purposes set forth below.

4 (b) Purposes. In order to implement the objectives and policies of the Van Ness
5 Avenue Plan, a part of the Master Plan, which includes (i) creation of a mix of residential and
6 commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian
7 environment, (iii) encouragement of the retention and appropriate alteration of architecturally
8 and historically significant and contributory buildings, (iv) conservation of the existing housing
9 stock, and (v) enhancement of the visual and urban design quality of the street, the following
10 controls are imposed in the Van Ness Special Use District.

11 (c) Controls. All provisions of the City Planning Code applicable to an RC-4 District
12 shall apply except as otherwise provided in this Section.

13 (1) Basic Floor Area Ratio. The basic floor area ratio limit shall be 7.0 to 1 in the
14 130-foot height district and 4.5:1 in the 80-foot height district. These limits shall apply to
15 dwellings notwithstanding Section 124(b) of this Code, but shall not apply to floor space used
16 for nonaccessory off-street parking and driveways and maneuvering areas incidental thereto
17 provided such parking is located entirely below curb level at the centerline of the building
18 containing such parking and replaces parking spaces displaced by the building or buildings.
19 For definitions of floor area ratio and gross floor area, see Sections 102.11 and 102.9,
20 respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not
21 apply in the Van Ness Special Use District.

22 (2) Housing Density. The restrictions on density set forth in Sections 207, 207.1,
23 208, 209.1 and 209.2 of this Code shall not apply.

24 (3) Height and Bulk Restrictions. See Height and Bulk Map No. 2H. See Section
25 270 of this Code for bulk limits.

1 (4) Awnings, canopies and marquees. Awnings, canopies and marquees, as defined in
2 Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the Building Code
3 and Sections 243(c)(5), 136.2 and 607.3 of this Code, are permitted.

4 (5) Signs.

5 (A) Signs located within the Van Ness Special Use District, with the exception of the
6 Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in
7 Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which
8 governs signs located in the Van Ness Special Sign District.

9 (B) Signs on structures designated as landmarks under the provisions of Section
10 1004 shall be regulated as provided in Section 607.3(d).

11 (6) Rear Yards. The requirements of this Code applicable to rear yards may be
12 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
13 following conditions are met:

14 (A) The interior block open space formed by the rear yards of abutting properties will
15 not be adversely affected; and

16 (B) A comparable amount of usable open space is provided elsewhere on the lot or
17 within the development where it is more accessible to residents; and

18 (C) The access of light and air to abutting properties will not be significantly
19 impeded.

20 This provision shall be administered pursuant to the procedures which are applicable to
21 variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

22 (7) Required Setbacks. Setbacks for buildings exceeding a height of 40 feet shall be
23 regulated as provided in Section 253.2 of this Code.

24 (8) Limitation of Nonresidential Uses.
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1 (A) Residential Uses; Ratio Established. In newly constructed structures,
2 nonresidential uses shall only be permitted if the ratio between the amount of net additional
3 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
4 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
5 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
6 existing structures which exceed 20 percent of the gross floor area of the existing structure,
7 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
8 between the amount of occupied floor area for residential use, as defined in this paragraph
9 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
10 residential use ratio shall not apply to development sites in the Van Ness Special Use District
11 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
12 frontage other than the Van Ness Avenue frontage. For purposes of this Section,
13 "nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e) (hotel,
14 inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-patient care
15 facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle
16 storage and access) and 209.8 (commercial establishments); in the Automotive Special Use
17 District nonresidential uses include automotive uses as described in Section 237; "residential
18 use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling
19 units and group housing).

20 (B) Reduction of Ratio of Residential Uses for Affordable Housing. The City
21 Planning Commission may modify the Van Ness Special Use District residential to
22 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional
23 use in one of the following ways:

24 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to
25 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section

313 of this Code. No more than a 50 percent reduction of the required housing for a specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be determined by the following formula:

(1)

(Lot Area X FAR) / 4) X 3 =	Residential SQ. FT. Requirement
(Lot Area X FAR) / 4) X 3 =	Residential SQ. FT. Requirement

(2)

Residential SQ. FT. Requirement	—	Residential SQ. FT. Developed	=	LOSS
Residential SQ. FT. Requirement	—	Residential SQ. FT. Developed	=	LOSS

(3)

$$LOSS \times \$15 = \text{In-Lieu Fee}$$

(ii) Providing Affordable Housing. By conditional use, the developer may reduce up to 50 percent of the required amount of on-site housing by maintaining a portion of that housing as permanently affordable for the life of the project. Affordable units shall be managed by a nonprofit housing agency through a duly executed agreement between the project sponsor, the nonprofit agency and the Planning Department. The mix of affordable units retained in the project shall conform to the overall dwelling unit size mix of the project. The portion of retained residential which shall be affordable will be determined by calculating the number of market rate units which could be subsidized by the amount of "in-lieu fee"

1 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
2 calculated in the following manner:

3 (1)

4 In-Lieu Fee \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project
6 In-Lieu Fee \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project

8 (iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee
9 Calculations. The Department shall report annually to the Planning Commission on the activity
10 and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning
11 Commission may initiate a modification or deletion of Section 243(c)(8)(B).

12 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection
13 shall be subject to annual adjustments in accord with Section 313.6(1) of this Code.

14 Affordability shall be defined by rents or sale prices affordable by households with no more
15 than 80 percent of median income standards developed by HUD.

16 (iv) If the Commission finds that taking into consideration projects constructed since
17 the effective date of the Van Ness Special Use District and the housing development potential
18 remaining in the District the overall objective of adding a substantial increment of new housing
19 on Van Ness Avenue will not be significantly compromised, the Commission may by
20 conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and
21 location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

22 (1) The project is to provide space for expansion of an established business from an
23 adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent)
24 or,

1 (2) The project is to provide space for an institutional, hotel, medical, cultural or
2 social service use meeting an important public need which cannot reasonably be met
3 elsewhere in the area, and

4 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
5 above.

6 The Commission shall consider the feasibility of requiring the project to be constructed
7 in such a manner that it can support the addition of housing at some later time.

8 (C) Off-Site Provision of Required Residential Space. For the purpose of calculating
9 the 3 to 1 ratio between residential and nonresidential use, two or more projects for new
10 construction within the Van Ness Special Use District may be considered and approved
11 together as linked projects. The requirements of Paragraph (A) above may be satisfied if the
12 aggregate amount of occupied floor area for residential use in two or more linked projects is at
13 least three times greater than the aggregate amount of occupied floor area for nonresidential
14 use.

15 (i) Those building permit applicants who wish to link two or more projects for the
16 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Department
17 of City Planning a statement of intent identifying the applications covering the projects that are
18 to be considered and approved together;

19 (ii) When the Department of City Planning approves an application for a project
20 containing only nonresidential use and the project is linked to one or more other projects
21 pursuant to the statement of intent filed with the Department, it shall include as a condition of
22 approval a requirement prohibiting the project sponsor from commencing any work on the site
23 until the Zoning Administrator issues a written determination that such work may proceed. The
24 Zoning Administrator shall not issue such a determination until those permits authorizing the
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1 projects containing residential use have been issued and foundations have been completed at
2 each such site;

3 (iii) If a permit for a project containing nonresidential use expires because of delays
4 in the completion of foundations for linked projects containing residential uses, new permits
5 may be approved for the nonresidential project within three years of such expiration without
6 regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a
7 Permit of Occupancy has been issued for each project containing residential use;

8 (iv) No building or portion of a building approved as a linked project that contains
9 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
10 be used for any nonresidential purposes; provided, however, that this restriction shall no
11 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
12 projects has been converted to residential use, or has been demolished, or has been
13 destroyed by fire or other act of God;

14 (v) The Zoning Administrator shall impose as a condition of approval of a permit
15 authorizing the residential uses of linked projects the requirement that the owner record in the
16 land records of the property a notice of restrictions, approved as to form by the Zoning
17 Administrator, placed on the use of the property by this Section.

18 (D) Nonconforming Uses. A use which existed lawfully at the effective date of this
19 Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be
20 considered a nonconforming use and subject to the provisions of Sections 180 through 188 of
21 this Code, including the provisions of Section 182 regarding change of use, except as follows:

22 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
23 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
24 Building Code shall not be included; and
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1 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the
2 nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area
3 of the existing structure.

4 (E) Street Frontages. Street frontages and parking setbacks shall conform to
5 Section 145.1 of this Code. Ground floor non-residential uses shall have a minimum floor-to-
6 floor height of 14 feet.

7 (F) Fast Food Uses. A large fast food restaurant as defined in Section 790.90 of this
8 Code shall be permitted only as a conditional use.

9 A small self-service restaurant, as defined in Section 790.91 of this Code, shall be permitted
10 only as a conditional use unless such restaurant is a related minor use which is either
11 necessary to the operation or enjoyment of a lawful principal use or conditional use, or is
12 appropriate, incidental and subordinate to any such use, in which case it shall be permitted as
13 an accessory use.

14 (G) Drive-Up Facilities. Drive-up facilities are not permitted. For the purposes of this
15 Section, "drive-up facilities" shall be defined as structures designed primarily for drive-to or
16 drive-through trade which provides service to patrons while in private motor vehicles.

17 (H) Demolitions. All demolitions of buildings containing residential use and all
18 conversions from residential uses to nonresidential uses above the ground floor shall be
19 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
20 Director Superintendent of the Department Bureau of Building Inspection or the Chief of the
21 Bureau of Fire Prevention and Public Safety determines that the building is unsafe or
22 dangerous and that demolition is the only feasible means to secure the public safety. When
23 considering whether to grant a conditional use permit for the demolition or conversion, in lieu
24 of the criteria set forth in Planning Code Section 303, consideration shall be given to the
25 adverse impact on the public health, safety and general welfare of the loss of housing stock in

1 the district and to any unreasonable hardship to the applicant if the permit is denied. The
2 definition of residential use shall be as set forth in Section 243(c)(8)(A), but shall not include
3 any guest room in a building classified as a residential hotel subject to the Residential Hotel
4 Unit Conversion and Demolition Ordinance.

5 A conditional use permit shall not be required if the demolition permit is sought in order
6 to comply with a court order directing or permitting the owner to demolish a building because it
7 is unsafe. No person shall be permitted to construct anything on the site of a demolished
8 building subject to such an order for a period of two years unless (a) the proposal is for at
9 least the same number and size of dwelling units and guest rooms and the same amount of
10 nonresidential floor area as that which was demolished or (b) the applicant requests and is
11 granted an exemption from this requirement on the ground that the applicant has
12 demonstrated that (1) the need for demolition did not arise because of the deliberate or
13 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
14 cause undue hardship to the property owner or that (3) the restrictions would leave the
15 property without any substantial remaining market value or reasonable use.

16 (I) Parking. Pursuant to Table 151 in Article 1.5 of this Code, the residential parking
17 requirement shall be one space for each dwelling unit; provided, however, that the parking
18 requirement may be reduced to not less than one space for each four dwelling units, if the
19 Zoning Administrator determines that the reduced parking requirement is sufficient to serve
20 the reasonably anticipated auto usage by residents and visitors to the project. The procedures
21 and fee for such review shall be the same as those which are applicable to variances, as set
22 forth in Sections 306.1 through 306.5 and 308.2.

23 (J) Adult Entertainment Enterprises. The uses described in Section 221(k) of this
24 Code are not permitted.

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1 (K) Formula Retail Uses. Formula Retail uses, as defined in Section 303(i) of this Code,
2 shall be permitted, subject to a Conditional Use Authorization, in parcels zoned RC-3 or RC-4 that are
3 within the Van Ness SUD.

4 (9) Reduction of Ground Level Wind Currents.

5 (A) New buildings and additions to existing buildings shall be shaped, or other wind
6 baffling measures shall be adopted, so that the development will not cause year-round ground
7 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
8 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
9 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind
10 speeds exceed the comfort levels specified above, the building shall be designed to reduce
11 the ambient wind speeds in efforts to meet the goals of this requirement.

12 (B) An exception to this requirement may be permitted but only if and to the extent
13 that the project sponsor demonstrates that the building or addition cannot be shaped or wind
14 baffling measures cannot be adopted without unduly restricting the development potential of
15 the building site in question.

16 (i) The exception may permit the building or addition to increase the time that the
17 comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the
18 development potential of the site.

19 (ii) Notwithstanding the above, no exception shall be allowed and no building or
20 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
21 level of 26 m.p.h. for a single hour of the year.

22 (C) For the purposes of this Section, the term "equivalent wind speed" shall mean
23 an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
24 pedestrians.

25

1 Section 19. The San Francisco Planning Code is hereby amended by amending
2 Section 303, to read as follows:

3 SEC. 303. CONDITIONAL USES.

4 (a) General. The City Planning Commission shall hear and make determinations
5 regarding applications for the authorization of conditional uses in the specific situations in
6 which such authorization is provided for elsewhere in this Code. The procedures for
7 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,
8 except that Planned Unit Developments shall in addition be subject to Section 304, medical
9 institutions and post-secondary educational institutions shall in addition be subject to the
10 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit
11 Development applications filed pursuant to Article 7, or otherwise required by this Code for
12 uses or features in Neighborhood Commercial Districts, and conditional use applications
13 within South of Market Districts, shall be subject to the provisions set forth in Sections 316
14 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this
15 Code, with respect to scheduling and notice of hearings, and in addition to those provided for
16 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and
17 reconsideration.

18 (b) Initiation. A conditional use action may be initiated by application of the owner,
19 or authorized agent for the owner, of the property for which the conditional use is sought. For
20 a conditional use application to relocate a general advertising sign under subsection (l) below,
21 application shall be made by a general advertising sign company that has filed a Relocation
22 Agreement application and all required information with the Planning Department pursuant to
23 Section 2.21 of the San Francisco Administrative Code.

24 (c) Determination. After its hearing on the application, or upon the recommendation
25 of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of

1 this Code and no hearing is required, the City Planning Commission shall approve the
2 application and authorize a conditional use if the facts presented are such to establish:

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

6 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a
7 location in which the square footage exceeds the limitations found in Planning Code §
8 121.2(a) or 121.2(b), the following shall be considered:

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

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

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

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

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

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

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

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

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

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

11 (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning
12 categories .46, .47, and .48, in addition to the criteria set forth above in Section 303(c)(1—4),
13 that such use or feature will:

14 (i) Not be located within 1,000 feet of another such use, if the proposed use or
15 feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

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

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

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

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

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

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

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

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

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

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

18 (d) Conditions. When considering an application for a conditional use as provided
19 herein with respect to applications for development of "dwellings" as defined in Chapter 87 of
20 the San Francisco Administrative Code, the Commission shall comply with that Chapter which
21 requires, among other things, that the Commission not base any decision regarding the
22 development of "dwellings" in which "protected class" members are likely to reside on
23 information which may be discriminatory to any member of a "protected class" (as all such
24 terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when
25 authorizing a conditional use as provided herein, the City Planning Commission, or the Board

1 of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in
2 this Code, as are in its opinion necessary to secure the objectives of the Code. Once any
3 portion of the conditional use authorization is utilized, all such conditions pertaining to such
4 authorization shall become immediately operative. The violation of any condition so imposed
5 shall constitute a violation of this Code and may constitute grounds for revocation of the
6 conditional use authorization. Such conditions may include time limits for exercise of the
7 conditional use authorization; otherwise, any exercise of such authorization must commence
8 within a reasonable time.

9 (e) Modification of Conditions. Authorization of a change in any condition previously
10 imposed in the authorization of a conditional use shall be subject to the same procedures as a
11 new conditional use. Such procedures shall also apply to applications for modification or
12 waiver of conditions set forth in prior stipulations and covenants relative thereto continued in
13 effect by the provisions of Section 174 of this Code.

14 (f) Conditional Use Abatement. The Planning Commission may consider the
15 possible revocation of a conditional use or the possible modification of or placement of
16 additional conditions on a conditional use when the Planning Commission determines, based
17 upon substantial evidence, that the applicant for the conditional use had submitted false or
18 misleading information in the application process that could have reasonably had a substantial
19 effect upon the decision of the Commission or the conditional use is not in compliance with a
20 condition of approval, is in violation of law if the violation is within the subject matter
21 jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,
22 noxious or offensive conditions enumerated in Section 202(c) if the violation is within the
23 subject matter jurisdiction of the Planning Commission and these circumstances have not
24 been abated through administrative action of the Director, the Zoning Administrator or other
25 City authority. Such consideration shall be the subject of a public hearing before the Planning

1 Commission but no fee shall be required of the applicant or the subject conditional use
2 operator.

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

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

15 (3) In considering a conditional use revocation, the Commission shall consider
16 whether and how the false or misleading information submitted by the applicant could have
17 reasonably had a substantial effect upon the decision of the Commission, or the Board of
18 Supervisors on appeal, to authorize the conditional use, substantial evidence of how any
19 required condition has been violated or not implemented or how the conditional use is in
20 violation of the law if the violation is within the subject matter jurisdiction of the Planning
21 Commission or operates in such a manner as to create hazardous, noxious or offensive
22 conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction
23 of the Planning Commission. As an alternative to revocation, the Commission may consider
24 how the use can be required to meet the law or the conditions of approval, how the
25 hazardous, noxious or offensive conditions can be abated, or how the criteria of Section

1 303(c) can be met by modifying existing conditions or by adding new conditions which could
2 remedy a violation.

3 (4) Appeals. A decision by the Planning Commission to revoke a conditional use, to
4 modify conditions or to place additional conditions on a conditional use or a decision by the
5 Planning Commission refusing to revoke or amend a conditional use, may be appealed to the
6 Board of Supervisors within 30 days after the date of action by the Planning Commission
7 pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the
8 action of the Planning Commission in an abatement matter by the same vote necessary to
9 overturn the Commission's approval or denial of a conditional use. The Planning
10 Commission's action on a conditional use abatement issue shall take effect when the appeal
11 period is over or, upon appeal, when there is final action on the appeal.

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

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

18 (B) There is substantial new evidence about the same conditional use abatement
19 issue considered in the earlier abatement proceeding, this new evidence was not or could not
20 be reasonably available at the time of the earlier abatement proceeding, and that new
21 evidence indicates that the Commission's decision in the earlier proceeding ha not been
22 implemented within a reasonable time or raises significant new issues not previously
23 considered by the Planning Commission. The decision of the Director of Planning regarding
24 the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use
25

1 abatement issue within a period of one year from the effective date of final action on the
2 earlier abatement proceeding shall be final.

3 (g) Hotels and Motels.

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

7 (A) The impact of the employees of the hotel or motel on the demand in the City for
8 housing, public transit, childcare, and other social services. To the extent relevant, the
9 Commission shall also consider the seasonal and part-time nature of employment in the hotel
10 or motel;

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

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

14 (2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning
15 Commission shall not consider the impact of the employees of a proposed hotel or motel
16 project on the demand in the City for housing where:

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

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

21 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the
22 conversion of residential units to tourist hotel or motel use pursuant to an application filed on
23 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco
24 Administrative Code, the Planning Commission shall not consider the criteria contained in
25 Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the

1 criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies
2 for a permit for new construction or alteration where the cost of such construction or alteration
3 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to
4 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed
5 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to
6 Chapter 41 of the San Francisco Administrative Code.

7 (h) Internet Services Exchange.

8 (1) With respect to application for development of Internet Services Exchange as
9 defined in Section 209.6(c), the Planning Commission shall, in addition to the criteria set forth
10 in Subsection (c) above, find that:

11 (A) The intensity of the use at this location and in the surrounding neighborhood is
12 not such that allowing the use will likely foreclose the location of other needed neighborhood-
13 serving uses in the area;

14 (B) The building in which the use is located is designed in discrete elements, which
15 respect the scale of development in adjacent blocks, particularly any existing residential uses;

16 (C) Rooftop equipment on the building in which the use is located is screened
17 appropriately.

18 (D) The back-up power system for the proposed use will comply with all applicable
19 federal state, regional and local air pollution controls.

20 (E) Fixed-source equipment noise does not exceed the decibel levels specified in
21 the San Francisco Noise Control Ordinance.

22 (F) The building is designed to minimize energy consumption, such as through the
23 use of energy-efficient technology, including without limitation, heating, ventilating and air
24 conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as
25 such commercially available technology evolves;

1 (G) The project sponsor has examined the feasibility of supplying and, to the extent
2 feasible, will supply all or a portion of the building's power needs through on-site power
3 generation, such as through the use of fuel cells or co-generation;

4 (H) The project sponsor shall have submitted design capacity and projected power
5 use of the building as part of the conditional use application; and

6 (2) As a condition of approval, and so long as the use remains an Internet Services
7 Exchange, the project sponsor shall submit to the Planning Department on an annual basis
8 power use statements for the previous twelve-month period as provided by all suppliers of
9 utilities and shall submit a written annual report to the Department of Environment and the
10 Planning Department which shall state: (a) the annual energy consumption and fuel
11 consumption of all tenants and occupants of the Internet Services Exchange; (b) the number
12 of all diesel generators located at the site and the hours of usage, including usage for testing
13 purposes; (c) evidence that diesel generators at the site are in compliance with all applicable
14 local, regional, state and federal permits, regulations and laws; and (d) such other information
15 as the Planning Commission may require.

16 (3) The Planning Department shall have the following responsibilities regarding
17 Internet Services Exchanges:

18 (A) Upon the effective date of the requirement of a conditional use permit for an
19 Internet Services Exchange, the Planning Department shall notify property owners of all
20 existing Internet Services Exchanges that the use has been reclassified as a conditional use;

21 (B) Upon the effective date of the requirement of a conditional use permit for an
22 Internet Services Exchange, the Planning Department shall submit to the Board of
23 Supervisors and to the Director of the Department of Building Inspection a written report
24 covering all existing Internet Services Exchanges and those Internet Services Exchanges
25 seeking to obtain a conditional use permit, which report shall state the address, assessor's

1 block and lot, zoning classification, square footage of the Internet Services Exchange
2 constructed or to be constructed, a list of permits previously issued by the Planning and/or
3 Building Inspection Departments concerning the Internet Services Exchange, the date of
4 issuance of such permits, and the status of any outstanding requests for permits from the
5 Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

6 (C) Within three years from the effective date of the requirement of a conditional use
7 permit for an Internet Services Exchange, the Planning Department, in consultation with the
8 Department of Environment, shall submit to the Board of Supervisors a written report, which
9 report shall contain the Planning Commission's evaluation of the effectiveness of the
10 conditions imposed on Internet Services Exchanges, and whether it recommends additional or
11 modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and
12 enhance the compatibility of industrial uses, such as Internet Services Exchanges, located
13 near or in residential or commercial districts.

14 (i) Formula Retail Uses.

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

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

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

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

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

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

8 (f) Facade shall be defined as the face or front of a building, including awnings, looking
9 onto a street or an open space.

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

13 (h) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning
14 Code.

15 (2) "Retail sales activity or retail sales establishment" shall include the following uses, as
16 defined in Article 7 and Article 8 of this Code: "bar," "drive-up facility," "eating and drinking use,"
17 "liquor store," "restaurant, large fast-food," "restaurant, small self-service," "restaurant, full-service,"
18 "sales and service, other retail," "sales and service, retail," "movie theatre," "video store," "amusement
19 and game arcade," "take-out food," and "specialty food, self-service."

20 (3) With regard to a conditional use authorization application for a formula retail use, the
21 Planning Commission shall consider, in addition to the criteria set forth in Subsection (c) above:

22 (a) The existing concentrations of formula retail uses within the district.

23 (b) The availability of other similar retail uses within the district.

24 (c) The compatibility of the proposed formula retail use with the existing architectural and
25 aesthetic character of the district.

1 (d) The existing retail vacancy rates within the district.

2 (e) The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses
3 within the district.

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

6 (a) All Neighborhood Commercial Districts in Article 7;

7 (b) All Mixed Use-General Districts in Article 8;

8 (c) All Urban Mixed Use Districts in Article 8;

9 (d) RC-3 and RC-4 zoned parcels along Van Ness Avenue;

10 (e) Japantown Special Use District as defined in Section 249.31;

11 (f) Chinatown Community Business District as defined in Section 810;

12 (g) Chinatown Residential/Neighborhood Commercial District as defined in 812;

13 (h) Western SoMa Planning Area Special Use District as defined in 802.5.

14 (5) Formula Retail Uses are not permitted in the following zoning districts:

15 (a) Hayes-Gough Neighborhood Commercial Transit District;

16 (b) North Beach Neighborhood Commercial District;

17 (c) Chinatown Visitor Retail District.

18 (6) Neighborhood Commercial Notification and Design Review. Any building permit
19 application for a "formula retail use" as defined in this section and located within a Neighborhood
20 Commercial District in Article 7 shall be subject to the Neighborhood Commercial Notification and
21 Design Review Procedures of Section 312 of this Code.

22 (7) A change from one formula retail use to another requires a new Conditional Use
23 Authorization, whether or not a Conditional Use Authorization would otherwise be required by the
24 particular change in use in question. This Conditional Use Authorization requirement also applies in
25 changes from one Formula Retail operator to another within the same use category.

1 A new Conditional Use authorization shall not apply to a change in a formula use retailer that meets
2 the following criteria:

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

5 (b) the change in the formula retail use operator is the result of multiple existing operations
6 being purchased by another formula retail operator.

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

11 (8) Determination of Formula Retail Use. In those areas in which "formula retail uses" are
12 prohibited, any building permit application determined by the City to be for a "formula retail use" that
13 does not identify the use as a "formula retail use" is incomplete and cannot be processed until the
14 omission is corrected. Any building permit approved that is determined by the City to have been, at the
15 time of application, for a "formula retail use" that did not identify the use as a "formula retail use" is
16 subject to revocation at any time. If the City determines that a building permit application or building
17 permit subject to this Section of the Code is for a "formula retail use," the building permit applicant or
18 holder bears the burden of proving to the City that the proposed or existing use is not a "formula retail
19 use."

20 (1) With respect to an application for a formula retail use as defined in Section 703.3, whenever
21 a conditional use permit is required per Section 703.3(f), the Planning Commission shall consider, in
22 addition to the criteria set forth in Subsection (c) above:

23 (A) The existing concentrations of formula retail uses within the Neighborhood Commercial
24 District.

1 ~~(B) — The availability of other similar retail uses within the Neighborhood Commercial~~
2 ~~District.~~

3 ~~(C) — The compatibility of the proposed formula retail use with the existing architectural and~~
4 ~~aesthetic character of the Neighborhood Commercial District.~~

5 ~~(D) — The existing retail vacancy rates within the Neighborhood Commercial District.~~

6 ~~(E) — The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses~~
7 ~~within the Neighborhood Commercial District.~~

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

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

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

15 (C) This shift in traffic patterns that may result from drawing traffic to the location of
16 the proposed use; and

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

19 (k) Movie Theater Uses.

20 (1) With respect to a change in use or demolition of a movie theater use as set forth
21 in Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(2)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the
22 criteria set forth in Subsections (c) and (d) above, the Commission shall make the following
23 findings:

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

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

4 (B) diversity and vitality of the surrounding Neighborhood Commercial District; and

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

7 (l) Relocation of Existing General Advertising Signs pursuant to a General
8 Advertising Sign Company Relocation Agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (m) General Grocery Store Uses.

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

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

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

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

22 (n) Tobacco Paraphernalia Establishments.

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

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

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

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

12 (o) Massage Establishments.

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

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

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

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

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

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

11 Section 20. The San Francisco Planning Code is hereby amended by amending
12 Section 309, to read as follows:

13 SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.

14 The provisions and procedures set forth in this Section shall govern the review of
15 project authorization and building and site permit applications for 1) the construction or
16 substantial alteration of structures in C-3 Districts, 2) the granting of exceptions to certain
17 requirements of this Code where the provisions of this Section are invoked, and 3) ~~the~~
18 ~~approval of open space provided in compliance with Section 138, and the approval of open space and~~
19 ~~streetscape requirements of the Planning Code streetscape improvements in compliance with Section~~
20 ~~138.1. The categories of alterations deemed to be substantial shall be established by the City Planning~~
21 ~~Commission after a public hearing.~~ When any action authorized by this Section is taken, any
22 determination with respect to the proposed project required or authorized pursuant to CEQA
23 may also be considered. This Section shall not require additional review in connection with a
24 site or building permit application if review hereunder was completed with respect to the same
25

1 proposed structure or alteration in connection with a project authorization application pursuant
2 to Section 322.

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

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

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

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

11 (4) Exceptions to the limitation on residential accessory parking as permitted in
12 Section 151.1(e);

13 (5) Exceptions to the requirement of independently accessible parking spaces as
14 permitted in Section 155(c);

15 (6) Exceptions to the limitation on curb cuts for parking access as permitted in
16 Section 155(r);

17 (7) Exceptions to the limitations on above-grade residential accessory parking as
18 permitted in Section 155(s);

19 (8) Exceptions to the freight loading and service vehicle space requirements as
20 permitted in Section 161(h);

21 (9) Exceptions to the off-street tour bus loading space requirements as permitted in
22 Section 162;

23 (10) Exceptions to the height limits for vertical extensions as permitted in Section
24 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;

25

1 (11) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk
2 Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as
3 permitted in Section 263.8;

4 (12) Exceptions to the bulk requirements as permitted in Sections 270 and 272.
5 ~~A project applicant seeking an exception shall file an application on a form provided by the Zoning~~
6 ~~Administrator.~~

7 (b) ~~Design Review. Additional Requirements.~~ In addition to the requirements set forth
8 in this Code, additional design requirements and limitations (hereafter referred to as
9 modifications) may be imposed on the following aspects of a proposed project, through the
10 imposition of conditions, in order to achieve the objectives and policies of the Master Plan or
11 the purposes of this Code:

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

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

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

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

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

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

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

6 (8) Aspects of the design of the project which have significant adverse
7 environmental consequences;

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

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

13 (c) Application Process for 309 Review. Notice of Application for Building or Site Permit.
14 Review subject to this Section will be triggered by submittal of a Section 309 Application or submittal
15 of a building or site permit. After receipt of an application, a project authorization or building or site
16 permit, for new construction or substantial alteration of a structure in a C-3 District, the Zoning
17 Administrator shall mail notice of the application to all owners of property immediately adjacent to the
18 property that is the subject of the application, using for this purpose the names and addresses as shown
19 on the citywide Assessment Roll in the Assessor's Office, and, in addition, shall publish notice at least
20 once in an official newspaper of general circulation.

21 (d) Notice of Proposed Approval. If, after a review of the Application or building or
22 site permit, a project authorization or permit application, and 1) the Zoning Administrator
23 determines that an application complies with the provisions of this Code and that no exception
24 is sought as provided in Subsection (a), and 2) the Director of Planning determines that no
25 additional modifications are warranted as provided in Subsection (b), and 3) the project meets

1 the open space and streetscape requirements of the Planning Code or 4) the project sponsor agrees to
2 the modifications as requested by the Director, that the open space requirements of Section 138 and the
3 streetscape requirements of Section 138.1 have been complied with, the Zoning Administrator shall
4 provide notice of the proposed approval of the application by mail to all owners of the property
5 immediately adjacent to the property that is subject of the Application no less than 10 days before final
6 approval. in the manner set forth in Subsection (e) and, in addition, to any person who has
7 requested such notice in writing. If no request for ~~City~~ Planning Commission review pursuant
8 to Subsection (g) is made within 10 days of such notice, the Zoning Administrator shall
9 approve the application.

10 (e) Hearing and Determination of Applications for Exceptions.

11 (1) Hearing. The ~~City~~ Planning Commission shall hold a public hearing on an
12 application for an exception as provided in Subsection (a).

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

20 (3) Decision and Appeal. The Commission may, after public hearing and after
21 making appropriate findings, approve, disapprove or approve subject to conditions, the
22 application for an exception. The decision of the ~~City~~ Planning Commission may be appealed
23 to the Board of *Permit* Appeals by any person aggrieved within 15 days after the date of the
24 decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged
25

1 that there was an error in the interpretation of the provisions of this Code or abuse of
2 discretion on the part of the ~~City~~ Planning Commission.

3 (4) Decision on Appeal. Upon the hearing of an appeal, the Board of ~~Permit~~ Appeals
4 may, subject to the same limitations as are placed on the ~~City~~ Planning Commission by
5 Charter or by this Code, approve, disapprove or modify the decision appealed from. If the
6 determination of the Board differs from that of the Commission it shall, in a written decision,
7 specify the error in interpretation or abuse of discretion on the part of the Commission and
8 shall specify in the findings, as part of the written decision, the facts relied upon in arriving at
9 its determination.

10 (f) Administrative Approval of Design Review Director's Recommendations.

11 (1) Recommendations. If the Director of Planning determines that modifications
12 through the imposition of conditions are warranted as provided in Subsection (b), or that the
13 open space requirements ~~of Section 138~~ or the streetscape requirements ~~of the Planning Code of~~
14 ~~Section 138.1~~ have not been complied with, the matter shall be scheduled for hearing before
15 the ~~City~~ Planning Commission; ~~provided, however, that i~~ If the Director determines that the open
16 space and streetscape requirements of the Planning Code Section 138 and Section 138.1 have been
17 complied with and the applicant does not oppose the imposition of conditions which the
18 Director has determined are warranted, the applicant may waive the right to a hearing before
19 the Commission in writing and agree to the conditions; ~~in which case t~~ The Zoning
20 Administrator shall provide notice of the proposed approval of the application such fact according
21 to the notice given for applications governed by Subsection (d), so that any person seeking
22 additional modifications or objecting to the open space or streetscape requirements Section 138 or
23 Section 138.1 determination may make such a request for Planning Commission review as
24 provided in Subsection (g). If no request is made within 10 days of such notice, the Zoning
25 Administrator shall approve the application subject to the conditions.

1 (2) Notice. ~~If the proposed application will be heard by the Planning Commission, notice of~~
2 ~~such hearing, Notice of any meeting of the City Planning Commission pursuant to this subsection~~ shall
3 be mailed not less than 10 days prior to the hearing to the project applicant, to property owners
4 immediately adjacent to the site of the application using for this purpose the names and
5 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
6 person who has requested such notice. The notice shall state that the Director's written
7 recommendation ~~will be~~ *is* available for public review at the ~~Planning~~ Department ~~of City~~
8 ~~Planning~~.

9 (3) Commission Action. The ~~City~~ Planning Commission may, after public hearing
10 and after making appropriate findings, approve, disapprove or approve subject to conditions
11 applications considered pursuant to Subsection (b) or for compliance with the open space and
12 streetscape requirements of the Planning Code Section 138 or Section 138.1.

13 (g) ~~City~~ Planning Commission Review Upon Request.

14 (1) Requests. Within 10 days after notice of the proposed approval has been given,
15 as provided in Subsection (d), any person may request in writing that the ~~City~~ Planning
16 Commission impose additional modifications on the project as provided in Subsection (b) or
17 consider the application for compliance with the open space and streetscape requirements of the
18 Planning Code Section 138 or Section 138.1. ~~Said~~ The written request shall state why additional
19 modifications should be imposed notwithstanding its compliance with the requirements of this
20 Code and shall identify the policies or objectives that would be promoted by the imposition of
21 conditions, or shall state why the open space and streetscape requirements Section 138 has have not
22 been complied with.

23 (2) Commission Consideration. The ~~City~~ Planning Commission shall consider at a
24 public ~~hearing meeting~~ each written request for additional modifications and for consideration of
25 the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1

1 compliance and may, by majority vote, direct that a hearing be conducted to consider such
2 modifications or compliance, which hearing may be conducted at the same meeting that the
3 written request is considered and decided. Notice of such *hearing meeting* shall be mailed to
4 the project applicant, to property owners immediately adjacent to the site of the application
5 using for this purpose the names and addresses as shown on the Citywide Assessment Roll
6 in the Assessor's Office, to any person who has requested such notice, and to any person
7 who has submitted a request for additional requirements. In determining whether to conduct
8 such a hearing, the Commission shall determine whether, based upon a review of the project,
9 reasonable grounds exist justifying a public hearing in order to consider the proposed
10 additional modifications and the open space and streetscape requirements of the Planning Code
11 Section 138 and Section 138.1 compliance.

12 (3) Commission Action. If the Commission determines to conduct a hearing to
13 consider the imposition of additional modifications or the open space and streetscape requirements
14 Section 138 and Section 138.1 compliance, it may, after such hearing and after making
15 appropriate findings, approve, disapprove, or approve subject to conditions the building or site
16 permit or project authorization application. If the Commission determines not to conduct a
17 hearing, the Zoning Administrator shall approve the application subject to any conditions
18 imposed by the Director of Planning to which the applicant has consented.

19 (h) Mandatory Planning Commission Hearing for Hearings on Projects Over 50,000
20 Square Feet of Gross Floor Area or Over 75 Feet in Height. The ~~City~~ Planning Commission
21 shall hold a public hearing not otherwise required by this Section on all building and site
22 permit and Section 309 project authorization applications for projects which will result in a net
23 addition of more than 50,000 square feet of gross floor area of space or which will result in a
24 building that is greater than 75 feet in height. Notice of such hearing shall be mailed not less
25 than 10 days prior to the date of the hearing to the project applicant, to property owners

1 immediately adjacent to the site of the application using for this purpose the names and
2 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
3 person who has requested such notice.

4 (i) Imposition of Conditions, General. If, pursuant to the provisions of this Section,
5 the City Planning Commission determines that conditions should be imposed on the approval
6 of a building or site permit application, ~~or Section 309 project authorization application or an~~
7 ~~application for exceptions~~ and the applicant agrees to comply, the Commission may approve
8 the application subject to those conditions, and if the applicant refuses to so agree, the
9 Commission may disapprove the application.

10 (j) Change of Conditions. Authorization of a change in any condition previously
11 imposed pursuant to this Section shall require an application for a change in conditions, which
12 application shall be subject to the procedures set forth in this Section.

13 Section 21. The San Francisco Planning Code is hereby amended by amending
14 Section 311, to read as follows:

15 SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO
16 DISTRICTS.

17 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
18 building permit applications for lots in R Districts in order to determine compatibility of the
19 proposal with the neighborhood and for providing notice to property owners and residents
20 neighboring the site of the proposed project and to interested neighborhood organizations, so
21 that concerns about a project may be identified and resolved during the review of the permit.

22 (b) Applicability. Except as indicated herein, all building permit applications for
23 demolition and/or new construction, and/or alteration of residential buildings in RH, RM, and
24 RTO Districts shall be subject to the notification and review procedures required by this
25

1 Section. Subsection 311(e) regarding demolition permits and approval of replacement
2 structures shall apply to all R Districts.

3 (1) For the purposes of this Section, an alteration in RH and RM Districts shall be
4 defined as any change in use or change in the number of dwelling units of a residential
5 building, removal of more than 75 percent of a residential building's existing interior wall
6 framing or the removal of more than 75 percent of the area of the existing framing, or an
7 increase to the exterior dimensions of a residential building except those features listed in
8 Section 136(c)(1) through 136(c)(24) and 136(c)(26).

9 (2) For the purposes of this Section, an alteration in RTO Districts shall be defined
10 as a change of use described in Section 312(c) or a change in the number of dwelling units of
11 a building, removal of more than 75 percent of a building's existing interior wall framing or the
12 removal of more than 75 percent of the area of the existing framing, or an increase to the
13 exterior dimensions of a building except those features listed in Section 136(c)(1) through
14 136(c)(24) and 136(c)(26).

15 (c) Building Permit Application Review for Compliance and Notification. Upon
16 acceptance of any application subject to this Section, the Planning Department shall review
17 the proposed project for compliance with the Planning Code and any applicable design
18 guidelines approved by the Planning Commission. Applications determined not to be in
19 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential
20 Design Guidelines, including design guidelines for specific areas adopted by the Planning
21 Commission, or with any applicable conditions of previous approvals regarding the project,
22 shall be held until either the application is determined to be in compliance, is disapproved or a
23 recommendation for cancellation is sent to the Department of Building Inspection.

24 (1) Residential Design Guidelines. The construction of new residential buildings and
25 alteration of existing residential buildings in R Districts shall be consistent with the design

1 policies and guidelines of the General Plan and with the "Residential Design Guidelines" as
2 adopted and periodically amended for specific areas or conditions by the City Planning
3 Commission. The design for new buildings with residential uses in RTO Districts shall also be
4 consistent with the design standards and guidelines of the "Ground Floor Residential Units
5 Design Guidelines" as adopted and periodically amended by the Planning Commission. The
6 Planning Director may require modifications to the exterior of a proposed new residential
7 building or proposed alteration of an existing residential building in order to bring it into
8 conformity with the "Residential Design Guidelines" and with the General Plan. These
9 modifications may include, but are not limited to, changes in siting, building envelope, scale
10 texture and detailing, openings, and landscaping.

11 (2) Notification. Upon determination that an application is in compliance with the
12 development standards of the Planning Code, the Planning Department shall cause a notice
13 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
14 cause a written notice describing the proposed project to be sent in the manner described
15 below. This notice shall be in addition to any notices required by the Building Code and shall
16 have a format and content determined by the Zoning Administrator. It shall include a
17 description of the proposal compared to any existing improvements on the site with
18 dimensions of the basic features, elevations and site plan of the proposed project including
19 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic
20 reference scale. The notice shall describe the project review process and shall set forth the
21 mailing date of the notice and the expiration date of the notification period.

22 Written notice shall be mailed to the notification group which shall include the project sponsor,
23 *tenants of the subject property*, relevant neighborhood organizations as described in
24 Subparagraph 311(c)(2)(C) below, all individuals having made a written request for notification
25

1 for a specific parcel or parcels pursuant to Planning Code Section 351 and all owners and, to
2 the extent practical, occupants, of properties in the notification area.

3 (A) The notification area shall be all properties within 150 feet of the subject lot in
4 the same Assessor's Block and on the block face across from the subject lot. When the
5 subject lot is a corner lot, the notification area shall further include all property on both block
6 faces across from the subject lot, and the corner property diagonally across the street.

7 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
8 used for said notice.

9 (C) The Planning Department shall maintain a list, available for public review, of
10 neighborhood organizations which have indicated an interest in specific properties or areas.
11 The organizations having indicated an interest in the subject lot or its area shall be included in
12 the notification group for the proposed project.

13 (3) Notification Period. All building permit applications shall be held for a period of
14 30 calendar days from the date of the mailed notice to allow review by residents and owners
15 of neighboring properties and by neighborhood groups.

16 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
17 waived by the Zoning Administrator for building permit applications for projects that have
18 been, or before approval will be, the subject of a duly noticed public hearing before the
19 Planning Commission or Zoning Administrator, provided that the nature of work for which the
20 building permit application is required is both substantially included in the hearing notice and
21 is the subject of the hearing.

22 (5) Notification Package. The notification package for a project subject to notice
23 under this Section 311 shall include:
24
25

1 (A) A description of the proposal compared to any existing improvements on the site
2 with dimensions of the basic features, elevations and site plan of the proposed project
3 including exterior dimensions and finishes, and a graphic reference scale.

4 (B) Information stating whether the proposed project includes horizontal, vertical, or
5 both horizontal and vertical additions.

6 (C) Information showing the relationship of the project to adjacent properties,
7 including the position and height of any adjacent building and location of windows facing the
8 subject property.

9 (D) 11 by 17 drawings at a measurable scale with all dimensions legible that shows
10 (i) both existing and proposed floor plans, (ii) specific dimensional changes to the building,
11 including parapets, penthouses, and other proposed building extensions and (iii) the location
12 and amount of removal of exterior walls.

13 (E) Floor plans where there is a new building, building expansion, or change in the
14 floor plans of an existing building.

15 (F) The name and telephone number of the project planner at the Planning
16 Department assigned to review the application.

17 (G) A description of the project review process, information on how to obtain
18 additional information about the project, and information about the recipient's rights to request
19 additional information, to request discretionary review by the Planning Commission, and to
20 appeal to other boards or commissions.

21 (d) Requests for Planning Commission Review. A request for the Planning
22 Commission to exercise its discretionary review powers over a specific building permit
23 application shall be considered by the Planning Commission if received by the Planning
24 Department no later than 5:00 p.m. of the last day of the notification period as described
25 under Subsection (c)(3) above, subject to guidelines adopted by the Planning Commission.

1 The project sponsor of a building permit application may request discretionary review by the
2 Planning Commission to resolve conflicts between the Director of Planning and the project
3 sponsor concerning requested modifications to comply with the Residential Design
4 Guidelines.

5 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
6 requests for discretionary review by the Planning Commission within a reasonable period.

7 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
8 Commission shall be given not less than 10 days prior to the date of the hearing to the
9 notification group as described in Paragraph 311(c)(2) above. Posted notice of the hearing
10 shall be made as provided under Planning Code Section 306.8.

11 (e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
12 the building is determined to pose a serious and imminent hazard as defined in the Building
13 Code an application authorizing demolition in any R District of an historic or architecturally
14 important building or of a dwelling shall not be approved and issued until the City has granted
15 final approval of a building permit for construction of the replacement building. A building
16 permit is finally approved if the Board of Appeals has taken final action for approval on an
17 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
18 filing an appeal with the Board has lapsed with no appeal filed.

19 (1) The demolition of any building whether or not historically and architecturally
20 important may be approved administratively where the Director of the Department of Building
21 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
22 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
23 Director of the Department of Building Inspection determines that demolition or extensive
24 alteration of the structure is the only feasible means to secure the public safety.

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

6 Section 22. The San Francisco Planning Code is hereby amended by amending
7 Section 312, to read as follows:

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

14 (b) Applicability. Except as indicated herein, all building permit applications for
15 demolition, new construction, changes in use to a formula retail use as defined in Section
16 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be
17 subject to the notification and review procedures required by Subsection 312(d). Subsection
18 312(f) regarding demolition permits and approval of replacement structures shall apply to all
19 NC and Eastern Neighborhoods Mixed Use Districts. For the purposes of this Section,
20 addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and
21 136(c)(26) shall not be subject to notification under this Section.

22 (c) Changes of Use. In NC Districts, all building permit applications for a change of
23 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
24 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
25 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as

1 defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small
2 self-service restaurant, as defined in Section 790.91, a self-service specialty food use, as defined
3 in Section 790.93, a massage establishment, as defined in Section 790.60, an outdoor activity,
4 as defined in Section 790.70, an adult or other entertainment use, as defined in Sections
5 790.36 and 790.38, or a fringe financial service use, as defined in Section 790.111, shall be
6 subject to the provisions of Subsection 312(d). In all Eastern Neighborhoods Mixed Use
7 Districts all building permit applications for a change of use from any one land use category to
8 another land use category shall be subject to the provisions of Subsection 312(d). In addition,
9 any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District
10 shall be subject to the provisions of Subsection 312(d).

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

17 (d) Building Permit Application Review for Compliance and Notification. Upon
18 acceptance of any application subject to this Section, the Planning Department shall review
19 the proposed project for compliance with the Planning Code and any applicable design
20 guidelines approved by the Planning Commission. Applications determined not to be in
21 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including
22 design guidelines for specific areas adopted by the Planning Commission, or with any
23 applicable conditions of previous approvals regarding the project, shall be held until either the
24 application is determined to be in compliance, is disapproved or a recommendation for
25 cancellation is sent to the Department of Building Inspection.

1 (1) Neighborhood Commercial Design Guidelines. The construction of new
2 buildings and alteration of existing buildings in NC Districts shall be consistent with the design
3 policies and guidelines of the General Plan as adopted and periodically amended for specific
4 areas or conditions by the Planning Commission. The Director of Planning may require
5 modifications to the exterior of a proposed new building or proposed alteration of an existing
6 building in order to bring it into conformity with the General Plan. These modifications may
7 include, but are not limited to, changes in siting, building envelope, scale texture and detailing,
8 openings, and landscaping.

9 (2) Notification. Upon determination that an application is in compliance with the
10 development standards of the Planning Code, the Planning Department shall cause a notice
11 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
12 cause a written notice describing the proposed project to be sent in the manner described
13 below. This notice shall be in addition to any notices required by the Building Code and shall
14 have a format and content determined by the Zoning Administrator. It shall include a
15 description of the proposal compared to any existing improvements on the site with
16 dimensions of the basic features, elevations and site plan of the proposed project including
17 the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference
18 scale, existing and proposed uses and commercial or institutional business name, if known.
19 The notice shall describe the project review process and shall set forth the mailing date of the
20 notice and the expiration date of the notification period.
21 Written notice shall be mailed to the notification group which shall include the project sponsor,
22 tenants of the subject property, relevant neighborhood organizations as described in
23 Subparagraph 312(d)(2)(C) below, all individuals having made a written request for
24 notification for a specific parcel or parcels pursuant to Planning Code Section 351 and all
25 owners and, to the extent practical, occupants, of properties in the notification area.

1 (A) The notification area shall be all properties within 150 feet of the subject lot in
2 the same Assessor's Block and on the block face across from the subject lot. When the
3 subject lot is a corner lot, the notification area shall further include all property on both block
4 faces across from the subject lot, and the corner property diagonally across the street.

5 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
6 used for said notice.

7 (C) The Planning Department shall maintain a list, updated every six months with
8 current contact information, available for public review, and kept at the Planning Department's
9 Planning Information Counter, and reception desk, as well as the Department of Building
10 Inspection's Building Permit Counter, of neighborhood organizations which have indicated an
11 interest in specific properties or areas. The organizations having indicated an interest in the
12 subject lot or its area shall be included in the notification group for the proposed project.

13 Notice to these groups shall be verified by a declaration of mailing signed under penalty of
14 perjury. In the event that such an organization is not included in the notification group for a
15 proposed project as required under this subsection, the proposed project must be re-noticed.

16 (3) Notification Period. All building permit applications shall be held for a period of
17 30 calendar days from the date of the mailed notice to allow review by residents, occupants,
18 owners of neighboring properties and by neighborhood groups.

19 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
20 waived by the Zoning Administrator for building permit applications for projects that have
21 been, or before approval will be, the subject of a duly noticed public hearing before the
22 Planning Commission or Zoning Administrator, provided that the nature of work for which the
23 building permit application is required is both substantially included in the hearing notice and
24 is the subject of the hearing.
25

1 (e) Requests for Planning Commission Review. A request for the Planning
2 Commission to exercise its discretionary review powers over a specific building permit
3 application shall be considered by the Planning Commission if received by the Planning
4 Department no later than 5:00 p.m. of the last day of the notification period as described
5 under Subsection (d)(3) above, subject to guidelines adopted by the Planning Commission.
6 The project sponsor of a building permit application may request discretionary review by the
7 Planning Commission to resolve conflicts between the Director of Planning and the project
8 sponsor concerning requested modifications to comply with relevant design guidelines of the
9 General Plan.

10 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
11 requests for discretionary review by the Planning Commission within a reasonable period.

12 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
13 Commission shall be given not less than 10 days prior to the date of the hearing to the
14 notification group as described in Paragraph 312(d)(2) above. Posted notice of the hearing
15 shall be made as provided under Planning Code Section 306.8.

16 (f) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
17 the building is determined to pose a serious and imminent hazard as defined in the Building
18 Code an application authorizing demolition in any NC or Eastern Neighborhoods Mixed Use
19 District of an historic or architecturally important building or of a dwelling shall not be approved
20 and issued until the City has granted final approval of a building permit for construction of the
21 replacement building. A building permit is finally approved if the Board of Appeals has taken
22 final action for approval on an appeal of the issuance or denial of the permit or if the permit
23 has been issued and the time for filing an appeal with the Board has lapsed with no appeal
24 filed.

1 (1) The demolition of any building whether or not historically and architecturally
2 important may be approved administratively where the Director of the Department of Building
3 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
4 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
5 Director of the Department of Building Inspection determines that demolition or extensive
6 alteration of the structure is the only feasible means to secure the public safety.

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

12 Section 23. The San Francisco Planning Code is hereby amended by amending
13 Section 317, to read as follows:

14 SEC. 317. Loss of Dwelling Units through Merger, Conversion, and Demolition.

15 (a) Findings. San Francisco faces a continuing shortage of affordable housing.
16 There is a high ratio of rental to ownership tenure among the City's residents. The General
17 Plan recognizes that existing housing is the greatest stock of rental and financially accessible
18 residential units, and is a resource in need of protection. Therefore, a public hearing will be
19 held prior to approval of any permit that would remove existing housing, with certain
20 exceptions, as described below. The Planning Commission shall develop a Code
21 Implementation Document setting forth procedures and regulations for the implementation of
22 this Section 317 as provided further below. The Zoning Administrator shall modify economic
23 criteria related to property values and construction costs in the Implementation Document as
24 warranted by changing economic conditions to meet the intent of this Section.
25

1 (b) Definitions. For the purposes of this Section 317, the terms below shall be
2 defined as follows:

3 (1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
4 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),
5 or the change of use (as defined and regulated by the Planning Code), of any Residential Unit
6 to a non-residential use.

7 (2) "Demolition of Residential Buildings" shall mean any of the following:

8 (A) Any work on a Residential Building for which the Department of Building
9 Inspection determines that an application for a demolition permit is required, or

10 (B) A major alteration of a Residential Building that proposes the Removal of more
11 than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of
12 more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level,
13 or

14 (C) A major alteration of a Residential Building that proposes the Removal of more
15 than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of
16 the existing building, as measured in square feet of actual surface area.

17 (D) The Planning Commission may reduce the above numerical elements of the
18 criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that
19 adjustment is necessary to implement the intent of this Section 317, to conserve existing
20 sound housing and preserve affordable housing.

21 (3) "Facade" shall mean an entire exterior wall assembly, including but not limited to
22 all finishes and siding, fenestration, doors, recesses, openings, bays, parapets, sheathing and
23 framing.

24 (4) "Front Facade" shall mean the portion of the Facade fronting a right-of-way, or
25 the portion of the Facade most closely complying with that definition, as in the case of a flag

1 lot. Where a lot has more than one frontage on rights-of-way. all such frontages shall be
2 considered Front Facades except where a facade meets the definition of "Rear Facade."

3 (5) "Horizontal Elements" shall mean all roof areas and all floor plates, except floor
4 plates at or below grade.

5 (6) "Mandatory Discretionary Review" shall mean a hearing before the Planning
6 Commission that is required by this Section 317 at which the Commission will determine
7 whether to approve, modify or disapprove a permit application.

8 (7) "Merger" shall mean the combining of two or more legal Residential Units,
9 resulting in a decrease in the number of Residential Units within a building, or the
10 enlargement of one or more existing units while substantially reducing the size of others by
11 more than 25% of their original floor area, even if the number of units is not reduced. The
12 Planning Commission may reduce the numerical element of this criterion by up to 20% of its
13 value should it deem that adjustment is necessary to implement the intent of this Section 317,
14 to conserve existing housing and preserve affordable housing.

15 (8) "Rear Facade" shall mean that portion of the Facade facing the part of a lot that
16 most closely complies with the applicable Planning Code rear yard requirements.

17 (9) "Removal" shall mean, with reference to a wall, roof or floor structure, its
18 dismantling, its relocation or its alteration of the exterior function by construction of a new
19 building element exterior to it. Where a portion of an exterior wall is removed, any remaining
20 wall with a height less than the Building Code requirement for legal head room shall be
21 considered demolished. Where exterior elements of a building are removed and replaced for
22 repair or maintenance, in like materials, with no increase in the extent of the element or
23 volume of the building, such replacement shall not be considered Removal for the purposes of
24 this Section. The foregoing does not supersede any requirements for or restrictions on
25 noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

1 (10) "Removal" shall mean, with reference to a Residential Unit, its Conversion,
2 Demolition, or Merger.

3 (11) "Residential Building" shall be mean any structure containing one or more
4 Residential Units as a principal use, regardless of any other uses present in the building.

5 (12) "Residential Unit" shall mean a legal conforming or non-conforming dwelling unit
6 as defined in Planning Code Section 102.7, or a legal non-conforming Live/Work Unit as
7 defined in Planning Code Section 102.13.

8 (13) "Vertical Envelope Elements" shall mean all exterior walls that provide weather
9 and thermal barriers between the interior and exterior of the building, or that provide structural
10 support to other elements of the building envelope.

11 (c) Applicability. Where an application for a permit that would result in the loss of
12 one or more Residential Units is required to obtain Conditional Use authorization by other
13 sections of this Code, the application for a replacement building or alteration permit shall also
14 be subject to Conditional Use requirements. Any application for a permit that would result in
15 the loss or Removal of three or more Residential Units, notwithstanding any other sections of
16 this Code, shall require a Conditional Use authorization for the Removal and replacement of
17 the units. Approval of any other application that would result in the loss or Removal of up to
18 two Residential Units is prohibited unless the Planning Commission approves such permit
19 application and the replacement structure permit application at a Mandatory Discretionary
20 Review hearing, with certain exceptions specified below.

21 (d) Loss of Residential Units Through Demolitions.

22 (1) No permit to Demolish a Residential Building in any zoning district shall be
23 issued until a building permit for the replacement structure is finally approved, unless the
24 building is determined to pose a serious and imminent hazard as defined in the Building Code.
25 A building permit is finally approved if the Board of Appeals has taken final action for approval

1 on an appeal of the issuance or denial of the permit or if the permit has been issued and the
2 time for filing an appeal with the Board of Appeal has lapsed with no appeal filed.

3 (2) If Conditional Use authorization is required for approval of the permit to
4 Demolish a Residential Building by other sections of this Code, the Commission shall consider
5 the replacement structure as part of its decision on the Conditional Use application. If
6 Conditional Use authorization is required for the replacement structure by other sections of
7 this Code, the Commission shall consider the demolition as part of its decision on the
8 Conditional Use application. In either case, Mandatory Discretionary Review is not required,
9 although the Commission shall apply appropriate criteria adopted under this Section 317 in
10 addition to the criteria in Section 303 of the Planning Code in its consideration of Conditional
11 Use authorization. If neither permit application is subject to Conditional Use authorization,
12 then separate Mandatory Discretion Review cases shall be heard to consider the permit
13 applications for the demolition and the replacement structure.

14 (3) For those applications to Demolish a Residential Building in districts that require
15 Mandatory Discretionary Review, administrative review criteria shall ensure that only
16 applications to demolish Single-Family Residential Buildings that are demonstrably not
17 affordable or financially accessible housing, or Residential Buildings of two units or fewer that
18 are found to be unsound housing, are exempt from Mandatory Discretionary Review hearings.
19 Specific numerical criteria for such analyses shall be adopted by the Planning Commission in
20 the Code Implementation Document, in accordance with this Section 317, and shall be
21 adjusted periodically by the Zoning Administrator based on established economic real estate
22 and construction indicators.

23 (A) The Planning Commission shall determine a level of affordability or financial
24 accessibility, such that Single-Family Residential Buildings on sites in RH-1 Districts that are
25 demonstrably not affordable or financially accessible, that is, housing that has a value greater

1 than at least 80% of the combined land and structure values of single-family homes in San
2 Francisco as determined by a credible appraisal, made within six months of the application to
3 demolish, are not subject to a Mandatory Discretionary Review hearing. The demolition and
4 replacement building applications shall undergo notification as required by other sections of
5 this Code. The Planning Commission, in the Code Implementation Document, may increase
6 the numerical criterion in this subsection by up to 10% of its value should it deem that
7 adjustment is necessary to implement the intent of this Section 317, to conserve existing
8 housing and preserve affordable housing.

9 (B) The Planning Commission, in the Code Implementation Document, shall adopt
10 criteria and procedures for determining the soundness of a structure proposed for demolition,
11 where "soundness" is an economic measure of the feasibility of upgrading a residence that is
12 deficient with respect to habitability and Housing Code requirements, due to its original
13 construction. The "soundness factor" for a structure shall be the ratio of a construction
14 upgrade cost (i.e., an estimate of the cost to repair specific habitability deficiencies) to the
15 replacement cost (i.e., an estimate of the current cost of building a structure the same size as
16 the existing building proposed for demolition), expressed as a percent. A building is unsound if
17 its soundness factor exceeds 50%. A Residential Building that is unsound may be approved
18 for demolition.

19 (C) The Planning Commission shall consider the following additional criteria in the
20 review of applications to demolish Residential Buildings:

- 21 (i) whether the property is free of a history of serious, continuing Code violations;
- 22 (ii) whether the housing has been maintained in a decent, safe, and sanitary
23 condition;
- 24 (iii) whether the property is an "historical resource" under CEQA;
- 25

1 (iv) whether the removal of the resource will have a substantial adverse impact
2 under CEQA;

3 (v) whether the project converts rental housing to other forms of tenure or
4 occupancy;

5 (vi) whether the project removes rental units subject to the Rent Stabilization and
6 Arbitration Ordinance;

7 (vii) whether the project conserves existing housing to preserve cultural and
8 economic neighborhood diversity;

9 (viii) whether the project conserves neighborhood character to preserve
10 neighborhood cultural and economic diversity;

11 (ix) whether the project protects the relative affordability of existing housing;

12 (x) whether the project increases the number of permanently affordable units as
13 governed by Section 315;

14 (xi) whether the project locates in-fill housing on appropriate sites in established
15 neighborhoods;

16 (xii) whether the project creates Quality, new family housing;

17 (xiii) whether the project creates new supportive housing;

18 (xiv) whether the project promotes construction of well-designed housing to enhance
19 existing neighborhood character;

20 (xv) whether the project increases the number of on-site dwelling units;

21 (xvi) whether the project increases the number of on-site bedrooms.

22 (4) Nothing in this Section is intended to permit the Demolition of Residential
23 Buildings in those areas of the City where other sections of this Code prohibit such demolition
24 or replacement structure.
25

1 (5) Nothing in this Section is intended to exempt buildings or sites where demolition
2 is proposed from undergoing review with respect to Articles 10 and 11 of the Code, where the
3 requirements of those articles apply. Notwithstanding the definition of "Demolition of
4 Residential Buildings" in this section and as further described in the Code Implementation
5 Document with regard to the loss of Residential Units, the criteria of Section 1005 shall apply
6 to projects subject to review under the requirements of Article 10 with regard to the structure
7 itself.

8 (e) Loss of Residential Units Through Merger.

9 (1) The Merger of Residential Units not otherwise subject to Conditional Use
10 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
11 building permit application at a Mandatory Discretionary Review hearing, applying criteria in
12 subsection (2) below, or the project qualifies for administrative approval and the Planning
13 Department approves the project administratively in accordance with subsections (3) ~~and~~ or
14 (4) below.

15 (2) The Planning Commission shall consider these criteria in the review of
16 applications to merge Residential Units:

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

19 (ii) whether removal of the unit(s) and the merger with another is intended for owner
20 occupancy;

21 (iii) whether removal of the unit(s) will bring the building closer into conformance
22 with the prevailing density in its immediate area and in the same zoning district;

23 (iv) whether removal of the unit(s) will bring the building closer into conformance
24 with prescribed zoning;

25

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

3 (3) Administrative review criteria shall ensure that only those Residential Units
4 proposed for Merger that are demonstrably not affordable or financially accessible housing
5 are exempt from Mandatory Discretionary Review hearings. Applications for which the least
6 expensive unit proposed for merger has a value greater than at least 80% of the combined
7 land and structure values of single-family homes in San Francisco, as determined by a
8 credible appraisal, made within six months of the application to merge, are not subject to a
9 Mandatory Discretionary Review hearing. The Planning Commission, in the Code
10 Implementation Document, may increase the numerical criterion in this subsection by up to
11 10% of its value should it deem that adjustment is necessary to implement the intent of this
12 Section 317, to conserve existing housing and preserve affordable housing.

13 (4) Projects that meet a supermajority of the merger criteria, in subsection (d)(2)
14 above, may be approved administratively by the Planning Department, consistent with this
15 Section 317.

16 (f) Loss of Residential Units Through Conversion.

17 (1) Conversion of Residential Units not otherwise subject to Conditional Use
18 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
19 building permit application at a Mandatory Discretionary Review hearing.

20 (2) The Planning Commission shall consider these criteria in the review of
21 applications for Conversion of Residential Units;

22 (i) whether conversion of the unit(s) would eliminate only owner occupied housing,
23 and if so, for how long the unit(s) proposed to be removed were owner occupied;

24 (ii) whether conversion of the unit(s) would provide desirable new non-residential
25 use(s) appropriate for the neighborhood and adjoining district(s);

1 (iii) whether conversion of the unit(s) will bring the building closer into
2 conformance with the prevailing character of its immediate area and in the same zoning
3 district;

4 (iv) whether conversion of the unit(s) will be detrimental to the City's housing stock;

5 (v) whether conversion of the unit(s) is necessary to eliminate design, functional, or
6 habitability deficiencies that cannot otherwise be corrected.

7 (g) This Section 317 Shall Not Apply to Property:

8 (1) Owned by the United States or any of its agencies;

9 (2) Owned by the State of California or any of its agencies, with the exception of
10 such property not used exclusively for a governmental purpose;

11 (3) Under the jurisdiction of the Port of San Francisco or the San Francisco
12 Redevelopment Agency where the application of this ordinance is prohibited by State or local
13 law; or

14 (4) Where demolition of the building or Removal of a Residential Unit is necessary
15 to comply with a court order or City order that directs the owner to demolish the building or
16 remove the unit, due to conditions that present an imminent threat to life safety.

17 Section 24. The San Francisco Planning Code is hereby amended by amending
18 Section 602.25, to read as follows:

19 SEC. 602.25. HISTORIC MOVIE THEATER PROJECTING SIGN.

20 A projecting business sign attached to a Qualified Movie Theater, as defined in Section
21 188(e)(1), when such sign was originally constructed in association with the Qualified Movie
22 Theater or similar historic use. Such signs are typically characterized by (i) perpendicularity to
23 the primary facade of the building, (ii) fixed display of the name of the establishment, often in
24 large lettering descending vertically throughout the length of the sign; (iii) a narrow width that
25 extends for a majority of the vertical distance of a building's facade, typically terminating at or

1 slightly above the roofline, and (iv) an overall scale and nature such that the sign comprises a
2 significant and character defining architectural feature of the building to which it is attached.
3 Elimination or change of any lettering or other inscription from a movie theater projecting sign,
4 such as that which may occur with a change of ownership, change of use, or closure does not
5 preclude classification of the sign under this Section. For specific controls on the preservation,
6 rehabilitation, or restoration of these signs, refer to Section 188(e) of this Code.

7 Section 25. The San Francisco Planning Code is hereby amended by amending
8 Section 602.26, to read as follows:

9 SEC. 602.26. HISTORIC MOVIE THEATER MARQUEE.

10 A marquee, as defined in Section 790.58, attached to a Qualified Movie Theater, as defined in
11 Section 188(e)(1), when such marquee was originally constructed in association with a movie
12 theater or similar historic use. Elimination or change of any lettering or other inscription from a
13 movie theater marquee, such as that which may occur with a change of ownership, change of
14 use or closure, does not preclude classification of the marquee under this Section. For
15 specific controls on the preservation, rehabilitation, or restoration of these signs, refer to Section
16 188(e) of this Code.

17 Section 26. The San Francisco Planning Code is hereby amended by amending
18 Section 607.1, to read as follows:

19 SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.

20 Signs located in Neighborhood Commercial Districts shall be regulated as provided herein,
21 except for those signs which are exempted by Section 603 of this Code. In the event of
22 conflict between the provisions of Section 607.1 and other provisions of Article 6, the
23 provisions of Section 607.1 shall prevail in Neighborhood Commercial Districts, provided that
24 with respect to properties also located in the Upper Market Special Sign District, the
25 provisions of Section 608.10 of this Code shall prevail.

1 (a) Purposes and Findings. In addition to the purposes stated in Sections 101 and
2 601 of this Code, the following purposes apply to Neighborhood Commercial Districts. These
3 purposes constitute findings that form a basis for regulations and provide guidance for their
4 application.

5 (1) As Neighborhood Commercial Districts change, they need to maintain their
6 attractiveness to customers and potential new businesses alike. Physical amenities and a
7 pleasant appearance will profit both existing and new enterprises.

8 (2) The character of signs and other features projecting from buildings is an
9 important part of the visual appeal of a street and the general quality and economic stability of
10 the area. Opportunities exist to relate these signs and projections more effectively to street
11 design and building design. These regulations establish a framework that will contribute
12 toward a coherent appearance of Neighborhood Commercial Districts.

13 (3) Neighborhood Commercial Districts are typically mixed use areas with
14 commercial units on the ground or lower stories and residential uses on upper stories.
15 Although signs and other advertising devices are essential to a vital commercial district, they
16 should not be allowed to interfere with or diminish the livability of residential units within a
17 Neighborhood Commercial District or in adjacent residential districts.

18 (4) The scale of most Neighborhood Commercial Districts as characterized by
19 building height, bulk, and appearance, and the width of streets and sidewalks differs from that
20 of other commercial and industrial districts. Sign sizes should relate and be compatible with
21 the surrounding district scale.

22 (b) Signs or Sign Features Not Permitted in NC Districts. Roof signs as defined in
23 Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code, and signs
24 on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC Districts. No
25 sign shall have or consist of any moving, rotating, or otherwise physically animated part, or

lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

(c) Identifying Signs. Identifying signs, as defined in Section 602.10, shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an NC District shall be considered a business sign and subject to Section 607.1(f) of this Code. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) Nameplates. One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in NC Districts.

(e) General Advertising Signs. General advertising signs, as defined in Section 602.7, shall be permitted in Neighborhood Commercial Districts, except in the Inner Sunset Neighborhood Commercial District where they are not permitted, as provided for below. In NC Districts where such signs are permitted, general advertising signs may be either a wall sign

1 or freestanding, provided that the surface of any freestanding sign shall be parallel to and
2 within three feet of an adjacent building wall. In either case, the building wall shall form a
3 complete backdrop for the sign, as the sign is viewed from all points from a street or alley from
4 which it is legible. No general advertising sign shall be permitted to cover part or all of any
5 windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be
6 included in the calculation of the sign, as defined in Section 602.1(a) of this Code.

7 (1) NC-2, NCT-2, and NC-S Districts. No more than one general advertising sign
8 shall be permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72
9 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or
10 indirectly illuminated.

11 (2) NC-3, NCT-3, and Broadway Districts. No more than one general advertising
12 sign not exceeding 300 square feet or two general advertising signs of 72 square feet each
13 shall be permitted per lot. The height of any such sign shall not exceed 24 feet, or the height
14 of the wall to which it is attached, or the height of the lowest of any residential windowsills on
15 the wall to which it is attached, whichever is lower, if a wall sign, or the adjacent wall or the top
16 of the adjacent wall if a freestanding sign, whichever is lower.

17 (A) NC-3 and NCT-3 Districts. Signs may be either nonilluminated or indirectly
18 illuminated.

19 (f) Business Signs. Business signs, as defined in Section 602.3 shall be permitted
20 in all Neighborhood Commercial Districts subject to the limits set forth below.

21 (1) NC-1 and NCT-1 Districts.

22 (A) Window Signs. The total area of all window signs, as defined in Section
23 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located.
24 Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.
25

1 (B) Wall Signs. The area of all wall signs shall not exceed one square foot per
2 square foot of street frontage occupied by the business measured along the wall to which the
3 signs are attached, or 50 square feet for each street frontage, whichever is less. The height of
4 any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such
5 signs may be nonilluminated or indirectly illuminated; or during business hours, may be
6 directly illuminated.

7 (C) Projecting Signs. The number of projecting signs shall not exceed one per
8 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
9 feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is
10 attached. No part of the sign shall project more than 75 percent of the horizontal distance from
11 the street property line to the curblineline, or six feet six inches, whichever is less. The sign may
12 be nonilluminated or indirectly illuminated, or during business hours, may be directly
13 illuminated.

14 (D) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of
15 wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c)
16 shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly
17 illuminated.

18 (2) NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street, Outer
19 Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough, Upper
20 Market Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street, Sacramento Street,
21 SoMa, Union Street, Valencia Street, 24th Street-Mission, 24th Street—Noe Valley, and West
22 Portal Avenue Neighborhood Commercial Districts.

23 (A) Window Signs. The total area of all window signs, as defined in Section
24 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located.
25 Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

1 (B) Wall Signs. The area of all wall signs shall not exceed two square feet per foot
2 of street frontage occupied by the use measured along the wall to which the signs are
3 attached, or 100 square feet for each street frontage, whichever is less. The height of any wall
4 sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of
5 the lowest of any residential windowsill on the wall to which the sign is attached, whichever is
6 lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

7 (C) Projecting Signs. The number of projecting signs shall not exceed one per
8 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
9 feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is
10 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
11 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
12 horizontal distance from the street property line to the curblin, or six feet six inches,
13 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
14 business hours, may be directly illuminated.

15 (D) Signs on Awnings and Marquees. Sign copy may be located on permitted
16 awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in
17 Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or
18 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
19 entertainment may be directly illuminated during business hours.

20 (E) Freestanding Signs and Sign Towers. With the exception of automotive gas and
21 service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or
22 sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are
23 recessed from the street property line. The existence of a freestanding business sign shall
24 preclude the erection of a freestanding identifying sign on the same lot. The area of such
25 freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square

1 feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than
2 75 percent of the horizontal distance from the street property line to the curblineline, or six feet,
3 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
4 business hours, may be directly illuminated.

5 (3) Mission Street NCT. NC-3, and NCT-3 Neighborhood Commercial Districts.

6 (A) Window Signs. The total area of all window signs, as defined in Section
7 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located.
8 Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

9 (B) Wall Signs. The area of all wall signs shall not exceed three square feet per foot
10 of street frontage occupied by the use measured along the wall to which the signs are
11 attached, or 150 square feet for each street frontage, whichever is less. The height of any wall
12 sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of
13 the lowest of any residential windowsill on the wall to which the sign is attached, whichever is
14 lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

15 (C) Projecting Signs. The number of projecting signs shall not exceed one per
16 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square
17 feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is
18 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
19 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
20 horizontal distance from the street property line to the curblineline, or six feet six inches,
21 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

22 (D) Sign Copy on Awnings and Marquees. Sign copy may be located on permitted
23 awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in
24 Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or
25

1 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
2 entertainment may be directly illuminated during business hours.

3 (E) Freestanding Signs and Sign Towers. With the exception of automotive gas and
4 service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one
5 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the
6 building or buildings are recessed from the street property line. The existence of a
7 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
8 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
9 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the
10 sign shall project more than 75 percent of the horizontal distance from the street property line
11 to the curblin, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
12 illuminated, or during business hours, may be directly illuminated.

13 (4) Special Standards for Automotive Gas and Service Stations. For automotive gas
14 and service stations in Neighborhood Commercial Districts, only the following signs are
15 permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this
16 Section 607.1.

17 (A) A maximum of two oil company signs, which shall not extend more than 10 feet
18 above the roofline if attached to a building, or exceed the maximum height permitted for
19 freestanding signs in the same district if freestanding. The area of any such sign shall not
20 exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that
21 are within 10 feet of the street property line shall not exceed 80 square feet in area. No such
22 sign shall project more than five feet beyond any street property line. The areas of other
23 permanent and temporary signs as covered in Subparagraph (B) below shall not be included
24 in the calculation of the areas specified in this Subparagraph.

25

1 (B) Other permanent and temporary business signs, not to exceed 30 square feet in
2 area for each such sign or a total of 180 square feet for all such signs on the premises. No
3 such sign shall extend above the roofline if attached to a building, or in any case project
4 beyond any street property line or building setback line.

5 (g) Temporary Signs. One temporary nonilluminated or indirectly illuminated sale or
6 lease sign or nonilluminated sign of persons and firms connected with work on buildings under
7 actual construction or alteration, giving their names and information pertinent to the project
8 per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all
9 regulations of Subsection 607.1(f) for business signs in the respective NC District in which the
10 sign is to be located. All temporary signs shall be promptly removed upon completion of the
11 activity to which they pertain.

12 (h) Special Sign Districts. Additional controls apply to certain Neighborhood
13 Commercial Districts that are designated as Special Sign Districts. Special Sign Districts are
14 described within Sections 608.1 through 608.11 of this Code and with the exception of
15 Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided
16 on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

17 (i) Restrictions on Illumination. Signs in Neighborhood Commercial Districts shall not
18 have nor consist of any flashing, blinking, fluctuating or otherwise animated light except those
19 moving or rotating or otherwise physically animated parts used for rotation of barber poles and
20 the indication of time of day and temperature, and in the following special districts, all
21 specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the
22 Zoning Map of the City and County of San Francisco.

23 (1) Broadway Neighborhood Commercial District. Along the main commercial
24 frontage of Broadway between west of Columbus Avenue and Osgood Place.

25

1 (2) NC-3. NC-3 District along Lombard Street from Van Ness Avenue to Broderick
2 Street.

3 (3) Notwithstanding the type of signs permissible under subparagraph (i), a video
4 sign is prohibited in the districts described in subparagraphs (1) and (2).

5 (j) Other Sign Requirements. Within Neighborhood Commercial Districts, the
6 following additional requirements shall apply:

7 (1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk,
8 public plaza or right-of-way, or in any portion of a transit system, except such projecting signs
9 as are otherwise permitted by this Code and signs, structures, and features as are specifically
10 approved by the appropriate public authorities under applicable laws and regulations not
11 inconsistent with this Code and under such conditions as may be imposed by such authorities.

12 (2) Maintenance. Every sign pertaining to an active establishment shall be
13 adequately maintained in its appearance. When the activity for which the business sign has
14 been posted has ceased operation for more than 90 days within the Chinatown Mixed Use
15 Districts, all signs pertaining to that business activity shall be removed after that time.

16 (3) Temporary Signs. The provisions of Section 607.1(g) of this Code shall apply.

17 (4) Special Standards for Automotive Gas and Service Stations. The provisions of
18 Section 607.1(f)(4) of this Code shall apply.

19 Section 27. The San Francisco Planning Code is hereby amended by amending
20 Section 702.2, to read as follows:

21 SEC. 702.2. NEIGHBORHOOD COMMERCIAL SPECIAL USE DISTRICTS.

22 In addition to the Neighborhood Commercial Use Districts established by Section 702.1
23 of this Code, certain Neighborhood Commercial Special Use Districts are established for the
24 purpose of controlling changes in use and new development within sensitive neighborhood
25 areas.

1 The purposes and provisions set forth in Section 780.1 of this Code shall apply within
 2 these districts. The boundaries of the districts are as shown on the Zoning Map as referred to
 3 in Sections 105 and 106 of this Code, subject to the provisions of that Section.

4 Neighborhood Commercial Section	
5 Special Use Districts Number	
6 Lakeshore Plaza Special Use District	§ 780.1
7 <i>Bayshore-Hester Special Use District</i>	<i>§ 780.2</i>
8 <i>North Beach Special Use District</i>	<i>§ 780.3</i>
9 <i>Mission-Harrison Special Use District</i>	<i>§780.4</i>

10
 11 Section 28. The San Francisco Planning Code is hereby amended by amending
 12 Section 702.3, to read as follows:

13 SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.

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

18 The purposes and provisions set forth in Section 781.1 through 781.6 of this Code shall
 19 apply respectively within these districts. The boundaries of the districts are as shown on the
 20 Zoning Map as referred to in Section 105 of this Code, subject to the provisions of that
 21 Section.

22 Neighborhood Commercial	Section
23 Restricted Use Subdistricts	Number

1	Taraval Street Restaurant and	§ 781.1
2	Fast-Food Subdistrict	
3	Irving Street Restaurant and	§ 781.2
4	Fast-Food Subdistrict	
5	Ocean Avenue Fast-Food Subdistrict	§ 781.3
6	Geary Boulevard Fast-Food	§ 781.4
7	Subdistrict	
8	Mission Street Fast-Food Subdistrict	§ 781.5
9	North Beach Financial Service, <i>Limited</i>	§ 781.6
10	<i>Financial Service, and Business or</i>	
11	<i>Professional Service</i>	
12	Subdistrict	
13	Chestnut Street Financial	§ 781.7
14	<i>Haight Street Alcohol Restricted Use District</i>	§ 781.9
15	<i>Divisadero Street Alcohol Restricted Use</i>	§ 783
16	<i>District</i>	
17	<i>Lower Haight Street Alcohol Restricted Use</i>	§ 784
18	<i>District</i>	
19	<i>Excelsior Alcohol Special Use District</i>	§ 785
20	<i>Lower Haight Tobacco Paraphernalia</i>	§ 786
21	<i>Restricted Use District</i>	

22 Section 29. The San Francisco Planning Code is hereby amended by amending
23 Section 702.4, to read as follows:

24 SEC. 702.4 SPECIAL USE DISTRICTS.
25

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

6
 7 Section

8 Special Use Districts Number

9 <i>Garment Shop Special Use District</i>	§ 236
10 Fringe Financial Service Restricted Use	§ 249.35
11 District	
12 <u><i>Third Street Special Use District</i></u>	<u>§249.14</u>
13 <u><i>Mission Alcohol Restricted Use District</i></u>	<u>§ 249.60 (formerly 781.8)</u>
14 <u><i>17th – Rhode Island Street Special Use District</i></u>	<u>§ 249.61 (formerly 781.10)</u>
15 <u><i>Third Street Alcohol Restricted Use District</i></u>	<u>§ 249.62 (formerly 782)</u>
16 <u><i>Geary Boulevard/Divisadero Street Special</i></u>	<u>§ 249.13</u>
17 <u><i>Use District</i></u>	
18 <u><i>California Street & Presidio Avenue</i></u>	<u>§ 249.21</u>
19 <u><i>Community Central Special Use District</i></u>	
20 <u><i>Japantown Special Use District</i></u>	<u>§ 249.31</u>
21 <u><i>Fulton Street Grocery Store Special Use</i></u>	<u>§ 249.35</u>
22 <u><i>District</i></u>	
23 <u><i>Upper Market Special Sign District</i></u>	<u>§608.10</u>

24
 25 Section 30. The San Francisco Planning Code is hereby amended by amending the

1 Table at Section 703.2, to read as follows:

2 SEC. 703.2 USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

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

7 (a) Use Categories. The uses, functions, or activities, which are permitted in each
8 Neighborhood Commercial District class include those listed below by zoning control category
9 and number and cross-referenced to the Code Section containing the definition.

10	Section		
11	Zoning Control Number		
12	Categories of Use		
13	No.	for Uses Definition	
14	.24	Outdoor Activity Area	§ 790.70
15	.25	Drive-Up Facility	§ 790.30
16	.26	Walk-Up Facility	§ 790.140
17	.27	Hours of Operation	§ 790.48
18	.38	Residential	§ 790.84
19		Conversion	
20	.39	Residential Demolition	§ 790.86
21	.40	Other Retail Sales and Services	§ 790.102
22			
23			
24			
25			

1	.41	Bar	§ 790.22
2	.42	Full-Service	§ 790.92
3		Restaurant	
4	.43	Large Fast-Food	§ 790.90
5		Restaurant	
6	.44	Small Self-Service	§ 790.91
7		Restaurant	
8	.45	Liquor Store	§ 790.55
9	.46	Movie Theater	§ 790.64
10	.47	Adult Entertainment	§ 790.36
11	.48	Other Entertainment	§ 790.38
12	.49	Financial Service	§ 790.110
13	.50	Limited Financial	§ 790.112
14		Service	
15	.51	Medical Service	§ 790.114
16	.52	Personal Service	§ 790.116
17	.53	Business or	§ 790.108
18		Professional Service	
19	.54	Massage	§ 790.60
20		Establishment	
21	.55	Tourist Hotel	§ 790.46
22	.56	Automobile Parking	§ 790.8

1	.57	Automotive Gas	§ 790.14
2		Station	
3	.58	Automotive Service	§ 790.17
4		Station	
5	.59	Automotive Repair	§ 790.15
6	.60	Automotive Wash	§ 790.18
7			
8	.61	Automobile Sale or	§ 790.12
9		Rental	
10	.62	Animal Hospital	§ 790.6
11	.63	Ambulance Service	§ 790.2
12	.64	Mortuary	§ 790.62
13	.65	Trade Shop	§ 790.124
14	.66	Storage	§ 790.117
15	.67	Video Store	§ 790.135
16	.68	Fringe Financial	§ 790.111
17		Service	
18			
19	<u>.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>
20		<u>Establishment</u>	
21	.69A	Self-Service Specialty	§ 790.93
22		Food	
23			
24	<u>.69B</u>	<u>Amusement Game</u>	<u>§ 790.04</u>
25		<u>Arcade (Mechanical</u>	

1		<i>Amusement Devices)</i>	
2	.70	Administrative Service	§ 790.106
3	.80	Hospital or Medical	§ 790.44
4		Center	
5	.81	Other Institutions,	§ 790.50
6		Large	
7	.82	Other Institutions,	§ 790.51
8		Small	
9	.83	Public Use	§ 790.80
10	.84	Medical Cannabis	§ 790.141
11		Dispensary	
12	<u>.85</u>	<i>Service, Philanthropic</i>	<u>§ 790.107</u>
13		<i>Administrative</i>	
14	.90	Residential Use	§ 790.88
15	.95	Community	§ 790.10
16		Residential Parking	

19 (b) Use Limitations. The uses permitted in Neighborhood Commercial Districts are
20 either principal, conditional, accessory, or temporary uses as stated in this Section, and
21 include those uses set forth or summarized and cross-referenced in the zoning control
22 categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each
23 district class.

24 (1) Permitted Uses. All permitted uses shall be conducted within an enclosed
25 building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this

Code. Exceptions from this requirement are: uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street parking and loading and other uses listed below which function primarily as open-air uses, or which may be appropriate if located on an open lot, outside a building, or within a partially enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

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

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

(A) Principal Uses. Principal uses are permitted as of right in a Neighborhood Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for each district class.

(B) Conditional Uses. Conditional uses are permitted in a Neighborhood Commercial District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in Sections 710.10 through 729.95. Conditional uses

1 are subject to the provisions set forth in Sections 178, 179, 303, and 316 through 316.8 of this
2 Code.

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

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

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

13 (C) Accessory Uses. Except as prohibited in Section 728 and subject to the
14 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and
15 NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and
16 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the
17 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
18 and subordinate to any such use, shall be permitted as an accessory use when located on the
19 same lot. Any use which does not qualify as an accessory use shall be classified as a
20 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
21 205.2 of this Code.

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

24 (i) The use of more than 1/3 of the total floor area occupied by such use and the
25 principal or conditional use to which it is accessory, except in the case of accessory off-street

1 parking and loading;

2 (ii) Any bar, restaurant, other entertainment, or any retail establishment which
3 serves liquor for consumption on-site;

4 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out food
5 use which occupies ~~100~~ 1/3 of the total floor area or up to 500 s/f whichever is more restrictive ~~or~~
6 less in a general grocery or specialty grocery store, ;- This take-out food use includes the area
7 devoted to food preparation and service and excludes storage and waiting areas;

8 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out food
9 use operating as a minor and incidental use within a full-service restaurant;

10 premises of an establishment which does not also use or provide for primarily retail
11 sale of such foods, goods or commodities at the same location where such wholesaling,
12 manufacturing or processing takes place.

13 (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine,
14 and/or liquor sales for the consumption off the premises with a State of California Alcoholic
15 Beverage Control ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale
16 general) which occupy less than 15% of the gross square footage of the establishment
17 (including all areas devoted to the display and sale of alcoholic beverages) in a general
18 grocery store, specialty grocery store, or self-service specialty food use.

19 (vii) Medical Cannabis Dispensaries as defined in 790.141.

20 The foregoing rules shall not prohibit take-out food activity which operates in
21 conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a
22 self-service restaurant, by definition, includes take-out food as an accessory and necessary
23 part of its operation.

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

1 (2) Not Permitted Uses.

2 (A) Uses which are not specifically listed in this Article are not permitted unless they
3 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
4 determined by the Zoning Administrator to be permitted uses in accordance with Section
5 307(a) of this Code.

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

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

14 Section 31. The San Francisco Planning Code is hereby amended by amending
15 Section 710.1, to read as follows:

16 SEC. 710.1. NC-1 — NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT

17 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
18 convenience retail goods and services for the immediately surrounding neighborhoods
19 primarily during daytime hours.

20 These NC-1 Districts are characterized by their location in residential neighborhoods,
21 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
22 these districts have the lowest intensity of commercial development in the City, generally
23 consisting of small clusters with three or more commercial establishments, commonly grouped
24 around a corner; and in some cases short linear commercial strips with low-scale,
25 interspersed mixed-use (residential-commercial) development.

1 Building controls for the NC-1 District promote low-intensity development which is
 2 compatible with the existing scale and character of these neighborhood areas. Commercial
 3 development is limited to one story. Rear yard requirements at all levels preserve existing
 4 backyard space.

5 NC-1 commercial use provisions encourage the full range of neighborhood-serving
 6 convenience retail sales and services at the first story provided that the use size generally is
 7 limited to 3,000 square feet. However, commercial uses and features which could impact
 8 residential livability are prohibited, such as auto uses, financial services, general advertising
 9 signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are
 10 restricted, depending upon the intensity of such uses in nearby commercial districts.

11 Housing development in new buildings is encouraged above the ground story in most
 12 districts. Existing residential units are protected by prohibitions of conversions above the
 13 ground story and limitations on demolitions.

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

15 ZONING CONTROL TABLE

		NC-1	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
710.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.20, 270, 271	Varies See Zoning Map Additional 5 feet for NC-1 parcels with a commercial use on the ground floor within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose

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			Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street. see § 263.20
710.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
710.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
710.13	Street Frontage		Required § 145.1
710.14	Awning	§ 790.20	P § 136.1(a)
710.15	Canopy	§ 790.26	
710.16	Marquee	§ 790.58	
710.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
710.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
710.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
710.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
710.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
710.24	Outdoor Activity Area	§ 790.70	P if located in front;

			C if located elsewhere § 145.2(a)
710.25	Drive-Up Facility	§ 790.30	
710.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
710.27	Hours of Operation	§ 790.48	P 6 a.m.—11 p.m.; C 11 p.m.—2 a.m.
710.30	General Advertising Sign	§§ 262, 602— 604, 608, 609	
710.31	Business Sign	§§ 262, 602— 604, 608, 609	P § 607.1(f)1
710.32	Other Signs	§§ 262, 602— 604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.38	Residential Conversion	§ 790.84	P		
710.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
710.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		
710.41	Bar	§ 790.22	P #		
710.42	Full-Service Restaurant	§ 790.92	P #		
710.43	Large Fast Food Restaurant	§ 790.90			

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710.44	Small Self-Service Restaurant	§ 790.91	C #		
710.45	Liquor Store	§ 790.55	P		
710.46	Movie Theater	§ 790.64			
710.47	Adult Entertainment	§ 790.36			
710.48	Other Entertainment	§ 790.38	C		
710.49	Financial Service	§ 790.110			
710.50	Limited Financial Service	§ 790.112	P		
710.51	Medical Service	§ 790.114	P		
710.52	Personal Service	§ 790.116	P		
		§ 790.118	1st	2nd	3rd+
710.53	Business or Professional Service	§ 790.108	P		
710.54	Massage Establishment	§ 790.60, § 1900 Health Code			
710.55	Tourist Hotel	§ 790.46			
710.56	Automobile Parking	§§ 790.8, 156, 160	C		
710.57	Automotive Gas Station	§ 790.14			
710.58	Automotive Service Station	§ 790.17			
710.59	Automotive Repair	§ 790.15			
710.60	Automotive Wash	§ 790.18			
710.61	Automobile Sale or Rental	§ 790.12			
710.62	Animal Hospital	§ 790.6			
710.63	Ambulance Service	§ 790.2			

1	710.64	Mortuary	§ 790.62			
2	710.65	Trade Shop	§ 790.124	P		
3	710.66	Storage	§ 790.117			
4	710.67	Video Store	§ 790.135	C		
5	710.68	Fringe Financial Service	§ 790.111			
6	710.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
7	710.69A	Self-Service Specialty Food	§ 790.93	C#		
8	710.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
9	Institutions and Non-Retail Sales and Services					
10	710.70	Administrative Service	§ 790.106			
11	710.80	Hospital or Medical Center	§ 790.44			
12	710.81	Other Institutions, Large	§ 790.50	P	C	
13	710.82	Other Institutions, Small	§ 790.51	P	P	P
14	710.83	Public Use	§ 790.80	C	C	C
15	710.84	Medical Cannabis Dispensary	§ 790.141	P #		
16	RESIDENTIAL STANDARDS AND USES					
17	710.90	Residential Use	§ 790.88	P	P	P
18	710.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
19	710.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
20	710.93	Usable Open	§§ 135, 136	Generally, either 100 sq. ft. if		

	Space <i>[Per Residential Unit]</i>		private, or 133 sq. ft. if common § 135(d)		
710.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
710.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 710.40 § 710.41 § 710.42		Boundaries: All NC-1 Districts Controls: P if located more than 1/2 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
§ 710.44 § 710.69A		Boundaries: All NC-1 Districts Controls: C if located more than 1/2 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
§ 710.42 § 710.43 § 710.44 § 710.69A	§ 781.1	TARAVAL STREET RESTAURANT AND FAST- FOOD SUBDISTRICT Boundaries: Applicable only for the two Taraval Street NC-1 Districts between 40th and 41st Avenues and 45th and 47th Avenues as mapped on Sectional Map 5 SU Controls: Full-service restaurants, small self-service restaurants and self-service specialty food are C; large fast- food restaurants are NP
§ 710.84 § 790.141		Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in

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		<p>operation as of April 1, 2005 and have remained in continuous operation <i>and have obtained a final permit to operate by March 1, 2008 are permitted or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, and have met the requirements of may apply for a medical cannabis dispensary permit in an NC-1 District.</i></p>
<p><u>§ 710.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NC-1 Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

Section 32. The San Francisco Planning Code is hereby amended by amending Section 711.1, to read as follows:

SEC 711.1. NC-2 — SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

1 These districts range in size from two or three blocks to many blocks, although the
 2 commercial development in longer districts may be interspersed with housing or other land
 3 uses. Buildings typically range in height from two to four stories with occasional one-story
 4 commercial buildings.

5 The small-scale district controls provide for mixed-use buildings which approximate or
 6 slightly exceed the standard development pattern. Rear yard requirements above the ground
 7 story and at residential levels preserve open space corridors of interior blocks. Most new
 8 commercial development is permitted at the ground and second stories. Neighborhood-
 9 serving businesses are strongly encouraged. Eating and drinking and entertainment uses,
 10 however, are confined to the ground story. The second story may be used by some retail
 11 stores, personal services, and medical, business and professional offices. Parking and hotels
 12 are monitored at all stories. Limits on late-night activity, drive-up facilities, and other
 13 automobile uses protect the livability within and around the district, and promote continuous
 14 retail frontage.

15 Housing development in new buildings is encouraged above the ground story. Existing
 16 residential units are protected by limitations on demolition and upper-story conversions.

17 SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL
 18 DISTRICT NC-2 ZONING CONTROL TABLE

		NC-2	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
711.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.20, 270, 271	Generally, 40-X See Zoning Map: additional 5 feet for NC-2 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, see § 263.20.

1	711.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
2				
3	711.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
4				
5	711.13	Street Frontage		Required § 145.1
6				
7	711.14	Awning	§ 790.20	P § 136.1(a)
8	711.15	Canopy	§ 790.26	P § 136.1(b)
9	711.16	Marquee	§ 790.58	P § 136.1(c)
10	711.17	Street Trees		Required § 143
11	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
12	711.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
13	711.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
14				
15	711.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
16				
17	711.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
18				
19	711.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
20				
21	711.25	Drive-Up Facility	§ 790.30	
22	711.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
23				
24	711.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.;
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			C 2 a.m.—6 a.m.		
711.30	General Advertising Sign	§§ 262, 602—604, 608, 609	P § 607.1(e)1		
711.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2		
711.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	NC-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
711.38	Residential Conversion	§ 790.84	P	C	
711.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
711.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
711.41	Bar	§ 790.22	P		
711.42	Full-Service Restaurant	§ 790.92	P #		
711.43	Large Fast Food Restaurant	§ 790.90	C #		
711.44	Small Self-Service Restaurant	§ 790.91	P #		
711.45	Liquor Store	§ 790.55	P		
711.46	Movie Theater	§ 790.64	P		
711.47	Adult Entertainment	§ 790.36			
711.48	Other Entertainment	§ 790.38	P		
711.49	Financial Service	§ 790.110	P #	C #	
711.50	Limited Financial Service	§ 790.112	P #		
711.51	Medical Service	§ 790.114	P	P	
711.52	Personal Service	§ 790.116	P	P	
711.53	Business or Professional Service	§ 790.108	P	P	

1	711.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
2						
3	711.55	Tourist Hotel	§ 790.46	C	C	C
4	711.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
5	711.57	Automotive Gas Station	§ 790.14	C		
6	711.58	Automotive Service Station	§ 790.17	C		
7	711.59	Automotive Repair	§ 790.15	C		
8	711.60	Automotive Wash	§ 790.18			
9	711.61	Automobile Sale or Rental	§ 790.12			
10	711.62	Animal Hospital	§ 790.6	C		
11	711.63	Ambulance Service	§ 790.2			
12	711.64	Mortuary	§ 790.62			
13	711.65	Trade Shop	§ 790.124	P #	C #	
14	711.66	Storage	§ 790.117			
15	711.67	Video Store	§ 790.135	C	C	
16	711.68	Fringe Financial Service	§ 790.111	P#		
17	711.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
18	711.69A	Self-Service Specialty Food	§ 790.93	P#		
19	711.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
20	Institutions and Non-Retail Sales and Services					
21						
22	711.70	Administrative Service	§ 790.106			
23	711.80	Hospital or Medical Center	§ 790.44			
24	711.81	Other Institutions, Large	§ 790.50	P	C	C
25	711.82	Other Institutions,	§ 790.51	P	P	P

	Small				
1	711.83	Public Use	§ 790.80	C	C C
2	711.84	Medical Cannabis Dispensary	§ 790.141	P #	
3	RESIDENTIAL STANDARDS AND USES				
4	711.90	Residential Use	§ 790.88	P	P P
5	711.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4	
6	711.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208	
7	711.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)	
8	711.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)	
9	711.95	Community Residential Parking	§ 790.10	C	C C

SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.42 § 711.43 § 711.44 § 711.69A	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps 5 SU and 6 SU Controls: Full-service restaurants, small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP

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<p>§ 711.42 § 711.43 § 711.44 § 711.69A</p>	<p>§ 781.2</p>	<p>IRVING STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map 5 SU Controls: Small self-service restaurants and self-service specialty food are C; full-service restaurants and large fast-food restaurants are NP</p>
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Article 7 Code Section	Other Code Section	Zoning Controls
<p>§ 711.49 § 711.50 § 711.68</p>	<p>§ 781.7</p>	<p>CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT Boundaries: Applicable only for the Chestnut Street NC-2 District from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU Controls: Financial services, limited financial services, and fringe financial services are NP</p>
<p>§ 711.65</p>	<p>§ 236</p>	<p>GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of the Pacific Avenue NC-2 District east of Hyde Street as mapped on Sectional Map 1 SU[#] Controls: Garment shops are P at the 1st and 2nd stories</p>
<p><u>§ 711.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/2 mile buffer includes, but is not limited to, properties within: the</u></p>

		<p><u>Mission Alcoholic Beverage Special Use District the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.</u></p> <p><u>Controls: Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/2 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>
<p>§ 711.84 § 790.141</p>	<p>Health Code § 3308</p>	<p>Medical cannabis dispensaries in NC-2 District may only operate between the hours of 8 a.m. and 10 p.m.</p>

Section 33. The San Francisco Planning Code is hereby amended by amending Section 712.1, to read as follows:

SEC. 712.1. NC-3 — MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods.

1 NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also
2 serve as major transit routes.

3 NC-3 Districts include some of the longest linear commercial streets in the City, some
4 of which have continuous retail development for many blocks. Large-scale lots and buildings
5 and wide streets distinguish the districts from smaller-scaled commercial streets, although the
6 districts may include small as well as moderately scaled lots. Buildings typically range in
7 height from two to four stories with occasional taller structures.

8 NC-3 building standards permit moderately large commercial uses and buildings. Rear
9 yards are protected at residential levels.

10 A diversified commercial environment is encouraged for the NC-3 District, and a wide
11 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
12 Eating and drinking, entertainment, financial service and certain auto uses generally are
13 permitted with certain limitations at the first and second stories. Other retail businesses,
14 personal services and offices are permitted at all stories of new buildings. Limited storage and
15 administrative service activities are permitted with some restrictions.

16 Housing development in new buildings is encouraged above the second story. Existing
17 residential units are protected by limitations on demolitions and upper-story conversions.

18 SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT

19 NC-3 ZONING CONTROL TABLE

		NC-3	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.20, 270, 271	Generally, 40-X See Zoning Map; additional 5 feet for NC-3 parcels with active uses along Mission Street, from Silver Avenue

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			to the Daly City Border, see § 263.20.
712.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
712.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
712.13	Street Frontage		Required § 145.1
712.14	Awning	§ 790.20	P § 136.1(a)
712.15	Canopy	§ 790.26	P § 136.1(b)
712.16	Marquee	§ 790.58	P § 136.1(c)
712.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
712.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
712.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
712.25	Drive-Up Facility	§ 790.30	#
712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.;

			C if not recessed § 145.2(b)
712.27	Hours of Operation	§ 790.48	No Limit
712.30	General Advertising Sign	§§ 262, 602—604, 608, 609	P # § 607.1(e)2
712.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)3
712.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
712.38	Residential Conversion	§ 790.84	P	C	C #
712.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
712.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	P #
712.41	Bar	§ 790.22	P	P	
712.42	Full-Service Restaurant	§ 790.92	P	P	
712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
712.45	Liquor Store	§ 790.55			
712.46	Movie Theater	§ 790.64	P	P	
712.47	Adult Entertainment	§ 790.36	C	C	
712.48	Other Entertainment	§ 790.38	P	P	
712.49	Financial Service	§ 790.110	P	P	
712.50	Limited Financial Service	§ 790.112	P	P	
712.51	Medical Service	§ 790.114	P	P	P
712.52	Personal Service	§ 790.116	P	P	P

1	712.53	Business or Professional Service	§ 790.108	P	P	P
2	712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
3						
4	712.55	Tourist Hotel	§ 790.46	C	C	C
5	712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
6	712.57	Automobile Gas Station	§ 790.14	C		
7	712.58	Automotive Service Station	§ 790.17	C		
8						
9	712.59	Automotive Repair	§ 790.15	C	C	
10	712.60	Automotive Wash	§ 790.18	C		
11	712.61	Automobile Sale or Rental	§ 790.12	C		
12	712.62	Animal Hospital	§ 790.6	C	C	
13	712.63	Ambulance Service	§ 790.2	C		
14	712.64	Mortuary	§ 790.62	C	C	C
15	712.65	Trade Shop	§ 790.124	P	C	C
16	712.66	Storage	§ 790.117	C	C	C
17	712.67	Video Store	§ 790.135	C	C	C
18	712.68	Fringe Financial Service	§ 790.111	P#		
19	712.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
20	712.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
21	712.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
22	Institutions and Non-Retail Sales and Services					
23	712.70	Administrative Service	§ 790.106	C	C	C
24	712.80	Hospital or Medical Center	§ 790.44	C	C	C
25	712.81	Other Institutions,	§ 790.50	P	P	P

	Large				
1	712.82	Other Institutions, Small	§ 790.51	P	P P
2	712.83	Public Use	§ 790.80	C	C C
3	712.84	Medical Cannabis Dispensary	§ 790.141	P #	
4	RESIDENTIAL STANDARDS AND USES				
5	712.90	Residential Use	§ 790.88	P	P P
6	712.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4	
7	712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208	
8	712.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)	
9	712.94	Off-Street Parking, Residential	§§ 150, 153-157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)	
10	712.95	Community Residential Parking	§ 790.10	C	C C

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast-food restaurants, small self-

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		service restaurants and self-service specialty food are C
<p>§ 712.10 § 207.4 § 712.22 § 712.12</p>	§ 780.34	MISSION-HARRINGTON SPECIAL USE DISTRICT Boundaries: Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11. Controls: Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.
<p>§ 712.30 § 712.31 § 712.32</p>	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 712.38	§ 790.84	Boundaries: Applicable to NC-3 Districts Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that: (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places; (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be

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<p>§ 712.43</p>	<p>§ 781.4</p>	<p>displaced. GEARY BOULEVARD FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU Controls: Large fast-food restaurants are NP</p>
<p>§ 712.43 § 712.44 § 712.69A</p>	<p>§ 781.5</p>	<p>MISSION STREET FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th Avenue Street and Randall Street as mapped on Sectional Map 7 SU Controls: Small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP</p>
<p>§ 712.45</p>	<p>§ 781.10</p>	<p>17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT. Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.</p>
<p><u>§ 712.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <i>Boundaries: The FFSRUD</i></p>

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		<p><u>and its L mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries. Controls: Within the FFSRUD and its L mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its L mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>
<p>§ 712.84 § 790.141</p>	<p>Health Code § 3308</p>	<p>Medical cannabis dispensaries in NC-3 District may only operate between the hours of 8 a.m. and 10 p.m.</p>

Section 34. The San Francisco Planning Code is hereby amended by amending Section 714.1, to read as follows:

SEC. 714.1 – BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

The Broadway Neighborhood Commercial District, located in the northeast quadrant of San Francisco, extends along Broadway from west of Columbus Avenue to Osgood Place. It is part of a larger commercial area which includes North Beach to the north, Chinatown to the

1 south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a
 2 Citywide and regional entertainment district is derived from a concentration of nightclubs,
 3 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery
 4 Street. These places attract locals and visitors alike, mainly in the evening and late-night
 5 hours. In addition to the entertainment and some retail businesses, Broadway contains many
 6 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
 7 develop upper-story offices.

8 The Broadway District controls are designed to encourage development that is
 9 compatible with the existing moderate building scale and mixed-use character, and maintain
 10 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
 11 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
 12 levels are protected. Most commercial uses in new buildings are permitted at the first two
 13 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
 14 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
 15 uses at the first and second stories, as well as late-night activity. Financial services are
 16 allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in
 17 order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic
 18 volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent
 19 further traffic congestion. Parking garages are permitted if their ingress and egress do not
 20 disrupt the traffic flow on Broadway.

21 Housing development in new buildings is encouraged above the second story. Existing
 22 housing is protected by limitations on demolitions and upper-story conversions.

23 SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

24 ZONING CONTROL TABLE

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No.	Zoning Category	Broadway § References	Controls
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BUILDING STANDARDS

714.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	P up to 40 ft. C 40 to 65 ft. § 253.1
714.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
714.12	Rear Yard	§§ 130, 134, 136	Required at residential level only § 134(a) (e)
714.13	Street Frontage		Required § 145.1
714.14	Awning	§ 790.20	P § 136.1(a)
714.15	Canopy	§ 790.26	P § 136.1(b)
714.16	Marquee	§ 790.58	P § 136.1(c)
714.17	Street Trees		Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
714.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
714.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
714.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
714.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
714.25	Drive-Up Facility	§ 790.30	

1	714.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
2	714.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
3	714.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
4	714.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
5	714.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
714.38	Residential Conversion	§ 790.84	P	C	
714.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
714.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	
714.41	Bar	§ 790.22	P	P	
714.42	Full-Service Restaurant	§ 790.92	P	P	
714.43	Large Fast Food Restaurant	§ 790.90			
714.44	Small Self-Service Restaurant	§ 790.91	C	C	
714.45	Liquor Store	§ 790.55	C		
714.46	Movie Theater	§ 790.64	P	P	
714.47	Adult Entertainment	§ 790.36	C	C	
714.48	Other Entertainment	§ 790.38	P	P	
714.49	Financial Service	§ 790.110	C		
714.50	Limited Financial Service	§ 790.112	C		
714.51	Medical Service	§ 790.114	P	P	

1	714.52	Personal Service	§ 790.116	P	P	
2	714.53	Business or Professional Service	§ 790.108	P	P	
3	714.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
4	714.55	Tourist Hotel	§ 790.46	C	C	C
5	714.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
6	714.57	Automotive Gas Station	§ 790.14			
7	714.58	Automotive Service Station	§ 790.17			
8	714.59	Automotive Repair	§ 790.15			
9	714.60	Automotive Wash	§ 790.18			
10	714.61	Automobile Sale or Rental	§ 790.12			
11	714.62	Animal Hospital	§ 790.6	C		
12	714.63	Ambulance Service	§ 790.2			
13	714.64	Mortuary	§ 790.62			
14	714.65	Trade Shop	§ 790.124	P #	C #	
15	714.66	Storage	§ 790.117			
16	714.67	Video Store	§ 790.135	C	C	
17	714.68	Fringe Financial Service	§ 790.111			
18	714.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
19	714.69A	Self-Service Specialty Food	§ 790.93	<u>CP</u>	<u>CP</u>	
20	714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
21	Institutions and Non-Retail Sales and Services					
22	714.70	Administrative Service	§ 790.106			
23	714.80	Hospital or Medical Center	§ 790.44			
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1	714.81	Other Institutions, Large	§ 790.50	P	C	C
2	714.82	Other Institutions, Small	§ 790.51	P	P	P
3	714.83	Public Use	§ 790.80	C	C	C
4	714.84	Medical Cannabis Dispensary	§ 790.141	P		
5	RESIDENTIAL STANDARDS AND USES					
6	714.90	Residential Use	§ 790.88	P	P	P
7	714.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
8	714.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
9	714.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common § 135(d)		
10	714.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159—160, 204.5	P up to one car for each two dwelling units; C up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit. §§ 151.1, 161(a), (g) Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.		
11	714.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE BROADWAY
NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
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§ 714.10	§ 253.1	<p>65-A-1 HEIGHT AND BULK DISTRICT Boundaries: Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H Controls: Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet</p>
§ 714.40	§ 790.102(n)	<p>BROADWAY SPECIALTY RETAIL USES Boundaries: Broadway NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)</p>
§ 714.65	§ 236	<p>GARMENT SHOP SPECIAL USE DISTRICT <i>Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1 SUa</i> <i>Controls: Garment shops are P at the 1st and 2nd stories</i></p>
§ 722.94	§150, 151.1, 153-157, 159-160, 204.5	<p>(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of a residential unit" as defined in Section 317; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with</p>

each eviction associated with a separate unit(s) within the past two years; (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.

		<p>each eviction associated with a separate unit(s) within the past two years; (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p>
<p><u>§ 714.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

Section 35. The San Francisco Planning Code is hereby amended by amending Section 715.1,

to read as follows:

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

		Castro Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
715.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X, 65B See Zoning Map
715.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft & above

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			§ 121.1
715.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
715.13	Street Frontage		Required § 145.1
715.14	Awning	§ 790.20	P § 136.1(a)
715.15	Canopy	§ 790.26	P § 136.1(b)
715.16	Marquee	§ 790.58	P § 136.1(c)
715.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
715.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
715.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
715.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
715.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
715.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
715.25	Drive-Up Facility	§ 790.30	
715.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
715.27	Hours of Operation	§ 790.48	P 6 a.m.—2

			a.m.; C 2 a.m.—6 a.m.
1	715.30	General Advertising Sign	§§ 262, 602— 604, 608, 609
2	715.31	Business Sign	§§ 262, 602— 604, 608, 609
3	715.32	Other Signs	§§ 262, 602— 604, 608, 609
4			P # § 607.1(f)2
5			P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Castro Street			
			Controls by Story			
		§ 790.118	1st	2nd	3rd+	
6	715.38	Residential Conversion	§ 790.84	P	C	
7	715.39	Residential Demolition	§ 790.86	P	C	C
8	Retail Sales and Services					
9	715.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
10	715.41	Bar	§ 790.22			
11	715.42	Full-Service Restaurant	§ 790.92	C		
12	715.43	Large Fast Food Restaurant	§ 790.90			
13	715.44	Small Self-Service Restaurant	§ 790.91	C		
14	715.45	Liquor Store	§ 790.55	C		
15	715.46	Movie Theater	§ 790.64	P		
16	715.47	Adult Entertainment	§ 790.36	C		
17	715.48	Other Entertainment	§ 790.38	C #		
18	715.49	Financial Service	§ 790.110	C	C	
19	715.50	Limited Financial Service	§ 790.112	C		
20	715.51	Medical Service	§ 790.114	P	P	C
21	715.52	Personal Service	§ 790.116	P	P	C
22	715.53	Business or Professional	§ 790.108	P	P	C

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	Service				
715.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
715.55	Tourist Hotel	§ 790.46	C	C	C
715.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
715.57	Automotive Gas Station	§ 790.14			
715.58	Automotive Service Station	§ 790.17			
715.59	Automotive Repair	§ 790.15			
715.60	Automotive Wash	§ 790.18			
715.61	Automobile Sale or Rental	§ 790.12			
715.62	Animal Hospital	§ 790.6	C		
715.63	Ambulance Service	§ 790.2			
715.64	Mortuary	§ 790.62			
715.65	Trade Shop	§ 790.124	P	C	
715.66	Storage	§ 790.117			
715.67	Video Store	§ 790.135	C	C	
715.68	Fringe Financial Service	§ 790.111			
715.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
715.69A	Self-Service Specialty Food	§ 790.93	P		
715.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
715.70	Administrative Service	§ 790.106			
715.80	Hospital or Medical Center	§ 790.44			
715.81	Other Institutions, Large	§ 790.50	P	C	C
715.82	Other Institutions, Small	§ 790.51	P	P	P
715.83	Public Use	§ 790.80	C	C	C
715.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					

1	715.90	Residential Use	§ 790.88	P	P	P
2	715.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
3	715.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
4	715.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
5	715.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
6	715.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR CASTRO STREET NEIGHBORHOOD COMMERCIAL

DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 715.31 § 715.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
		Boundaries: Applicable only for the portions of the Castro Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 715.48		Boundaries: Applicable for the Castro Street NCD. Controls: Existing bars in the Castro Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment

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		<p>Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.</p>
<p><u>§ 715.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Castro Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

Section 36. The San Francisco Planning Code is hereby amended by amending Section 716.1, to read as follows:

1 SEC. 716.1. - INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL
2 DISTRICT.

3 The Inner Clement Street Commercial District is located on Clement Street between
4 Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of
5 northwest San Francisco. The district provides a wide selection of convenience goods and
6 services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one
7 of the greatest concentrations of restaurants of any commercial street in San Francisco,
8 drawing customers from throughout the City and region. There are also a significant number
9 of professional, realty, and business offices as well as financial institutions. The pleasant
10 pedestrian character of the district is derived directly from the intensely active retail frontage
11 on Clement Street.

12 The Inner Clement Street District controls are designed to promote development that is
13 consistent with its existing land use patterns and to maintain a harmony of uses that supports
14 the district's vitality. The building standards allow small-scale buildings and uses, protecting
15 rear yards above the ground story and at residential levels. In new development, most
16 commercial uses are permitted at the first two stories, although certain limitations apply to
17 uses at the second story. Special controls are necessary to preserve the equilibrium of
18 neighborhood-serving convenience and comparison shopping businesses and protect
19 adjacent residential livability. These controls prohibit additional financial service and limit
20 additional eating and drinking establishments, late-night commercial uses and ground-story
21 entertainment uses. In order to maintain the street's active retail frontage, controls also
22 prohibit most new automobile and drive-up uses.

23 Housing development is encouraged in new buildings above the ground story. Existing
24 residential units are protected by prohibitions on upper-story conversions and limitations on
25 demolitions.

1 SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 2 ZONING CONTROL TABLE

		Inner Clement Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
716.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
716.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
716.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
716.13	Street Frontage		Required § 145.1
716.14	Awning	§ 790.20	P § 136.1(a)
716.15	Canopy	§ 790.26	P § 136.1(b)
716.16	Marquee	§ 790.58	P § 136.1(c)
716.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
716.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
716.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above §121.2
716.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)

1	716.23	Off-Street Freight Loading	§§ 150, 153— 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
2	716.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
3	716.25	Drive-Up Facility	§ 790.30	
4	716.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
5	716.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
6	716.30	General Advertising Sign	§§ 262, 602— 604, 608, 609	
7	716.31	Business Sign	§§ 262, 602— 604, 608, 609	P § 607.1(f)2
8	716.32	Other Signs	§§ 262, 602— 604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Inner Clement Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
716.38	Residential Conversion	§ 790.84	P		
716.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
716.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
716.41	Bar	§ 790.22	C#		
716.42	Full-Service Restaurant	§ 790.92	C#		
716.43	Large Fast Food	§ 790.90			

1		Restaurant				
	716.44	Small Self-Service Restaurant	§ 790.91			
2						
	716.45	Liquor Store	§ 790.55	C		
3						
	716.46	Movie Theater	§ 790.64	P		
4						
	716.47	Adult Entertainment	§ 790.36			
5						
	716.48	Other Entertainment	§ 790.38	C		
6						
	716.49	Financial Service	§ 790.110			
7						
	716.50	Limited Financial Service	§ 790.112	C		
8						
	716.51	Medical Service	§ 790.114	P	C	
9						
	716.52	Personal Service	§ 790.116	P	C	
10						
	716.53	Business or Professional Service	§ 790.108	P	C	
11						
	716.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
12						
	716.55	Tourist Hotel	§ 790.46	C	C	
13						
	716.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
14						
	716.57	Automotive Gas Station	§ 790.14			
15						
	716.58	Automotive Service Station	§ 790.17			
16						
	716.59	Automotive Repair	§ 790.15			
17						
	716.60	Automotive Wash	§ 790.18			
18						
	716.61	Automobile Sale or Rental	§ 790.12			
19						
	716.62	Animal Hospital	§ 790.6	C		
20						
	716.63	Ambulance Service	§ 790.2			
21						
	716.64	Mortuary	§ 790.62			
22						
	716.65	Trade Shop	§ 790.124	P	C	
23						
	716.66	Storage	§ 790.117			
24						
	716.67	Video Store	§ 790.135	C	C	
25						
	716.68	Fringe Financial Service	§ 790.111			
	716.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
	716.69A	Self-Service Specialty Food	§ 790.93			
	716.69B	Amusement Game Arcade	§ 790.04			

	(Mechanical Amusement Devices)				
Institutions and Non-Retail Sales and Services					
716.70	Administrative Service	§ 790.106			
716.80	Hospital or Medical Center	§ 790.44			
716.81	Other Institutions, Large	§ 790.50	P	C	C
716.82	Other Institutions, Small	§ 790.51	P	P	P
716.83	Public Use	§ 790.80	C	C	C
716.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
716.90	Residential Use	§ 790.88	P	P	P
716.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
716.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
716.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135 (d)		
716.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
716.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET NEIGHBORHOOD
COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR

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		<p>LICENSES FOR FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in §790.92 and (B) a bona-fide restaurant as defined in §781.8(c); and</p> <p>(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional</p>
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		<p>use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
<p>§ 716.41</p>	<p>§ 790.22</p>	<p>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in §790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and</p> <p>(2) The establishment maintains only an ABC license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to</p>

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		<p>this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
<p>§716.41 and 716.42</p>	<p>§790.92 and 790.22</p>	<p>INNER CLEMENT STREET FULL-SERVICE RESTAURANTS AND BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: A full-service restaurant or a bar may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of three (3) full-service restaurants or bars in accordance with this Section. Should a full-service restaurant or bar permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant or bar in accordance with the terms of this Section.</p>
<p><u>§ 716.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED</u></p>

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		<u>USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD</u> <u>and its 1/4 mile buffer</u> <u>includes, but is not limited</u> <u>to, the Inner Clement Street</u> <u>Neighborhood Commercial</u> <u>District. Controls: Within the</u> <u>FFSRUD and its 1/4 mile</u> <u>buffer, fringe financial</u> <u>services are NP pursuant to</u> <u>Section 249.35. Outside the</u> <u>FFSRUD and its 1/4 mile</u> <u>buffer, fringe financial</u> <u>services are P subject to the</u> <u>restrictions set forth in</u> <u>Subsection 249.35(c)(3).</u>
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Section 37. The San Francisco Planning Code is hereby amended by amending Section 717.1, to read as follows:

SEC. 717.1. - OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Outer Clement Street Neighborhood Commercial District is located on Clement Street between 19th Avenue and 27th Avenue in the western portion of the Richmond District. The shopping area contains small-scale convenience businesses, as well as many restaurants and a movie theater. The district's restaurants serve a neighborhood and Citywide clientele during the evening hours, while convenience shopping uses cater for the most part to daytime neighborhood shoppers. Outer Clement Street contains many mixed-use buildings with some fully commercial and fully residential buildings interspersed between them.

The Outer Clement Street District controls are designed to promote development that is in keeping with the district's existing small-scale, mixed-use character. The building standards monitor large-scale development and protect rear yards at all levels. Future commercial growth is directed to the ground story in order to promote more continuous and active retail frontage. Additional eating and drinking establishments are prohibited, while ground-story

entertainment and financial service uses are monitored in order to limit the problems of traffic, congestion, noise and late-night activity associated with such uses and to protect existing neighborhood-serving businesses. Other controls restricting late-night activity, hotels, automobile uses, and drive-up facilities are designed to preserve the low-intensity character of the district.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibitions of upper-story conversions and limitations on demolitions.

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

		Outer Clement Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
717.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
717.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
717.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
717.13	Street Frontage		Required § 145.1
717.14	Awning	§ 790.20	P § 136.1(a)
717.15	Canopy	§ 790.26	P § 136.1(b)
717.16	Marquee	§ 790.58	P § 136.1(c)
717.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			

1	717.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
2	717.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
3				
4				
5	717.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153— 157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
6				
7				
8	717.23	Off-Street Freight Loading	§§ 150, 153- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
9				
10				
11	717.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
12				
13	717.25	Drive-Up Facility	§ 790.30	
14	717.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
15				
16	717.27	Hours of Operation	§ 790.48	P 6 a.m.—11 p.m.; C 11 p.m.—2 a.m.
17				
18	717.30	General Advertising Sign	§§ 262, 602— 604, 608, 609	
19	717.31	Business Sign	§§ 262, 602— 604, 608, 609	P § 607.1(f) 2
20	717.32	Other Signs	§§ 262, 602— 604, 608, 609	P § 607.1(c) (d) (g)

22	No.	Zoning Category	§ References	Outer Clement Street		
23				Controls by Story		
24			§ 790.118	1st	2nd	3rd+
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717.38	Residential Conversion	§ 790.84	P		
717.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
717.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P		
717.41	Bar	§ 790.22			
717.42	Full-Service Restaurant	§ 790.92			
717.43	Large Fast Food Restaurant	§ 790.90			
717.44	Small Self-Service Restaurant	§ 790.91			
717.45	Liquor Store	§ 790.55	C		
717.46	Movie Theater	§ 790.64	P		
717.47	Adult Entertainment	§ 790.36			
717.48	Other Entertainment	§ 790.38	C		
717.49	Financial Service	§ 790.110	C		
717.50	Limited Financial Service	§ 790.112	C		
717.51	Medical Service	§ 790.114	P		
717.52	Personal Service	§ 790.116	P		
717.53	Business or Professional Service	§ 790.108	P		
717.54	Massage Establishment	§ 790.60, § 1900 Health Code			
717.55	Tourist Hotel	§ 790.46			
717.56	Automobile Parking	§§ 790.8, 156, 160	C	C	
717.57	Automotive Gas Station	§ 790.14			
717.58	Automotive Service Station	§ 790.17			
717.59	Automotive Repair	§ 790.15			
717.60	Automotive Wash	§ 790.18			
717.61	Automobile Sale or Rental	§ 790.12			
717.62	Animal Hospital	§ 790.6	C		

1	717.63	Ambulance Service	§ 790.2			
2	717.64	Mortuary	§ 790.62			
3	717.65	Trade Shop	§ 790.124	P		
4	717.66	Storage	§ 790.117			
5	717.67	Video Store	§ 790.135	C	C	
6	717.68	Fringe Financial Service	§ 790.111			
7	717.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
8	717.69A	Self-Service Specialty Food	§ 790.93			
9	717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
10	Institutions and Non-Retail Sales and Services					
11	717.70	Administrative Service	§ 790.106			
12	717.80	Hospital or Medical Center	§ 790.44			
13	717.81	Other Institutions, Large	§ 790.50	P	C	C
14	717.82	Other Institutions, Small	§ 790.51	P	P	P
15	717.83	Public Use	§ 790.80	C	C	C
16	717.84	Medical Cannabis Dispensary	§ 790.141	P		
17	RESIDENTIAL STANDARDS AND USES					
18	717.90	Residential Use	§ 790.88	P	P	P
19	717.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
20	717.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
21	717.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
22	717.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		

717.95	Community Residential Parking	§ 790.10	C	C	C
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SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 717.68</u>	<u>§ 249.35</u>	<i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></i> <i><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Outer Clement Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></i>

Section 38. The San Francisco Planning Code is hereby amended by amending Section 718.1, to read as follows:

SEC. 718.1. - UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Fillmore Street Neighborhood Commercial District is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade

1 area. Commercial businesses are active during both day and evening and include a number
 2 of bars, restaurants, specialty groceries, and specialty clothing stores.

3 The Upper Fillmore District controls are designed to protect the existing building scale
 4 and promote new mixed-use development which is in character with adjacent buildings.
 5 Building standards regulate large lot and use development and protect rear yards above the
 6 ground story and at residential levels. Most commercial uses are permitted at the first two
 7 stories of new buildings. Special controls are designed to preserve the existing equilibrium of
 8 neighborhood-serving convenience and specialty commercial uses. In order to maintain
 9 convenience stores and protect adjacent livability, additional eating and drinking
 10 establishments are prohibited and ground-story entertainment and financial service uses are
 11 limited. In order to promote continuous retail frontage, drive-up and most automobile uses are
 12 prohibited.

13 Housing development in new buildings is encouraged above the second story. Existing
 14 residential units are protected by limitations on demolitions and upper-story conversions.

15 SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 16 ZONING CONTROL TABLE

		Upper Fillmore Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
718.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
718.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
718.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and

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			at all residential levels § 134(a) (e)
718.13	Street Frontage		Required § 145.1
718.14	Awning	§ 790.20	P § 136.1(a)
718.15	Canopy	§ 790.26	P § 136.1(b)
718.16	Marquee	§ 790.58	P § 136.1(c)
718.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
718.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
718.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
718.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153— 157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
718.23	Off-Street Freight Loading	§§ 150, 153— 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
718.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
718.25	Drive-Up Facility	§ 790.30	
718.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
718.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
718.30	General Advertising	§§ 262, 602—	

	Sign	604, 608, 609	
1	718.31	Business Sign	§§ 262, 602— 604, 608, 609
2	718.32	Other Signs	§§ 262, 602— 604, 608, 609
3			P § 607.1(f) 2 P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Upper Fillmore Street			
			Controls by Story			
		§ 790.118	1st	2nd	3rd+	
8	718.38	Residential Conversion	§ 790.84	P	C	
9	718.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services						
11	718.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
12	718.41	Bar	§ 790.22			
13	718.42	Full-Service Restaurant	§ 790.92			
14	718.43	Large Fast Food Restaurant	§ 790.90			
15	718.44	Small Self-Service Restaurant	§ 790.91			
16	718.45	Liquor Store	§ 790.55	C		
17	718.46	Movie Theater	§ 790.64	P		
17	718.47	Adult Entertainment	§ 790.36			
18	718.48	Other Entertainment	§ 790.38	C		
19	718.49	Financial Service	§ 790.110	C		
20	718.50	Limited Financial Service	§ 790.112	C		
21	718.51	Medical Service	§ 790.114	P	P	
21	718.52	Personal Service	§ 790.116	P	P	
22	718.53	Business or Professional Service	§ 790.108	P	P	
23	718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
24	718.55	Tourist Hotel	§ 790.46	C	C	C
25	718.56	Automobile	§§ 790.8, 156,	C	C	C

1		Parking	160			
	718.57	Automotive Gas Station	§ 790.14			
2	718.58	Automotive Service Station	§ 790.17			
3	718.59	Automotive Repair	§ 790.15			
4	718.60	Automotive Wash	§ 790.18			
	718.61	Automobile Sale or Rental	§ 790.12			
5	718.62	Animal Hospital	§ 790.6	C		
6	718.63	Ambulance Service	§ 790.2			
7	718.64	Mortuary	§ 790.62			
	718.65	Trade Shop	§ 790.124	P		
8	718.66	Storage	§ 790.117			
	718.67	Video Store	§ 790.135	C	C	
9	718.68	Fringe Financial Service	§ 790.111			
10	718.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
11	718.69A	Self-Service Specialty Food	§ 790.93			
12	718.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
13						
14						
15	Institutions and Non-Retail Sales and Services					
16	718.70	Administrative Service	§ 790.106			
17	718.80	Hospital or Medical Center	§ 790.44			
18	718.81	Other Institutions, Large	§ 790.50	P	C	C
19	718.82	Other Institutions, Small	§ 790.51	P	P	P
20	718.83	Public Use	§ 790.80	C	C	C
21	718.84	Medical Cannabis Dispensary	§ 790.141	P		
22	718.85	Philanthropic Administrative Services	§ 790.107	P	P	P
23	RESIDENTIAL STANDARDS AND USES					
24	718.90	Residential Use	§ 790.88	P	P	P
25	718.91	Residential Density, Dwelling	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot		

	Units		area § 207.4
1 2 3	718.92 Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208
4 5 6	718.93 Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)
7 8	718.94 Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)
9 10	718.95 Community Residential Parking	§ 790.10	C C C

SPECIFIC PROVISIONS FOR THE UPPER FILLMORE STREET NEIGHBORHOOD
COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
13 14 15 16 17 18 19 20 21 22 23 24 25	<p>§ 718.68</p> <p>§ 249.35</p>	<p><i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></i> <i><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Upper Fillmore Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></i></p>

1 Section 39. The San Francisco Planning Code is hereby amended by amending
2 Section 719.1, to read as follows:

3 SEC. 719.1 – HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

4 Northwest of the City's geographical center, the Haight Street Neighborhood
5 Commercial District is located in the Haight-Ashbury neighborhood, extending along Haight
6 Street between Stanyan and Central Avenue, including a portion of Stanyan Street between
7 Haight and Beulah. The shopping area provides convenience goods and services to local
8 Haight-Ashbury residents, as well as comparison shopping goods and services to a larger
9 market area. The commercial district is also frequented by users of Golden Gate Park on
10 weekends and by City residents for its eating, drinking, and entertainment places. Numerous
11 housing units establish the district's mixed residential-commercial character.

12 The Haight Street District controls are designed to protect the existing building scale
13 and promote new mixed-use development which is in character with adjacent buildings. The
14 building standards regulate large-lot and use development and protect rear yards above the
15 ground story and at residential levels. To promote the prevailing mixed-use character, most
16 commercial uses are directed primarily to the ground story with some upper-story restrictions
17 in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving
18 commercial uses and regulate the more intensive commercial uses which can generate
19 congestion and nuisance problems, special controls prohibit additional drinking uses, limit
20 additional eating establishments, restrict expansion and intensification of existing eating and
21 drinking establishments, and limit entertainment and tourist hotels. Prohibitions of most
22 automobile and drive-up uses protect the district's continuous retail frontage.

23 Housing development in new buildings is encouraged above the ground story. Existing
24 residential units are protected by prohibition of upper-story conversions and limitations on
25 demolitions.

1 SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

2 ZONING CONTROL TABLE

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		Haight Street	
No.	Zoning Category	§ References	Controls
4 BUILDING STANDARDS			
5 719.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
6 719.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
7 719.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
8 719.13	Street Frontage		Required § 145.1
9 719.14	Awning	§ 790.20	P § 136.1(a)
10 719.15	Canopy	§ 790.26	P § 136.1(b)
11 719.16	Marquee	§ 790.58	P § 136.1(c)
12 719.17	Street Trees		Required § 143
16 COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
17 719.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
18 719.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
19 719.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
20 719.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft.

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1	719.24	Outdoor Activity Area	§ 790.70	§§ 152, 161(b) P if located in front; C if located elsewhere § 145.2(a)
2	719.25	Drive-Up Facility	§ 790.30	
3	719.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
4	719.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
5	719.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
6	719.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
7	719.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Haight Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
719.38	Residential Conversion	§ 790.84	P		
719.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
719.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P#	C#	#
719.41	Bar	§ 790.22	#	#	#
719.42	Full-Service Restaurant	§ 790.92	C#	#	#
719.43	Large Fast Food Restaurant	§ 790.90	#	#	#
719.44	Small Self-Service Restaurant	§ 790.91	#	#	#
719.45	Liquor Store	§ 790.55			
719.46	Movie Theater	§ 790.64	P		
719.47	Adult Entertainment	§ 790.36			

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719.48	Other Entertainment	§ 790.38	C		
719.49	Financial Service	§ 790.110	P		
719.50	Limited Financial Service	§ 790.112	P		
719.51	Medical Service	§ 790.114		C	
719.52	Personal Service	§ 790.116	P	C	
719.53	Business or Professional Service	§ 790.108	P	C	
719.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
719.55	Tourist Hotel	§ 790.46	C	C	
719.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
719.57	Automotive Gas Station	§ 790.14			
719.58	Automotive Service Station	§ 790.17			
719.59	Automotive Repair	§ 790.15	C		
719.60	Automotive Wash	§ 790.18			
719.61	Automobile Sale or Rental	§ 790.12			
719.62	Animal Hospital	§ 790.6	C		
719.63	Ambulance Service	§ 790.2			
719.64	Mortuary	§ 790.62			
719.65	Trade Shop	§ 790.124	P		
719.66	Storage	§ 790.117			
719.67	Video Store	§ 790.135	C	C	
719.68	Fringe Financial Service	§ 790.111	#	#	#
719.69	Tobacco Paraphernalia Establishments	§ 790.123	<u>C</u> #	<u>C</u> #	<u>C</u> #
719.69A	Self-Service Specialty Food	§ 790.93	<u>P</u> #	<u>P</u> #	<u>P</u> #
719.69B	Amusement Game Arcade (Mechanical	§ 790.04			

	Amusement Devices)				
Institutions and Non-Retail Sales and Services					
719.70	Administrative Service	§ 790.106			
719.80	Hospital or Medical Center	§ 790.44			
719.81	Other Institutions, Large	§ 790.50	P	C	C
719.82	Other Institutions, Small	§ 790.51	P	P	P
719.83	Public Use	§ 790.80	C	C	C
719.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

719.90	Residential Use	§ 790.88	P	P	P
719.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area — § 207.4		
719.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area — § 208		
719.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
719.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
719.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE HAIGHT STREET DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 719.40 § 719.41 § 719.43 § 719.44	§ 781.9	Boundaries: The entire Haight Street Neighborhood Commercial District.

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<p>§ 719.69A</p>		<p>Controls: Retail establishments selling off-sale or on-sale alcoholic beverages are not permitted pursuant to Section 781.9.</p>
<p>§ 719.42</p>	<p>§ 781.9 790.22 790.92</p>	<p>HAIGHT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Height Street Neighborhood Commercial District and Height Street Alcohol Restricted Use Subdistrict. Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 202, the Planning Commission finds that: (1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a bona-fide restaurant as defined in § 781.8(c); and(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to § 790.22, are not permitted for those uses subject to this Section. (b) Subsequent to the</p>

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		granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with an of the above criteria for any length of time.
§ 725.42	§ 790.92 § 790.22	HAIGHT STREET FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Haight Street Neighborhood Commercial District and Haight Street Alcohol Restricted Use Subdivision. Controls: A full-service restaurant may be permitted as a conditional sue on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of 3 full-service restaurants in accordance with this Section. Should a full-service restaurant permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant in accordance with the terms of this Section.
§ 719.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD includes, but is not limited to, the Haight Street Neighborhood Commercial

		District. Controls: Fringe financial services are NP pursuant to Section 249.35.
§ 719.69	§ 790.123 § 186.1	Tobacco Paraphernalia Establishments — the special definition of "Tobacco Paraphernalia Establishments" applicable to the Haight Street Neighborhood Commercial District shall be repealed three years after its initial effective date, unless the Board of Supervisors, on or before that date, extends or re-enacts it. In the Haight Street Neighborhood Commercial District, the period of non-use for a non-conforming Tobacco Paraphernalia Establishment to be deemed discontinued shall be 18 months.

Section 40. The San Francisco Planning Code is hereby amended by amending Section 720.1, to read as follows:

SEC. 720.1. NC-1 — NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

The Hayes-Gough Neighborhood Commercial Transit District is located within walking distance of the Civic Center, lying west of Franklin Street and east of Laguna Street, with its southern edge generally at Lily Street, with an extension south along both sides of Octavia Boulevard to Market Street. This mixed-use commercial district contains a limited range of retail commercial activity, which primarily caters to the immediate need of the neighborhood. The few comparison goods that it does provide attract clientele from a wider area outside its neighborhood, mostly the Performing Arts and Civic Center workers and visitors. There are a number of restaurants and art galleries, but other types of retail activity are limited.

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		260, 261.1, 263.18, 270, 271	Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18
720.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
720.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a), (e)
720.13	Street Frontage		Required § 145.1
720.13a	Street Frontage, Above- Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
720.13b	Street Frontage, Required Ground Floor Commercial		Hayes Street; Octavia Street, from Fell to Hayes Streets § 145.1(d), (e)
720.13c	Street Frontage, Parking and Loading Access Restrictions		NP: Hayes Street; Octavia Street, § 155(r)
720.14	Awning	§ 790.20	P § 136.1(a)
720.15	Canopy	§ 790.26	P § 136.1(b)
720.16	Marquee	§ 790.58	P § 136.1(c)
720.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
720.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
720.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
720.22	Off-Street Parking,	§§ 150, 153—157,	None required. For

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	Commercial/Institutional	159—160, 166, 204.5	uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above. §§ 151.1, 166, 145.1
720.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor is less than 10,000 sq. ft. §§ 152, 161(b)
720.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
720.25	Drive-Up Facility	§ 790.30	NP
720.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
720.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.

720.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
720.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
720.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Hayes-Gough		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
720.38	Residential Conversion	§§ 790.84, 207.7	C	C	
720.39	Residential Demolition	§§ 790.86, 207.7	C	C	C
720.39a	Residential Division	§ 207.6	P	P	P
Retail Sales and Services					
720.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
720.41	Bar	§ 790.22	P		
720.42	Full-Service Restaurant	§ 790.92	P		
720.43	Large Fast Food Restaurant	§ 790.90	C		
720.44	Small Self-Service Restaurant	§ 790.91	P		
720.45	Liquor Store	§ 790.55	C		
720.46	Movie Theater	§ 790.64	P		
720.47	Adult Entertainment	§ 790.36			
720.48	Other Entertainment	§ 790.38	C		
720.49	Financial Service	§ 790.110	P	C	
720.50	Limited Financial Service	§ 790.112	P		
720.51	Medical Service	§ 790.114	C	P	C
720.52	Personal Service	§ 790.116	P	P	C
720.53	Business or	§ 790.108	C	P	C

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	Professional Service				
720.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
720.55	Tourist Hotel	§ 790.46	C	C	C
720.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
720.57	Automotive Gas Station	§ 790.14			
720.58	Automotive Service Station	§ 790.17			
720.59	Automotive Repair	§ 790.15			
720.60	Automotive Wash	§ 790.18			
720.61	Automobile Sale or Rental	§ 790.12			
720.62	Animal Hospital	§ 790.6	C		
720.63	Ambulance Service	§ 790.2			
720.64	Mortuary	§ 790.62			
720.65	Trade Shop	§ 790.124	P	C	
720.66	Storage	§ 790.117			
720.67	Video Store	§ 790.135	C	C	
720.68	Fringe Financial Service	§ 790.111	P#		
720.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
720.69A	Self-Service Specialty Food	§ 790.93	P		
720.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
720.70	Administrative Service	§ 790.106			
720.80	Hospital or Medical Center	§ 790.44			

1	720.81	Other Institutions, Large	§ 790.50	P	C	C
2	720.82	Other Institutions, Small	§ 790.51	P	P	P
3	720.83	Public Use	§ 790.80	C	C	C
4	720.84	Medical Cannabis Dispensary	§ 790.141	P		
5	RESIDENTIAL STANDARDS AND USES					
6	720.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
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11	720.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6		
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18	720.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
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25	720.93	Usable Open Space	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common		

	<i>[Per Residential Unit]</i>		§ 135(d)		
720.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5; C up to 0.75. Not permitted above .75 cares for each dwelling unit. §§ 151.1, 166, 167, 145.1		
720.95	Community Residential Parking	§ 790.10, 145.1, 151.1(f), 155(r), 166	C	C	C

SPECIFIC PROVISIONS FOR THE HAYES-GOUGH DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>720.68</u>	<u>§ 249.35</u>	<i>Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).</i>

Section 41. The San Francisco Planning Code is hereby amended by amending Section 721.1, to read as follows:

SEC. 721.1. - UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Market Street Neighborhood Commercial District, on Market Street from Church to Castro, and on side streets off Market, is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

1 The Upper Market Street district controls are designed to promote moderate-scale
 2 development which contributes to the definition of Market Street's design and character. They are also
 3 intended to preserve the existing mix of commercial uses and maintain the livability of the district and
 4 its surrounding residential areas. Large-lot and use development is reviewed for consistency with
 5 existing development patterns. Rear yards are protected at residential levels. To promote mixed-use
 6 buildings, most commercial uses are permitted with some limitations above the second story. In order
 7 to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story
 8 neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial
 9 service uses are limited. Continuous frontage is promoted by prohibitions of most automobile and
 10 drive-up uses.

11 Housing development in new buildings is encouraged above the second story. Existing upper-
 12 story residential units are protected by limitations on demolitions and upper-story conversions.

13 SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 14 ZONING CONTROL TABLE

		Upper Market Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
721.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X, 50-X, 65-B, 80-B See Zoning Map
721.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
721.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a) (e)
721.13	Street Frontage		Required § 145.1
721.14	Awning	§ 790.20	P § 136.1(a)

1	721.15	Canopy	§ 790.26	P § 136.1(b)
2	721.16	Marquee	§ 790.58	P § 136.1(c)
3	721.17	Street Trees		Required § 143
4	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
5	721.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
6	721.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
7				
8	721.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
9				
10	721.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
11				
12	721.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
13				
14	721.25	Drive-Up Facility	§ 790.30	
15	721.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
16				
17	721.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
18				
19	721.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
20	721.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)2
21	721.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)
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No.	Zoning Category	§ References	Upper Market Street
			Controls by Story

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		§ 790.118	1st	2nd	3rd+
721.38	Residential Conversion	§ 790.84	P	C	
721.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
721.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
721.41	Bar	§ 790.22	C		
721.42	Full-Service Restaurant	§ 790.92	C		
721.43	Large Fast Food Restaurant	§ 790.90			
721.44	Small Self-Service Restaurant	§ 790.91	C		
721.45	Liquor Store	§ 790.55	C		
721.46	Movie Theater	§ 790.64	P		
721.47	Adult Entertainment	§ 790.36			
721.48	Other Entertainment	§ 790.38	C#		
721.49	Financial Service	§ 790.110	C	C	
721.50	Limited Financial Service	§ 790.112	P		
721.51	Medical Service	§ 790.114	P	P	C
721.52	Personal Service	§ 790.116	P	P	C
721.53	Business or Professional Service	§ 790.108	P	P	C
721.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
721.55	Tourist Hotel	§ 790.46	C	C	C
721.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
721.57	Automotive Gas Station	§ 790.14			
721.58	Automotive Service Station	§ 790.17			
721.59	Automotive Repair	§ 790.15	C		
721.60	Automotive Wash	§ 790.18			
721.61	Automobile Sale or Rental	§ 790.12			
721.62	Animal Hospital	§ 790.6	C		
721.63	Ambulance Service	§ 790.2			
721.64	Mortuary	§ 790.62			
721.65	Trade Shop	§ 790.124	P	C	

1	721.66	Storage	§ 790.117			
	721.67	Video Store	§ 790.135	C	C	
2	721.68	Fringe Financial Service	§ 790.111			
3	721.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
4	721.69A	Self-Service Specialty Food	§ 790.93	C		
5	721.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
6	Institutions and Non-Retail Sales and Services					
7						
8	721.70	Administrative Service	§ 790.106			
9	721.80	Hospital or Medical Center	§ 790.44			
10	721.81	Other Institutions, Large	§ 790.50	P	C	C
11	721.82	Other Institutions, Small	§ 790.51	P	P	P
12	721.83	Public Use	§ 790.80	C	C	C
13	721.84	Medical Cannabis Dispensary	§ 790.141	P		
14	RESIDENTIAL STANDARDS AND USES					
15						
16	721.90	Residential Use	§ 790.88	P	P	P
17	721.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
18	721.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
19						
20	721.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)		
21						
22	721.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
23						
24	721.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR UPPER MARKET STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

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Article 7 Code Section	Other Code Section	Zoning Controls
<p>§ 721.31 § 721.32</p>	<p>§ 608.10</p>	<p>UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Upper Market Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs</p>
<p>§ 721.48</p>		<p>Boundaries: Applicable for the Upper Market Street NCD. Controls: Existing bars in the Upper Market Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.</p>
<p>§ <u>721.68</u></p>	<p>§ <u>249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED</u></p>

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		<u>USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD</u> <u>and its 1/4 mile buffer</u> <u>includes, but is not limited</u> <u>to, the Upper Market Street</u> <u>Neighborhood Commercial</u> <u>District. Controls: Within the</u> <u>FFSRUD and its 1/4 mile</u> <u>buffer, fringe financial</u> <u>services are NP pursuant to</u> <u>Section 249.35. Outside the</u> <u>FFSRUD and its 1/4 mile</u> <u>buffer, fringe financial</u> <u>services are P subject to the</u> <u>restrictions set forth in</u> <u>Subsection 249.35(c)(3).</u>
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Section 42. The San Francisco Planning Code is hereby amended by amending Section 722.1, to read as follows:

SEC. 722.1. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

The North Beach Neighborhood Commercial District is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating, drinking, and entertainment establishments remain open into the evening to serve a much wider trade area and attract many tourists. The balance between neighborhood-serving convenience stores and Citywide specialty businesses has shifted, as convenience stores have been replaced by restaurants and bars. The proliferation of financial services, limited financial services, and business and professional services has also upset the district's balance of uses. The relocation of business and professional offices from downtown to North Beach threatens the loss of upper-story residential units.

1 The North Beach District controls are designed to ensure the livability and
2 attractiveness of North Beach. Building standards limit new development to a small to
3 moderate scale. Rear yards are protected above the ground story and at residential levels.
4 Most new commercial development is permitted at the first two stories. Small-scale,
5 neighborhood-serving businesses are strongly encouraged and formula retail uses are
6 prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage
7 conversion back to the traditional small-scale commercial spaces. Special controls are
8 necessary because an over-concentration of food and beverage service establishments limits
9 neighborhood-serving retail sales and personal services in an area that needs them to thrive
10 as a neighborhood. In order to maintain neighborhood-serving retail sales and personal
11 services and to protect residential livability, additional eating and drinking establishments are
12 prohibited in spaces that have been occupied by neighborhood-serving retail sales and
13 personal services. Special controls limit additional ground-story entertainment uses and
14 prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited
15 financial services, and ground-story business and professional office uses are prohibited from
16 locating in the portion of the district south of Greenwich Street, while new financial services
17 locating in the portion of the district north of Greenwich Street are limited. Restrictions on
18 automobile and drive-up uses are intended to promote continuous retail frontage and maintain
19 residential livability.

20 In keeping with the district's existing mixed-use character, housing development in new
21 buildings is encouraged above the second story. Existing residential units are protected by
22 prohibitions of upper-story conversions and limitations on demolitions.

23 SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

24 ZONING CONTROL TABLE

25

	North Beach
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No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
722.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	P up to 40 ft.
722.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
722.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
722.13	Street Frontage		Required § 145.1
722.14	Awning	§ 790.20	P § 136.1(a)
722.15	Canopy	§ 790.26	P § 136.1(b)
722.16	Marquee	§ 790.58	P § 136.1(c)
722.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
722.21	Use Size <i>[Nonresidential]</i>	§ 790.130	P up to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2
722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
722.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
722.24	Outdoor Activity Area	§ 790.70	P if located in front;

			C if located elsewhere § 145.2(a)
722.25	Drive-Up Facility	§ 790.30	
722.26	Walk-Up Facility	§ 790.140	<i>P if recessed 3 ft.; C if not recessed § 145.2(b) NP</i>
722.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
722.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
722.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
722.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	North Beach		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
722.38	Residential Conversion	§ 790.84	P		
722.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
722.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	
722.41	Bar	§ 790.22 § 780.3	C#		
722.42	Full-Service Restaurant	§ 790.92 § 780.3	C#	C #	
722.43	Large Fast Food Restaurant	§ 790.90			
722.44	Small Self-Service Restaurant	§ 790.91 § 780.3	C#		
722.45	Liquor Store	§ 790.55	C		
722.46	Movie Theater	§ 790.64	P		
722.47	Adult Entertainment	§ 790.36			
722.48	Other Entertainment	§ 790.38	C		

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722.49	Financial Service	§ 790.110	C/NP #		
722.50	Limited Financial Service	§ 790.112	C/NP#		
722.51	Medical Service	§ 790.114	P	P	
722.52	Personal Service	§ 790.116	P	P	
722.53	Business or Professional Service	§ 790.108	C/NP#	P	
722.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
722.55	Tourist Hotel	§ 790.46	C	C	C
722.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
722.57	Automotive Gas Station	§ 790.14			
722.58	Automotive Service Station	§ 790.17			
722.59	Automotive Repair	§ 790.15	C		
722.60	Automotive Wash	§ 790.18			
722.61	Automobile Sale or Rental	§ 790.12			
722.62	Animal Hospital	§ 790.6	C		
722.63	Ambulance Service	§ 790.2			
722.64	Mortuary	§ 790.62			
722.65	Trade Shop	§ 790.124	P#	C #	
722.66	Storage	§ 790.117			
722.67	Video Store	§ 790.135	C	C	
722.68	Fringe Financial Service	§ 790.111			
722.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
722.69A	Self-Service Specialty Food	§ 790.93	C		
722.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			

Institutions and Non-Retail Sales and Services						
722.70	Administrative Service	§ 790.106				
722.80	Hospital or Medical Center	§ 790.44				
722.81	Other Institutions, Large	§ 790.50	P	C	C	
722.82	Other Institutions, Small	§ 790.51	P	P	P	
722.83	Public Use	§ 790.80	C	C	C	
722.84	Medical Cannabis Dispensary	§ 790.141	P			
RESIDENTIAL STANDARDS AND USES						
722.90	Residential Use	§ 790.88	P	P	P	
722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4			
722.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208			
722.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common § 135(d)			
722.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159—160, 204.5	P up to one car for each two dwelling units; C up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit. §§ 151.1, 161(a), (g) Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.			
722.95	Community Residential Parking	§ 790.10	C	C	C	

SPECIFIC PROVISIONS FOR THE NORTH BEACH
NEIGHBORHOOD COMMERCIAL DISTRICT

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Article 7 Code Section	Other Code Section	Zoning Controls
§ 722.26	§ 790.140	NORTH BEACH WALK UP FACILITIES Boundaries: North Beach NCD Controls: Walk-up automated bank teller machines (ATMs) are not permitted.
§ 722.40	§ 790.102(n)	NORTH BEACH SPECIALTY RETAIL USES Boundaries: North Beach NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
§§ 722.42, 722.44, 722.41	§ 780.3	NORTH BEACH SPECIAL USE DISTRICT Boundaries: North Beach NCD Controls: Full-service restaurants and small self- service restaurants as defined in Sections 790.92 and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the full-service restaurant, small self- service restaurant, or bar does not occupy:
		(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in

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		Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or
		(2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.
§§ 722.42, 722.44	§§ 790.92, 790.91	NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE AND SMALL SELF-SERVICE RESTAURANTS Boundaries: North Beach NCD Controls: (a) In order to allow full-service restaurants, as defined in § 790.92, and small self-service restaurants, as defined in § 790.91 to seek or maintain an ABC license type 41, so that they may provide on-site beer and/or wine sales for drinking on the premises, the restaurant shall be required to operate as a 'bona-fide eating place' as defined in § 790.142.
		(b) In order to allow full service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning

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		Commission finds that: (1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a 'bona-fide eating place' as defined in § 790.142; and
		(2) (2) The establishment maintains only an ABC license type 47, 40, 41 or 60.
		(c) The Commission may consider immediate revocation of a previous conditional use authorization should an establishment no longer comply with any of the criteria set forth above in (a) or (b) of this Section for any length of time.
		(d) A small self-service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61).
§§ 722.49, 722.50 722.53	§ 781.6	NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT Boundaries: Applicable only for portions of the North Beach NCD south of Greenwich Street as mapped on Sectional Map SU01 Controls: Financial services and limited financial services are NP at all stories; business or professional services are

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<p>§ 722.65</p>	<p>§ 236</p>	<p>NP at the 1st story GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a Controls: Garment shops are P at the 1st and 2nd stories</p>
<p>§ 722.94</p>	<p>§§ 150, 153-157, 159-160, 204.5</p>	<p>NORTH BEACH OFF-STREET PARKING, RESIDENTIAL Boundaries: North Beach NCD A. Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units.</p> <p>(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p>

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		<p>B. Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above and will determine whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit.</p>
<p><u>§722.68</u></p>	<p><u>§249.35</u></p>	<p><i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></i> <i><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the North Beach Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></i></p>

Section 43. The San Francisco Planning Code is hereby amended by amending Section 724.1, to read as follows:

SEC. 724.1. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT. Located in the Presidio Heights neighborhood in north-central San Francisco, the Sacramento Street Neighborhood Commercial District functions as a small-scale linear shopping area. It extends along Sacramento Street between Lyon and Spruce. Interspersed among residential

1 buildings and garages, the district's daytime-oriented retail stores provide a limited array of
2 convenience goods to the immediate neighborhood. Sacramento Street also has many
3 elegant clothing, accessory, and antique stores and services, such as hair salons, which
4 attract customers from a wider trade area. Its numerous medical and business offices draw
5 clients from throughout the City. Evening activity in the district is limited to one movie theater,
6 a few restaurants, and some stores near Presidio Avenue.

7 The Sacramento Street District controls are designed to promote adequate growth
8 opportunities for development that is compatible with the surrounding low-density residential
9 neighborhood. The building standards monitor large-scale development and protect rear yards
10 at the grade level and above. Most new commercial development is permitted at the first
11 story; general retail uses are permitted at the second story only if such use would not involve
12 conversion of any existing housing units. Special controls are designed to protect existing
13 neighborhood-serving ground-story retail uses. New medical service offices are prohibited at
14 all stories. Personal and business services are restricted at the ground story and prohibited on
15 upper stories. Limits on new ground-story eating and drinking uses, as well as new
16 entertainment and financial service uses, are intended to minimize the environmental impacts
17 generated by the growth of such uses. The daytime orientation of the district is encouraged by
18 prohibiting bars and restricting late-night commercial activity. New hotels and parking facilities
19 are limited in scale and operation to minimize disruption to the neighborhood. Most new
20 automobile and drive-up uses are prohibited to promote continuous retail frontage.

21 Housing development in new buildings is encouraged above the second story. Existing
22 residential units are protected by limitations on demolitions and prohibitions of upper-story
23 conversions.

24 SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
25 ZONING CONTROL TABLE

		Sacramento Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
724.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
724.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
724.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
724.13	Street Frontage		Required § 145.1
724.14	Awning	§ 790.20	P § 136.1(a)
724.15	Canopy	§ 790.26	P § 136.1(b)
724.16	Marquee	§ 790.58	P § 136.1(c)
724.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
724.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
724.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
724.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
724.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
724.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)

1	724.25	Drive-Up Facility	§ 790.30	
2	724.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
3	724.27	Hours of Operation	§ 790.48	P 6 a.m.—12 a.m.; C 12 a.m.—6 a.m.
4	724.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
5	724.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2
6	724.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Sacramento Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
724.38	Residential Conversion	§ 790.84	P		
724.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
724.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
724.41	Bar	§ 790.22			
724.42	Full-Service Restaurant	§ 790.92	C		
724.43	Large Fast Food Restaurant	§ 790.90			
724.44	Small Self-Service Restaurant	§ 790.91	C		
724.45	Liquor Store	§ 790.55	P		
724.46	Movie Theater	§ 790.64	P		
724.47	Adult Entertainment	§ 790.36			
724.48	Other Entertainment	§ 790.38	C		
724.49	Financial Service	§ 790.110	C		
724.50	Limited Financial Service	§ 790.112	C		
724.51	Medical Service	§ 790.114			

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724.52	Personal Service	§ 790.116	C		
724.53	Business or Professional Service	§ 790.108	C		
724.54	Massage Establishment	§ 790.60, § 1900 Health Code			
724.55	Tourist Hotel	§ 790.46	C	C	
724.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
724.57	Automotive Gas Station	§ 790.14			
724.58	Automotive Service Station	§ 790.17			
724.59	Automotive Repair	§ 790.15			
724.60	Automotive Wash	§ 790.18			
724.61	Automobile Sale or Rental	§ 790.12			
724.62	Animal Hospital	§ 790.6	C		
724.63	Ambulance Service	§ 790.2			
724.64	Mortuary	§ 790.62			
724.65	Trade Shop	§ 790.124	P	C	
724.66	Storage	§ 790.117			
724.67	Video Store	§ 790.135	C	C	
724.68	Fringe Financial Service	§ 790.111			
724.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
724.69A	Self-Service Specialty Food	§ 790.93	C		
724.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
724.70	Administrative Service	§ 790.106			
724.80	Hospital or Medical Center	§ 790.44			

1	724.81	Other Institutions, Large	§ 790.50	P	C	C
2	724.82	Other Institutions, Small	§ 790.51	P	P	P
3	724.83	Public Use	§ 790.80	C	C	C
4	724.84	Medical Cannabis Dispensary	§ 790.141	P		
5	RESIDENTIAL STANDARDS AND USES					
6	724.90	Residential Use	§ 790.88	P	P	P
7	724.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
8	724.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
10	724.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
12	724.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
14	724.95	Community Residential Parking	§ 790.10	C	C	C
16	Article 7 Code Section		Other Code Section		Zoning Controls	
17	§ 724.38		§ 790.84		Boundaries: Sacramento Street Neighborhood Commercial District Controls: A residential use may be converted to an Other Institution, Large, Educational Service use as defined by Section 790.50 as a conditional use, if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:	
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		that is otherwise used for non-residential uses; and
		2) No legally residing residential tenant will be displaced.
<u>§ 724.68</u>	<u>§249.35</u>	<i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></i> <i><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Sacramento Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></i>

13 Sec. 44. The San Francisco Planning Code is hereby amended by amending Section
14 725.1, to read as follows:

15 SEC. 725.1. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

16 The Union Street Commercial District is located in northern San Francisco between the
17 Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van
18 Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard.
19 The shopping area provides limited convenience goods for the residents of sections of the
20 Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately
21 surrounding the street. Important aspects of Union Street's business activity are eating and
22 drinking establishments and specialty shops whose clientele comes from a wide trade area.
23 There are also a significant number of professional, realty, and business offices. Many
24 restaurants and bars as well as the district's two movie theaters are open into the evening
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1 hours, and on weekends the street's clothing, antique stores and galleries do a vigorous
 2 business.

3 The Union Street District controls are designed to provide sufficient growth
 4 opportunities for commercial development that is in keeping with the existing scale and
 5 character, promote continuous retail frontage, and protect adjacent residential livability. Small-
 6 scale buildings and neighborhood-serving uses are promoted, and rear yards above the
 7 ground story and at all residential levels are protected. Most commercial development is
 8 permitted at the first two stories of new buildings, while retail service uses are monitored at
 9 the third story and above. Controls are necessary to preserve the remaining convenience
 10 businesses and to reduce the cumulative impacts which the growth of certain uses have on
 11 neighborhood residents. Such controls prohibit additional drinking establishments and limit
 12 additional eating establishments, entertainment, and financial service uses. Most automobile
 13 and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize
 14 further traffic congestion.

15 Housing development in new buildings is encouraged above the second story. Existing
 16 residential units are protected by limitations on demolitions and upper-story conversions.

17 SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 18 ZONING CONTROL TABLE

No.	Zoning Category	Union Street § References	Controls
BUILDING STANDARDS			
725.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
725.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
725.12	Rear Yard	§§ 130, 134, 136	Required at the

			second story and above and at all residential levels § 134(a) (e)
725.13	Street Frontage		Required § 145.1
725.14	Awning	§ 790.20	P § 136.1(a)
725.15	Canopy	§ 790.26	P § 136.1(b)
725.16	Marquee	§ 790.58	P § 136.1(c)
725.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
725.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
725.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
725.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
725.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
725.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
725.25	Drive-Up Facility	§ 790.30	
725.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
725.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
725.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
725.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2

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725.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Union Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
725.38	Residential Conversion	§ 790.84	P	C	C
725.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
725.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
725.41	Bar	§ 790.22			
725.42	Full-Service Restaurant	§ 790.92	C#		
725.43	Large Fast Food Restaurant	§ 790.90			
725.44	Small Self-Service Restaurant	§ 790.91	C#		
725.45	Liquor Store	§ 790.55	C		
725.46	Movie Theater	§ 790.64	P		
725.47	Adult Entertainment	§ 790.36			
725.48	Other Entertainment	§ 790.38	C		
725.49	Financial Service	§ 790.110	C	C	
725.50	Limited Financial Service	§ 790.112	P		
725.51	Medical Service	§ 790.114	P	P	C
725.52	Personal Service	§ 790.116	P	P	C
725.53	Business or Professional Service	§ 790.108	P	P	C
725.54	Massage Establishment	§ 790.60, § 1900 Health Code			
725.55	Tourist Hotel	§ 790.46	C	C	C
725.56	Automobile Parking	§§ 790.8,	C	C	C

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725.57	Automotive Gas Station	§ 790.14			
725.58	Automotive Service Station	§ 790.17			
725.59	Automotive Repair	§ 790.15			
725.60	Automotive Wash	§ 790.18			
725.61	Automobile Sale or Rental	§ 790.12			
725.62	Animal Hospital	§ 790.6	C		
725.63	Ambulance Service	§ 790.2			
725.64	Mortuary	§ 790.62			
725.65	Trade Shop	§ 790.124	P	C	
725.66	Storage	§ 790.117			
725.67	Video Store	§ 790.135	C	C	
725.68	Fringe Financial Service	§ 790.111			
725.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
725.69A	Self-Service Specialty Food	§ 790.93	C#		
725.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
725.70	Administrative Service	§ 790.106			
725.80	Hospital or Medical Center	§ 790.44			
725.81	Other Institutions, Large	§ 790.50	P	C	C
725.82	Other Institutions, Small	§ 790.51	P	P	P
725.83	Public Use	§ 790.80	C	C	C
725.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					

1	725.90	Residential Use	§ 790.88	P	P	P
2	725.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
3	725.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
4	725.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
5	725.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
6	725.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD
COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§725.42	§790.92	<p>UNION STREET FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to § 178(c) of the Planning Code.</p> <p>Controls: The Planning Commission may approve a full-service restaurant providing on-site beer and/or wine sales (with</p>

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		<p>ABC license 40, 41 or 60) if, in addition to meeting the criteria set forth in Section 303, the use (1) is located on the ground floor, and (2) the Planning Commission finds that an additional full-service restaurant would not result in a net total of more than 32 full-service restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street Full-Service Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.</p>
<p>§ 725.44 and 725.69B</p>	<p>§ 790.91 790.93</p>	<p>SMALL SELF-SERVICE RESTAURANTS AND SELF-SERVICE SPECIALTY FOOD USES Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Controls: The Planning Commission may approve a Small Self-Service Restaurants or Self-Service Specialty Food use if, in addition to meeting the criteria set forth in Section 303, the Planning Commission finds that an additional such use would not result in a net total of more than 12 combined Small Self-Service Restaurants and Self-Service Specialty</p>

		Food uses in the Union Street Neighborhood Commercial District.
<u>§ 725.68</u>	<u>§249.35</u>	<i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></i> <i><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Union Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></i>

12 Sec. 45. The San Francisco Planning Code is hereby amended by amending Section
13 726.1, to read as follows:

14 SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
15 DISTRICT.

16 The Valencia Street Commercial Transit District is located near the center of San
17 Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez
18 (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street.
19 The commercial area provides a limited selection of convenience goods for the residents of
20 sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area
21 with its retail and wholesale home furnishings and appliance outlets. The commercial district
22 also has several automobile-related businesses. Eating and drinking establishments
23 contribute to the street's mixed-use character and activity in the evening hours. A number of
24 upper-story professional and business offices are located in the district, some in converted
25 residential units.

1 The Valencia Street District has a pattern of large lots and businesses, as well as a
 2 sizable number of upper-story residential units. Controls are designed to permit moderate-
 3 scale buildings and uses, protecting rear yards above the ground story and at residential
 4 levels. New neighborhood-serving commercial development is encouraged mainly at the
 5 ground story. While offices and general retail sales uses may locate at the second story of
 6 new buildings under certain circumstances, most commercial uses are prohibited above the
 7 second story. In order to protect the balance and variety of retail uses and the livability of
 8 adjacent uses and areas, most eating and drinking and entertainment uses at the ground
 9 story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some
 10 automobile uses, and new nonretail commercial uses. Parking is not required, and any new
 11 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
 12 uses are required.

13 Housing development in new buildings is encouraged above the ground story. Housing
 14 density is not controlled by the size of the lot but by requirements to supply a high percentage
 15 of larger units and by physical envelope controls. Existing residential units are protected by
 16 prohibitions on upper-story conversions and limitations on demolitions, mergers, and
 17 subdivisions. Given the area's central location and accessibility to the City's transit network,
 18 accessory parking for residential uses is not required.

19 SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL *Transit* DISTRICT
 20 ZONING CONTROL TABLE
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		Valencia Street <i>Transit</i>	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.18, 270, 271	40-X, 50-X. See Zoning Map. Additional 5' Height Allowed for Ground

			Floor Active Uses in 40-X and 50-X
726.11	Lot Size [<i>Per Development</i>]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
726.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
<u>726.13</u>	<u>Street Frontage</u>		<u>Required § 145.1</u>
726.13 a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
726.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply. See § 145.4
726.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. See § 155(r)
726.14	Awning	§ 790.20	P § 136.1(a)
726.15	Canopy	§ 790.26	P § 136.1(b)
726.16	Marquee	§ 790.58	P § 136.1(c)
726.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
726.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
726.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
726.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153—157, 159—160, 166, 204.5	None required. Limits set forth in Section 151.1 §§
726.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
726.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
726.25	Drive-Up Facility	§ 790.30	
726.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
726.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.

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726.30	General Advertising Sign	§§ 262, 602—604, 608, 609			
726.31	Business Sign	§§ 262, 602—604, 608, 609		P	§ 607.1(f) 2
726.32	Other Signs	§§ 262, 602—604, 608, 609		P	§ 607.1(c) (d) (g)
No.	Zoning Category	§ References	Valencia Street <i>Transit</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
726.37	Residential Conversion	§§ 790.84, 207.7	C		
726.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
726.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
726.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
726.41	Bar	§ 790.22	C		
726.42	Full-Service Restaurant	§ 790.92	P		
726.43	Large Fast Food Restaurant	§ 790.90	C		
726.44	Small Self-Service Restaurant	§ 790.91	P		
726.45	Liquor Store	§ 790.55			
726.46	Movie Theater	§ 790.64	P		
726.47	Adult Entertainment	§ 790.36			
726.48	Other Entertainment	§ 790.38	C		
726.49	Financial Service	§ 790.110	P		
726.50	Limited Financial Service	§ 790.112	P		
726.51	Medical Service	§ 790.114	P	C	
726.52	Personal Service	§ 790.116	P	C	
726.53	Business or Professional Service	§ 790.108	P	C	
726.54	Massage Establishment	§ 790.60, § 1900	C		

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		Health Code			
726.55	Tourist Hotel	§ 790.46	C	C	
726.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
726.57	Automotive Gas Station	§ 790.14			
726.58	Automotive Service Station	§ 790.17			
726.59	Automotive Repair	§ 790.15	C		
726.60	Automotive Wash	§ 790.18			
726.61	Automobile Sale or Rental	§ 790.12			
726.62	Animal Hospital	§ 790.6	C		
726.63	Ambulance Service	§ 790.2			
726.64	Mortuary	§ 790.62	C	C	
726.65	Trade Shop	§ 790.124	P	C	
726.66	Storage	§ 790.117			
726.67	Video Store	§ 790.135	C	C	
726.68	Fringe Financial Service	§ 790.111	#	#	#
726.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
726.69A	Self-Service Specialty Food	§ 790.93	P		
726.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
726.70	Administrative Service	§ 790.106			
726.80	Hospital or Medical Center	§ 790.44			
726.81	Other Institutions, Large	§ 790.50	P	C	C
726.82	Other Institutions, Small	§ 790.51	P	P	P
726.83	Public Use	§ 790.80	C	C	C
726.84	Medical Cannabis	§ 790.141	P		

	Dispensary				
RESIDENTIAL STANDARDS AND USES					
726.90	Residential Use	§§ 145.4, 790.88	P, except NP for frontages listed in 145.4	P	P
726.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 207.6, 790.88(a)	No density limit § 207.4		
726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
726.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
726.94	Off-Street Parking, Residential	§§ 145.1, 150, 151.1, 153—157, 159—160, 166, 167, 204.5	Non required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
726.95	Community Residential Parking	§§ 145.1, 151.1(f), 155(r), 166, 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 726.68</u>	<u>§ 249.35</u>	<i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i> <i>Boundaries: The FFSRUD and its 1/2 mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to</i>

Section 249.35. Outside the FFSRUD and its L mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

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5 Sec. 46. The San Francisco Planning Code is hereby amended by amending Section
6 727.1, to read as follows:

7 SEC. 727.1. 24th STREET- MISSION NEIGHBORHOOD COMMERCIAL TRANSIT
8 DISTRICT.

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

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

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

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

11 SEC. 727. 24TH STREET — MISSION NEIGHBORHOOD COMMERCIAL TRANSIT
 12 DISTRICT
 13 ZONING CONTROL TABLE

		24th Street — Mission Transit	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
727.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X, 50-X, 105-E See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X.
727.11	Lot Size [<i>Per Development</i>]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
727.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
<u>731.13</u>	<u>Street Frontage</u>		<u>Required § 145.1</u>
727.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above

			§ 145.1
727.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply. See § 145.4
727.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. See § 155(r)
727.14	Awning	§ 790.20	P § 136.1(a)
727.15	Canopy	§ 790.26	P § 136.1(b)
727.16	Marquee	§ 790.58	P § 136.1(c)
727.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
727.21	Use Size [<i>Non-Residential</i>]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
727.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153—157, 159— 160, 166, 204.5	None required. Limits set forth in Section 151.1 §§
727.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
727.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
727.25	Drive-Up Facility	§ 790.30	
727.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
727.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
727.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
727.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
727.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c)(d)(g)

No.	Zoning Category	§ References	24th Street— Mission <i>Transit</i>
			Controls by Story

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		§ 790.118	1st	2nd	3rd+
727.37	Residential Conversion	§§ 790.84, 207.7	C		
727.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
726.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
727.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P		
727.41	Bar	§ 790.22			
727.42	Full-Service Restaurant	§ 790.92	C		
727.43	Large Fast Food Restaurant	§ 790.90			
727.44	Small Self-Service Restaurant	§ 790.91	C		
727.45	Liquor Store	§ 790.55			
727.46	Movie Theater	§ 790.64	P		
727.47	Adult Entertainment	§ 790.36			
727.48	Other Entertainment	§ 790.38	C		
727.49	Financial Service	§ 790.110	P		
727.50	Limited Financial Service	§ 790.112	P		
727.51	Medical Service	§ 790.114	P	C	
727.52	Personal Service	§ 790.116	P	C	
727.53	Business or Professional Service	§ 790.108	P	C	
727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
727.55	Tourist Hotel	§ 790.46	C	C	
727.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
727.57	Automotive Gas Station	§ 790.14			

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727.58	Automotive Service Station	§ 790.17			
727.59	Automotive Repair	§ 790.15	C		
727.60	Automotive Wash	§ 790.18			
727.61	Automobile Sale or Rental	§ 790.12			
727.62	Animal Hospital	§ 790.6	C		
727.63	Ambulance Service	§ 790.2			
727.64	Mortuary	§ 790.62			
727.65	Trade Shop	§ 790.124	P		
727.66	Storage	§ 790.117			
727.67	Video Store	§ 790.135	C		
727.68	Fringe Financial Service	§ 790.111	#	#	#
727.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
727.69A	Self-Service Specialty Food	§ 790.93	C		
727.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
727.70	Administrative Service	§ 790.106			
727.80	Hospital or Medical Center	§ 790.44			
727.81	Other Institutions, Large	§ 790.50	P	C	C
727.82	Other Institutions, Small	§ 790.51	P	P	P
727.83	Public Use	§ 790.80	C	C	C
727.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
727.90	Residential Use	§§ 145.4, 790.88	P, except NP for frontages listed in	P	P

			§ 145.4			
1	727.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 207.6, 790.88(a)	No density limit		
2	727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
3	727.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
4	727.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit §§ 151, 161(a) (g), 166, 167, 145.1		
5	727.95	Community Residential Parking	§§ 145.1, 151.1(f), 155(r), 166, 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 727.68	§ 249.35	<i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i> <i>Boundaries: The FFSRUD and its 1/2 mile buffer includes, but is not limited to, the 24th Street-Mission Neighborhood Commercial Transit District.</i> <i>Controls: Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/2 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</i>

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3 Sec. 47. The San Francisco Planning Code is hereby amended by amending Section
4 730.1 to read as follows:

5 SEC. 729.1. - WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL
6 DISTRICT.

7 Located in the southwestern part of the City, the West Portal Avenue Neighborhood
8 Commercial District stretches for three long blocks along West Portal Avenue from Ulloa
9 Street to 15th Avenue and extends one block east along Ulloa Street from the Twin Peaks
10 Tunnel entrance to Claremont Boulevard. West Portal Avenue provides a selection of goods
11 and services for customers coming mainly from the surrounding west of Twin Peaks and
12 Sunset single-family residential neighborhoods. The lively, small-scale retail frontage is
13 interrupted at several locations by large-scale financial institutions which take up a large
14 amount of commercial ground-story frontage. More than half of the number of medical,
15 professional and business offices are located at the ground level. Except for one three-movie
16 theater complex, West Portal offers no entertainment uses and its restaurants are mainly
17 family-oriented.

18 The West Portal Avenue District controls are designed to preserve the existing family-
19 oriented, village character of West Portal Avenue. The building standards limit building heights
20 to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level
21 and above. The height, bulk and design of new development, especially on large lots, should
22 respect the small-scale character of the district and its surrounding residential neighborhoods.
23 Lot mergers creating large lots are discouraged. Individual nonresidential uses require
24 conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an
25 absolute limit to conform with the existing small use sizes in the district.

1 Special controls on commercial uses are designed to protect the existing mix of
 2 ground-story retail uses and prevent further intensification and congestion in the district. No
 3 new financial services are permitted. Because the district and surrounding neighborhoods are
 4 well served by the existing number of eating and drinking establishments, new bars,
 5 restaurants and take-out food generally are discouraged: any proposed new establishment
 6 should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented,
 7 and will not involve high-volume take-out food or generate traffic, parking, or litter problems.
 8 Large fast-food restaurants and small self-service restaurants are prohibited. Medical,
 9 business or professional services are permitted at the first two stories, but additional ground-
 10 story locations are to be closely monitored to ensure that the current balance between retail
 11 and office uses is maintained. Existing service stations are encouraged to continue operating,
 12 but changes in their size, operation, or location are subject to review. Other automotive uses
 13 are prohibited. The neighborhood-oriented, retail character of the district is further protected
 14 by prohibiting hotels and nonretail uses. The daytime orientation of the district is maintained
 15 by prohibitions of entertainment uses and late-night commercial operating hours.

16 Housing development is limited. Existing residential units are protected by limitations
 17 on demolition and prohibition of upper-story conversions; new construction is to be carefully
 18 reviewed to ensure appropriate scale, design and compatibility with adjacent development.

19 SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
 20 ZONING CONTROL TABLE

		West Portal Avenue	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
729.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	26-X
729.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.;

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			C 5,000 sq. ft. & above § 121.1
729.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
729.13	Street Frontage		Required § 145.1
729.14	Awning	§ 790.20	P § 136.1(a)
729.15	Canopy	§ 790.26	P § 136.1(b)
729.16	Marquee	§ 790.58	P § 136.1(c)
729.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
729.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
729.21	Use Size <i>[Nonresidential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
729.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
729.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
729.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
729.25	Drive-Up Facility	§ 790.30	
729.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
729.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.

729.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
729.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
729.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	West Portal Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
729.38	Residential Conversion	§ 790.84	P		
729.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
729.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P#	P	
729.41	Bar	§ 790.22	C		
729.42	Full-Service Restaurant	§ 790.92	C		
729.43	Large Fast Food Restaurant	§ 790.90			
729.44	Small Self-Service Restaurant	§ 790.91			
729.45	Liquor Store	§ 790.55	P		
729.46	Movie Theater	§ 790.64			
729.47	Adult Entertainment	§ 790.36			
729.48	Other Entertainment	§ 790.38			
729.49	Financial Service	§ 790.110			
729.50	Limited Financial Service	§ 790.112	C		
729.51	Medical Service	§ 790.114	C	P	
729.52	Personal Service	§ 790.116	P	P	
729.53	Business or Professional Service	§ 790.108	C #	P	
729.54	Massage Establishment	§ 790.60, § 1900 Health Code			
729.55	Tourist Hotel	§ 790.46			
729.56	Automobile Parking	§§ 790.8, 156, 160			
729.57	Automotive Gas	§ 790.14			

1	729.58	Station Automotive Service Station	§ 790.17	C		
2	729.59	Automotive Repair	§ 790.15			
3	729.60	Automotive Wash	§ 790.18			
4	729.61	Automobile Sale or Rental	§ 790.12			
5	729.62	Animal Hospital	§ 790.6	C		
6	729.63	Ambulance Service	§ 790.2			
7	729.64	Mortuary	§ 790.62			
8	729.65	Trade Shop	§ 790.124	P		
9	729.66	Storage	§ 790.117			
10	729.67	Video Store	§ 790.135	C	C	
11	729.68	Fringe Financial Service	§ 790.111			
12	729.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
13	729.69A	Self-Service Specialty Food	§ 790.93			
14	729.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services						
15	729.70	Administrative Service	§ 790.106			
16	729.80	Hospital or Medical Center	§ 790.44			
17	729.81	Other Institutions, Large	§ 790.50	C	C	
18	729.82	Other Institutions, Small	§ 790.51	P	P	
19	729.83	Public Use	§ 790.80	C	C	
20	729.84	Medical Cannabis Dispensary	§ 790.141	C		
RESIDENTIAL STANDARDS AND USES						
21	729.90	Residential Use	§ 790.88	P	P	
22	729.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
23	729.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
24	729.93	Usable Open	§§ 135, 136	Generally, either		

	Space <i>[Per Residential Unit]</i>		100 sq. ft. if private, or 133 sq. ft. if common § 135(d)
729.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)
729.95	Community Residential Parking	§ 790.10	C C

SPECIFIC PROVISIONS FOR THE WEST PORTAL AVENUE
NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 729.40	§ 790.102	Boundaries: The entire West Portal Neighborhood Commercial District Controls: A retail coffee store or other non-alcoholic beverage store as defined by Subsection 790.102(n) may be granted a conditional use to be exempt from the prohibition described in that subsection of cooking devices and on-site food preparation not connected with beverage preparation, provided that the cooking device allowed shall be limited to one small device for warming sandwich ingredients and provided that all other provisions of Subsection 790.102(n) are met.
§ 729.53		Boundaries: The entire West Portal Neighborhood Commercial District Controls: Applicable only for the use of stock brokerage. A stock brokerage may apply for conditional use if there are no more than a total of seven financial uses and/or stock brokerages within the district. If there are more than seven financial services

		and/or stock brokerages in the district, stock brokerages shall not be permitted.
<u>§ 729.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the West Portal Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u>

Sec. 48. The San Francisco Planning Code is hereby amended by amending Section 730.1, to read as follows:

SEC. 730.1. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Sunset Neighborhood Commercial District is located in the Inner Sunset neighborhood, consisting of the NC-2 district bounded by Lincoln Way on the north, Fifth Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west. The shopping area provides convenience goods and services to local Inner Sunset residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.

The Inner Sunset District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The

1 building standards regulate large-lot and use development and protect rear yards above the
 2 ground story and at residential levels. To promote the prevailing mixed use character, most
 3 commercial uses are directed primarily to the ground story with some upper-story restrictions
 4 in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving
 5 commercial uses and regulate the more intensive commercial uses which can generate
 6 congestion and nuisance problems, special controls prohibit additional eating and drinking
 7 uses, restrict expansion and intensification of existing eating and drinking establishments, and
 8 limit entertainment and tourist hotels. Prohibitions of most automobile and drive-up uses
 9 protect the district's continuous retail frontage.

10 Housing development in new buildings is encouraged above the ground story. Existing
 11 residential units are protected by prohibition of upper-story conversions and limitations on
 12 demolitions.

13 SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
 14 ZONING CONTROL TABLE

No.	Zoning Category	Inner Sunset § References	Controls
BUILDING STANDARDS			
730.1	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
730.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
730.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
730.13	Street Frontage		Required § 145.1
730.14	Awning	§ 790.20	P § 136.1(a)

1	730.15	Canopy	§ 790.26	P § 136.1(b)		
2	730.16	Marquee	§ 790.58	P § 136.1(c)		
3	730.17	Street Trees		Required § 143		
4	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES					
5	730.2	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)		
6	730.21	Use Size [Nonresidential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2		
7	730.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)		
8	730.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)		
9	730.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
10	730.25	Drive-Up Facility	§ 790.30			
11	730.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
12	730.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.		
13	730.30	General Advertising Sign	§§ 262, 602, 604, 608, 609			
14	730.31	Business Sign	§§ 262, 602, 604, 608, 609	P § 607.1(f)2		
15	730.32	Other Signs	§§ 262, 602, 604, 608, 609	P § 607.1(c) (d) (g)		
16	No.	Zoning Category	§ References	Inner Sunset		
17				Controls by Story		
18			§ 790.118	1st	2nd	3rd+
19	730.38	Residential	§ 790.84	P		

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	Conversion				
730.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
730.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
730.41	Bar	§ 790.22	C		
730.42	Full-Service Restaurant	§ 790.92	C		
730.43	Large Fast Food Restaurant	§ 790.90			
730.44	Small Self-Service Restaurant	§ 790.91	C		
730.45	Liquor Store	§ 790.55			
730.46	Movie Theater	§ 790.64	P		
730.47	Adult Entertainment	§ 790.36			
730.48	Other Entertainment	§ 790.38	C		
730.49	Financial Service	§ 790.110	P		
730.50	Limited Financial Service	§ 790.112	P		
730.51	Medical Service	§ 790.114	C	C	
730.52	Personal Service	§ 790.116	P	C	
730.53	Business or Professional Service	§ 790.108	P	C	
730.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
730.55	Tourist Hotel	§ 790.46	C	C	
730.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
730.57	Automotive Gas Station	§ 790.14			
730.58	Automotive Service Station	§ 790.17			
730.59	Automotive Repair	§ 790.15	C		
730.60	Automotive Wash	§ 790.18			
730.61	Automobile Sale or Rental	§ 790.12			

1	730.62	Animal Hospital	§ 790.6	C		
2	730.63	Ambulance Service	§ 790.2			
3	730.64	Mortuary	§ 790.62			
4	730.65	Trade Shop	§ 790.124	P		
5	730.66	Storage	§ 790.117			
6	730.67	Video Store	§ 790.135	C		
7	730.68	Fringe Financial Service	§ 790.111	P #		
8	730.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
9	730.69A	Self-Service Specialty Food	§ 790.93	C		
10	730.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
11	Institutions and Non-Retail Sales and Services					
12	730.7	Administrative Service	§ 790.106			
13	730.8	Hospital or Medical Center	§ 790.44			
14	730.81	Other Institutions, Large	§ 790.50	P	C	C
15	730.82	Other Institutions, Small	§ 790.51	P	P	P
16	730.83	Public Use	§ 790.80	C	C	
17	730.84	Medical Cannabis Dispensary	§ 790.141	P		
18	RESIDENTIAL STANDARDS AND USES					
19	730.9	Residential Use	§ 790.88	P	P	P
20	730.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
21	730.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
22	730.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
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730.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
730.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE INNER SUNSET
NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 730.68</u>	<u>§ 249.35</u>	<i>Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).</i>

Sec. 49 The San Francisco Planning Code is hereby amended by amending Section 731.1, to read as follows:

SEC. 731.1. NCT-3 MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally

1 limited. Commercial establishments are discouraged or prohibited from building accessory off-
2 street parking in order to preserve the pedestrian-oriented character of the district and prevent
3 attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-
4 street parking and loading on critical stretches of NC and transit streets to preserve and
5 enhance the pedestrian-oriented character and transit function.

6 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and
7 specialty goods and services to a population greater than the immediate neighborhood,
8 additionally providing convenience goods and services to the surrounding neighborhoods.
9 NCT-3 Districts include some of the longest linear commercial streets in the City, some of
10 which have continuous retail development for many blocks. Large-scale lots and buildings and
11 wide streets distinguish the districts from smaller-scaled commercial streets, although the
12 districts may include small as well as moderately scaled lots. Buildings may range in height,
13 with height limits varying from four to eight stories.

14 NCT-3 building standards permit moderately large commercial uses and buildings.
15 Rear yards are protected at residential levels.

16 A diversified commercial environment is encouraged for the NCT-3 District, and a wide
17 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
18 Eating and drinking, entertainment, and financial service uses generally are permitted with
19 certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted.
20 Other retail businesses, personal services and offices are permitted at all stories of new
21 buildings. Limited storage and administrative service activities are permitted with some
22 restrictions.

23 Housing development in new buildings is encouraged above the second story. Existing
24 residential units are protected by limitations on demolitions and upper-story conversions.

1 SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

2 NCT-3 ZONING CONTROL TABLE

		NC T-3	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
731.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 261.1 263.20, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.20
731.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
731.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
731.13	Street Frontage		Required § 145.1
731.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
731.13b	Street Frontage, Required Ground Floor Commercial		Market Street, Church Street § 145.1(d)
731.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street, Church Street, Mission Street C: Duboce Street, Haight Street
731.14	Awning	§ 790.20	P § 136.1(a)
731.15	Canopy	§ 790.26	P § 136.1(b)
731.16	Marquee	§ 790.58	P § 136.1(c)
731.17	Street Trees	-	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			

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731.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124 (a) (b)
731.21	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
731.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above. §§ 151.1, 166, 145.1
731.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)

1	731.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
2	731.25	Drive-Up Facility	§ 790.30			
3	731.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
4	731.27	Hours of Operation	§ 790.48	No Limit		
5	731.30	General Advertising Sign	§§ 262, 602—604, 608, 609	P # § 607.1(e)2		
6	731.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)3		
7	731.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)		
8	No.	Zoning Category	§ References	NCT-3		
9				Controls by Story		
10			§ 790.118	1st	2nd	3rd+
11	731.38	Residential Conversion	§ 790.84, 207.7	C	C	C
12	731.39	Residential Demolition	§ 790.86, 207.7	C	C	C
13	731.39a	Residential Division	§ 207.6	P	P	P
14	Retail Sales and Services					
15	731.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	P#
16	731.41	Bar	§ 790.22	P	P	-
17	731.42	Full-Service Restaurant	§ 790.92	P	P	-
18	731.43	Large Fast Food Restaurant	§ 790.90	C #	C #	-
19	731.44	Small Self-Service Restaurant	§ 790.91	P #	P #	-
20	731.45	Liquor Store	§ 790.55	-	-	-
21	731.46	Movie Theater	§ 790.64	P	P	-
22	731.47	Adult Entertainment	§ 790.36	C	C	-
23	731.48	Other Entertainment	§ 790.38	P	P	-
24	731.49	Financial Service	§ 790.110	P	P	-
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1	731.50	Limited Financial Service	§ 790.112	P	P	-
2	731.51	Medical Service	§ 790.114	P	P	P
3	731.52	Personal Service	§ 790.116	P	P	P
4	731.53	Business or Professional Service	§ 790.108	P	P	P
5	731.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	-
6	731.55	Tourist Hotel	§ 790.46	C	C	C
7	731.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	C	C	C
8	731.57	Automobile Gas Station	§ 790.14	C	-	-
9	731.58	Automotive Service Station	§ 790.17	C	-	-
10	731.59	Automotive Repair	§ 790.15	C	C	-
11	731.60	Automotive Wash	§ 790.18	C	-	-
12	731.61	Automobile Sale or Rental	§ 790.12	C	-	-
13	731.62	Animal Hospital	§ 790.6	C	C	-
14	731.63	Ambulance Service	§ 790.2	C	-	-
15	731.64	Mortuary	§ 790.62	C	C	C
16	731.65	Trade Shop	§ 790.124	P	C	C
17	731.66	Storage	§ 790.117	C	C	C
18	731.67	Video Store	§ 790.135	C	C	C
19	731.68	Fringe Financial Services	§ 790.11	P	P	P
20	731.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
21	731.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
22	Institutions and Non-Retail Sales and Services					
23	731.70	Administrative Service	§ 790.106	C	C	C
24	731.80	Hospital or Medical Center	§ 790.44	C	C	C
25	731.81	Other Institutions,	§ 790.50	P	P	P

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731.82	Other Institutions, Small	§ 790.51	P	P	P
731.83	Public Use	§ 790.80	C	C	C
731.84	Medical Cannabis Dispensary	§ 790.141	P #	-	-
RESIDENTIAL STANDARDS AND USES					
731.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
731.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
731.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
731.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
731.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	None required. P up to 0.5; C up to 0.75. Not permitted above .75 cars for each dwelling unit. § 151.1, 166, 167, 145.1		
731.95	Community Residential Parking	§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 731.30 § 731.31 § 731.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
		Boundaries: Applicable only for the portion of the Market Street NCT-3 District from Octavia to Church Streets as mapped on Sectional Map SSD
		Controls: Special restrictions and limitations for signs
§ 731.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-3 District may only operate between the hours of 8 am and 10 pm.
<u>§ 731.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-3 Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u>

Sec. 50. The San Francisco Planning Code is hereby amended by amending Section 732.1, to read as follows:

SEC. 732.1. - PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

1 The Pacific Avenue Neighborhood Commercial District, on Pacific Avenue from just
 2 east of Polk Street to all four corners of Pacific Avenue and Jones Street, is situated on the
 3 north slope of the Nob Hill neighborhood and south of the Broadway Tunnel. Pacific Avenue is
 4 a multi-purpose, small-scale mixed-use neighborhood shopping district on a narrow street that
 5 provides limited convenience goods to the adjacent neighborhoods.

6 The Pacific Avenue Neighborhood Commercial District controls are designed to
 7 promote a small, neighborhood serving mixed-use commercial street that preserves the
 8 surrounding neighborhood residential character. These controls are intended to preserve
 9 livability in a largely low-rise development residential neighborhood, enhance solar access on
 10 a narrow street right-of-way and protect residential rear yard patterns at the ground floor.

11 SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
 12 ZONING CONTROL TABLE

		Pacific Avenue NCD	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
732.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250- 252, 260, 270, 271	40-X See Zoning Map
732.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
732.12	Rear Yard	§§ 130, 134, 136	45% required at the first story and above and at all residential levels § 134(c)
732.13	Street Frontage		Required § 145.1
732.14	Awning	§ 790.20	P § 136.1(a)

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732.15	Canopy	§ 790.26	P § 136.1(b)
732.16	Marquee	§ 790.58	P § 136.1(c)
732.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
732.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.5 to 1 § 124(a) (b)
732.21	Use Size [Non-Residential]	§ 790.130	P up to 1,999 sq. ft.; C# 2,000 sq. ft. & above § 121.2
732.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	Generally, none required if occupied floor area is less than 2,000 sq. ft. §§ 151, 161(g)
732.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
732.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
732.25	Drive-Up Facility	§ 790.30	
732.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
732.27	Hours of Operation	§ 790.48	P 6 a.m. - 10 p.m.; C 10 p.m. - 2 a.m.
732.30	General Advertising Sign	§§ 262, 602-604, 608, 609	
732.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(f) 2
732.32	Other Signs	§§ 262, 602-	P

1			604, 608, 609	§ 607.1(c) (d) (g)		
2	732.38	Residential Conversion	§ 790.84	C		
3	732.39	Residential Demolition	§ 790.86	C		
4	Retail Sales and Services					
5	732.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P		C
6	732.41	Bar	§ 790.22			
7	732.42	Full-Service Restaurant	§ 790.92	C		
8	732.43	Large Fast Food Restaurant	§ 790.90			
9	732.44	Small Self-Service Restaurant	§ 790.91			
10	732.45	Liquor Store	§ 790.55			
11	732.46	Movie Theater	§ 790.64			
12	732.47	Adult Entertainment	§ 790.36			
13	732.48	Other Entertainment	§ 790.38			
14	732.49	Financial Service	§ 790.110	C		
15	732.50	Limited Financial Service	§ 790.112	P		
16	732.51	Medical Service	§ 790.114	C		C
17	732.52	Personal Service	§ 790.116	P		C
18	732.53	Business or Professional Service	§ 790.108	P		C
19	732.54	Massage Establishment	§ 790.60, § 2700 Police Code			
20	732.55	Tourist Hotel	§ 790.46			
21	732.56	Automobile Parking	§§ 790.8, 156, 160	C		
22	732.57	Automotive Gas Station	§ 790.14			
23	732.58	Automotive Service Station	§ 790.17			
24	732.59	Automotive Repair	§ 790.15	C		
25	732.60	Automotive Wash	§ 790.18			
	732.61	Automobile Sale or Rental	§ 790.12			
	732.62	Animal Hospital	§ 790.6			
	732.63	Ambulance Service	§ 790.2			
	732.64	Mortuary	§ 790.62			
	732.65	Trade Shop	§ 790.124	C		
	732.66	Storage	§ 790.117			
	732.67	Video Store	§ 790.135	C		
	732.68	Fringe Financial Service	§ 790.111	P		
	732.69	Tobacco Paraphernalia	§ 790.123	C		

	Establishments				
1	732.69A	Self-Service Specialty Food	§ 790.93		
2	732.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04		
3	Institutions and Non-Retail Sales and Services				
4	732.70	Administrative Service	§ 790.106		
5	732.80	Hospital or Medical Center	§ 790.44		
6	732.81	Other Institutions, Large	§ 790.50		
7	732.82	Other Institutions, Small	§ 790.51	C	
	732.83	Public Use	§ 790.80	C	
8	RESIDENTIAL STANDARDS AND USES				
9	732.90	Residential Use	§ 790.88	P	P P
10	732.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 1,000 sq. ft. lot area § 207.4	
11	732.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208	
12	732.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)	
13	732.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)	
14	732.95	Community Residential Parking	§ 790.10	C	

SPECIFIC PROVISIONS FOR THE PACIFIC AVENUE
NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 732.68</u>	<u>§ 249.35</u>	<i>FRINGE FINANCIAL SERVICE RESTRICTED</i>

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		<p><u>USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Pacific Avenue Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>
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Sec. 51. The San Francisco Planning Code is hereby amended by amending Section 733.1, to read as follows:

SEC. 733.1. - UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Upper Market Street Neighborhood Commercial Transit District is located on Market Street from Church to Noe Streets, and on side streets off Market. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street Transit District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

This district is well served by transit and is anchored by the Market Street subway (with stations Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key

1 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
2 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
3 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
4 coverage, and standards for residential uses, including open space and exposure, and urban
5 design guidelines. Residential parking is not required and generally limited. Commercial
6 establishments are discouraged or prohibited from building accessory off-street parking in
7 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
8 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
9 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
10 character and transit function.

11 The Upper Market Street district controls are designed to promote moderate-scale
12 development which contributes to the definition of Market Street's design and character. They
13 are also intended to preserve the existing mix of commercial uses and maintain the livability of
14 the district and its surrounding residential areas. Large-lot and use development is reviewed
15 for consistency with existing development patterns. Rear yards are protected at all levels. To
16 promote mixed-use buildings, most commercial uses are permitted with some limitations
17 above the second story. In order to maintain continuous retail frontage and preserve a
18 balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged,
19 and eating and drinking, entertainment, and financial service uses are limited. Ground floor-
20 commercial space is required along Market and Church Streets. Most automobile and drive-
21 up uses are prohibited or conditional.

22 Housing development in new buildings is encouraged above the second story. Existing
23 upper-story residential units are protected by limitations on demolitions and upper-story
24 conversions.

SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT ZONING CONTROL TABLE

		Upper Market Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
733.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map: Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40- X and 50-X; § 263.18
733.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
733.12	Rear Yard	§§ 130, 134, 136	Required from grade level and above § 134(a) (e)
733.13	Street Frontage	-	Required § 145.1
733.13a	Street Frontage, Above- Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
733.13b	Street Frontage, Required Ground Floor Commercial		Market Street; Church Street § 145.1(d)
733.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street, Church Street
733.14	Awning	§ 790.20	P § 136.1(a)
733.15	Canopy	§ 790.26	P § 136.1(b)
733.16	Marquee	§ 790.58	P § 136.1(c)
733.17	Street Trees	-	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
733.20	Floor Area Ratio	§§ 102.9, 102.11,	3.0 to 1

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		123	§ 124(a) (b)
733.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
733.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above. §§ 151.1, 166, 145.1
733.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152.161(b)
733.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)

733.25	Drive-Up Facility	§ 790.30	-
733.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
733.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
733.30	General Advertising Sign	§§ 262, 602—604, 608, 609	-
733.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)(2)
733.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
733.38	Residential Conversion	§§ 790.84, 207.7	C	C	-
733.39	Residential Demolition	§§ 790.86, 207.7	C	C	C
733.39a	Residential Division	§ 207.6	P	P	P
Retail Sales and Services					
733.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	-
733.41	Bar	§ 790.22	C	-	-
733.42	Full-Service Restaurant	§ 790.92	C	-	-
733.43	Large Fast Food Restaurant	§ 790.90	-	-	-
733.44	Small Self- Service Restaurant	§ 790.91	C	-	-
733.45	Liquor Store	§ 790.55	C	-	-
733.46	Movie Theater	§ 790.64	P	-	-
733.47	Adult Entertainment	§ 790.36	-	-	-
733.48	Other Entertainment	§ 790.38	C#	-	-
733.49	Financial Service	§ 790.110	C	C	-
733.50	Limited Financial Service	§ 790.112	P	-	-
733.51	Medical Service	§ 790.114	P	P	C

1	733.52	Personal Service	§ 790.116	P	P	C
2	733.53	Business or Professional Service	§ 790.108	P	P	C
3	733.54	Massage Establishment	§ 790.60, Police Code § 2700	C	C	-
4	733.55	Tourist Hotel	§ 790.46	C	C	C
5	733.56	Automobile Parking	§§ 790.8, 145.1, 156, 158.1, 160, 166	C	C	C
6	733.57	Automotive Gas Station	§ 790.14	-	-	-
7	733.58	Automotive Service Station	§ 790.17	-	-	-
8	733.59	Automotive Repair	§ 790.15	C	-	-
9	733.60	Automotive Wash	§ 790.18	-	-	-
10	733.61	Automobile Sale or Rental	§ 790.12	-	-	-
11	733.62	Animal Hospital	§ 790.6	C	-	-
12	733.63	Ambulance Service	§ 790.2	-	-	-
13	733.64	Mortuary	§ 790.62	-	-	-
14	733.65	Trade Shop	§ 790.124	P	C	-
15	733.66	Storage	§ 790.117	-	-	-
16	733.67	Video Store	§ 790.135	C	C	-
17	733.68	Fringe Financial Service	§ 790.111	P		
18	733.69A	Self-Service Specialty Food	§ 790.93	C		
19	733.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
20	Institutions and Non-Retail Sales and Services					
21	733.70	Administrative Service	§ 790.106	-	-	-
22	733.80	Hospital or Medical Center	§ 790.44	-	-	-
23	733.81	Other Institutions, Large	§ 790.50	P	C	C
24	733.82	Other Institutions, Small	§ 790.51	P	P	P
25	733.83	Public Use	§ 790.80	C	C	C
	733.84	Medical Cannabis	§ 790.141	P	-	-

		Dispensary			
RESIDENTIAL STANDARDS AND USES					
733.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
733.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
733.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
733.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)		
733.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5; C up to .75. Not permitted above .75 cars for each dwelling unit. § 151.1		
733.95	Community Residential Parking	§§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD
COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 733.31 § 733.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Upper Market Street NCT as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 733.48	-	Boundaries: Applicable for the Upper Market Street NCT;. Controls: Existing bars in the Upper Market Street Neighborhood Commercial Transit District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.
§ 733.68	§ 249.35	<i>FRINGE FINANCIAL</i>

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		<p><u>SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Upper Market Street NCT Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>
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10 Sec. 52. The San Francisco Planning Code is hereby amended by amending Section
11 733A.1, to read as follows:

12 SEC. 733A.1. NCT-1 NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER
13 DISTRICT.

14 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
15 convenience retail goods and services for the immediately surrounding neighborhoods
16 primarily during daytime hours. NCT-1 Districts are located near major transit services. They
17 are small mixed-use clusters, generally surrounded by residential districts, with small-scale
18 neighborhood-serving commercial uses on lower floors and housing above. Housing density is
19 limited not by lot area, but by the regulations on the built envelope of buildings, including
20 height, bulk, setbacks, and lot coverage, and standards for residential uses, including open
21 space and exposure, and urban design guidelines. There are prohibitions on access (i.e.
22 driveways, garage entries) to off-street parking and loading on critical stretches of commercial
23 and transit street frontages to preserve and enhance the pedestrian-oriented character and
24 transit function. Residential parking is not required and generally limited. Commercial
25 establishments are discouraged from building excessive accessory off-street parking in order

1 to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.

2 NCT-1 Districts are generally characterized by their location in residential
3 neighborhoods. The commercial intensity of these districts varies. Many of these districts have
4 the lowest intensity of commercial development in the City, generally consisting of small
5 clusters with three or more commercial establishments, commonly grouped around a corner;
6 and in some cases short linear commercial strips with low-scale, interspersed mixed-use
7 (residential-commercial) development. Building controls for the NCT-1 District promote low-
8 intensity development which is compatible with the existing scale and character of these
9 neighborhood areas. Commercial development is limited to one story. Rear yard requirements
10 at all levels preserve existing backyard space.

11 NCT-1 commercial use provisions encourage the full range of neighborhood-serving
12 convenience retail sales and services at the first story provided that the use size generally is
13 limited to 3,000 square feet. However, commercial uses and features which could impact
14 residential livability are prohibited, such as auto uses, financial services, general advertising
15 signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are
16 restricted, depending upon the intensity of such uses in nearby commercial districts.

17 Existing residential units are protected by prohibitions of conversions above the ground
18 story and limitations on demolitions.

19 SEC. 733A NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1
20 ZONING CONTROL TABLE

		NCT-1	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
733A.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	Varies See Zoning Map.
733A.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft.

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733A.12	Rear Yard	§§ 130, 134, 136	& above § 121.1 Required at grade level and above § 134(a)(e)
733A.13	Street Frontage		Required § 145.1
733.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
733A.13b	Street Frontage, Required Ground Floor Commercial		Geneva Avenue, § 145.4
733A.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Geneva Avenue
733A.14	Awning	§ 790.20	P § 136.1(a)
733A.15	Canopy	§ 790.26	
733A.16	Marquee	§ 790.58	
733A.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
733A.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a)(b)
733A.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
733A.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	§§ 151.1, 166, 145.1 None required. Amount permitted varies by use; see Table 151.1. For retail uses, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in

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			excess of 20,000 s.f. subject to conditions of 151.1(f); NP above.		
733A.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)		
733A.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
733A.25	Drive-Up Facility	§ 790.30			
733.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
733A.27	Hours of Operation	§ 790.48	P 6 a.m.—11 p.m.; C 11 p.m.—2 a.m.		
733A.30	General Advertising Sign	§§ 262, 602—604, 608, 609			
733A.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)1		
733A.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c)(d)(g)		
No.	Zoning Category	§ References	NCT-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
733A.38	Residential Conversion	§ 790.84	P		
733A.39	Residential Demolition	§ 790.86	C	C	C
733A.39a	Residential Division	§ 207.6	P	P	P
Non-Retail Sales and Services					
733A.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		
733A.41	Bar	§ 790.22	P #		
733A.42	Full-Service Restaurant	§ 790.92	P #		

1	733A.43	Large Fast Food Restaurant	§ 790.90			
2	733A.44	Small Self-Service Restaurant	§ 790.91	C #		
3	733A.45	Liquor Store	§ 790.55	P		
4	733A.46	Movie Theater	§ 790.64			
5	733A.47	Adult Entertainment	§ 790.36			
6	733A.48	Other Entertainment	§ 790.38	C		
7	733A.49	Financial Service	§ 790.110			
8	733A.50	Limited Financial Service	§ 790.112	P		
9	733A.51	Medical Service	§ 790.114	P		
10	733A.52	Personal Service	§ 790.116	P		
11	733A.53	Business or Professional Service	§ 790.108	P		
12	733A.54	Massage Establishment	§ 790.60, § 1900 Health Code			
13	733A.55	Tourist Hotel	§ 790.46			
14	733A.56	Automobile Parking	§§ 790.8, 156, 160	C		
15	733A.57	Automotive Gas Station	§ 790.14			
16	733A.58	Automotive Service Station	§ 790.17			
17	733A.59	Automotive Repair	§ 790.15			
18	733A.60	Automotive Wash	§ 790.18			
19	733A.61	Automobile Sale or Rental	§ 790.12			
20	733A.62	Animal Hospital	§ 790.6			
21	733A.63	Ambulance Service	§ 790.2			
22	733A.64	Mortuary	§ 790.62			
23	733A.65	Trade Shop	§ 790.124	P		
24	733A.66	Storage	§ 790.117			
25	733A.67	Video Store	§ 790.135	C		
	<u>733.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
	<u>733.69A</u>	<u>Self-Service Specialty</u>	<u>§ 790.93</u>	<u>P#</u>		

	<u>Food</u>				
1	<u>733.69B</u>	<u>Amusement Game</u>	<u>§ 790.04</u>		
2		<u>Arcade (Mechanical</u>			
3		<u>Amusement Devices)</u>			
4	Institutions and Non-Retail Sales and Services				
5	733A.70	Administrative Service	§ 790.106		
6	733A.80	Hospital or Medical Center	§ 790.44		
7	733A.81	Other Institutions, Large	§ 790.50	P	C
8	733A.82	Other Institutions, Small	§ 790.51	P	P P
9	733A.83	Public Use	§ 790.80	C	C C
10	733A.84	Medical Cannabis Dispensary	§ 790.141	P#	
11	RESIDENTIAL STANDARDS AND USES				
12	733A.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P P
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14	733A.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.	
15				§ 207.4, 207.6	
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22	733A.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines,	
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			applicable elements and area plans of the General Plan, and design review by the Planning Department.
			§ 208
733A.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)
733A.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit. § 151.1, 166, 167, 145.1
733A.95	Community Residential Parking	§ 790.10	C C C

SPECIFIC PROVISIONS FOR NCT- 12 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 733A.40 § 733A.41 § 733A.42		Boundaries: All NCT-1 Districts Controls: P if located more than 1/2 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
§ 733A.44		Boundaries: All NCT-1 Districts Controls: C if located more than 1/2 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control

<p><u>§ 733A.141</u></p>	<p><u>§ 790.141</u></p>	<p><u>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation and have obtained a final permit to operate by March 1, 2008 are permitted</u></p>
<p><u>§ 733A.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-1 Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

Sec. 53. The San Francisco Planning Code is hereby amended by amending Section 734.1, to read as follows:

SEC. 734.1. NC-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. The NCT-2 Districts are mixed use districts that

1 support neighborhood-serving commercial uses on lower floors and housing above. These
2 Districts are well-served by public transit and aim to maximize residential and commercial
3 opportunities on or near major transit services. The District's form is generally linear along
4 transit-priority corridors, though may be concentric around transit stations or in broader areas
5 where multiple transit services criss-cross the neighborhood. Housing density is limited not by
6 lot area, but by the regulations on the built envelope of buildings, including height, bulk,
7 setbacks, and lot coverage, and standards for residential uses, including open space and
8 exposure, and urban design guidelines. There are prohibitions on access (e.g., driveways,
9 garage entries) to off-street parking and loading on critical stretches of commercial and transit
10 street frontages to preserve and enhance the pedestrian-oriented character and transit
11 function. Residential parking is not required and generally limited. Commercial establishments
12 are discouraged from building excessive accessory off-street parking in order to preserve the
13 pedestrian-oriented character of the district and prevent attracting auto traffic.

14 NCT-2 Districts are intended to provide convenience goods and services to the
15 surrounding neighborhoods as well as limited comparison shopping goods for a wider market.
16 The range of comparison goods and services offered is varied and often includes specialty
17 retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls
18 provide for mixed-use buildings, which approximate or slightly exceed the standard
19 development pattern. Rear yard requirements above the ground story and at residential levels
20 preserve open space corridors of interior blocks.

21 Most new commercial development is permitted at the ground and second stories.
22 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
23 entertainment uses, however, are confined to the ground story. The second story may be
24 used by some retail stores, personal services, and medical, business and professional offices.
25 Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,

1 and other automobile uses protect the livability within and around the district, and promote
 2 continuous retail frontage.

3 Housing development in new buildings is encouraged above the ground story. Existing
 4 residential units are protected by limitations on demolition and upper-story conversions.

5 SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2

6 ZONING CONTROL TABLE

		NCT-2	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
734.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.18, 270, 271	See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X
734.11	Lot Size [<i>Per Development</i>]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
734.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
734.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
734.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply Geneva Avenue
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply NP: Geneva Avenue
734.14	Awning	§ 790.20	P § 136.1(a)
734.15	Canopy	§ 790.26	P § 136.1(b)
734.16	Marquee	§ 790.58	P § 136.1(c)
734.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
734.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) and (b)
734.21	Use Size [<i>Non-</i>	§ 790.130	P up to 3,999 sq. ft.;

	<i>Residential</i>]		C 4,000 sq. ft. & above § 121.2
734.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1.
734.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
734.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
734.25	Drive-Up Facility	§ 790.30	
734.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
734.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
734.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
734.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
734.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)

No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
734.37	Residential Conversion	§§ 790.84, 207.7	C	C	
734.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Non-Retail Sales and Services					
734.40	Other Retail Sales and Services [<i>Not Listed Below</i>]	§ 790.102	P	P	
734.41	Bar	§ 790.22	P		
734.42	Full-Service	§ 790.92	P		

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	Restaurant				
734.43	Large Fast Food Restaurant	§ 790.90	C		
734.44	Small Self-Service Restaurant	§ 790.91	P		
734.45	Liquor Store	§ 790.55	P		
734.46	Movie Theater	§ 790.64	P		
734.47	Adult Entertainment	§ 790.36			
734.48	Other Entertainment	§ 790.38	P		
734.49	Financial Service	§ 790.110	P	C	
734.50	Limited Financial Service	§ 790.112	P		
734.51	Medical Service	§ 790.114	P	P	
734.52	Personal Service	§ 790.116	P	P	
734.53	Business or Professional Service	§ 790.108	P	P	
734.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
734.55	Tourist Hotel	§ 790.46	C	C	C
734.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
734.57	Automotive Gas Station	§ 790.14	C		
734.58	Automotive Service Station	§ 790.17	C		
734.59	Automotive Repair	§ 790.15	C		
734.60	Automotive Wash	§ 790.18			
734.61	Automobile Sale or Rental	§ 790.12			
734.62	Animal Hospital	§ 790.6	C		
734.63	Ambulance Service	§ 790.2			
734.64	Mortuary	§ 790.62			
734.65	Trade Shop	§ 790.124	P	C	
734.66	Storage	§ 790.117			
734.67	Video Store	§ 790.135	C	C	

1	<u>734.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
2	<u>734.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
3	<u>734.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
4	Institutions and Non-Retail Sales and Services					
5	734.70	Administrative Service	§ 790.106			
6	734.80	Hospital or Medical Center	§ 790.44			
7	734.81	Other Institutions, Large	§ 790.50	P	C	C
8	734.82	Other Institutions, Small	§ 790.51	P	P	P
9	734.83	Public Use	§ 790.80	C	C	C
10	734.84	Medical Cannabis Dispensary	§ 790.141	P #		
11	RESIDENTIAL STANDARDS AND USES					
12	734.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
13	734.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6		
14	734.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and		
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			other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
734.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
734.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit., §§ 151.1, 166, 167, 145.1		
734.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 734.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-2 District may only operate between the hours of 8 a.m. and 10 p.m.
<u>§ 734.68</u>	<u>§249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-2 Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u>

1 Sec. 54. The San Francisco Planning Code is hereby amended by amending Section
2 735.1, to read as follows:

3 SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

4 The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located along the
5 6th Street and Folsom Street corridors in the South of Market. The commercial area provides
6 a limited selection of convenience goods for the residents of the South of Market. Eating and
7 drinking establishments contribute to the street's mixed-use character and activity in the
8 evening hours. A number of upper-story professional and business offices are located in the
9 district, some in converted residential units.

10 The SoMa NCT has a pattern of ground floor commercial and upper story residential
11 units. Controls are designed to permit moderate-scale buildings and uses, protecting rear
12 yards above the ground story and at residential levels. Active, neighborhood-serving
13 commercial development is required at the ground story, curb cuts are prohibited and ground
14 floor transparency and fenestration adds to the activation of the ground story. While offices
15 and general retail sales uses may locate on the second story or above of new buildings, most
16 commercial uses are prohibited above the second story. In order to protect the balance and
17 variety of retail use, bars and liquor stores are allowed with a conditional use. Continuous
18 retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new
19 non-retail commercial uses. Above-ground parking is required to be setback or below ground.
20 Active, pedestrian-oriented ground floor uses are required.

21 Housing development in new buildings is encouraged above the ground story. Housing
22 density is not controlled by the size of the lot or by density controls, but by bedroom counts.
23 Given the area's central location and accessibility to the City's transit network, parking for
24 residential and commercial uses is not required.

1 SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

2 ZONING CONTROL TABLE

		SoMa	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
735.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	See Zoning Map.
735.11	Lot Size [<i>Per Development</i>]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
735.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
735.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
735.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
735.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply
735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
735.14	Awning	§ 790.20	P § 136.1(a)
735.15	Canopy	§ 790.26	P § 136.1(b)
735.16	Marquee	§ 790.58	P § 136.1(c)
735.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
735.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a), (b);
735.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
735.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1.
735.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
735.24	Outdoor Activity Area	§ 790.70	P if located in front;

			C if located elsewhere § 145.2(a)
735.25	Drive-Up Facility	§ 790.30	
735.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
735.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
735.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
735.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
735.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)

No.	Zoning Category	§ References	SoMa		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
735.37	Residential Conversion	§§ 790.84, 207.7	C	C	-
735.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
735.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
735.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
735.41	Bar	§ 790.22	C		
735.42	Full-Service Restaurant	§ 790.92	P		
735.43	Large Fast Food Restaurant	§ 790.90	C		
735.44	Small Self-Service Restaurant	§ 790.91	P		
735.45	Liquor Store	§ 790.55	C		
735.46	Movie Theater	§ 790.64	P		
735.47	Adult Entertainment	§ 790.36			

1	735.48	Other Entertainment	§ 790.38	NP		
2	735.49	Financial Service	§ 790.110	P	C	
3	735.50	Limited Financial Service	§ 790.112	P		
4	735.51	Medical Service	§ 790.114	P	P	
5	735.52	Personal Service	§ 790.116	P	P	
6	735.53	Business or Professional Service	§ 790.108	P	P	
7	735.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
8	735.55	Tourist Hotel	§ 790.46	C	C	C
9	735.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
10	735.57	Automotive Gas Station	§ 790.14	C		
11	735.58	Automotive Service Station	§ 790.17	C		
12	735.59	Automotive Repair	§ 790.15	C		
13	735.60	Automotive Wash	§ 790.18			
14	735.61	Automobile Sale or Rental	§ 790.12			
15	735.62	Animal Hospital	§ 790.6	C		
16	735.63	Ambulance Service	§ 790.2			
17	735.64	Mortuary	§ 790.62			
18	735.65	Trade Shop	§ 790.124	P	C	
19	735.66	Storage	§ 790.117			
20	735.67	Video Store	§ 790.135	P	P	
21	<u>735.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
22	<u>735.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
23	<u>735.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
24	Institutions and Non-Retail Sales and Services					
25	735.70	Administrative	§ 790.106			

	Service				
1	735.80	Hospital or Medical Center	§ 790.44		
2	735.81	Assembly and Social Service	§ 790.50(a)	P	P P
3	735.82	Other Institutions, Large, except Assembly and Social Service	§ 790.50(b) — (e)	C	C C
4	735.83	Other Institutions, Small	§ 790.51	P	P P
5	735.84	Public Use	§ 790.80	P	P P
6	735.85	Medical Cannabis Dispensary	§ 790.141	P #	
7	RESIDENTIAL STANDARDS AND USES				
8	735.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P P
9	735.90A	Single-Room Occupancy (SRO) Unit	§ 890.88	P	P P
10	735.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No density limit.	
11	735.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit	
12	735.93	Usable Open Space [<i>Per Residential Unit</i>]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)	
13	735.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1	
14	735.95	Community Residential Parking	§ 790.10	C	C C

SPECIFIC PROVISIONS FOR ~~NCT-2~~ SoMa Transit DISTRICTS

Article 7	Other Code	Zoning Controls
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Code Section	Section	
§§ 735.8 <u>5</u> 4, 790.141	Health Code § 3308	Medical cannabis dispensaries in the SoMa NCT District may only operate between the hours of 8 a.m. and 10 p.m.
<u>§ 735.68</u>	<u>§249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the SoMa Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u>

14 Sec. 55. The San Francisco Planning Code is hereby amended by amending Section
15 736.1, to read as follows:

16 SEC. 736.1. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT
17 DISTRICT.

18 The Mission Street Commercial Transit District is located near the center of San
19 Francisco in the Mission District. It lies along Mission Street between 15th and Cesar Chavez
20 (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd Street, and
21 Cesar Chavez Street. The commercial area of this District provides a selection of goods
22 serving the day-to-day needs of the residents of the Mission District. Additionally, this District
23 serves a wider trade area with its specialized retail outlets. Eating and drinking establishments
24 contribute to the street's mixed-use character and activity in the evening hours.

1 The District is extremely well-served by transit, including regional-serving BART
 2 stations at 16th Street and 24th Street, major buses running along Mission Street, and both
 3 cross-town and local-serving buses intersecting Mission along the length of this district. Given
 4 the area's central location and accessibility to the City's transit network, accessory parking for
 5 residential uses is not required. Any new parking is required to be set back or be below
 6 ground.

7 This District has a mixed pattern of larger and smaller lots and businesses, as well as a
 8 sizable number of upper-story residential units. Controls are designed to permit moderate-
 9 scale buildings and uses, protecting rear yards above the ground story and at residential
 10 levels. New neighborhood-serving commercial development is encouraged mainly at the
 11 ground story. While offices and general retail sales uses may locate at the second story of
 12 new buildings under certain circumstances, most commercial uses are prohibited above the
 13 second story. Continuous retail frontage is promoted by requiring ground floor commercial
 14 uses in new developments and prohibiting curb cuts. Housing development in new buildings is
 15 encouraged above the ground story. Housing density is not controlled by the size of the lot but
 16 by requirements to supply a high percentage of larger units and by physical envelope controls.
 17 Existing residential units are protected by prohibitions on upper-story conversions and
 18 limitations on demolitions, mergers, and subdivisions.

19 SEC. 736. MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

20 ZONING CONTROL TABLE

		Mission Street <i>NCT</i>	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
736.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5'

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			Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18
736.11	Lot Size [<i>Per Development</i>]	§§790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
736.12	Rear Yard	§§130, 134, 136	Required at residential levels only § 134(a)(e)
736.13	Street Frontage		Required § 145.1
736.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floor above § 145.1(c), (e)
736.13b	Street Frontage, Required Ground Floor Commercial		Required along Mission St. § 145.1 (d)
736.13c	Street Frontage, Parking and Loading access restrictions		NP along Mission St. § 155(r)
736.14	Awning	§ 790.20	P § 136.1(a)
736.15	Canopy	§ 790.26	P § 136.1(b)
736.16	Marquee	§ 790.58	P § 136.1(c)
736.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
736.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a)(b)
736.21	Use Size [<i>Non-Residential</i>]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
736.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1 §§ 151.1, 166, 145.1
736.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
736.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
736.25	Drive-Up Facility	§ 790.30	NP
736.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed

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			§ 145.2(b)		
736.27	Hours of Operation	§ 790.48	No Limit		
736.30	General Advertising Sign	§§ 262, 602-604, 608, 609	P § 607.1(e)2		
736.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(f)3		
736.32	Other Signs	§§ 262, 602-604, 608, 609	P § 607.1(c), (d), (g)		
No.	Zoning Category	§ References	Mission Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
736.37	Residential Conversion	§§ 790.84, 207.7	C	C	C
736.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
736.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
736.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	P
736.41	Bar	§ 790.22	P	P	
736.42	Full-Service Restaurant	§ 790.92	P	P	
736.43	Large Fast Food Restaurant	§ 790.90			
736.44	Small Self-Service Restaurant	§ 790.91	C		
736.45	Liquor Store	§ 790.55			
736.46	Movie Theater	§ 790.64	P	P	
736.47	Adult Entertainment	§ 790.36	C	C	
736.48	Other Entertainment	§ 790.38	P	P	
736.49	Financial Service	§ 790.110	P	P	
736.50	Limited Financial Service	§ 790.112	P	P	
736.51	Medical Service	§ 790.114	P	P	P
736.52	Personal Service	§ 790.116	P	P	P
736.53	Business or Professional Service	§ 790.108	P	P	P

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736.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	
736.55	Tourist Hotel	§ 790.46	C	C	C
736.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	NP	NP	NP
736.57	Automotive Gas Station	§ 790.14	C		
736.58	Automotive Service Station	§ 790.17	C		
736.59	Automotive Repair	§ 790.15	C	C	
736.60	Automotive Wash	§ 790.18	C		
736.61	Automobile Sale or Rental	§ 790.12	C		
736.62	Animal Hospital	§ 790.6	C	C	
736.63	Ambulance Service	§ 790.2	C		
736.64	Mortuary	§ 790.62	C	C	C
736.65	Trade Shop	§ 790.124	P	C	C
736.66	Storage	§ 790.117	NP	NP	NP
736.67	Video Store	§ 790.135	C	C	C
736.68	Fringe Financial	§ 790.111	#	#	#
<u>736.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
<u>736.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
<u>736.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
Institutions and Non-Retail Sales and Services					
736.70	Administrative Service	§ 790.106	C	C	C
736.80	Hospital or Medical Center	§ 790.44	C	C	C
736.81	Other Institutions, Large	§ 790.50	P	P	P
736.82	Other Institutions, Small	§ 790.51	P	P	P
736.83	Public Use	§ 790.80	C	C	C
736.84	Medical Cannabis	§ 790.141	P #		

	Dispensary				
RESIDENTIAL STANDARDS AND USES					
736.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
736.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
736.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
736.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
736.94	Off-Street Parking, Residential	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
736.95	Community Residential Parking	§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§736.68	§ 249.35	FRINGE FINANCIAL

		<p>SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/2 mile buffer includes, but is not limited to, the Mission Street Neighborhood Commercial Transit District. Controls: Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/2 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
§ 736.84 § 790.141	Health Code § 3308	<p>Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.</p>

Sec. 56. The San Francisco Planning Code is hereby amended by amending Section 737.1, to read as follows:

SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Ocean Avenue Neighborhood Commercial Transit District is located on Ocean Avenue from Phelan to Manor Avenues. Ocean Avenue is a multi-purpose transit-oriented small-scale commercial district that is modeled on the NCT-2 District. Ocean Avenue was developed as a streetcar-oriented commercial district in the 1920s and continues to serve this function, with the K-line streetcar on Ocean Avenue. Numerous other bus lines serve the area, especially the eastern end, where the Phelan Loop serves as a major bus terminus. The eastern end of the district is anchored by the main City College campus at Phelan and direct linkages to the Balboa Park BART/MUNI rail station a couple blocks to the east, which serves as the southernmost San Francisco station for BART and the terminus of the J, K, and M

1 streetcar lines. Because of the immediate proximity of the BART/MUNI station the district has
2 quick and easy transit access to downtown.

3 The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one-
4 and two-story retail district to include neighborhood-serving commercial uses on lower floors
5 and housing above. Housing density is limited not by lot area, but by the regulations on the
6 built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards
7 for residential uses, including open space and exposure, and urban design guidelines. Access
8 (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on
9 Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit
10 function of the street. Residential and commercial parking are not required.

11 The Ocean Avenue NCT District is intended to provide convenience goods and
12 services to the surrounding neighborhoods as well as limited comparison shopping goods for
13 a wider market. The range of comparison goods and services offered is varied and often
14 includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may
15 range in height, with height limits generally allowing up to four or five stories. Lots are
16 generally small to medium in size and lot consolidation is prohibited to preserve the fine grain
17 character of the district, unless the consolidation creates a corner parcel that enables off-
18 street parking to be accessed from a side street.

19 Rear yard requirements above the ground story and at residential levels preserve open
20 space corridors of interior blocks.

21 Commercial uses are required at the ground level and permitted at the second story.
22 Large Fast Food uses are not permitted.

23 Housing development in new buildings is encouraged above the ground story. Existing
24 residential units are protected by limitations on demolition and upper-story conversions.

25

1 SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING

2 CONTROL TABLE

		Ocean Ave. <i>NCT</i>	
No.	Zoning Category	§ References	Controls
3 BUILDING STANDARDS			
4 737.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	Generally, 45-X See Zoning Map
5 737.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
6 737.11b	Lot Consolidation	§ 121.6	Not Permitted except to create corner lots per § 121.6
7 737.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
8 737.13	Street Frontage		Required § 145.1
9 737.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c)
10 737.13b	Street Frontage, Required Ground Floor Commercial		Ocean Avenue § 145.4
11 737.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Ocean Avenue
12 737.14	Awning	§ 790.20	P § 136.1(a)
13 737.15	Canopy	§ 790.26	P § 136.1(b)
14 737.16	Marquee	§ 790.58	P § 136.1(c)
15 737.17	Street Trees		Required § 143
16 COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
17 737.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
18 737.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
19 737.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159-160, 204.5	§§ 151.1, 166, 145.1

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			None required. Amount permitted varies by use; see Table 151.1. For retail uses, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of § 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above.
737.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
737.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
737.25	Drive-Up Facility	§ 790.30	
737.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
737.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
737.30	General Advertising Sign	§§ 262, 602—604, 608, 609	P § 607.1(e)1
737.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2
737.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c)(d)(g)
No.	Zoning Category	§	Ocean Ave

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		References	Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
	737.38 37.38	Residential Conversion	§ 790.84	C	C
	737.39	Residential Demolition	§ 790.86	C	C
	737.39a	Residential Division	§ 207.6	P	P
Non-Retail Sales and Services					
	737.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P
	737.41	Bar	§ 790.22	P	
	737.42	Full-Service Restaurant	§ 790.92	P	
	737.43	Large Fast Food Restaurant	§ 790.90		
	737.44	Small Self-Service Restaurant	§ 790.91	P	
	737.45	Liquor Store	§ 790.55	P	
	737.46	Movie Theater	§ 790.64	P	
	737.47	Adult Entertainment	§ 790.36		
	737.48	Other Entertainment	§ 790.38	P	
	737.49	Financial Service	§ 790.110	P	C
	737.50	Limited Financial Service	§ 790.112	P	
	737.51	Medical Service	§ 790.114	P	P
	737.52	Personal Service	§ 790.116	P	P
	737.53	Business or Professional Service	§ 790.108	P	P
	737.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	
	737.55	Tourist Hotel	§ 790.46	C	C
	737.56	Automobile Parking	§§ 790.8, 156, 160	C	C
	737.57	Automotive Gas Station	§ 790.14	C	

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737.58	Automotive Service Station	§ 790.17	C		
737.59	Automotive Repair	§ 790.15	C		
737.60	Automotive Wash	§ 790.18			
737.61	Automobile Sale or Rental	§ 790.12			
737.62	Animal Hospital	§ 790.6	C		
737.63	Ambulance Service	§ 790.2			
737.64	Mortuary	§ 790.62			
737.65	Trade Shop	§ 790.124	P	C	
737.66	Storage	§ 790.117			
737.67	Video Store	§ 790.135	C	C	
<u>737.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
<u>737.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
<u>737.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
Institutions and Non-Retail Sales and Services					
737.70	Administrative Service	§ 790.106			
737.80	Hospital or Medical Center	§ 790.44			
737.81	Other Institutions, Large	§ 790.50	P	C	C
737.82	Other Institutions, Small	§ 790.51	P	P	P
737.83	Public Use	§ 790.80	C	C	C
737.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
737.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
737.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other		

			applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6
737.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208
737.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)
737.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	P up to one car for each unit; NP above. § 151.1, 166, 167, 145.1
737.95	Community Residential Parking	§ 790.10	C C C

SPECIFIC PROVISIONS FOR THE OCEAN AVENUE NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 737.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in the Ocean Avenue NCT District may only operate between the hours of 8 a.m. and 10 p.m.
<u>§ 737.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Ocean Avenue NCT Neighborhood Commercial</u>

District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Sec. 57. The San Francisco Planning Code is hereby amended by adding Section 780.4, to read as follows:

SEC. 780.4. MISSION-HARRISON SPECIAL USE DISTRICT.

In order to preserve the potential mix and variety of goods and services provided to the Excelsior, yet provide the possibility for reasonable commercial expansion and intensification which would not disrupt the residential character of the surrounding neighborhoods, there shall be a Mission-Harrington Special Use District, located at 4550 Mission Street, at the intersection with Harrington Street, at Assessor's Block 3148, Lot 1, as designated on the Special Use District Map SU11 of the Zoning Map of the City and County of San Francisco.

(a) Purpose and Findings. In addition to the purposes stated in Section 701 of this Code, the following purposes and findings form a basis for special regulations and provide guidance for their application in the Mission-Harrington Special Use District.

(1) The Mission-Harrington Special Use District is in the north-eastern part of the block bounded by Mission Street, Harrington Street, Norton Street and Alemany Boulevard, in the Excelsior. It is currently developed with a single-story commercial building, and has historically been used as a retail business. The rest of the lots on the same block, on Mission Street, are devoted to commercial uses, with some properties having residential uses above retail. Behind the commercial properties, there is a municipal parking lot; the remaining properties on the block are single family homes.

(2) The lot where the District is located has been underutilized for more than a decade. The Community has partnered with the City on numerous occasions to develop the site, without success.

1 (3) The District is located on a major transit-corridor and in a vibrant economic corridor. It is
2 further in close proximity to both a 50-X and a 65-X Zone Height and Bulk Zone, in an appropriate location
3 for high-density in-fill mixed-use development.

4 (b) Controls. All of the controls for the NC-3 District, as set forth in Section 712.1 and Table 712 of
5 this Code, shall apply to the Mission-Harrington Special Use District. except as provided below:

6 Zoning Category No. Controls

7 .10 Height: 56 feet (56-X)

8 §207.4 One unit allowed for every 400 sf of lot area

9 .22 No off-street parking required

10 .12 No rear setback required

11 Sec. 58. The San Francisco Planning Code is hereby amended by amending Section
12 781.8 to read as follows:

13 SEC. 781.8 For controls for the Mission Alcoholic Beverage Special Use District see Section
14 249.60.

15 SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.

16 There is an unusually large number of establishments dispensing alcoholic beverages,
17 including beer and wine, for both on-site and off-site consumption in this area. The existence
18 of this many alcoholic beverage establishments appears to contribute directly to numerous
19 peace, health, safety and general welfare problems in the area, including loitering, littering,
20 drug trafficking, prostitution, public drunkenness, defacement and damaging of structures,
21 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public
22 streets and neighborhood lots. The existence of such problems creates serious impacts on
23 the health, safety and welfare of residents of nearby single- and multiple-family areas,
24 including fear for the safety of children, elderly residents and of visitors to the area. The
25 problems also contribute to the deterioration of the neighborhood and concomitant

1 devaluation of property and destruction of community values and quality of life. The number of
2 establishments selling alcoholic beverages and the associated problems discourage more
3 desirable and needed commercial uses in the area. In order to preserve the residential
4 character and the neighborhood-serving commercial uses of the area, there shall be a Mission
5 Alcoholic Beverage Special Use Subdistrict to prohibit new establishments, or expansion of
6 existing establishments, selling alcoholic beverages for the property in the area generally
7 bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez
8 Street, Potrero Avenue and Fourteenth Street as designated on Sectional Map Numbers 7SU
9 and 8SU.

10 The following restrictions shall apply within such district:

11 (a) Prohibition of New Establishments Selling Alcoholic Beverages. No new
12 establishment where alcoholic beverages are sold, served or given away for on-site or off-site
13 consumption, shall be established in this special use district as set forth below:

14 (1) No new bar, as defined in Planning Code Section 790.22, shall be permitted in
15 this special use district;

16 (2) No new off-sale liquor establishment shall be permitted in the special use
17 district. An "off-sale liquor establishment" shall mean any establishment that is defined in
18 Section 790.55 of this Code.

19 (b) Prohibition of Expansion of Existing Establishments Selling Alcoholic Beverages.
20 Any establishment selling alcoholic beverages lawfully existing prior to the effective date of
21 this resolution and licensed by the State of California for the retail sale of alcoholic beverages
22 for on-site and off-site consumption, so long as otherwise lawful, may continue in existence,
23 provided such establishment remains in use, as follows:
24
25

1 (1) In the event that any such establishment ceases to operate or discontinues
2 operation for 30 days or longer as set forth in State law, such use shall be deemed
3 abandoned;

4 (2) No establishment selling alcoholic beverages may substantially change the
5 mode or character of operation of the establishment, nor may it expand the square footage
6 devoted exclusively to the sale of alcoholic beverages, significantly increase the percentage of
7 alcoholic beverage sales as a portion of total sales, or change its type of retail liquor license
8 within a license classification.

9 (c) Exception for Bona Fide Restaurant. A bona fide restaurant shall be permitted to
10 serve alcoholic beverages in this special use district. A "bona fide restaurant" shall mean a
11 place which is regularly used and kept open for the service of meals to guests for
12 compensation and which has (1) suitable kitchen facilities for the cooking of an assortment of
13 foods which may be required for meals, (2) a primary use of sit-down service to patrons, (3)
14 adequate seating arrangements for sit-down patrons provided on the premises, (4) take-out
15 service that is only incidental to the primary sit-down use, (5) alcoholic beverages which are
16 sold or dispensed for consumption on the premises only when served at tables or sit-down
17 counters by employees of the restaurant, and (6) a minimum of 51 percent of the restaurant's
18 gross receipts shall be from the sale of meals. A "bona fide restaurant" does not include any
19 billiard or pool hall, bowling alley, or adult entertainment business as defined in Planning Code
20 Section 790.36.

21 (d) Exception for Non-Profit Theaters. A non-profit theater shall be permitted to
22 serve alcoholic beverages in this special use district. A "non-profit theater" shall mean a
23 building or part of a building intended to be used for the specific purposes of presenting any
24 act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or
25 participated in by one or more persons, whether or not such person or persons are

1 compensated for such performance, and which is exempted from payment of income tax
2 under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of
3 the Internal Revenue Code of the United States. A "non-profit theater" does not include any
4 dance hall as defined in Section 1060 of the San Francisco Police Code, billiard parlor, pool
5 hall, bowling alley, or adult entertainment business as defined in Planning Code Section
6 790.36.

7 (e) Fringe Financial Services. In addition to all other applicable controls set forth in
8 this Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within the
9 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject
10 to the controls and exemptions set forth in Section 249.35.

11 Sec. 59. The San Francisco Planning Code is hereby amended by amending Section
12 781.10, to read as follows:

13 SEC. 781.10 *For controls for the 17th and Rhode Island Grocery Store Special Use District*
14 *see Section 249.61.*

15 SEC. 249.61. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE
16 SUBDISTRICT.

17 In order to facilitate the development of a neighborhood grocery store at 17th and
18 Rhode Island Street in the Potrero Hill neighborhood, in an area that does not have a
19 proliferation of off-sale Type 20 or Type 21 liquor establishments and previously was zoned
20 M-1 (which permitted liquor stores as a principal permitted use), there shall be a 17th and
21 Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the NC-3 zoned
22 block bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street
23 (Assessor's Block 3978, Lot 1). The following provisions shall apply within the Special Use
24 Subdistrict:
25

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

4 (b) Nighttime Entertainment, as defined by 102.17 of this Code, shall not be
5 permitted.

6 Sec. 60. The San Francisco Planning Code is hereby amended by amending Section
7 782, to read as follows:

8 SEC. 782. For controls for the Third Street Alcohol Restricted Use District see Section
9 249.62.

10 SEC. 249.62 THIRD STREET ALCOHOL RESTRICTED USE DISTRICT
11 ESTABLISHED.

12 There is an unusually large number of establishments dispensing alcoholic beverages,
13 including beer and wine, for both on-site and off-site consumption in the Bayview area. The
14 existence of this many alcoholic beverage establishments appears to contribute directly to
15 numerous peace, health, safety and general welfare problems in the area, including loitering,
16 littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of
17 structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems
18 on public streets and neighborhood lots. The existence of such problems creates serious
19 impacts on the health, safety and welfare of residents of nearby single- and multiple-family
20 areas, including fear for the safety of children, elderly residents and of visitors to the area. The
21 problems also contribute to the deterioration of the neighborhood and concomitant
22 devaluation of property and destruction of community values and quality of life. The number of
23 establishments selling alcoholic beverages and the associated problems discourage more
24 desirable and needed commercial uses in the area.
25

1 (a) In order to preserve the residential character and the neighborhood-serving
2 commercial uses of the area, the Third Street Alcohol Restricted Use District (Third Street
3 Alcohol RUD) is hereby established for the property in the area generally bounded by Islais
4 Creek to the North, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive, Newhall
5 Street, Venus Street and Egbert Avenue to the West, US Highway 101 to the South, and
6 Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls
7 Street to the East, as designated on Sectional Map numbers 8 and 10. The Third Street
8 Alcohol RUD is designated on Section Map Numbers 8SU and 10SU.

9 (1) No new on-sale or off-sale liquor establishment shall be permitted in the Third
10 Street Alcohol RUD.

11 (2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the
12 following:

13 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

14 (B) Establishment of a Liquor Establishment if application for such Liquor
15 Establishment is on file with the California Department of Alcoholic Beverage Control prior to
16 the effective date of legislation establishing the Third Street Alcohol RUD.

17 (3) Continuation of existing Prohibited Liquor Establishments. In the Third Street
18 Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning
19 Code Section 180 through 186.2, subject to the following provisions.

20 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic
21 beverages as licensed by the State of California prior to the effective date of this legislation, or
22 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise
23 lawful, may continue to operate only under the following conditions, as provided by California
24 Business and Professions Code Section 23790:
25

1 (1) except as provided by Subsection (B) below, the premises shall retain the same
2 type of retail liquor license within a license classification; and

3 (2) Except as provided by Subsection (B) below, the licensed premises shall be
4 operated continuously, without substantial change in mode or character of operation.

5 (B) A break in continuous operation shall not be interpreted to include the following,
6 provided that the location of the establishment does not change, the square footage used for
7 the sale of alcoholic beverages does not increase, and the type of California Department of
8 Alcoholic Beverage Control Liquor License ("ABC" License) does not change except as
9 indicated:

10 (1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-
11 owner transfer of an ABC License;

12 (2) Re-establishment, restoration or repair of an existing Prohibited Liquor
13 Establishment on the same lot after total or partial destruction or damage due to fire, riot,
14 insurrection, toxic accident or act of God; or

15 (3) Temporary closure of an existing Prohibited Liquor Establishment for not more
16 than ninety (90) days for repair, renovation or remodeling;

17 (4) Re-location of an existing Prohibited Liquor Establishment in the Third Street
18 Alcohol RUD to another location within the same Third Street Alcohol RUD with conditional
19 use authorization from the City Planning Commission, provided that the original premises
20 shall not be occupied by a Prohibited Liquor Establishment, unless by another Prohibited
21 Liquor Establishment that is also relocating from within the Third Street Alcohol RUD.

22 (5) A change from a Type 21 (off-sale) to a Type 20 (off-sale beer and wine) license
23 or a change from any Alcohol Beverage Control Board License type to a Type 41 (on-sale
24 beer and wine—eating place).

25

1 (b) The following shall apply to all liquor establishments in the Third Street Alcohol
2 RUD in order to maintain the safety of the premises and vicinity:

3 (1) Liquor establishments shall provide outside lighting in a manner sufficient to
4 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security,
5 without disturbing area residences;

6 (2) o more than 33 percent of the square footage of the windows and clear doors of
7 Liquor establishments shall bear advertising or signage of any sort, and all advertising and
8 signage shall be placed and maintained in a manner that ensures that law enforcement
9 personnel have a clear and unobstructed view of the interior of the premises, including the
10 area in which the cash registers are maintained, from the exterior public sidewalk or entrance
11 to the premises. This requirement shall not apply to premises where there are no windows, or
12 where existing windows are located at a height that precludes a view of the interior of the
13 premises to a person standing outside the premises.

14 (c) Definitions.

15 (1) "liquor establishment" shall mean any enterprise selling alcoholic beverages, as
16 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a
17 California Alcoholic Beverage Control Board license.

18 (2) An "on-sale liquor establishment" shall mean any liquor establishment which has
19 obtained Alcoholic Beverage Control Board license type 40 (on-sale beer), type 42 (on-sale
20 beer and wine public premises), type 48 (on-sale general-public premises) or type 57 (special
21 on-sale general) selling alcoholic beverages for consumption on the premises. Typical on-sale
22 establishments may include but are not limited to bars serving alcoholic beverages. It shall not
23 include types 41, 47, 51, 52, 59, 60, 61, 67, 70 or 75.

24 (3) An "off-sale liquor establishment" shall mean any establishment that is defined
25 in Section 790.55 of this Code.

1 (4) A "prohibited liquor establishment" shall mean any establishment selling
2 alcoholic beverages lawfully existing prior to the effective date of the establishment of the
3 Third Street Alcohol RUD and licensed by the State of California for the retail sale of alcoholic
4 beverages for on- or off-site consumption, so long as otherwise lawful.

5 (d) Fringe Financial Services. In addition to all other applicable controls set forth in
6 this Code, properties in the Third Street Alcohol Restricted Use District are within the Fringe
7 Financial Service Restricted Use District established by Section 249.35 and are subject to the
8 controls and exemptions set forth in Section 249.35.

9 Sec. 61. The San Francisco Planning Code is hereby amended by amending Section
10 784, to read as follows:

11 SEC. 784. LOWER HAIGHT STREET ALCOHOL RESTRICTED USE DISTRICT.

12 (a) Findings. There are an unusually large number of establishments dispensing
13 alcoholic beverages, including beer and wine, for off-site consumption in the Neighborhood
14 Commercial Cluster Districts located generally along Haight Street at Scott Street and
15 generally along Haight Street at Pierce Street and in the Small-Scale Neighborhood
16 Commercial District located generally along Haight Street at and between Steiner and
17 Webster Streets. The existence of this many off-sale alcoholic beverage establishments
18 appears to contribute directly to numerous peace, health, safety, and general welfare
19 problems in the area, including loitering, littering, public drunkenness, defacement and
20 damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and
21 noise problems on public streets and neighborhood lots. The existence of such problems
22 creates serious impacts on the health, safety, and welfare of residents of nearby single- and
23 multiple-family areas, including fear for the safety of children, elderly residents and visitors to
24 the area. The problems also contribute to the deterioration of the neighborhood and
25 concomitant devaluation of property and destruction of community values and quality of life.

1 The number of establishments selling alcoholic beverages for off-site consumption and the
2 associated problems discourage more desirable and needed commercial uses in the area.

3 (b) establishment of the Lower Haight Street Alcohol Restricted Use District. In order
4 to preserve the residential character and the neighborhood-serving commercial uses of the
5 area, the Lower Haight Street Alcohol Restricted Use District (Lower Haight Street Alcohol
6 RUD) is hereby established for the following:

7 (1) Properties in the Neighborhood Commercial Cluster District located generally along
8 Haight Street at Scott Street;

9 (2) Properties in the Neighborhood Commercial Cluster District located generally
10 along Haight Street at Pierce Street;

11 (3) Properties in the Small-Scale Neighborhood Commercial District located
12 generally along Haight Street at and between Steiner and Webster Streets.

13 The above Neighborhood Commercial Cluster Districts and Small-Scale Neighborhood
14 Commercial District are designated on Sectional Map Number 7 of the Zoning Map of the City
15 and County of San Francisco. Block and lot numbers for the properties included in these
16 districts are on file with the Clerk of the Board of Supervisors in File No. 060537 and are
17 incorporated herein by reference. The Lower Haight Street Alcohol RUD is designated on
18 Sectional Map Number 7SU of the Zoning Map of the City and County of San Francisco.

19 (1) No new off-sale liquor establishments shall be permitted in the Lower Haight
20 Street Alcohol RUD.

21 (2) The prohibition on off-sale liquor establishments shall not be interpreted to
22 prohibit the following:

23 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or
24
25

1 (B) Establishment of an off-sale liquor establishment if an application for such liquor
2 establishment is on file with the California Department of Alcoholic Beverage Control prior to
3 the effective date of this ordinance establishing the Lower Haight Street Alcohol RUD.

4 (3) Continuation of Existing Prohibited Liquor Establishments. In the Lower Haight
5 Street Alcohol RUD, any prohibited liquor establishment may continue in accordance with
6 Planning Code section 180 through 186.2, subject to the following provisions:

7 (A) A prohibited liquor establishment lawfully existing and selling alcoholic
8 beverages as licensed by the State of California prior to the effective date of this legislation, or
9 subsequent legislation prohibiting that type of liquor establishment, so long as otherwise
10 lawful, may continue to operate only under the following conditions, as provided by California
11 Business and Professions Code Section 23790:

12 (i) Except as provided in subsection (B) below, the premises shall retain the same
13 type of retail liquor license within a license classification; and

14 (ii) Except as provided in subsection (B) below, the liquor establishment shall be
15 operated continuously, without substantial changes in mode or character of operation.

16 (B) A break in continuous operation shall not be interpreted to include the following,
17 provided that, except as indicated below, the location of the establishment does not change,
18 the square footage used for the sale of alcoholic beverages does not increase, and the type of
19 California Department of Alcoholic Beverage Control Liquor License ("ABC License") does not
20 change:

21 (i) A change in ownership of a prohibited liquor establishment or an owner-to-
22 owner transfer of an ABC License;

23 (ii) Temporary closure for restoration or repair of an existing prohibited liquor
24 establishment on the same lot after total or partial destruction or damage due to fire, riot,
25 insurrection, toxic accident, or act of God;

1 (iii) Temporary closure of an existing prohibited liquor establishment for reasons
2 other than total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or
3 act of God for not more than thirty (30) days for repair, renovation, or remodeling; or

4 (iv) Relocation of an existing prohibited liquor establishment in the Lower Haight
5 Street Alcohol RUD to another location within the same Lower Haight Street Alcohol RUD with
6 conditional use authorization from the Planning Commission, provided that the original
7 premises shall not be occupied by a prohibited liquor establishment, unless by another
8 prohibited liquor establishment that is also relocating from within the Lower Haight Street
9 Alcohol RUD.

10 (c) Definitions: The following definitions shall apply to this Section 784.

11 (1) An "off-sale liquor establishment" shall mean any establishment that is defined
12 in Section 790.55 of this Code.

13 (2) A "prohibited liquor establishment" shall mean any establishment selling
14 alcoholic beverages lawfully existing prior to the effective date of this ordinance and licensed
15 by the State of California for the sale of alcoholic beverages for off-site consumption ("off-
16 sale"), so long as otherwise lawful.

17 ~~(d) Sunset Provision. This Section 784 shall be repealed three years after its initial effective~~
18 ~~date unless the Board of Supervisors, on or before that date, extends or re-enacts it.~~

19 ~~(Added by Ord. 32-07, File No. 060537, App. 2/22/2007; Ord. 260-07, File No. 070617, App.~~
20 ~~11/14/2007)~~

21 Sec. 62. The San Francisco Planning Code is hereby amended by amending Section
22 790.22, to read as follows:

23 SEC. 790.22. BAR.

24 A retail use which provides on-site alcoholic beverage sales for drinking on the
25 premises, including bars serving beer, wine and/or liquor to the customer where no person

1 under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or
2 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction
3 with other uses which admit minors, such as restaurants, movie theaters, and other
4 entertainment. If a bar use also includes a full-service restaurant, as defined by 790.92, or a small
5 self-service restaurant as defined by 790.91, then these uses are considered to be separate and distinct,
6 even though they may occupy the same retail space.

7 Sec. 63. The San Francisco Planning Code is hereby amended by amending Section
8 790.44, to read as follows:

9 SEC. 790.44. HOSPITAL OR MEDICAL CENTER.

10 A public or private institutional use which provides medical facilities for inpatient or
11 outpatient medical care, medical offices, clinics, and laboratories. It may also include employee
12 or student dormitories adjacent to medical facilities when the dormitories are operated by and
13 affiliated with a medical institution. The institution must have met the applicable provisions of
14 Section 304.5 of this Code concerning institutional master plans.

15 Sec. 64. The San Francisco Planning Code is hereby amended by amending Section
16 790.141 to read as follows:

17 SEC. 790.141. MEDICAL CANNABIS DISPENSARY.

18 Medical cannabis dispensary("MCD") as defined by Section 3301(f) of the San (k) Francisco
19 Health Code.

20 ~~provided that:~~ (a) Requirements. MCDs must meet all of the following requirements:

21 (1) the parcel containing the MCD cannot located within 1,000 feet from a parcel
22 containing:

23 (a) a public or private elementary or secondary school; and

24 (b) a community facility and/or a recreation center as defined in 209.4(a) that primarily
25 serves persons under 18 years of age;

1 (2) the MCD is not located on the same parcel as a facility providing substance abuse
2 services that is licensed or certified by the State of California or funded by the Department of Public
3 Health;

4 (3) no alcohol is sold or distributed on the premises for on or off-site consumption;

5 (4) if medical cannabis is smoked on the premises the dispensary shall provide adequate
6 ventilation within the structure such that the doors and windows are not left open for such purposes,
7 resulting in odor emission from the premises;

8 (5) in addition to these requirements, an MCD must meet all of the requirements in Article
9 33 of the San Francisco Health Code.

10 (b) Application and Referral Process. The Department of Public Health is the lead agency
11 for regulating MCDs. Final City permits are issued by the Department of Public Health. No
12 dispensary may open without final authorization from the Department of Public Health. The Planning
13 Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a
14 valid referral from the Department of Public Health pursuant to Health Code Section 3304 and 3305,
15 (2) supplemental application materials, if any, designated by the Planning Department, and (3) a
16 building permit application.

17 (c) Notice. Once the Department has determined that the application is complete, a 30-day
18 notice of application shall be mailed to owners and occupants within a 300 foot radius of the subject
19 property. Notice shall be posted on the project site for no less than 30 days.

20 (d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning
21 Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or
22 approve the dispensary.

23 (e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign
24 not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area;
25 such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical

1 cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals
2 with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation
3 from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The
4 required text shall be a minimum of two inches in height.

5 (f) If an MCD closes for a duration longer than 18 months or if the MCD's license is
6 revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered abandoned and
7 any Planning Commission authorization for the parcel shall be null and void.

8 (g) Any permit issued for a medical cannabis dispensary shall contain the following
9 statement in bold-face type: "Issuance of this permit by the City and County of San Francisco is not
10 intended to and does not authorize the violation of State or Federal law." A medical cannabis
11 dispensary shall be as defined by Section 3301(f) of the San Francisco Health Code provided that:

12 (a) the medical cannabis dispensary has applied for a permit from the Department of Public
13 Health pursuant to Section 3304 of the San Francisco Health Code;

14 (b) if medical cannabis is smoked on the premises, the parcel containing the medical
15 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an
16 elementary or secondary school, public or private, or a community facility that primarily serves
17 persons under 18 years of age, or a recreation building as defined in Section 790.50(a) of this Code
18 that primarily serves persons under 18 years of age, unless not required by State law, and, regardless
19 of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of
20 April 1, 2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel
21 containing the grounds of an elementary or secondary school, public or private, or a community facility
22 that primarily serves persons under 18 years of age or a recreation building as defined in Section
23 790.50(f) of this Code that primarily serves persons under 18 years of age;

1 (e) — ~~if medical cannabis is smoked on the premises the dispensary shall provide adequate~~
2 ~~ventilation within the structure such that doors and/or windows are not left open for such purposes~~
3 ~~resulting in odor emission from the premises;~~

4 (d) — ~~regardless of whether medical cannabis is smoked on the premises the parcel containing~~
5 ~~the medical cannabis dispensary is not located on the same parcel as a facility providing substance~~
6 ~~abuse services that is licensed or certified by the State of California or funded by the Department of~~
7 ~~Public Health;~~

8 (e) — ~~no alcohol is sold or distributed on the premises for on or off site consumption;~~

9 (f) — ~~upon acceptance of a complete application for a building permit for a medical cannabis~~
10 ~~dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall~~
11 ~~cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet~~
12 ~~of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well~~
13 ~~as to all individuals or groups that have made a written request for notification regarding specific~~
14 ~~properties, areas or medical cannabis dispensaries;~~

15 (g) — ~~all building permit applications shall be held for a period of 30 calendar days from the~~
16 ~~date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties~~
17 ~~and neighborhood groups;~~

18 (h) — ~~after this 30 day period, the Planning Commission shall schedule a hearing to consider~~
19 ~~whether to exercise its discretionary review powers over the building permit application for a medical~~
20 ~~cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in~~
21 ~~accordance with Section 312(e) of this Code;~~

22 (i) — ~~[Expired.]~~

23 (j) — ~~any permit issued for a medical cannabis dispensary shall contain the following~~
24 ~~statement in boldface type: "Issuance of this permit by the City and County of San Francisco is not~~
25 ~~intended to and does not authorize the violation of State or Federal la — w."~~

1 Section 65. The San Francisco Planning Code is hereby amended by amending
2 Section 803.2, to read as follows:

3 SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.

4 A use is the specific purpose for which a property or building is used, occupied,
5 maintained, or leased. Whether or not a use is permitted in a specific Chinatown Mixed Use
6 District is set forth, summarized or cross-referenced in Sections 810.1 through 812.96 of this
7 Code for each district class.

8 (a) Use Categories. The uses, functions, or activities, which are permitted in each
9 Chinatown Mixed Use Districts class include those listed in Table 803.2 below by zoning
10 control category and numbered and cross-referenced to the Code Section containing the
11 definition.

12 (b) Use Limitations. Uses in Chinatown Mixed Use Districts are either permitted,
13 conditional, accessory, temporary, or are not permitted.

14 (1) Permitted Uses. All permitted uses in Chinatown Mixed Use Districts shall be
15 conducted within an enclosed building, unless otherwise specifically allowed in this Code.
16 Exceptions from this requirement are: accessory off-street parking and loading; uses which,
17 when located outside of a building, qualify as an outdoor activity area, as defined in Section
18 890.71 of this Code; and uses which by their nature are to be conducted in an open lot or
19 outside a building, as described in Sections 890 through 890.140 of this Code.

20 If there are two or more uses in a structure and none is classified under Section
21 803.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
22 separately as an independent permitted, conditional, temporary or not permitted use.

23 (A) Principal Uses. Principal uses are permitted as of right in a Chinatown Mixed
24 Use District, when so indicated in Sections 810.1 through 812.96 of this Code for each district
25 class.

1 (B) Conditional Uses. Conditional uses are permitted in a Chinatown Mixed Use
2 District when authorized by the Planning Commission; whether a use is conditional in a given
3 district is indicated in Sections 810 through 812. Conditional uses are subject to the provisions
4 set forth in Section 303 of this Code. In the case of formula retail uses, the provisions of Planning
5 Code Section 303(i) shall apply.

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

8 (ii) Any use or feature which lawfully existed and was permitted as a principal or
9 conditional use on the effective date of these controls which is not otherwise nonconforming
10 or noncomplying as defined in Section 180 of this Code, and which use or feature is not
11 permitted under this Article is deemed to be a permitted conditional use subject to the
12 provisions of this Code.

13 (iii) Notwithstanding any other provision of this Article, a change in use or demolition
14 of a movie theater use, as set forth in Section 890.64, shall require conditional use
15 authorization. This Subsection shall not authorize a change in use if the new use or uses are
16 otherwise prohibited.

17 (iv) Notwithstanding any other provision of this Article, a change in use or demolition
18 of a general grocery store use, as set forth in Section 890.102(a) and as further defined in
19 Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use
20 authorization. This Subsection shall not authorize a change in use if the new use or uses are
21 otherwise prohibited.

22 (v) Installing a garage in an existing residential building of four or more units
23 requires a mandatory discretionary review hearing by the Planning Commission; Section 311
24 notice is required for a building of less than four units. In approving installation of the garage,
25 The Planning Commission shall find that: (1) the proposed garage opening/addition of off-

1 street parking will not cause the "removal" or "conversion of residential unit," as those terms
2 are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street
3 parking will not substantially decrease the livability of a dwelling unit without increasing the
4 floor area in a commensurate amount; (3) the building has not had two or more "no-fault"
5 evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, with
6 each eviction associated with a separate unit(s) within the past ten years, and (4) the
7 proposed garage/addition of off-street parking installation is consistent with the Priority
8 Policies of Section 101.1 of this Code.

9 Prior to the Planning Commission hearing, or prior to issuance of notification
10 under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit
11 by the project sponsor attesting to (1), (2), and (3) above, which the Department shall
12 independently verify. The Department shall also have made a determination that the project
13 complies with (4) above and will determine whether the proposed garage opening will require
14 a minor sidewalk encroachment permit or a street tree removal permit.

15 (C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1
16 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as
17 Accessory Uses) of this Code, a related minor use which is either necessary to the operation
18 or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and
19 subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an
20 accessory use when located on the same lot. Any use not qualified as an accessory use shall
21 only be allowed as a principal or conditional use, unless it qualifies as a temporary use under
22 Sections 205 through 205.2 of this Code.

23 No use in a Chinatown Mixed Use District will be considered accessory to a principal use
24 which involves or requires any of the following:
25

1 (i) The use of more than 1/3 of the total floor area occupied by both the accessory
2 use and the principal use to which it is accessory, combined, except in the case of accessory
3 off-street parking;

4 (ii) Any bar, restaurant, other entertainment, or any retail establishment which
5 serves liquor for consumption on-site;

6 (iii) Any take-out food use, except for a take-out food use which occupies 100
7 square feet or less (including the area devoted to food preparation and service and excluding
8 storage and waiting areas) in a retail grocery or specialty food store;

9 (iv) The wholesaling, manufacturing or processing of foods, goods, or commodities
10 on the premises of an establishment which does not also provide for primarily retail sale of
11 such foods, goods or commodities at the same location where such wholesaling,
12 manufacturing or processing takes place.

13 (v) Medical Cannabis Dispensaries as defined in 890.133.

14 The above shall not prohibit take-out food activity which operates in conjunction with a
15 fast-food restaurant. A fast-food restaurant, by definition, includes take-out food as an
16 accessory and necessary part of its operation.

17 (D) Temporary Uses. Uses not otherwise permitted are permitted in Chinatown
18 Mixed Use Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this Code.

19 (2) Not Permitted Uses.

20 (A) Uses which are not listed in this Article are not permitted in a Chinatown Mixed
21 Use District unless determined by the Zoning Administrator to be permitted uses in
22 accordance with Section 307(a) of this Code.

23 (B) No use, even though listed as a permitted use or otherwise allowed, shall be
24 permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of
25 operation, creates conditions that are hazardous, noxious, or offensive through the emission

1 of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
2 excessive noise.

3 (C) The establishment of a use that sells alcoholic beverages, other than beer and
4 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

5 (D) No off-street parking garage installations or new curb cuts are permitted on the
6 alleyways of the Chinatown Mixed Use Districts.

7 Section 66. The San Francisco Planning Code is hereby amended by amending
8 Section 803.3, to read as follows:

9 SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE
10 DISTRICTS AND SOUTH OF MARKET USE MIXED USE DISTRICTS.

11 (a) Use Categories. A use is the specified purpose for which a property or building
12 is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific
13 Eastern Neighborhood Mixed Use District and South of Market Mixed Use District is generally
14 set forth, summarized or cross-referenced in Sections 813.3 through 818 and 840 through 843
15 of this Code for each district class.

16 (b) Use Limitations. Uses in Eastern Neighborhood Mixed Use Districts and South
17 of Market Mixed Use Districts are either permitted, conditional, accessory, temporary or are
18 not permitted.

19 (1) Permitted Uses. If there are two or more uses in a structure, any use not
20 classified below under Section 803.3(b)(1)(C) of this Code as accessory will be considered
21 separately as an independent permitted, conditional, temporary or not permitted use.

22 (A) Principal Uses. Principal uses are permitted as of right in an Eastern
23 Neighborhood Mixed Use District and South of Market Mixed Use District, when so indicated
24 in Sections 813 through 818 and 840 through 843 of this Code for the district. Additional
25

1 requirements and conditions may be placed on particular uses as provided pursuant to
2 Section 803.5 through 803.9 and other applicable provisions of this Code.

3 (B) Conditional Uses. Conditional uses are permitted in an Eastern Neighborhood
4 Mixed Use District and South of Market Mixed Use District, when authorized by the Planning
5 Commission; whether a use is conditional in a given district is generally indicated in Sections
6 813 through 818 and 840 through 843 of this Code. Conditional uses are subject to the
7 applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through
8 803.9 of this Code.

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

11 (ii) Notwithstanding any other provision of this Article, a change in use or demolition
12 of a movie theater use, as set forth in Section 890.64, shall require conditional use
13 authorization. This Section shall not authorize a change in use if the new use or uses are
14 otherwise prohibited.

15 (iii) Notwithstanding any other provision of this Article, a change in use or demolition
16 of a general grocery store use, as set forth in Section 890.102(a) and as further defined in
17 Section 790.102(a), shall require conditional use authorization. This Subsection shall not
18 authorize a change in use if the new use or uses are otherwise prohibited.

19 (C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1
20 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses
21 Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other Uses), and
22 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related
23 minor use which is either necessary to the operation or enjoyment of a lawful principal use or
24 conditional use, or is appropriate, incidental and subordinate to any such use, and shall be
25 permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of

1 Market Mixed Use District. In order to accommodate a principal use which is carried out by
2 one business in multiple locations within the same general area, such accessory use need not
3 be located in the same structure or lot as its principal use provided that (1) the accessory use
4 is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April
5 6, 1990 (the effective date of this amendment). Accessory uses to non-office uses (as defined
6 in Section 890.70) may occupy space which is non-contiguous or on a different story as the
7 principal use so long as the accessory use is located in the same building as the principal use
8 and complies with all other restrictions applicable to such accessory uses. Any use which
9 does not qualify as an accessory use shall be classified as a principal use.

10 No use will be considered accessory to a principal use which involves or requires any of the
11 following:

12 (i) The use of more than one-third of the total occupied floor area which is occupied
13 by both the accessory use and principal use to which it is accessory, combined, except in the
14 case of accessory off-street parking or loading which shall be subject to the provisions of
15 Sections 151, 156 and 157 of this Code;

16 (ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment,
17 massage establishment, large fast food restaurant, or movie theater use in a RED, SPD,
18 RSD, SLR, SLI, SSO, DTR, MUG, MUR, MUO, or UMU District;

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

23 (iv) Any sign not conforming to the limitations of Section 607.2(f)(3).

24 (v) Medical Cannabis Dispensaries as defined in 890.133.

25

1 (D) Temporary Uses. Temporary uses not otherwise permitted are permitted in
2 Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts to the
3 extent authorized by Sections 205 through 205.3 of this Code.

4 Section 67. The San Francisco Planning Code is hereby amended by amending
5 Section 803.6 to read as follows:

6 SEC. 803.6. FORMULA RETAIL USES IN THE CHINATOWN MIXED USE DISTRICTS
7 AND IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.

8 (a) Findings.

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

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

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

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

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

23 (6) Formula retail businesses can have a competitive advantage over independent
24 operators because they are typically better capitalized and can absorb larger startup costs,
25

1 pay more for lease space, and commit to longer lease contracts. This can put pressure on
2 existing businesses and potentially price out new startup independent businesses.

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

8 (8) Notwithstanding the marketability of a retailer's goods or services or the visual
9 attractiveness of the storefront, the standardized architecture, color schemes, decor and
10 signage of many formula retail businesses can detract from the distinctive character of certain
11 neighborhood commercial and mixed use districts.

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

21 (b) Formula Retail Uses.

22 (1) Formula Retail Uses Permitted as a Conditional Use. Formula retail uses are
23 permitted in the Western SoMa Planning Area Special Use District, the Chinatown Community
24 Business District and the Chinatown Residential Neighborhood Commercial District only as a
25

1 conditional use. When considering an application for a conditional use permit under this Section, the
2 Planning Commission shall consider the criteria defined in Section 303(i) of this Code.

3 (2) Formula Retail Uses Prohibited. The establishment of new formula retail uses in the
4 Chinatown Mixed Use Districts, as defined in the Planning Code, Sections 810.1 (Chinatown
5 Community Business District), 811.1 (Chinatown Visitor Retail District) and 812.1 (Chinatown
6 Residential Neighborhood Commercial District) is prohibited.

7 (c) Formula Retail Use Defined. Formula retail use is hereby defined as a type of
8 retail sales activity or retail sales establishment which, along with eleven or more other retail
9 sales establishments located in the United States, maintains two or more of the following
10 features: a standardized array of merchandise, a standardized façade, a standardized décor
11 and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

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

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

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

20 (4) Décor shall be defined as the style of interior finishings, which may include but is
21 not limited to, style of furniture, wallcoverings or permanent fixtures.

22 (5) Color Scheme shall be defined as selection of colors used throughout, such as
23 on the furnishings, permanent fixtures, and wallcoverings, or as used on the façade.

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

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

4 (8) Signage shall be defined as business sign pursuant to Section 602.3 of the
5 Planning Code.

6 (9) "Retail sales activity or retail sales establishment" shall include the following
7 uses, as defined in Article 8 of this code: "bar," "drive-up facility," "eating and drinking use,"
8 "restaurant, large fast-food," "restaurant, small fast-food," "restaurant, full-service," "sales and
9 services, other retail," "sales and services, nonretail," "movie theater," "amusement game
10 arcade," and "take-out food."

11 (d) Determination of Formula Retail Use. If the City determines that a building
12 permit application or building permit subject to this section of the Code is for a "formula retail
13 use," the building permit applicant or holder bears the burden of proving to the City that the
14 proposed or existing use is not a "formula retail use."

15 (e) Permit Application Processing. After the effective date of this ordinance, any
16 building permit application determine by the City to be for a "formula retail use" that does not
17 identify the use as a "formula retail use" is incomplete and cannot be processed until the
18 omission is corrected.

19 Section 68. The San Francisco Planning Code is hereby amended by amending
20 Section 890.133 to read as follows:

21 SEC. 890.133. MEDICAL CANNABIS DISPENSARY

22 Medical cannabis dispensary("MCD") as defined by Section 3301(f) of the San (k)
23 Francisco Health Code.

24 ~~provided that:~~ (a) Requirements. MCDs must meet all of the following requirements:
25

1 (1) the parcel containing the MCD cannot be located within 1,000 feet from a parcel
2 containing:

3 (a) a public or private elementary or secondary school; and

4 (b) a community facility and/or a recreation center as defined in 209.4(a) that primarily
5 serves persons under 18 years of age;

6 (2) the MCD is not located on the same parcel as a facility providing substance abuse
7 services that is licensed or certified by the State of California or funded by the Department of Public
8 Health;

9 (3) no alcohol is sold or distributed on the premises for on or off-site consumption;

10 (4) if medical cannabis is smoked on the premises the dispensary shall provide adequate
11 ventilation within the structure such that the doors and windows are not left open for such purposes,
12 resulting in odor emission from the premises;

13 (5) in addition to these requirements, an MCD must meet all of the requirements in Article
14 33 of the San Francisco Health Code.

15 (b) Application and Referral Process. The Department of Public Health is the lead agency
16 for regulating MCDs. Final City permits are issued by the Department of Public Health. No
17 dispensary may open without final authorization from the Department of Public Health. The Planning
18 Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a
19 valid referral from the Department of Public Health pursuant to Health Code Section 3304 and 3305,
20 (2) supplemental application materials, if any, designated by the Planning Department, and (3) a
21 building permit application.

22 (c) Notice. Once the Department has determined that the application is complete, a 30-day
23 notice of application shall be mailed to owners and occupants within a 300 foot radius of the subject
24 property. Notice shall be posted on the project site for no less than 30 days.

1 (d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning
2 Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or
3 approve the dispensary.

4 (e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign
5 not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area;
6 such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical
7 cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals
8 with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation
9 from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The
10 required text shall be a minimum of two inches in height.

11 (f) If an MCD closes for a duration longer than 18 months or if the MCD's license is
12 revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered abandoned and
13 any Planning Commission authorization for the parcel shall be null and void.

14 (g) Any permit issued for a medical cannabis dispensary shall contain the following
15 statement in bold-face type: "Issuance of this permit by the City and County of San Francisco is not
16 intended to and does not authorize the violation of State or Federal law." A medical cannabis
17 dispensary shall be as defined by Section 3301(f) of the San Francisco Health Code provided that.

18 (a) — the medical cannabis dispensary has applied for a permit from the Department of Public
19 Health pursuant to Section 3304 of the San Francisco Health Code;

20 (b) — if medical cannabis is smoked on the premises, the parcel containing the medical
21 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an
22 elementary or secondary school, public or private, or a community facility that primarily serves
23 persons under 18 years of age, or a recreation building as defined in Section 890.50(a) of this Code
24 that primarily serves persons under 18 years of age, unless not required by State law, and, regardless
25 of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of

1 ~~April 1, 2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel~~
2 ~~containing the grounds of an elementary or secondary school, public or private, or a community facility~~
3 ~~that primarily serves persons under 18 years of age, or a recreation building as defined in Section~~
4 ~~890.50(a) of this Code that primarily serves persons under 18 years of age;~~

5 ~~(c) — if medical cannabis is smoked on the premises the dispensary shall provide adequate~~
6 ~~ventilation within the structure such that doors and/or windows are not left open for such purposes~~
7 ~~resulting in odor emission from the premises;~~

8 ~~(d) — regardless of whether medical cannabis is smoked on the premises the parcel containing~~
9 ~~the medical cannabis dispensary is not located on the same parcel as a facility providing substance~~
10 ~~abuse services that is licensed or certified by the State of California or funded by the Department of~~
11 ~~Public Health;~~

12 ~~(e) — no alcohol is sold or distributed on the premises for on or off site consumption;~~

13 ~~(f) — upon acceptance of a complete application for a building permit for a medical cannabis~~
14 ~~dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall~~
15 ~~cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet~~
16 ~~of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well~~
17 ~~as to all individuals or groups that have made a written request for notification regarding specific~~
18 ~~properties, areas or medical cannabis dispensaries;~~

19 ~~(g) — all building permit applications shall be held for a period of 30 calendar days from the~~
20 ~~date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties~~
21 ~~and neighborhood groups;~~

22 ~~(h) — after this 30 day period, the Planning Commission shall schedule a hearing to consider~~
23 ~~whether to exercise its discretionary review powers over the building permit application for a medical~~
24 ~~cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in~~
25 ~~accordance with Section 312(e) of this Code;~~

1 (i) ~~— [Expired;]~~

2 (j) ~~— any permit issued for a medical cannabis dispensary shall contain the following~~
3 ~~statement in bold face type: "Issuance of this permit by the City and County of San Francisco is not~~
4 ~~intended to and does not authorize the violation of State or Federal law."~~

5 Section 69. The San Francisco Planning Code is hereby amended by amending Article
6 10, to read as follows:

7 SEC. 1001. PURPOSES.

8 It is hereby found that structures, sites and areas of special character or special
9 historical, architectural or aesthetic interest or value have been and continue to be
10 unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further
11 found that the prevention of such needless destruction and impairment is essential to the
12 health, safety and general welfare of the public. The purpose of this legislation is to promote
13 the health, safety and general welfare of the public through:

14 (a) The protection, enhancement, perpetuation and use of structures, sites and
15 areas that are reminders of past eras, events and persons important in local, State or national
16 history, or which provide significant examples of architectural styles of the past or are
17 landmarks in the history of architecture, or which are unique and irreplaceable assets to the
18 City and its neighborhoods, or which provide for this and future generations examples of the
19 physical surroundings in which past generations lived;

20 (b) The development and maintenance of appropriate settings and environment for
21 such structures, and in such sites and areas;

22 (c) The enhancement of property values, the stabilization of neighborhoods and
23 areas of the City, the increase of economic and financial benefits to the City and its
24 inhabitants, and the promotion of tourist trade and interest;

25

1 (d) The preservation and encouragement of a City of varied architectural styles,
2 reflecting the distinct phases of its history: cultural, social, economic, political and architectural
3 and

4 (e) The enrichment of human life in its educational and cultural dimensions in order
5 to serve spiritual as well as material needs, by fostering knowledge of the living heritage of the
6 past.

7 SEC. 1002. POWERS AND DUTIES OF THE PLANNING DEPARTMENT AND THE
8 HISTORIC PRESERVATION COMMISSION OF CITY PLANNING AND CITY PLANNING
9 COMMISSION.

10 The Planning Department of City Planning (hereinafter referred to as the "Department")
11 and the Planning Commission Historic Preservation Commission ("HPC") shall have and exercise
12 the powers and shall perform the duties set forth in this Section and elsewhere in this Article
13 10 with respect to historical preservation. ~~The Department and the Planning Commission shall be~~
14 ~~advised in the exercise and performance of their powers and duties by the Landmarks Preservation~~
15 ~~Advisory Board hereinafter created.~~

16 (a) The Planning Commission HPC:

17 (1) Shall recommend to the Board of Supervisors, after public hearing, on the
18 designation of landmarks and historic districts, as more fully set forth in Section 1004.3 below;

19 (2) Shall in appropriate cases, after public hearing, review and decide on
20 applications for construction, alteration, demolition and other applications pertaining to
21 landmark sites and historic districts, as more fully set forth below in this Article 10;

22 (3) May take steps to encourage or bring about preservation of structures or other
23 features where the Planning Commission HPC has decided to suspend action on an application,
24 as more fully set forth in Section 1006.6 below; and
25

1 (4) May establish and maintain a list of structures and other features deemed
2 deserving of official recognition although not designated as landmarks or historic districts, and
3 take appropriate measures of recognition, as more fully set forth in Section 1011 below;

4 (b) The Department and the *Planning Commission HPC*:

5 (1) May carry out, assist and collaborate in studies and programs designed to
6 identify and evaluate structures, sites and areas worthy of preservation;

7 (2) May consult with and consider the ideas and recommendations of civic groups,
8 public agencies, and citizens interested in historical preservation;

9 (3) May inspect and investigate structures, sites and areas which they have reason
10 to believe worthy of preservation;

11 (4) May disseminate information to the public concerning those structures, sites and
12 areas deemed worthy of preservation, and may encourage and advise property owners in the
13 protection, enhancement, perpetuation and use of landmarks, property in historic districts, and
14 other officially recognized property of historical interest;

15 (5) May consider methods other than those provided for in this Article 10 for
16 encouraging and achieving historical preservation, and make appropriate recommendations to
17 the Board of Supervisors and to other bodies and agencies, both public and private; and

18 (6) May establish such policies, rules and regulations as they deem necessary to
19 administer and enforce this Article 10.

20 SEC. 1003. ~~*INTENTIONALLY LEFT BLANK*~~~~*LANDMARKS PRESERVATION ADVISORY*~~
21 ~~*BOARD.*~~

22 ~~*There is hereby created a Landmarks Preservation Advisory Board (hereinafter referred to as*~~
23 ~~*the "Advisory Board"), which shall advise the Department and the Planning Commission on historical*~~
24 ~~*preservation matters. The Advisory Board shall consist of nine voting members appointed by the Mayor*~~
25 ~~*and serving at his pleasure, without salary. Of the original appointments, five shall be for a four year*~~

1 ~~term and four for a two year term; after the expiration of the said original terms, all appointments shall~~
2 ~~be for four year terms. In addition, the Art Commission shall choose one of its members to be an ex~~
3 ~~officio member of the Advisory Board, without vote.~~

4 (a) ~~—In making appointments, the Mayor may consult persons and organizations interested in~~
5 ~~historical preservation. Appointees to the Advisory board shall be persons specially qualified by reason~~
6 ~~of training or experience in the historic and cultural traditions of the City, and interested in the~~
7 ~~preservation of its historic structures, sites and areas. The voting members shall be residents of the~~
8 ~~City.~~

9 (b) ~~—The Director of City Planning, or his delegate, shall serve as Secretary of the Advisory~~
10 ~~Board, without vote. The Department shall render staff assistance to the Advisory Board.~~

11 (c) ~~—The Advisory Board shall elect a Chairman from among its voting members, and shall~~
12 ~~establish rules and regulations for its own organization and procedure.~~

13 SEC. 1004. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.

14 (a) Pursuant to the procedures set forth hereinafter:

15 (1) The Board of Supervisors may, by ordinance, designate an individual structure
16 or other feature or an integrated group of structures and features on a single lot or site, having
17 a special character or special historical, architectural or aesthetic interest or value, as a
18 landmark, and shall designate a landmark site for each landmark; and

19 (2) The Board of Supervisors may, by ordinance, designate an area containing a
20 number of structures having a special character or special historical, architectural or aesthetic
21 interest or value, and constituting a distinct section of the City, as a historic district.

22 (b) Each such designating ordinance shall include, or shall incorporate by reference
23 to the pertinent resolution of the ~~Planning Commission~~HPC then on file with the Clerk of the
24 Board of Supervisors, as though fully set forth in such designating ordinance, the location and
25 boundaries of the landmark site or historic district, a description of the characteristics of the

1 landmark or historic district that justify its designation, and a description of the particular
2 features that should be preserved. Any such designation shall be in furtherance of and in
3 conformance with the purposes of this Article 10 and the standards set forth herein.

4 (c) The property included in any such designation shall upon designation be subject
5 to the controls and standards set forth in this Article 10. In addition, the said property shall be
6 subject to the following further controls and standards if imposed by the designating
7 ordinance:

8 (1) For a publicly-owned landmark, review of proposed changes to significant
9 interior architectural features.

10 (2) For a privately-owned landmark, review of proposed changes requiring a permit
11 to significant interior architectural features in those areas of the landmark that are or
12 historically have been accessible to members of the public. The designating ordinance must
13 clearly describe each significant interior architectural feature subject to this restriction.

14 (3) For a historic district, such further controls and standards as the Board of
15 Supervisors deems necessary or desirable, including but not limited to facade, setback and
16 height controls.

17 (4) For a City-owned park, square, plaza or garden on a landmark site, review of
18 alterations as identified in the designating ordinance.

19 (d) The Board of Supervisors may amend or rescind a designation at any time,
20 subject to all of the procedures set forth in this Article 10 for an original designation; provided,
21 however, that in the event that a landmark is accidentally destroyed or is demolished or
22 removed in conformity with the provisions of Section 1007, or is legally demolished or
23 relocated after compliance has been had with the provisions of Section 1006.2, the Director of
24 Planning may request the *Planning Commission*HPC to recommend to the Board of Supervisors
25

1 that the designation be amended or rescinded, and in such case the procedures for an
2 original designation set forth in Sections 1004.1, 1004.2 and 1004.3 hereof shall not apply.

3 SEC. 1004.1. INITIATION OF DESIGNATION.

4 Initiation of designation shall be by the Board of Supervisors or by a resolution of
5 intention by the ~~Planning Commission, the Art Commission or the Advisory Board,~~ HPC or on the
6 verified application of owners of the property to be designated or their authorized agents. The
7 Board of Supervisors shall promptly refer any initiation of designation to the HPC for its review and
8 recommendation. Any such application shall be filed with the Department upon forms
9 prescribed by the ~~Planning Commission~~HPC, and shall be accompanied by all data required by
10 the ~~Planning Commission~~HPC. Where such an application is submitted for designation of a
11 historic district, the application must be subscribed by or on behalf of at least 66 percent of the
12 property owners in the proposed district.

13 SEC. 1004.2. INTENTIONALLY LEFT BLANK. —~~REFERRAL TO LANDMARKS~~
14 ~~PRESERVATION ADVISORY BOARD.~~

15 ~~The proposed designation, resolution or application shall be promptly referred to the Advisory~~
16 ~~Board for review and report to the Planning Commission as to conformance with the purposes and~~
17 ~~standards of this Article 10. The Advisory Board shall recommend approval, disapproval or~~
18 ~~modification of the proposal, or shall report its failure to reach a decision thereon, within 60 days after~~
19 ~~such referral. If no recommendation is rendered within 60 days, the Planning Commission may~~
20 ~~consider the proposed designation as provided in Section 1004.3 below notwithstanding the lack of~~
21 ~~such a recommendation.~~

22 SEC. 1004.3. HEARING BY ~~CITY PLANNING COMMISSION~~HPC.

23 ~~After receiving a report from the Advisory Board or after the expiration of 60 days from the~~
24 ~~date of referral to the Advisory Board, whichever is sooner, the Planning Commission~~ The HPC shall
25 hold a public hearing on the proposal; the Department shall set a time and place for such

1 hearing. A record of pertinent information presented at the hearing shall be made and
2 maintained as a permanent record.

3 (a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall
4 be given by at least one publication in a newspaper of general circulation in the City not less
5 than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days
6 prior to the date of hearing to the owners of all property included in the proposed designation,
7 using for this purpose the names and addresses of the last known owners as shown on the
8 records of the Assessor. Failure to send notice by mail to any such property owner where the
9 address of such owner is not a matter of public record shall not invalidate any proceedings in
10 connection with the proposed designation. The Department may also give such other notice
11 as it may deem desirable and practicable.

12 (b) Time Limitation. The ~~Planning Commission~~HPC shall ~~consider the report and~~
13 ~~recommendation of the Advisory Board, if any, and shall~~ consider the conformance or lack of
14 conformance of the proposed designation with the purposes and standards of this Article 10.
15 ~~Where the Board of Supervisors has referred an initiation of designation to the HPC, The Planning~~
16 ~~Commission~~the HPC shall hold a public hearing and shall approve, disapprove or modify the
17 proposal within 90 days from the date of referral of the proposed designation to the ~~Advisory~~
18 ~~Board~~HPC. Failure to act within said time shall constitute approval. The Board of Supervisors
19 may, by resolution, extend the time within which the ~~Planning Commission~~HPC is to render its
20 decision.

21 (c) Notice of Action Taken. The ~~Planning Commission~~HPC shall promptly notify the
22 applicant of action taken. If the ~~Planning Commission~~HPC approves or modifies the proposed
23 designation in whole or in part, it shall transmit the proposal together with a copy of the
24 resolution of approval, to the Clerk of the Board of Supervisors.

1 (d) In the event that a proposed designation has been initiated prior to July 18,
2 2006, and the ~~Planning Commission~~HPC has failed to act upon such proposed designation as
3 of the effective date of this ordinance, the Board of Supervisors may act on the proposed
4 designation notwithstanding the ~~Planning Commission~~HPC's failure to act on the proposed
5 designation.

6 SEC. 1004.4. DESIGNATION BY BOARD OF SUPERVISORS.

7 The Board of Supervisors shall hold a public hearing on any proposal so transmitted to
8 it, after due notice to the owners of the property included in the proposal, and such other
9 notice as the said Board may deem necessary. The Board of Supervisors may approve, or
10 modify and approve, the designation by a majority vote of all its members.

11 SEC. 1004.5. APPEAL TO BOARD OF SUPERVISORS.

12 If the ~~Planning Commission~~HPC disapproves the proposed designation, such action shall
13 be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days by
14 a protest subscribed by the owners of at least 20 percent of the property proposed to be
15 designated, or by any governmental body or agency, or by an organization with a recognized
16 interest in historical preservation; provided, however, that if the proposal was initiated by the
17 Board of Supervisors, the Clerk of the said Board shall be notified immediately of the
18 disapproval without the necessity for an appeal.

19 (a) Hearing. The Board of Supervisors shall hold a public hearing on any such
20 proposal appealed to it or initiated by it, after due notice to the owners of the property included
21 in the proposal, and such other notice as the said Board may deem necessary.

22 (b) Decision. The Board of Supervisors may overrule the ~~Planning Commission~~HPC
23 and approve, ~~or~~ modify and approve, or disapprove the designation by a majority vote of all its
24 members.

1 (c) Resubmission, Reconsideration. If a proposal initiated by application has been
2 disapproved by the ~~Planning Commission~~HPC or by the Board of Supervisors ~~on appeal~~, no
3 subsequent application that is the same or substantially the same may be submitted or
4 reconsidered for at least one year from the effective date of final action of the original
5 proposal.

6 SEC. 1004.6. NOTICE OF DESIGNATION BY BOARD OF SUPERVISORS.

7 When a landmark or historic district has been designated by the Board of Supervisors
8 as provided above, the Department shall promptly notify the owners of the property included
9 therein. The Department shall cause a copy of the designating ordinance, or notice thereof, to
10 be recorded in the office of the County Recorder.

11 SEC. 1004.7. NOTICE OF AMENDMENT OR RESCISSION OF DESIGNATION.

12 When a landmark or historic district designation has been amended or rescinded, the
13 Department shall promptly notify the owners of the property included therein, and shall cause
14 a copy of the appropriate ordinance, or notice thereof, to be recorded in the office of the
15 County Recorder.

16 SEC. 1005. CONFORMITY AND PERMITS.

17 (a) No person shall carry out or cause to be carried out on a designated landmark
18 site or in a designated historic district any construction, alteration, removal or demolition of a
19 structure or any work involving a sign, awning, marquee, canopy, mural or other appendage,
20 for which a City permit is required, except in conformity with the provisions of this Article 10. In
21 addition, no such work shall take place unless all other applicable laws and regulations have
22 been complied with, and any required permit has been issued for said work.

23 (b)

24 (1) Installation of a new general advertising sign is prohibited in any Historic District or
25 on any historic property regulated by this Article 10.

1 (2) The Central Permit Bureau shall not issue, and no other City department or
2 agency shall issue, any permit for construction, alteration, removal or demolition of a structure
3 or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage
4 on a landmark site or in an Historic District, except in conformity with the provisions of this
5 Article 10. In addition, no such permit shall be issued unless all other applicable laws and
6 regulations have been complied with.

7 (c)

8 (1) Where so provided in the designating ordinance for a historic district, any or all
9 exterior changes visible from a public street or other public place shall require approval in
10 accordance with the provisions of this Article 10, regardless of whether or not a City permit is
11 required for such exterior changes. Such exterior changes may include, but shall not be
12 limited to, painting and repainting; landscaping; fencing; and installation of lighting fixtures and
13 other building appendages.

14 (2) The addition of a mural to any landmark or contributory structure in a historic
15 district shall require compliance with the provisions of this Article 10, regardless of whether or
16 not a City permit is required for the mural.

17 (3) Alterations to City-owned parks, squares, plazas or gardens on a landmark site,
18 where the designating ordinance identifies such alterations, shall require approval in
19 accordance with the provisions of this Article 10, regardless of whether or not a City permit is
20 required.

21 (d) The Department shall maintain with the Central Permit Bureau a current record
22 of designated landmarks and historic districts. Upon receipt of any application for a permit to
23 carry out any construction, alteration, removal or demolition of a structure or any work
24 involving a sign, awning, marquee, canopy, mural or other appendage, on a landmark site or
25 in a historic district, the Central Permit Bureau shall, unless the structure or feature concerned

1 has been declared unsafe or dangerous pursuant to Section 1007 of this Article 10, promptly
2 forward such permit application to the Department.

3 (e) After receiving a permit application from the Central Permit Bureau in
4 accordance with the preceding subsection, the Department shall ascertain whether Section
5 1006 requires a Certificate of Appropriateness for the work proposed in such permit
6 application. If such Certificate is required and has been issued, and if the permit application
7 conforms to such Certificate, the permit application shall be processed without further
8 reference to this Article 10. If such Certificate is required and has not been issued, or if in the
9 sole judgment of the Department the permit application does not so conform, the permit
10 application shall be disapproved or held by the Department until such time as conformity does
11 exist; the decision and action of the Department shall be final. Notwithstanding the foregoing,
12 in the following cases the Department shall process the permit application without further
13 reference to this Article 10:

14 (1) When the application is for a permit to construct on a landmark site where the
15 landmark has been lawfully demolished and the site is not within a designated historic district;

16 (2) When the application is for a permit to make interior alterations only on a
17 privately-owned structure or on a publicly-owned structure, unless the designating ordinance
18 requires review of such alterations to the privately- or publicly-owned structure pursuant to
19 Section 1004(c) hereof;

20 (3) When the application is for a permit to do ordinary maintenance and repairs
21 only. For the purpose of this Article 10, "ordinary maintenance and repairs" shall mean any
22 work, the sole purpose and effect of which is to correct deterioration, decay or damage,
23 including repair of damage caused by fire or other disaster;

24 (4) When the application is for a permit to comply with the UMB Seismic Retrofit
25 Ordinances and the Zoning Administrator determines that the proposed work complies with

1 the UMB Retrofit Architectural Design Guidelines, which guidelines shall be adopted by the
2 Planning Commission.

3 (f) For purposes of this Article 10, demolition shall be defined as any one of the
4 following:

5 (1) Removal of more than 25 percent of the surface of all external walls facing a
6 public street(s); or

7 (2) Removal of more than 50 percent of all external walls from their function as all
8 external walls; or

9 (3) Removal of more than 25 percent of external walls from function as either
10 external or internal walls; or

11 (4) Removal of more than 75 percent of the building's existing internal structural
12 framework or floor plates unless the City determines that such removal is the only feasible
13 means to meet the standards for seismic load and forces of the latest adopted version of the
14 San Francisco Building Code and the State Historical Building Code.

15 (g) The following procedures shall govern review of the addition of murals to any
16 landmark or contributory structure in a historic district:

17 (1) Where the mural is proposed to be added to a landmark or contributory structure
18 in a historic district, located on property owned by the City, no Certificate of Appropriateness
19 shall be required. On such structures, the Art Commission shall not approve the mural until
20 the ~~Advisory Board~~HPC has provided advice to the Art Commission on the impact of the mural
21 on the historical structure. The ~~Advisory Board~~HPC shall provide advice to the Art Commission
22 within 50 days of receipt of a written request for advice and information regarding the
23 placement, size and location of the proposed mural;

24 (2) Where the mural is proposed to be added to a landmark or contributory structure
25 in a historic district, located on property that is not owned by the City, a Certificate of

1 Appropriateness shall be required. The ~~Advisory Board~~HPC shall not act on the Certificate of
2 Appropriateness until the Art Commission has provided advice to the ~~Advisory Board~~HPC on
3 the mural. The Art Commission shall provide advice to the ~~Advisory Board~~HPC within 50 days
4 of receipt of a written request for advice and information regarding the proposed mural.

5 SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

6 In the case of:

7 (1) Any construction, alteration, removal or demolition of a structure or any work
8 involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section
9 1005(g), or other appendage, for which a City permit is required, on a landmark site or in a
10 historic district;

11 (2) Exterior changes in a historic district visible from a public street or other public
12 place, where the designating ordinance requires approval of such changes pursuant to the
13 provisions of this Article 10; and

14 (3) The addition of a mural to any landmark or contributory structure in a historic
15 district, which is not owned by the City or located on property owned by the City, as set forth
16 in Planning Code Section 1005(g), regardless of whether or not a City permit is required for
17 the mural; and

18 (4) Alterations to City-owned parks, squares, plazas or gardens on a landmark site,
19 where the designating ordinance identifies the alterations that require approval under this
20 Article 10.

21 A Certificate of Appropriateness shall be required and shall govern review of permit
22 applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set
23 forth in Section 1005(e). The procedures, requirements, controls and standards in Sections
24 1006 through 1006.8 shall apply to all applications for Certificates of Appropriateness;
25 provided, however, that the designating ordinance for a historic district, or for a City-owned

1 park, square, plaza or garden on a landmark site, may modify or add to these procedures,
2 requirements, controls and standards.

3 SEC. 1006.1.APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

4 (a) Who May Apply. An application for a Certificate of Appropriateness may be filed
5 by the owner, or authorized agent for the owner, of the property for which the Certificate is
6 sought.

7 (b) Where to File. Applications shall be filed in the office of the *Planning Department*
8 *of City Planning*.

9 (c) Content of Applications. The content of applications shall be in accordance with
10 the policies, rules and regulations of the Department and the *City Planning CommissionHPC*. All
11 applications shall be upon forms prescribed therefore, and shall contain or be accompanied
12 by all information required to assure the presentation of pertinent facts for proper
13 consideration of the case and for the permanent record. In general, the application shall be
14 accompanied by plans and specifications showing the proposed exterior appearance,
15 including but not limited to color, texture of materials, and architectural design and detail;
16 drawings or photographs showing the property in the context of its surroundings may also be
17 required. The applicant may be required to file with his application the information needed for
18 the preparation and mailing of notices as specified in Section 1006.3.

19 (d) Verification. Each application filed by or on behalf of one or more property
20 owners shall be verified by at least one such owner or his authorized agent attesting to the
21 truth and correctness of all facts, statements and information presented.

22 (e) *Conditional Uses. In the case of any proposal for which the City Planning Code requires*
23 *a conditional use authorization in addition to a Certificate of Appropriateness, the Department may*
24 *combine the required applications, notices and hearings for administrative convenience and in the*
25 *interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.*

1 Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC must
2 review and act on any Certificate of Appropriateness before any other planning approval action. For
3 projects that (1) require a conditional use authorization or permit review under Section 309, et. seq. of
4 the Code, and (2) do not concern an individually landmarked property, the Planning Commission may
5 modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the
6 Planning Commission shall apply all applicable historic resources provisions of the Code. For
7 properties located on vacant lots, the Planning Commission may modify any decision on a Certificate
8 of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all
9 applicable historic resources provisions of the Planning Code.

10 SEC. 1006.2. REVIEW BY PLANNING DEPARTMENT OF CITY PLANNING AND CITY
11 PLANNING COMMISSION HPC.

12 (a) Cases Other Than Construction, Removal or Demolition.

13 (1) In the case of any alteration of a structure or any work involving a sign, awning,
14 marquee, canopy or other appendage, or exterior changes in a historic district visible from a
15 public street or other public place, or alterations to a City-owned park, square, plaza or garden
16 on a landmark site, where a Certificate of Appropriateness is required, the application for said
17 Certificate shall be reviewed by the Department ~~with the advice of the Advisory Board and the~~
18 HPC. The Department, ~~with the advice of the Advisory Board,~~ shall determine within 20 days after
19 the application is ~~accepted for filing, filed~~ whether or not the ~~proposal would have a significant~~
20 ~~impact upon, or is potentially detrimental to, the landmark site or historic district; and the Department~~
21 ~~shall notify the applicant of the determination made~~ application is complete and, if so, schedule a
22 hearing before the HPC. If it is determined that there would be no such significant impact or potential
23 detriment, the Department shall issue a Certificate of Appropriateness to the applicant.

1 (2) ~~If it is determined that the proposal would have a significant impact upon, or is~~
2 ~~potentially detrimental to, the landmark site or historic district, or upon request of the Planning~~
3 ~~Commission, the Planning Commission shall hold a public hearing on the application.~~

4 (b) Construction, Removal or Demolition. The ~~Planning Commission~~HPC shall hold a
5 public hearing on the application for a Certificate of Appropriateness for any construction,
6 removal or demolition of a structure, except as may be otherwise provided in the designating
7 ordinance for a historic district or for City-owned park, square, plaza or garden on a landmark
8 site.

9 SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

10 When an application for a Certificate of Appropriateness has been filed and ~~Section~~
11 ~~1006.2 provides that the Planning Commission~~has been determined complete by the Department, the
12 HPC shall hold a public hearing thereon, the Department shall set a time and place for said
13 hearing within a reasonable period. Notice of the time, place and purpose of the hearing shall
14 be given by the Department as follows:

15 (a) By mail to the applicant;

16 (b) By mail not less than 10 days prior to the date of the hearing to the owners of all
17 real property that is the subject of the application and, if said property is in a historic district, to
18 the owners of all real property within the historic district, using for this purpose the names and
19 addresses of the owners as shown on the latest citywide assessment roll in the office of the
20 Tax Collector. Failure to send notice by mail to any such property owner where the address of
21 such owner is not shown on such assessment roll shall not invalidate any proceedings in
22 connection with such action;

23 (c) By publication at least once in a newspaper of general circulation in the City not
24 less than 20 days prior to the date of the hearing;

25 (d) Such other notice as the Department shall deem appropriate.

1 SEC. 1006.4. INTENTIONALLY LEFT BLANK. REFERRAL TO ADVISORY BOARD PRIOR
2 TO HEARING.

3 ~~Where a public hearing before the Planning Commission has been scheduled thereon, the~~
4 ~~application for a Certificate of Appropriateness shall be promptly referred to the Advisory Board and~~
5 ~~shall be considered by the Advisory Board at its next regular meeting, or at a special meeting called for~~
6 ~~that specific purpose. The Advisory Board shall render a report to the Planning Commission at or prior~~
7 ~~to the scheduled public hearing; failure of the Advisory Board to consider the application or to render~~
8 ~~a report shall not constitute grounds for continuation of the public hearing.~~

9 SEC. 1006.5. CONDUCT OF HEARING; DECISION.

10 Where a public hearing before the ~~Planning Commission~~HPC has been scheduled:

11 (a) Report and Recommendation. The Department shall make necessary
12 investigations and studies prior to the hearing of the ~~Planning Commission~~HPC. The report and
13 recommendation of the Director of Planning shall be submitted at the hearing.

14 (b) Record. A record shall be kept of the pertinent information presented at the
15 hearing, and such record shall be maintained as a part of the permanent public records of the
16 Department. A verbatim record may be made if permitted or ordered by the ~~Planning~~
17 ~~Commission~~HPC.

18 (c) Continuances. The ~~Planning Commission~~HPC shall determine the instances in
19 which cases scheduled for hearing may be continued or taken under advisement. In such
20 cases, new notice need not be given of the further hearing date, provided such date is
21 announced at the scheduled hearing.

22 (d) Decision. The decision of the ~~Planning Commission~~HPC shall be rendered within
23 30 days from the date of conclusion of the hearing; failure of the ~~Commission~~ HPC to act within
24 the prescribed time shall be deemed to constitute disapproval of the application. The decision
25 of the ~~Planning Commission~~HPC, in either approving or disapproving the application pursuant to

1 Section 1006.6, shall be final except upon the filing of a valid appeal to the Board of Appeals or
2 Board of Supervisors as provided in Section 1006.8. The decision of the Planning
3 CommissionHPC; in suspending action on an application pursuant to Section 1006.6; shall be
4 final. If the Planning-CommissionHPC, or the Board of Appeals or Board of Supervisors on
5 appeal, approves the application, or after the expiration of any suspension period imposed by
6 the CommissionHPC, the Department shall issue a Certificate of Appropriateness to the
7 applicant.

8 (e) Time Limit for Exercise. When approving an application for a Certificate of
9 Appropriateness as provided herein, the Planning-CommissionHPC may impose a time limit for
10 submission of a permit application conforming to the Certificate; otherwise, such permit
11 application must be submitted within a reasonable time.

12 (f) Delegation of Hearing. The Planning-CommissionHPC may delegate to a
13 committee of one or more of its members, or to the Director of Planning or his or her designee;
14 or to the Advisory Board, or to any combination of the foregoing, the holding of the hearing
15 required by this Article 10 for a Certificate of Appropriateness. The delegate or delegates shall
16 submit to the Planning-CommissionHPC a record of the hearing, together with a report of
17 findings and recommendations relative thereto, for the consideration of the CommissionHPC in
18 reaching its decision in the case.

19 (g) Reconsideration. Whenever an application has been disapproved by the
20 Planning-CommissionHPC, or by the Board of Appeals or Board of Supervisors on appeal as
21 described in Section 1006.8, no application, the same or substantially the same as that which
22 was disapproved, shall be resubmitted to or reconsidered by the Planning-CommissionHPC
23 within a period of one year from the effective date of final action upon the earlier application.

24 SEC. 1006.6. NATURE OF ~~PLANNING COMMISSION~~ THE HPC'S DECISION.
25

1 The decision of the ~~Planning Commission~~HPC after its public hearing shall be in
2 accordance with the following provisions:

3 (a) If the application for a Certificate of Appropriateness proposes construction or
4 alteration of a structure or any work involving a sign, awning, marquee, canopy, mural or other
5 appendage, or exterior changes in a historic district visible from a public street or other public
6 place, the ~~Planning Commission~~HPC shall approve or disapprove the application in whole or in
7 part.

8 (b) If the application proposes removal or demolition of a structure on a designated
9 landmark site, the ~~Planning Commission~~HPC may disapprove or approve the application, or
10 may suspend action on it for a period not to exceed 180 days; provided that the Board of
11 Supervisors by resolution may, for good cause shown, extend the suspension for an
12 additional period not to exceed 180 days, if the said Board acts not more than 90 days and
13 not less than 30 days prior to the expiration of the original 180-day period.

14 (c) If the application proposes removal or demolition of a structure in a designated
15 historic district, other than on a designated landmark site, the ~~Planning Commission~~HPC may
16 disapprove or approve the application, or may suspend action on it for a period not to exceed
17 90 days, subject to extension by the Board of Supervisors as provided in the preceding
18 subsection; provided, however, that the designating ordinance for the historic district may
19 authorize the suspension of action for an alternate period which shall in no event exceed 90
20 days, without extension, and in such event the provision of the designating ordinance shall
21 govern.

22 (d) In the event action on an application to remove or demolish a structure is
23 suspended as provided in this Section, the ~~Planning Commission~~HPC, ~~with the advice and~~
24 ~~assistance of the Advisory Board~~, may take such steps as it determines are necessary to
25 preserve the structure concerned, in accordance with the purposes of this Article 10. Such

1 steps may include, but shall not be limited to, consultations with civic groups, public agencies,
2 and interested citizens, recommendations for acquisition of property by public or private
3 bodies or agencies, and exploration of the possibility of moving one or more structures or
4 other features.

5 SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

6 The ~~Planning Commission, HPC and~~ the Department, ~~and the Advisory Board~~ shall be
7 guided by the standards in this Section in their review of applications for Certificates of
8 Appropriateness for proposed work on a landmark site or in a historic district. In appraising the
9 effects and relationships mentioned herein, the ~~Planning Commission, HPC and~~ the Department
10 ~~and the Advisory Board~~ shall in all cases consider the factors of architectural style, design,
11 arrangement, texture, materials, color, and any other pertinent factors.

12 (a) The proposed work shall be appropriate for and consistent with the effectuation
13 of the purposes of this Article 10.

14 (b) For applications pertaining to landmark sites, the proposed work shall preserve,
15 enhance or restore, and shall not damage or destroy, the exterior architectural features of the
16 landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its
17 major interior architectural features. The proposed work shall not adversely affect the special
18 character or special historical, architectural or aesthetic interest or value of the landmark and
19 its site, as viewed both in themselves and in their setting, nor of the historic district in
20 applicable cases.

21 (c) For applications pertaining to property in historic districts, other than on a
22 designated landmark site, any new construction, addition or exterior change shall be
23 compatible with the character of the historic district as described in the designating ordinance;
24 and, in any exterior change, reasonable efforts shall be made to preserve, enhance or restore,
25 and not to damage or destroy, the exterior architectural features of the subject property which

1 are compatible with the character of the historic district. Notwithstanding the foregoing, for any
2 exterior change where the subject property is not already compatible with the character of the
3 historic district, reasonable efforts shall be made to produce compatibility, and in no event
4 shall there be a greater deviation from compatibility. Where the required compatibility exists,
5 the application for a Certificate of Appropriateness shall be approved.

6 (d) For applications pertaining to all property in historic districts, the proposed work
7 shall also conform to such further standards as may be embodied in the ordinance
8 designating the historic district.

9 (e) For applications pertaining to the addition of murals on a landmark or
10 contributory structure in a historic district, ~~the Advisory Board and the Planning Commission~~ IIPC
11 shall consider only the placement, size and location of the mural, to determine whether the
12 mural covers or obscures significant architectural features of the landmark or contributory
13 structure. For purposes of review under this Article 10, the City shall not consider the content
14 or artistic merit of the mural.

15 SEC. 1006.8. APPEALS ~~FROM PLANNING COMMISSION DECISION OF A~~
16 CERTIFICATE OF APPROPRIATENESS.

17 (a) Right of Appeal. The HPC's or the Planning Commission's decision on a Certificate of
18 Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision
19 by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval or is
20 appealed to the Board of Supervisors as a conditional use authorization, the decision shall not be
21 appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the
22 decision by a majority vote. The action of the Planning Commission in approving or disapproving in
23 whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the
24 Board of Supervisors in accordance with this Section. An action of ~~the Commission~~ on a Certificate of
25 Appropriateness so appealed ~~from~~ shall not become effective unless and until approved by the

1 Board of Appeals or Board of Supervisors in accordance with this Section. Nothing in this
2 Section shall be construed to authorize the appeal of any decision under Section 1006.6 of
3 this Article 10 to suspend action on an application.

4 (b) Notice of Appeal. Any appeal under this Section shall be taken by filing written
5 notice of appeal with the Board of Appeals or Board of Supervisors, whichever entity is
6 appropriate under the requirements of subsection 1006.8(a), within 30 days after the date of action
7 by the Planning CommissionHPC. In the case of a historic district, the notice of appeal shall be
8 subscribed by the owners of at least 20 percent of the property affected by the proposed
9 Certificate of Appropriateness; for the purposes of this calculation, the property affected shall
10 be deemed to be all property within the historic district. In the case of a landmark not in a
11 historic district, the notice of appeal shall be subscribed by the property owner, or by any
12 governmental body or agency, or by an organization with a recognized interest in historical
13 preservation.

14 (c) Hearing. Upon the filing of such written notice of appeal so subscribed, the
15 Board of Appeals or the Board of Supervisors or the Clerk thereof shall set a time and place for
16 hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing.
17 The Board of Appeals or the Board of Supervisors must decide such appeal within 30 days of
18 the time set for the hearing thereon; provided that, if the full membership of the Board is not
19 present on the last day on which said appeal is set or continued for hearing within said period,
20 the Board may postpone said hearing and decision thereon until, but not later than, the full
21 membership of the Board is present; provided, further, that the latest date to which said
22 hearing and decision may be so postponed shall be not more than 90 days from the date of
23 filing of the appeal. Failure of the Board of Appeals or the Board of Supervisors to act within
24 such time limit shall be deemed to constitute approval by the Board of the actiondecision of the
25 Planning CommissionHPC.

1 (d) ~~Decision. In acting upon any such appeal, the Board of Supervisors may disapprove the~~
2 ~~action of the Planning Commission only by a vote of not less than of all members of the Board.~~

3 (e) —Decisions Affecting City Hall. The provisions of this Subsection shall govern
4 decisions by the ~~City Planning Commission~~HPC on a Certificate of Appropriateness for
5 alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon the
6 approval or disapproval by the ~~City Planning Commission~~HPC of a Certificate of
7 Appropriateness for alteration of City Hall, the Secretary of the ~~City Planning Commission~~HPC
8 shall transmit to the Clerk of the Board of Supervisors written notification of the
9 ~~Commission~~HPC's decision. The Clerk shall set a time and place for hearing on the decision,
10 which shall be not less than 10 nor more than 30 days after receipt of such notification. The
11 Board of Supervisors may either approve, disapprove, or modify the ~~Commission's~~ HPC's
12 decision by majority vote. The Board of Supervisors must take this action within 30 days of the
13 time set for the hearing thereon, provided that, if the full membership of the Board is not
14 present on the last day on which said hearing is set or continued within said period, the Board
15 may postpone said hearing and decision thereon until, but not later than, the full membership
16 of the Board is present; provided further, that the latest date to which said hearing and
17 decision may be so postponed shall be not more than 90 days from the date of the receipt of
18 written notification. Failure of the Board of Supervisors to act within such time limit shall be
19 deemed to constitute approval by the Board of the action of the ~~City Planning Commission~~HPC.

20 SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

21 None of the provisions of this Article 10 shall be construed to prevent any measures of
22 construction, alteration, or demolition necessary to correct the unsafe or dangerous condition
23 of any structure, other feature, or part thereof, where such condition has been declared
24 unsafe or dangerous by the ~~Director~~ Superintendent of the ~~Bureau~~ Department of Building
25 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the

1 proposed measures have been declared necessary, by such official, to correct the said
2 condition; provided, however, that only such work as is absolutely necessary to correct the
3 unsafe or dangerous condition may be performed pursuant to this Section. In the event any
4 structure or other feature shall be damaged by fire, or other calamity, or by Act of God or by
5 the public enemy, to such an extent that in the opinion of the aforesaid officials it cannot
6 reasonably be repaired and restored, it may be removed in conformity with normal permit
7 procedures and applicable laws.

8 SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

9 The owner, lessee or other person in actual charge of a landmark, or of a structure in
10 an historic district, shall comply with all applicable codes, laws and regulations governing the
11 maintenance of the property. It is the intent of this Section to preserve from deliberate or
12 inadvertent neglect the exterior portions of such landmark or structure, the interior portions
13 thereof when subject to control as specified in the designating ordinance, and all interior
14 portions thereof whose maintenance is necessary to prevent deterioration and decay of any
15 exterior portion.

16 SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

17 The ~~Advisory Board~~HPC may, upon request of the property owner, render advice and
18 guidance with respect to any proposed work for which a Certificate of Appropriateness is not
19 required, on a designated landmark site or in a designated historic district. In rendering such
20 advice and guidance, the ~~Advisory Board~~HPC shall be guided by the purposes and standards
21 in this Article 10. This Section shall not be construed to impose any regulations or controls
22 upon any property.

23 SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

24 (a) The Department shall take appropriate steps to notify all public agencies which
25 own or may acquire property in the City, about the existence and character of designated

1 landmarks and historic districts; if possible, the Department shall cause a current record of
2 such landmarks and districts to be maintained in each such public agency. In the case of any
3 publicly owned property on a landmark site or in a historic district which is not subject to the
4 permit review procedures of the City, the agency owning the said property shall seek the
5 advice of the ~~Planning Commission~~HPC prior to approval or authorization of any construction,
6 alteration or demolition thereon; and the ~~Planning Commission, with the aid of the Advisory Board~~
7 ~~and~~HPC, in consultation with the Art Commission in appropriate cases, shall render a report to
8 the owner as expeditiously as possible, based on the purposes and standards in this Article
9 10. If ~~Planning Commission~~HPC review of a public project involving construction, alteration or
10 demolition on a landmark site or in a historic district is required under any other law, or under
11 the Charter, the ~~Planning Commission~~HPC shall render the report referred to in this Section to
12 such public agency without specific request therefore.

13 (b) All officers, boards, commissions and departments of the City shall cooperate
14 with the ~~Advisory Board and the Planning Commission~~HPC in carrying out the spirit and intent of
15 this Article 10.

16 (c) Nothing in this Article 10 shall be construed to imposed any regulations or
17 controls upon designated landmarks owned or controlled by the Golden Gate Bridge Highway
18 and Transportation District.

19 SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

20 (a) The ~~Advisory Board may recommend, and the Planning Commission~~HPC may
21 approve; a list of structures of historical, architectural or aesthetic merit which have not been
22 designated as landmarks and are not situated in designated historic districts. ~~The said~~This list
23 may be added to from time to time. The purpose of this list shall be to recognize and
24 encourage the protection, enhancement, perpetuation and use of such structures. The
25 ~~Advisory Board and the Planning Commission~~HPC shall maintain a record of historic structures in

1 the City which have been officially designated by agencies of the State or federal government,
2 and shall cause such structures to be added to the aforesaid list.

3 (b) Nothing in this Article 10 shall be construed to impose any regulations or
4 controls upon such structures of merit included on the said list and neither designated as
5 landmarks nor situated in historic districts.

6 (c) The ~~Planning Commission, with the advice of the Advisory Board,~~ HPC may authorize
7 such steps as it deems desirable to recognize the merit of, and to encourage the protection,
8 enhancement, perpetuation and use of any such listed structure, or of any designated
9 landmark or any structure in a designated historic district, including but not limited to the
10 issuance of a certificate of recognition and the authorization of a plaque to be affixed to the
11 exterior of the structure; and the ~~Planning Commission~~ HPC shall cooperate with appropriate
12 State and federal agencies in such efforts.

13 (d) The ~~Planning Commission, with the advice of the Advisory Board,~~ HPC may make
14 recommendations to the Board of Supervisors and to any other body or agency responsible,
15 to encourage giving names pertaining to San Francisco history to streets, squares, walks,
16 plazas and other public places.

17 SEC. 1013. ENFORCEMENT AND PENALTIES.

18 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
19 Code.

20 SEC. 1014. APPLICABILITY.

21 (a) No application for a permit to construct, alter or demolish any structure or other
22 feature on a landmark site or in a historic district, filed subsequent to the day that an
23 application has been filed or a resolution adopted to initiate designation of the said landmark
24 site or historic district, shall be approved by the Department while proceedings are pending on
25 such designation; provided however, that after 180 days have elapsed from the date of

1 initiation of said designation, if final action on such designation has not been completed, the
2 permit application may be approved.

3 (b) The provisions of this Article 10 shall be inapplicable to the construction,
4 alteration or demolition of any structure or other feature on a landmark site or in a historic
5 district, where a permit for the performance of such work was issued prior to the effective date
6 of the designation of the said landmark site or historic district, and where such permit has not
7 expired or been cancelled or revoked, provided that construction is started and diligently
8 prosecuted to completion in accordance with the Building Code.

9 SEC. 1015. - SEVERABILITY.

10 If any Section, Subsection, Subdivision, Paragraph, sentence, clause or phrase of this
11 Article 10 or any part thereof, is for any reason held to be unconstitutional or invalid, such
12 decision shall not affect the validity of the remaining portions of this Article 10 or any part
13 thereof. The Board of Supervisors hereby declares that it would have passed each Section,
14 Subsection, Subdivision, Paragraph, sentence, clause or phrase thereof, irrespective of the
15 fact that any one or more Sections, Subsections, Subdivisions, Paragraphs, sentences,
16 clauses or phrases be declared unconstitutional.

17 Section 70. The San Francisco Planning Code is hereby amended by amending Article
18 11, to read as follows:

19 SEC. 1101. FINDINGS AND PURPOSES.

20 (a) It is hereby found that a substantial number of the buildings in the C-3 District
21 have a special architectural, historical, and aesthetic value. These buildings contribute
22 substantially to San Francisco's reputation throughout the United States as a City of
23 outstanding beauty and physical harmony. A substantial number of these special buildings
24 have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of
25

1 preserving and continuing their use, and without adequate consideration for the irreplaceable
2 loss to the people of the City of their aesthetic, cultural, historic and economic value.

3 (b) It is further found that distinct and definable subareas within the C-3 District
4 possess concentrations of buildings that together create a unique historic, architectural, and
5 aesthetic character which contributes to the beauty and attractiveness of the City. The quality
6 of these geographic areas has been and continues to be degraded by the unnecessary
7 demolition of buildings of substantial architectural and aesthetic merit, by their replacement
8 with buildings which conflict with the character and scale of the area, and by alteration of
9 buildings in a manner which conflicts with the character and scale of the area.

10 (c) It is therefore declared that the protection, enhancement, and perpetuation of
11 buildings and definable subareas of special architectural, historical, and aesthetic interest is
12 necessary to promote the health, safety, prosperity and welfare of the people of the City.
13 Accordingly, the purposes of this Article are:

14 (1) The protection, enhancement, and perpetuation of structures and subareas of
15 special architectural, historical, and aesthetic character which contribute to the urban
16 environment;

17 (2) The maintenance and improvement of a healthy economy for the City by
18 enhancing both property values and the City's attractiveness as a place to do business;

19 (3) The protection and improvement of the City's attractiveness to tourists and other
20 visitors, and the stimulus to business provided thereby;

21 (4) The enrichment of the educational, cultural, aesthetic and spiritual life of the
22 inhabitants of the City by fostering knowledge of the heritage of the City's past and retaining
23 the quality of the City's urban environment.

24 (d) It is further found that the use of Transferable Development Rights as provided
25 herein is necessary to promote the urban planning and design goals of the Master Plan by (1)

1 maintaining appropriate overall development capacities in each zoning district within the C-3
2 area, as defined by applicable floor area, height, bulk and other parameters; (2) encouraging
3 and directing development into the Special Development District in order to maintain a
4 compact downtown financial district; and (3) facilitating the retention of Significant Buildings,
5 and encouraging the retention of Contributory Buildings, and the compatible replacement or
6 alteration of Unrated buildings in Conservation Districts, as defined herein.

7 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

8 The buildings in the C-3 Districts are divided into five categories according to the
9 Building Rating methodology as set forth and explained in the Preservation of the Past section
10 of the Downtown Plan, a component of the Master Plan. Those categories are as follows:

11 (a) Significant Buildings - Category I. Buildings which:

12 (1) Are at least 40 years old; and

13 (2) Are judged to be Buildings of Individual Importance; and

14 (3) Are rated Excellent in Architectural Design or are rated Very Good in both

15 Architectural Design and Relationship to the Environment.

16 (b) Significant Buildings - Category II. Buildings:

17 (1) Which meet the standards in Section 1102(a) above; and

18 (2) To which, because of their depth and relationship to other structures, it is
19 feasible to add different and higher replacement structures or additions to height at the rear of
20 the structure, even if visible when viewing the principal facades, without affecting their
21 architectural quality or relationship to the environment and without affecting the appearance of
22 the retained portions as separate structures when viewing the principal facades. The
23 designation of Category II Buildings shall identify for each building the portion of the building
24 beyond which such additions may be permitted.

25 (c) Contributory Buildings - Category III. Buildings which:

1 (1) Are located outside a designated Conservation District; and
2 (2) Are at least 40 years old; and
3 (3) Are judged to be Buildings of Individual Importance; and
4 (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in
5 Relationship to the Environment.

6 (d) Contributory Buildings - Category IV. Buildings which:
7 (1) Are located in a designated Conservation District; and
8 (2) Are at least 40 years old; and
9 (3) Are judged to be Buildings of Individual Importance, and are rated either Very
10 Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.
11 (4) Are judged to be Buildings of Contextual Importance and are rated Very Good in
12 Architectural Design and/or Excellent or Very Good in Relationship to the Environment.

13 (e) Unrated Buildings - Category V. Buildings which are not designated as Significant or
14 Contributory.

15 SEC. 1102.1. DESIGNATION OF BUILDINGS.

16 The buildings in the C-3 District are classified as follows:

17 (a) Significant Buildings - Category I. The buildings listed in Appendix A to this
18 Article 11 are hereby designated as Significant Buildings - Category I.

19 (b) Significant Buildings - Category II. The buildings listed in Appendix B to this
20 Article 11 are hereby designated as Significant Buildings - Category II.

21 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to this
22 Article 11 are hereby designated as Contributory Buildings - Category III.

23 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to this
24 Article 11 are hereby designated as Contributory Buildings - Category IV.
25

1 (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise
2 designated in this Section are hereby designated as Unrated - Category V.

3 SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS.

4 Portions of the C-3 District may be designated as Conservation Districts if they contain
5 substantial concentrations of buildings that together create subareas of special architectural
6 and aesthetic importance. Such areas shall contain substantial concentrations of Significant
7 and Contributory Buildings and possess substantial overall architectural, aesthetic or historic
8 qualities justifying additional controls in order to protect and promote those qualities.

9 SEC. 1103.1. CONSERVATION DISTRICT DESIGNATIONS.

10 The following Conservation Districts are hereby designated for the reasons indicated in
11 the appropriate Appendix:

12 (a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as
13 set forth in Appendix E.

14 (b) The New Montgomery-Second Street Conservation District is hereby designated
15 as set forth in Appendix F.

16 (c) The Commercial-Leidesdorff Conservation District is hereby designated as set
17 forth in Appendix G.

18 (d) The Front-California Conservation District is hereby designated as set forth in
19 Appendix H.

20 (e) The Kearny-Belden Conservation District is hereby designated as set forth in
21 Appendix I.

22 (f) The Pine-Sansome Conservation District is hereby designated as set forth in
23 Appendix J.

24 SEC. 1104. INTENTIONALLY LEFT BLANK.—NOTICE OF DESIGNATION.

1 (a) ~~—The Zoning Administrator shall notify by mail the owners of every building designated~~
2 ~~by this ordinance as a Significant or Contributory Building and every building within a conservation~~
3 ~~district as established by this ordinance.~~

4 (b) ~~—With respect to buildings designated Significant or Contributory by this ordinance,~~
5 ~~notice shall also be given by posting each such building in a conspicuous place as well as by~~
6 ~~publication pursuant to the provisions of California Government Code Section 6064. The notice shall~~
7 ~~state that the owner of every building so designated has the right to request a change of designation~~
8 ~~and the time permitted for making such a request.~~

9 (c) ~~—The Zoning Administrator shall cause a copy of this ordinance, or notice thereof, to be~~
10 ~~recorded in the office of the County Recorder for properties designated as Significant or Contributory,~~
11 ~~and for properties designated within a conservation district, by this ordinance.~~

12 SEC. 1105. INTENTIONALLY LEFT BLANK—~~RECONSIDERATION OF DESIGNATION.~~

13 (a) ~~—Request for Reconsideration. Within 45 days of the effective date of this ordinance, a~~
14 ~~request for reconsideration and change of a designation may be filed by any affected property owner,~~
15 ~~by any organization or group which has historic preservation stated as one of its goals in its bylaws or~~
16 ~~articles of incorporation, or the application of at least 50 registered voters of the City, based on the~~
17 ~~grounds that under the standards contained in Section 1102 the designation set forth in this ordinance~~
18 ~~is incorrect. Such a request shall be filed with the Department of City Planning on forms provided for~~
19 ~~that purpose. The Department of City Planning shall not accept or act upon any application filed after~~
20 ~~45 days have passed. Once a request for reconsideration has been made as to any building, no~~
21 ~~additional requests shall be accepted as to that building; however, another applicant may seek a~~
22 ~~change of designation different from that sought in the original reconsideration request. Any property~~
23 ~~owner who contends that the designation applicable to its property deprives the owner of a~~
24 ~~constitutionally protected property right, or that, by reason of such application, the property owner is~~
25 ~~entitled to compensation, shall assert such argument in connection with and in aid of the application~~

1 ~~filed under this Section and provide all evidence in the property owner's possession in support of such~~
2 ~~contention.~~

3 ~~(b) — Referral to the Landmarks Preservation Advisory Board; Review by the Department of~~
4 ~~City Planning. Upon determination by the Zoning Administrator that an application is complete, the~~
5 ~~Zoning Administrator shall promptly refer the matter to the Landmarks Preservation Advisory Board~~
6 ~~for review and recommendation, and the Department of City Planning shall undertake a study of the~~
7 ~~reconsideration request and prepare a report and recommendation. The Landmarks board shall~~
8 ~~recommend approval, disapproval, or approval with modifications of the application within 30 days of~~
9 ~~receiving it; provided, however, that if more than 30 applications are received within any 15-day~~
10 ~~period at the Department of City Planning, the Zoning Administrator may extend the time for Advisory~~
11 ~~Board action with respect to those applications for an additional period of time not to exceed 45 days,~~
12 ~~and if more than 50 applications are received within such time, for an additional period of time deemed~~
13 ~~necessary to allow sufficient time for Board review. If the Landmarks Board fails to respond within the~~
14 ~~allowed time the City Planning Commission shall proceed without a recommendation from the~~
15 ~~Landmarks Board.~~

16 ~~(e) — Submittal to the Planning Commission. Upon completion of the study by the Department~~
17 ~~of City Planning and recommendation by the Landmarks Advisory Board, the matter shall be scheduled~~
18 ~~for public hearing before the Planning Commission; provided, however, that in no event shall it be~~
19 ~~scheduled later than 30 days after the Advisory Board has made its recommendation unless the~~
20 ~~applicant consents to an extension of this time limit. Notice of the hearing shall be given by mail to the~~
21 ~~applicant and to any other persons requesting notice.~~

22 ~~(d) — City Planning Commission Decision. The Planning Commission may approve,~~
23 ~~disapprove, or approve with modifications the reconsideration application. The building shall be~~
24 ~~deemed to be designated according to the decision of the Planning Commission and the provisions of~~
25

1 ~~this Article 11 applicable to that designation shall apply to the building notwithstanding another~~
2 ~~designation of the building in Appendices A, B, C or D to this Article.~~

3 SEC. 1106. CHANGE OF DESIGNATION: DESIGNATION OF ADDITIONAL
4 BUILDINGS.

5 Buildings may be designated or their designation may be changed through amendment
6 of Appendices A, B, C and D of this Article. Such designation or change of designation shall
7 be governed by the following provisions in lieu of the provisions of Section 302:

8 (a) Initiation. The designation or change of designation of a building may be initiated
9 by motion of the Board of Supervisors, by resolution of the ~~Planning Commission or the~~
10 ~~Landmarks Preservation Advisory Board HPC~~, by the verified application of the owner or
11 authorized agent of the affected property, by the application of any organization or group
12 which has historic preservation stated as one of its goals in its bylaws or articles of
13 incorporation, or by the application of at least 50 registered voters of the City. Except in the
14 case of initiation by governmental bodies, any such application shall be filed with the Planning
15 ~~Department of City Planning~~ upon forms prescribed by the Department of City Planning, and
16 shall be accompanied by all data required by the Department.

17 (b) Notice; Referral to the ~~Landmarks Preservation Advisory Board HPC~~; Review by the
18 Planning Department of City Planning. Upon determination by the ~~Zoning Administrator Planning~~
19 ~~Department~~ that a verified application is complete and contains all necessary information or
20 upon receipt of the motion or resolution of one of the governmental bodies set forth in
21 Subsection (a) above, the ~~Zoning Administrator Planning Department~~ shall (1) send notice of the
22 proposed designation or change of designation by mail to the owner of the affected property,
23 unless the application is that of the owner, and (2) promptly refer the matter to the ~~Landmarks~~
24 ~~Preservation Advisory Board HPC~~ for review and the submittal of a recommendation. The
25

1 ~~Planning~~ Department ~~of City Planning~~ shall also undertake a study of the proposed designation
2 or change of designation.

3 (c) Action by the ~~Planning Commission HPC~~. ~~Upon completion of the review of the~~
4 ~~proposed designation or change of designation by the Department of City Planning and the submittal of~~
5 ~~the report by the Landmarks Board, the matter~~ The application shall be placed on the agenda of
6 the ~~Planning Commission HPC~~ for public hearing. The ~~Planning Commission HPC~~ shall determine
7 the appropriate designation or change in designation of the building. If the ~~Planning~~
8 ~~Commission HPC~~ approves or modifies the designation or change of designation in whole or in
9 part, it shall transmit the proposal, together with a copy of the resolution of approval, to the
10 Clerk of the Board of Supervisors.

11 (d) Review by the Planning Commission. The HPC shall refer recommendations regarding
12 Conservation District designations to the Planning Commission, which shall have 45 days to review
13 and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of
14 Supervisors together with the HPC's recommendation. Notice of the hearing shall be given by mail to
15 the applicant and to any other persons requesting notice.

16 (e) Designation by Board of Supervisors. The Board of Supervisors, or a committee
17 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of
18 Supervisors may approve, modify and approve, or disapprove the designation or change of
19 designation by a majority vote of all its members.

20 ~~(e)~~ (f) Appeal to Board of Supervisors. If the ~~Planning Commission HPC~~ disapproves the
21 proposed designation or change of designation, such action shall be final except upon the
22 filing of a notice of appeal to the Board of Supervisors within 30 days by the applicant or any
23 of the persons, organizations or groups listed in Section 1106(a); provided, however, that if
24 the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be
25 notified immediately of the disapproval without the necessity for an appeal.

1 ~~(f)~~ (g) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall
2 hold a public hearing on any such proposal appealed to it or initiated by it. The Board of
3 Supervisors may uphold the *Planning Commission HPC*, overrule the *Planning Commission HPC*
4 and approve, or modify and approve, the designation or change of designation by a majority
5 vote of all its members.

6 ~~(g)~~ (h) Notice of Proceedings. Notice of the hearing scheduled before the *Planning*
7 *Commission HPC* and Board of Supervisors, and of the availability of applicable reports, shall
8 be given by mail to the initiators of the designation or change of designation, to the owners of
9 any affected building, to appellants, and to any other interested person or organization
10 requesting notice.

11 ~~(h)~~ (i) Grounds for Designation or Change of Designation. The designation of a
12 building may be changed if (1) changes in the area in the vicinity of a building located outside
13 a Conservation District warrant a change in the rating of the building with respect to its
14 relationship to the environment and therefore place it in a different category, pursuant to
15 Section 1102; or (2) changes in Conservation District boundaries make a building of
16 Contextual Importance fall outside a Conservation District and therefore no longer eligible for
17 designation as a Contributory building, or, conversely, make a building of Contextual
18 Importance fall within a Conservation District and therefore eligible for designation as a
19 Contributory Building; or (3) changes in the physical features of the building due to
20 circumstances beyond the control of the owner, or otherwise permitted by this Article, warrant
21 placing the building in a different category pursuant to the standards set forth in Section 1102;
22 or (4) restoration of the building to its original quality and character warrants placing the
23 building in a different category pursuant to the standards set forth in Section 1102; or (5) by
24 the passage of time, the building has become at least 40 years old, making it eligible to be
25 considered for designation as a Significant or Contributory building, pursuant to Section 1102;

1 or (6) the discovery of new factual information (for example, information about the history of
2 the building) makes the building eligible for rating as a Building of Individual or Contextual
3 Importance and, therefore, eligible to be designated as a Significant or Contributory Building.

4 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL
5 CONSERVATION DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

6 A Conservation District may be designated or its boundary changed through
7 amendment of Section 1103.1 of this Article 11. Such designation or boundary change shall
8 be governed by the following provisions in lieu of the provisions of Section 302.

9 (a) Initiation of Designation or Boundary Change. The designation of an area of the
10 C-3 District as a Conservation District or the change of District boundaries may be initiated by
11 motion of the Board of Supervisors, by resolution of the ~~Planning Commissioner the Landmarks~~
12 ~~Preservation Advisory Board HPC~~, upon the verified application of the owners or other
13 authorized agents of greater than 25 percent of the structures in the area proposed for
14 designation (or, as to an alteration, 25 percent of the structures of the proposed new district
15 unless it would be an area smaller than the existing district, in which case it shall be 25
16 percent of the structures of the existing district), upon the verified application of any
17 organization or group which has historic preservation stated as one of its goals in its bylaws or
18 articles of incorporation, or upon the verified application of at least 150 registered voters of the
19 City. Except in case of an initiation by governmental bodies, any such application shall be filed
20 with the ~~Planning Department of City Planning~~ upon forms prescribed by the ~~Department of City~~
21 ~~Planning~~, and shall be accompanied by all data required by said Department.

22 (b) Notice; ~~Referral to the Landmarks Preservation Advisory Board~~; Review by the
23 ~~Planning Department of City Planning~~. Notice, ~~referral to the Landmarks Board~~ and review by the
24 ~~Planning Department of City Planning~~ shall be as provided in Section 1106(b) of this Article.

1 (c) Submittal to the ~~Planning Commission~~ HPC. Submittal to and action by the
2 ~~Planning Commission~~ HPC shall be as set forth in Section 1106(c) of this Article.

3 (d) Review by the Planning Commission. Submittal to and action by the Planning
4 Commission shall be as set forth in Section 1106(d) of this Article.

5 (e) Designation by Board of Supervisors. The Board of Supervisors, or a committee
6 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of
7 Supervisors may approve, modify and approve, or disapprove the designation or boundary
8 change by a majority vote of all its members.

9 ~~(e)~~ (f) Appeal to Board of Supervisors. If the ~~Planning Commission~~ HPC disapproves the
10 proposed designation or boundary change, such action shall be final except upon the filing of
11 a notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the
12 persons, organizations, or groups listed in Section 1107(a); provided, however, that if the
13 proposal was initiated by the Board of Supervisors, the Clerk of the said board shall be
14 notified immediately of the disapproval without the necessity for an appeal.

15 ~~(f)~~ (g) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall
16 hold a public hearing on any such proposal appealed to it or initiated by it. The Board of
17 Supervisors may uphold the ~~Planning Commission~~ HPC, overrule the ~~Planning Commission~~ HPC
18 and approve, or modify and approve, the designation or boundary change by a majority vote
19 of all its members.

20 ~~(g)~~ (h) Notice of Proceedings. Notice of the hearing scheduled before the ~~Planning~~
21 ~~Commission~~ HPC shall be given by mail to the initiators of the designation or alteration, the
22 owners of all lots within 300 feet of the proposed new district or of that portion of the district
23 being altered, as well as to interested individuals or organizations who request such notice.

24 ~~(h)~~ (i) Standards Applicable to Designation or Boundary Change. The standards
25 governing the designation and change of District boundaries are those set forth in Section

1 1103. Areas may be removed from Conservation Districts if the character of the area has
2 changed such that the area no longer qualifies under the standards set forth in Section 1103.

3 SEC. 1108. NOTICE OF DESIGNATION.

4 When a building has been designated Significant or Contributory or its designation is
5 changed pursuant to Section 1106, or when a new Conservation District is established or the
6 boundary of a Conservation District changed pursuant to Section 1107, the *Zoning*
7 ~~Administrator~~ Planning Department shall notify each affected property owner by mail and shall
8 cause a copy of the ordinance, or notice thereof, to be recorded in the office of the County
9 Recorder.

10 SEC. 1109. PRESERVATION LOTS: ELIGIBILITY FOR TRANSFER OF
11 DEVELOPMENT RIGHTS.

12 For the purpose of transfer of development rights (TDR) as provided in Section 128 of
13 this Code, lots on which are located Significant or Contributory Buildings, or Category V
14 Buildings in those certain Conservation Districts and portions thereof as indicated in Section 8
15 of the Appendix relating to that District are eligible preservation lots as provided in this
16 Section:

17 (a) Significant Buildings. Lots on which are located buildings designated as
18 Significant Buildings - Category I or Category II - are eligible to transfer the difference
19 between the allowable gross floor area permitted on the lot by Section 124 of this Code and
20 the gross floor area of the development on the lot, if all the requirements for transfer set forth
21 in Section 128 are met. Lots on which are located Significant Buildings which have been
22 altered in conformance with the provisions of this Article retain eligibility for the transfer of
23 TDR.

24 (b) Contributory Buildings. Lots on which are located buildings designated as
25 Contributory Buildings - Category III or Category IV - are eligible to transfer the difference

1 between the allowable gross floor area permitted on the lot by Section 124 of the Code and
2 the gross floor area of the development on the lot, if all the requirements for transfer set forth
3 in Section 128 are met. Alteration or demolition of such a building in violation of Section 1110
4 or Section 1112, or alterations made without a permit issued pursuant to Sections 1111
5 through 1111.6, eliminates eligibility for the transfer of TDR; provided, however, that such
6 eligibility may nonetheless be retained or acquired again if, pursuant to Section 1114(b), the
7 property owner demonstrates as to any alteration that it was not major, or if the property
8 owner restores the demolished or altered building. Once any TDR have been transferred from
9 a Contributory Building, the building is subject to the same restrictions on demolition and
10 alteration as a Significant Building. These restrictions may not be removed by the transfer of
11 TDR back to the building.

12 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in
13 Section 8 of the Appendix establishing a Conservation District, lots located in such a District
14 on which are located Category V Buildings (designated as neither Significant nor Contributory)
15 are eligible to transfer the difference between the allowable gross floor area permitted on the
16 lot under Section 124 of the Code and the gross floor area of the development on the lot, if all
17 the requirements for transfer set forth in Section 128 are met; provided, however, that a lot is
18 eligible as a Preservation Lot pursuant to this Section only if (1) the exterior of the building is
19 substantially altered so as to make it compatible with the scale and character of the Significant
20 and Contributory Buildings in the district, including those features described in Sections 6 and
21 7 of the Appendix to Article 11 describing the relevant district, and has thus been determined
22 a Compatible Rehabilitation, and the building meets or has been reinforced to meet the
23 standards for seismic loads and forces of the 1975 Building Code or (2) the building on the lot
24 is new, having replaced a Category V Building, and has received approval as a Compatible
25

1 Replacement Building, pursuant to Section 1113. The procedures governing these
2 determinations are set forth in Section 309.

3 SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR
4 BUILDINGS IN CONSERVATION DISTRICTS.

5 With respect to a designated Significant or Contributory Building or any Category V
6 Building in a Conservation District, no person shall carry out or cause to be carried out any
7 alteration to the exterior of a building for which a permit is required pursuant to the Building
8 Code unless the permit is approved pursuant to the provisions of Sections 1111 through
9 1111.6 of this Article; provided, however, that this approval is not required with respect to the
10 owner of a Contributory Building of Category III who has not transferred any TDR and who
11 elects to proceed with a major alteration without reference to Sections 1111 through 1111.6.
12 Election to proceed without a permit pursuant to this Section may be made at the time that the
13 ~~Zoning Administrator~~ Planning Department determines that the proposed alteration is major
14 pursuant to Section 1111.1. If no election is made at the time of the ~~Zoning Administrator~~
15 Department's determination that an alteration is major, the applicant may make such election
16 at any time thereafter. Review under Sections 1111 through 1111.6 shall cease after such
17 election has been made and the permit shall be processed without regard to the requirements
18 of that Section. Election shall be made in writing on a form provided by the ~~Zoning~~
19 ~~Administrator~~ Planning Department. Where an owner elects not to proceed pursuant to Sections
20 1111 through 1111.6, the proposed alteration for which the application is filed shall be
21 deemed not to meet the requirements of Section 1111.6, and if the alteration permit is issued
22 and work commenced thereunder, the Zoning Administrator shall not issue a Statement of
23 Eligibility for the lot on which the building is located.

24 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER.
25

1 The *Zoning Administrator HPC* may define categories of alterations which are deemed to
2 be minor alterations and individual permits falling within those categories shall be reviewed
3 and acted upon without referral to the *Zoning Administrator HPC* for review pursuant to
4 Sections 1111 through 1111.6. All other applications for permits to undertake any alteration of
5 a building designated Significant or Contributory or a building in any Conservation District
6 shall be referred to the *Zoning Administrator Planning Department* by the Central Permit Bureau
7 within five days of receipt. An applicant for a major alteration permit for a Category V Building
8 in any of the Conservation Districts which provides for such eligibility may request on the
9 application a determination that if the proposed alteration is completed as approved, the
10 building will be deemed a Compatible Rehabilitation under Section 1109(c) so that the lot on
11 which the building is located becomes eligible as a Preservation Lot for the transfer of TDR.

12 SEC. 1111.1. DETERMINATION OF MAJOR ALTERATION.

13 Within 10 days after referral by the Central Permit Bureau, the *Zoning Administrator*
14 *Planning Department* shall determine in writing if the proposed alteration is a Major Alteration or
15 a Minor Alteration.

16 (a) An alteration is considered Major if any of the following apply:

17 (1) The alteration will substantially change, obscure or destroy exterior character-
18 defining spaces, materials, features or finishes; or

19 (2) The alteration would affect all or any substantial part of a building's structural
20 elements, exterior walls or exterior ornamentation; or

21 (3) The alteration occurs by virtue of construction which results in a substantial
22 addition of height above the height of the building.

23 (b) An alteration is considered minor if:

24 (1) The criteria set forth in Subsection (a) do not apply; or

25

1 (2) It is an alteration of the ground-floor display areas within the architectural frame
2 (piers and lintels) of the building to meet the needs of first-floor commercial uses; or

3 (3) The sole purpose and effect of the alteration is to comply with the UMB Seismic
4 Retrofit Ordinances and the *Zoning Administrator Planning Department* determines that the
5 proposed work complies with the UMB Retrofit Architectural Design Guidelines, which
6 guidelines shall be adopted by the *Planning Commission HPC*.

7 (c) The *Zoning Administrator Planning Department* shall mail to the applicant and any
8 individuals or organizations who so request the written determination as to the category of the
9 proposed alteration. Decisions of the *Zoning Administrator Planning Department* may be
10 appealed to the *Board of Permit Appeals HPC* within 10 days of the written determination *in the*
11 *manner provided in Section 308.2. The HPC may also review the determination of the Planning*
12 *Department by its own motion.*

13 (d) Permits determined to be for minor alterations shall be returned, with that
14 determination noted, to the Central Permit Bureau for further processing; provided, however,
15 that the *Zoning Administrator Planning Department* may take any action with respect to the
16 application otherwise authorized.

17 SEC. 1111.2. ~~INTENTIONALLY LEFT BLANK - REFERRAL OF APPLICATIONS FOR~~
18 ~~MAJOR ALTERATIONS TO LANDMARKS PRESERVATION ADVISORY BOARD: REVIEW BY THE~~
19 ~~DEPARTMENT OF CITY PLANNING.~~

20 (a) ~~Upon determination that the proposed alteration is a major alteration, the Director of~~
21 ~~Planning shall refer applications for permits to alter Significant and Contributory Buildings to the~~
22 ~~Landmarks Preservation Advisory Board for its report and recommendation, which shall be rendered~~
23 ~~within 30 days. Said time limit for the Board to render its report may be extended by the Department of~~
24 ~~City Planning for an additional 30 days to render its report in the case of complex alterations, multiple~~
25 ~~hearings, or upon request of the applicant. If the Board fails to submit a report and recommendation~~

1 ~~within the time allowed, the matter may be considered without reference to such report and~~
2 ~~recommendation.~~

3 ~~(b) Simultaneously with the proceedings before the Landmarks Board, the application shall~~
4 ~~be reviewed by the Department of City Planning.~~

5 ~~(c) Applications for permits to alter any Category V building in a Conservation District~~
6 ~~which alteration is determined to be major shall be governed by the standards of Section 1111.6(e) and~~
7 ~~the procedures set forth in Section 309.~~

8 SEC. 1111.3.RECOMMENDATION BY THE DIRECTOR OF PLANNING.

9 ~~Upon a determination that a proposed alteration is a major alteration After considering any~~
10 ~~report and recommendation submitted by the Landmarks Preservation Advisory Board, the Director of~~
11 ~~Planning shall make a determination on the application and shall submit a written~~
12 ~~recommendation containing findings to the Planning Commission HPC. The recommendation~~
13 ~~may be to approve, to approve with conditions, or disapprove the application for alteration,~~
14 ~~and, where applicable, the application for a determination that the building is a Compatible~~
15 ~~Rehabilitation. The Commission HPC, the applicant and any other person who so requests~~
16 ~~shall be supplied with a copy of reports and recommendations of the Landmarks Preservation~~
17 ~~Advisory Board and the findings and recommendations of the Director of Planning.~~

18 SEC. 1111.4.CONSIDERATION AND DECISION BY THE CITY PLANNING
19 COMMISSION HPC.

20 (a) The recommendation of the Director of Planning shall be placed on the consent
21 calendar of the City Planning Commission HPC; provided, however, that upon the request of the
22 applicant or of any person prior to the City Planning Commission HPC meeting or by a member
23 of the Commission at the meeting, the matter may be removed from the consent calendar and
24 calendared for a public hearing before the Planning Commission HPC at a later meeting, which
25 shall be the next regular meeting of the Commission unless the applicant otherwise consents.

1 (b) Notice of the time, place and purpose of the hearing before the *City Planning*
2 *Commission HPC* shall begin given as follows:

3 (1) By mail to the applicant;

4 (2) When the application is for alteration of a building located in a Conservation
5 District, by mail not less than 10 days prior to the date of the hearing to the owners of all real
6 property within 300 feet of property that is the subject of the application.

7 SEC. 1111.5. DECISION BY THE *CITY PLANNING COMMISSION HPC*.

8 The *Planning Commission HPC* may approve, disapprove or approve with conditions an
9 application for an alteration permit and, where applicable, for a determination that the building
10 is a Compatible Rehabilitation, and shall make findings in support of its decision. If the
11 *Planning Commission HPC* approves the recommendation of the Director of Planning, it may
12 adopt or modify the findings of the Director of Planning as appropriate. Where the *Planning*
13 *Commission HPC* disapproves the recommendations of the Director of Planning, it shall make
14 findings supporting its decision. If the Commission disapproves the application for a permit to
15 alter, it shall recommend disapproval to the Central Permit Bureau which shall deny the
16 application. The *Planning Commission HPC*'s determination that a building qualifies or fails to
17 qualify as a Compatible Rehabilitation is a final administrative decision. Any decision of the
18 *Planning Commission HPC* rendered pursuant to this Section shall be rendered within 30 days
19 from the date of conclusion of the hearing.

20 SEC. 1111.5A. APPEAL OF A PERMIT TO ALTER

21 (a) Right of Appeal. The HPC's or the Planning Commission's decision on a Permit to
22 Alter shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5
23 vote; provided however, that if the project requires Board of Supervisors approval or is appealed to the
24 Board of Supervisors as a conditional use authorization, the decision shall not be appealed to the
25 Board of Appeals but rather to the Board of Supervisors, which may modify the decision by a majority

1 vote. Any appeal must be made within 30 days after the date of the final action by the HPC. An action
2 on a Permit to Alter so appealed from shall not become effective unless and until approved by the
3 Board of Appeals or the Board of Supervisors in accordance with this Section.

4 SEC. 1111.6. STANDARDS AND REQUIREMENTS FOR REVIEW OF
5 APPLICATIONS FOR ALTERATIONS.

6 The Board of Permit Appeals, the Board of Supervisors, the City Planning Commission
7 HPC, and the Director of Planning, ~~and the Landmarks Board~~ shall be governed by the following
8 standards in the review of applications for major alteration permits.

9 (a) The proposed alteration shall be consistent with and appropriate for the
10 effectuation of the purposes of this Article 11.

11 (b) For Significant Buildings - Categories I and II, and for Contributory Buildings -
12 Categories III and IV, proposed alterations of structural elements and exterior features shall
13 be consistent with the architectural character of the building, and shall comply with the
14 following specific requirements:

15 (1) The distinguishing original qualities or character of the building may not be
16 damaged or destroyed. Any distinctive architectural feature which affects the overall
17 appearance of the building shall not be removed or altered unless it is the only feasible means
18 to protect the public safety.

19 (2) The integrity of distinctive stylistic features or examples of skilled craftsmanship
20 that characterize a building shall be preserved.

21 (3) Distinctive architectural features which are to be retained pursuant to Paragraph
22 (1) but which are deteriorated shall be repaired rather than replaced, whenever possible. In
23 the event replacement is necessary, the new material shall match the material being replaced
24 in composition, design, color, texture and other visual qualities. Repair or replacement of
25 missing architectural features shall be based on accurate duplication of features,

1 substantiated by historic, physical or pictorial evidence, if available, rather than on conjectural
2 designs or the availability of different architectural elements from other buildings or structures.
3 Replacement of nonvisible structural elements need not match or duplicate the material being
4 replaced.

5 (4) Contemporary design of alterations is permitted, provided that such alterations
6 do not destroy significant exterior architectural material and that such design is compatible
7 with the size, scale, color, material and character of the building and its surroundings.

8 (5) The degree to which distinctive features need be retained may be less when the
9 alteration is to exterior elements not constituting a part of a principal facade or when it is an
10 alteration of the ground-floor frontage in order to adapt the space for ground-floor uses.

11 (6) In the case of Significant Buildings - Category I, any additions to height of the
12 building (including addition of mechanical equipment) shall be limited to one story above the
13 height of the existing roof, shall be compatible with the scale and character of the building,
14 and shall in no event cover more than 75 percent of the roof area.

15 (7) In the case of Significant Buildings - Category II, a new structure or addition,
16 including one of greater height than the existing building, may be permitted on that portion of
17 the lot not restricted in Appendix B even if such structure or addition will be visible when
18 viewing the principal facades at ground level, provided that the structure or addition does not
19 affect the appearance of the retained portion as a separate structure when so viewing the
20 principal facades and is compatible in form and design with the retained portion. Alteration of
21 the retained portion of the building is permitted as provided in Paragraphs (1) through (6) of
22 this Subsection (b).

23 (c) Within Conservation Districts, all major exterior alterations, of Category V
24 Buildings, shall be compatible in scale and design with the District as set forth in Sections 6
25 and 7 of the Appendix which describes the District.

1 SEC. 1111.7.PERMITS FOR SIGNS.

2 (a) Installation of a new general advertising sign is prohibited in any Historic District
3 or Conservation District or on any historic property regulated by this Article 11.

4 (b) Wherever a permit for a sign is required pursuant to Article 6 of this Code, an
5 application for such permit shall be governed by the provisions of this Section in addition to
6 those of Article 6.

7 (c) Apart from and in addition to any grounds for approval or disapproval of the
8 application under Article 6, an application involving a permit for a business sign, or general
9 advertising sign, identifying sign, or nameplate to be located on a Significant or Contributory
10 Building or any building in a Conservation District may be disapproved, or approved subject to
11 conditions if the proposed location, materials, means of illumination or method or replacement
12 of attachment would adversely affect the special architectural, historical or aesthetic
13 significance of the building or the Conservation District. No application shall be denied on the
14 basis of the content of the sign.

15 (d) The Director of Planning shall make the determination required pursuant to
16 Subsection (b). Any permit applicant may appeal the determination of the Director of Planning
17 to the ~~City Planning Commission~~ HPC by filing a notice of appeal with the Secretary of the
18 Commission within 10 days of the determination. The ~~City Planning Commission~~ HPC shall hear
19 the appeal and make its determination within 30 days of the filing of the notice of appeal.

20 SEC. 1112. DEMOLITION OF SIGNIFICANT AND CONTRIBUTORY BUILDINGS
21 AND BUILDINGS IN CONSERVATION DISTRICTS.

22 No person shall demolish or cause to be demolished all or any part of a Significant or
23 Contributory Building or any building in a Conservation District without obtaining a demolition
24 or alteration permit pursuant to the provisions of this Article. Applications for permits to
25

1 demolish Category V Buildings located outside a Conservation District may be processed
2 without reference to this Article.

3 SEC. 1112.1.APPLICATIONS FOR A PERMIT TO DEMOLISH.

4 Applications for a permit to demolish any Significant or Contributory Building or any
5 building in a Conservation District shall comply with the provisions of Section 1006.1 of Article
6 10 of this Code.

7 In addition to the contents specified for applications in Section 1006.1 of Article 10, any
8 application for a permit to demolish a Significant Building, or a Contributory Building from
9 which TDR have been transferred, on the grounds stated in Section 1112.7(a)(1), shall
10 contain the following information:

11 (a) For all property:

12 (1) The amount paid for the property;

13 (2) The date of purchase, the party from whom purchased, and a description of the
14 business or family relationship, if any, between the owner and the person from whom the
15 property was purchased;

16 (3) The cost of any improvements since purchase by the applicant and date
17 incurred;

18 (4) The assessed value of the land, and improvements thereon, according to the
19 most recent assessments;

20 (5) Real estate taxes for the previous two years;

21 (6) Annual debt service, if any, for the previous two years;

22 (7) All appraisals obtained within the previous five years by the owner or applicant
23 in connection with his or her purchase, financing or ownership of the property;

24 (8) Any listing of the property for sale or rent, price asked and offers received, if
25 any;

1 (9) Any consideration by the owner for profitable and adaptive uses for the property,
2 including renovation studies, plans, and bids, if any; and

3 (b) For income-producing property:

4 (1) Annual gross income from the property for the previous four years;

5 (2) Itemized operating and maintenance expenses for the previous four years;

6 (3) Annual cash flow for the previous four years.

7 Applications for the demolition of any Significant or Contributory Building shall also
8 contain a description of any Transferable Development Rights or the right to such rights which
9 have been transferred from the property, a statement of the quantity of such rights and
10 untransferred rights remaining, the amount received for rights transferred, the transferee, and
11 a copy of each document effecting a transfer of such rights.

12 SEC. 1112.2. DISPOSITION OF APPLICATIONS TO DEMOLISH CONTRIBUTORY
13 BUILDINGS AND UNRATED BUILDINGS IN CONSERVATION DISTRICTS.

14 (a) The ~~Zoning Administrator~~ Planning Department shall determine, within five days of
15 acceptance of a complete application, the designation of the building and, with respect to
16 Contributory Buildings, whether any TDR have been transferred from the lots of such
17 buildings.

18 (b) If the ~~Zoning Administrator~~ Planning Department determines that TDR have been
19 transferred from the lot of a Contributory Building, the application for demolition of that
20 building shall be reviewed and acted upon as if it applied to a Significant Building.

21 (c) The ~~Zoning Administrator~~ Planning Department shall approve any application for
22 demolition of a Contributory Building in a Conservation District from which no TDR have been
23 transferred, or an Unrated Building located in a Conservation District, if a building or site
24 permit has been lawfully issued for a replacement structure on the site, in compliance with
25 Section 1113. The ~~Zoning Administrator~~ Planning Department shall approve an application for

1 demolition of a Significant Building - Category II if a building or site permit has been lawfully
2 issued for an alteration or replacement structure on the portion of the site which would be
3 affected by the demolition, in compliance with Section 1111.6(b)(7).

4 The ~~Zoning Administrator~~ Planning Department shall disapprove any application for a
5 demolition permit where the foregoing requirement has not been met; provided, however, that
6 the ~~Zoning Administrator~~ Planning Department shall approve any otherwise satisfactory
7 application for such a permit notwithstanding the fact that no permit has been obtained for a
8 replacement structure if the standards of Section 1112.7 for allowing demolition of a
9 Significant Building are met.

10 (d) The ~~Zoning Administrator~~ Planning Department shall approve applications to permit
11 demolition of a Contributory Building - Category III from which no TDR have been transferred
12 only if a building or site permit for a replacement building on the same site has been
13 approved, and it has been found, pursuant to review under the procedural provisions of
14 Section 309, that the proposed replacement will not adversely affect the character, scale or
15 design qualities of the general area in which it is located, either by reason of the quality of the
16 proposed design or by virtue of the relation of the replacement structure or structures to their
17 setting. Notwithstanding the preceding sentence, the ~~Zoning Administrator~~ Planning Department
18 shall approve any such demolition permit application if the standards of Section 1112.7 for
19 allowing demolition of a Significant Building are met.

20 SEC. 1112.3.APPLICATIONS TO DEMOLISH SIGNIFICANT BUILDINGS OR
21 CONTRIBUTORY BUILDINGS FROM WHICH TDR HAVE BEEN TRANSFERRED;
22 ACCEPTANCE AND NOTICE.

23 Upon acceptance as complete of applications for a permit to demolish any Significant
24 Building or to demolish any Contributory Building from which TDR have been transferred, the
25 application shall be placed on the agenda of the Planning Commission HPC for hearing.

1 SEC. 1112.4. INTENTIONALLY LEFT BLANK. –REFERRAL TO THE LANDMARKS
2 PRESERVATION ADVISORY BOARD PRIOR TO HEARING; REVIEW BY THE DIRECTOR OF
3 PLANNING.

4 *The application for a permit to demolish a building covered by Section 1112.3 shall be referred*
5 *to the Landmarks Preservation Advisory Board and considered by said Board pursuant to the*
6 *provisions of Section 1006.4 of this Code. The Director of Planning shall prepare a report and*
7 *recommendation for the Planning Commission. If the Landmarks Board does not act within 30 days of*
8 *referral to it, the Planning Commission may proceed without a report and recommendation from the*
9 *Landmarks Board.*

10 SEC. 1112.5. PLANNING COMMISSION HPC HEARING AND DECISION.

11 The application shall be heard by the *Planning Commission HPC*. Notice of the hearing
12 shall be given in the manner set forth in Section 309(c). In such proceedings, the applicant
13 has the burden of establishing that the criteria governing the approval of applications set forth
14 in Section 1112.7 have been met.

15 SEC. 1112.5A. Multiple Planning Approvals. For projects that require multiple planning
16 approvals, the HPC must review and act on any permit to demolish before any other planning approval
17 action. For projects that (1) require a conditional use authorization or permit review under Section
18 309, et. seq. of the Code, and (2) do not concern an individually landmarked property, the Planning
19 Commission may modify any decision on a permit to demolish by a two-thirds vote, provided that the
20 Planning Commission shall apply all applicable historic resources provisions of the Code. For
21 properties located on vacant lots, the Planning Commission may modify any decision on a permit to
22 demolish by a two-thirds vote, provided that the Planning Commission shall apply all applicable
23 historic resources provisions of the Planning Code. For projects that are located on vacant lots, the
24 Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that

1 the Planning Commission shall apply all applicable historic resources provisions of the Planning
2 Code.

3 SEC. 1112.6.DECISION OF THE ~~PLANNING COMMISSION~~ HPC.

4 The ~~Planning Commission~~ HPC may approve, disapprove or approve with conditions, the
5 application, and shall make findings relating its decision to the standards set forth in Section
6 1112.7. The decision of the ~~Planning Commission~~ HPC shall be rendered within 30 days from
7 the date of conclusion of the hearing.

8 SEC. 1112.7.STANDARDS AND REVIEW OF APPLICATIONS TO DEMOLISH.

9 The Board of Permit Appeals, ~~the Board of Supervisors,~~ the ~~City Planning Commission~~
10 HPC, and the Director of Planning, ~~and the Landmarks Board~~ shall follow the standards in this
11 Section in their review of applications for a permit to demolish any Significant or Contributory
12 Building from which TDR have been transferred.

13 No demolition permit may be approved unless: (1) it is determined that under the
14 designation, taking into account the value of Transferable Development Rights and costs of
15 rehabilitation to meet the requirements of the Building Code or other City, State or federal
16 laws, the property retains no substantial remaining market value or reasonable use; or (2) the
17 ~~Director Superintendent~~ of the ~~Bureau~~ Department of Building Inspection or the Chief of the
18 Bureau of Fire Prevention and Public Safety determines, after consultation, to the extent
19 feasible, with the ~~Planning~~ Department of City Planning, that an imminent safety hazard exists
20 and that demolition of the structure is the only feasible means to secure the public safety.
21 Costs of rehabilitation necessitated by alterations made in violation of Section 1110, by
22 demolition in violation of Section 1112, or by failure to maintain the property in violation of
23 Section 1117, may not be included in the calculation of rehabilitation costs under Subsection
24 (1).
25

1 SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION
2 DISTRICTS.

3 No person shall construct or cause to be constructed any new or replacement structure
4 or add to any existing structure in a Conservation District unless it is found that such
5 construction is compatible in scale and design with the District as set forth in Sections 6 and 7
6 of the Appendix which describes the District. Applications for a building or site permit to
7 construct or add to a structure in any Conservation District shall be reviewed pursuant to the
8 procedures set forth in Section 309 and shall only be approved pursuant to Section 309 if they
9 meet the standards set forth herein, if a building or site permit application for construction of a
10 building is approved pursuant to this Section and if the building is constructed in accordance
11 with such approval, and if the buildings located in a Conservation District for which, pursuant
12 to Section 8 of the Appendix establishing that district, such a transfer is permitted, the building
13 shall be deemed a Compatible Replacement Building, and the lot on which such building is
14 located shall be eligible as a Preservation Lot for the transfer of TDR.

15 SEC. 1114. UNLAWFUL ALTERATION OR DEMOLITION.

16 (a) In addition to any other penalties provided in Section 1119 or elsewhere,
17 alteration or demolition of a Significant or Contributory Building or any building within a
18 Conservation District in violation of the provisions of this Article shall eliminate the eligibility of
19 the building's lot as a Preservation Lot, and such lot, if it is the site of an unlawfully
20 demolished Significant Building, or Contributory Building from which TDR have been
21 transferred, may not be developed in excess of the floor area ratio of the demolished building
22 for a period of 20 years from the unlawful demolition. No department shall approve or issue a
23 permit that would authorize construction of a structure contrary to the provisions of this
24 Section.

25

1 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:
2 (1) as to an unlawful alteration or demolition, the owner can demonstrate to the *Zoning*
3 *Administrator-Planning Department* that the violation did not constitute a major alteration as
4 defined in Section 1111.1; or (2) as to an unlawful alteration, the owner restores the original
5 distinguishing qualities and character of the building destroyed or altered, including exterior
6 character-defining spaces, materials, features, finishes, exterior walls and exterior
7 ornamentation. A property owner who wishes to effect a restoration pursuant to Subsection
8 (b)(2) shall, in connection with the filing of a building or site permit application, seek approval
9 of the proposed restoration by reference to the provisions of this Section. If the application is
10 approved and it is determined that the proposed work will effect adequate restoration, the *City*
11 *Planning Commission-HPC* shall so find. Upon such approval, and the completion of such work,
12 the lot shall again become an eligible Preservation Lot and the limitation on floor area ratio set
13 forth in Subsection (a) shall not thereafter apply. The *City Planning Commission HPC* may not
14 approve the restoration unless it first finds that the restoration can be done with a substantial
15 degree of success. The determination under this Subsection (b)(2) is a final administrative
16 decision.

17 SEC. 1115. CONFORMITY WITH OTHER CITY PERMIT PROCESSES.

18 Except where explicitly so stated, nothing in this Article shall be construed as relieving
19 any person from other applicable permit requirements. The following requirements are
20 intended to insure conformity between existing City permit processes and the provisions of
21 this Article:

22 (a) Upon the designation of a building as a Significant or Contributory Building, or
23 upon the designation of the Conservation District, the *Zoning Administrator Planning Department*
24 shall inform the Central Permit Bureau of said designation or, in the case of a Conservation
25 District, of the boundaries of said District and a complete list of all the buildings within said

1 District and their designations. The Central Permit Bureau shall maintain a current record of
2 such Buildings and Conservation Districts.

3 (b) Upon receipt of any application for a building permit, demolition permit, site
4 permit, alteration permit, or any other permit relating to a Significant or Contributory Building
5 or a building within a designated Conservation District, the Central Permit Bureau shall
6 forward such application to the Planning Department of City Planning, except as provided in
7 Section 1111. If the ~~Zoning Administrator~~ Planning Department determines that the application is
8 subject to provisions of this Article, processing shall proceed under the provisions of this
9 Article. The Central Permit Bureau shall not issue any permit for construction, alteration,
10 removal or demolition of any structure, or for any work involving a Significant or Contributory
11 Building or a building within a Conservation District unless either the ~~Zoning Administrator~~
12 Planning Department has determined that such application is exempt from the provisions of this
13 Article, or processing under this Article is complete and necessary approvals under this Article
14 have been obtained. The issuance of any permit by a City department or agency that is
15 inconsistent with any provision of this Article may be revoked by the Director Superintendent of
16 the ~~Bureau~~ Department of Building Inspection pursuant to Section ~~303(e)~~ 106A.4.5 of the ~~San~~
17 ~~Francisco~~ Building Code.

18 (c) No abatement proceedings or enforcement proceedings shall be undertaken by
19 any department of the City for a Significant or Contributory building or a building within a
20 Conservation District without, to the extent feasible, prior notification of the Planning
21 ~~Department of City Planning~~. Such proceedings shall comply with the provisions of this Article
22 where feasible.

23 SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

24 Where the Director Superintendent of the Department Bureau of Building Inspection or the
25 Chief of the Bureau of Fire Prevention and Public Safety determines that a condition on or

1 within a Significant or Contributory Building is unsafe or dangerous and determines further
2 that repair or other work rather than demolition will not threaten the public safety, said official
3 shall, after consulting with the Planning Department of City Planning, to the extent feasible,
4 determine the measures of repair or other work necessary to correct the condition in a manner
5 which, insofar as it does not conflict with State or local requirements, is consistent with the
6 purposes and standards set forth in this Article.

7 SEC. 1117. MAINTENANCE REQUIREMENTS AND ENFORCEMENT THEREOF.

8 (a) Maintenance. The owner, lessee, or other person in actual charge of a
9 Significant or Contributory Building shall comply with all applicable codes, laws and
10 regulations governing the maintenance of property. It is the intent of this Section to preserve
11 from deliberate or inadvertent neglect the exterior features of buildings designated Significant
12 or Contributory, and the interior portions thereof when such maintenance is necessary to
13 prevent deterioration and decay of the exterior. All such buildings shall be preserved against
14 such decay and deterioration and free from structural defects through prompt corrections of
15 any of the following defects:

16 (1) Facades which may fall and injure members of the public or property;

17 (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor
18 supports, deteriorated walls or other vertical structural supports;

19 (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal
20 members which sag, split or buckle due to defective material or deterioration;

21 (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or
22 floors, including broken windows or doors;

23 (5) Defective or insufficient weather protection for exterior wall covering, including
24 lack of paint or weathering due to lack of paint or other protective covering;

25

1 (6) Any fault or defect in the building which renders it not properly watertight or
2 structurally unsafe.

3 (b) Enforcement Procedures. The procedures set forth in Building Code Section 203
4 governing unsafe buildings or property shall be applicable to any violations of this Section.

5 SEC. 1119. ENFORCEMENT AND PENALTIES.

6 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
7 Code.

8 SEC. 1120. RELATIONSHIP TO ARTICLE 10.

9 Buildings or areas within the C-3 District designated pursuant to the provisions of both
10 Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In case
11 of conflict, the more restrictive provision shall control.

12 Notwithstanding the rating of a building in a C-3 District pursuant to the provisions of
13 Article 11, buildings may be designated as landmarks according to the provisions of Article 10.

14 ~~Where an appeal is taken from a decision regarding alteration of a building which is both a~~
15 ~~landmark under Article 10 and a Significant or Contributory Building under Article 11, the appeal~~
16 ~~shall be taken to the Board of Supervisors pursuant to the provisions of Article 10.~~

17 SEC. 1121. NOTICE OF AMENDMENT.

18 Notice of any hearing before the ~~City Planning Commission~~ HPC, or, if no hearing, notice
19 of the first hearing before the Board of Supervisors, of a proposed amendment to this Article
20 which materially alters the limitations and requirements applicable to any building or class of
21 buildings shall be given to the owners of such buildings by mail.

22 SEC. 1122. NOTICE PROCEDURE.

23 When any provision of this Article requires notice by mail to a property owner, the
24 officer or body providing the notice shall use for this purpose the names and addresses as
25 shown on the latest citywide Assessment Roll in the Assessor's Office.

1 SEC. 1123. TIME PROVISIONS.

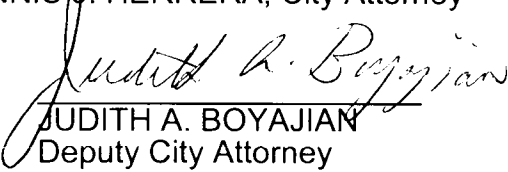
2 Unless otherwise indicated, all time provisions governing the taking of action by City
3 officials are directory and not mandatory.

4 SEC. 1124. SEVERABILITY.

5 If any part of this Article 11 is held to be unconstitutional or invalid, such decision shall
6 not affect the validity of the remaining portions of this Article 11 or any part thereof. The Board
7 of Supervisors hereby declares that it would have passed all portions of this Article
8 irrespective of the fact that any one or more portions be declared unconstitutional or invalid.

9

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: 
13 JUDITH A. BOYAJIAN
14 Deputy City Attorney

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2010 Planning Code 'Clean Up' Amendments
 Planning Case No. 2010.0080T

Code Section	Subsection(s)	Description	Error(s)	Notes
121.2	(a) chart	Polk street NCD	Move back to 2,500 s/f use size (currently in 2,000s/f use size)	1yr sunset expired 2 yrs ago
136.1 186	Exemption of LCU's	allow awnings on LCU's	186: ADD 186(b)(8) to read: Any awnings on the property shall be made to comply with the requirements of awnings in Section 136.1 of this Code. 136.1: add LCU to title; 136.1(a)(1) add LCU to title; 136.1(b)(1): add LCU to canopy restrictions. 136.1(c)(1): add LCU to marquee restrictions.	
142	Screening of vehicle areas	update	Amend 142(b)(3) - change the excavation area from 50% to 200 square feet	
151	parking requirements	grocery stores	add language that retail grocery stores with over 20,000s/f are exempt from non-residential use requirements	
185(f)	continuance of NCU	Notice for NCU	Eliminate this Section dealing with ZA noticing of closure	
201	Classes of Use Districts	Update	ADD Pacific NCD to NCD list RELOCATE Hayes NCD to NCT ADD charts to incorporate all SUDs & RUDs	Make sure recent changes are incorporated Must update this section in future for all new SUDs, etc.
204.1	Accessory Uses for dwellings in R or NC districts	MCDs	add MCDs to list of prohibited uses as accessory (i) A Medical Cannabis Dispensary as defined in Section 209.3(k) and 217(k) of this Code	
204.2	Other Accessory Uses in R districts	MCDs	add MCDs to list of prohibited uses as accessory (i) A Medical Cannabis Dispensary as defined in Section 209.3(k) and 217(k) of this Code	
205	Temporary Uses, General	language is confusing; requires a construction trailer get a CU	(b) Action upon such uses shall be by the Planning Commission, subject to all the requirements for conditional uses in Sections 303 and 306 through 306.5 of this Code; except that uses listed in Section 205.1, uses listed in Section 205.2 if located in a PDR, C, or M District, and uses listed in Section 205.3 within the South of Market Mixed Use Districts and Eastern Neighborhoods Mixed Use Districts, may be authorized by the Zoning Administrator without a public hearing ADD new (d) <u>The time periods referenced in Sections 205.1 through 205.3 are consecutive hours or consecutive calendar days; they are not the total number of hours or days that the use is in operation. Therefore, a 24-hour authorization that begins at 6:00 a.m. expires at 6:00 a.m. the following day, even if the use was in operation only eight hours of that period. Similarly, a 60-day authorization expires after 60 calendar days even though the use may only have been open for business three days per week during that period. Hours or days of unused authorization cannot be stored or credited</u>	Per Working group on Temporary Uses + Food Carts
205.1(a)	Temporary Uses, 60-day limit		(a) Neighborhood carnival, exhibition, celebration or festival sponsored by an organized group of residents in the vicinity, or in <u>Neighborhood Commercial, Mixed Use</u> , PDR, C, or M Districts, sponsored by property owners or businesses in the vicinity.	Per Working group on Temporary Uses + Food Carts

205.3	Temporary uses: 24 hrs		<p>Within the <u>PDR, C, M, Neighborhood Commercial or, South of Market Mixed Use Districts and Eastern Neighborhoods</u> Mixed Use Districts, a temporary use may be authorized for a period not to exceed 24 hours per event once a month for up to 12 events per year per premises for any of the following uses:</p> <p>(a) A performance, exhibition, dance, celebration or festival requiring a liquor license, dance hall keeper or, live entertainment police permit and/or other City permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or</p> <p>(b) A performance, dance or party requiring a liquor license, dance, live entertainment permit and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.</p> <p>Similar events or exhibitions lasting no more than 24 hours and requiring no City permits shall be permitted without authorization under this Article and without limitation as to frequency, subject to compliance with all</p>	Per Working group on Temporary Uses + Food Carts
207.2	double density	dwelling units for seniors and disabled	Eliminate "handicapped persons" where applicable b/c of recent 209.9 amendments	BOS 09-0906
207.3	second unts	disabled criteria	Eliminate "handicapped persons" b/c of recent 209.9 amendments	BOS 09-0906
209.3	Institutions		<p>209.3(a): Medical Center (a) Hospital, medical center or other medical institution which includes facilities for inpatient <u>or outpatient</u> 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>209.(e) & (f): Child Care facility (institutions) Amend it to conform with State Law: (e): change from 12 to 14 children (f): change to 15 or more children</p> <p>209.3(k): Medical Cannabis Dispensary Clean up definition to make it clear. See Attachment for details.</p>	
209.8	(a), (b), (c),(d)	Need to change NC to C2 in all sections.		Error in 2008-2009 Code Clean Up
217			<p>217 (a): Medical Center: ADD outpatient (a) Hospital, medical center or other medical institution which includes facilities for inpatient <u>or outpatient</u> 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>217(k): MCD Clean up definition. See Attachment for details.</p>	
243	Van Ness SUD	need to reference FR controls	<p>ADD 243.(c)(8)(K): <u>Formula Retail Uses. Formula Retail uses, as defined in Section 303(i) of this Code, shall be permitted, subject to a Conditional Use Authorization, in parcels zoned RC-3 or RC-4 that are within the Van Ness SUD.</u></p>	Make sure recent changes to section are incorporated

303(i)	Formula Retail controls	incorporate A7 definition and criteria	FR controls apply to more than NCDs. Need to locate general provisions under the Conditional Use Authorization Code Section. See Attachment for full definition
309.1	Permit Review in Downtown Districts	Clean Up Procedures and outdated language	Code language is outdated. See Attachment for revision
311(c)(2)	311 Notice to Residents	Residents of Subject Property not included in mailing	add to 2nd paragraph: "written notice shall be mailed to the notification group which shall include the project sponsor, <i>tenants of the subject property</i> , relevant neighborhood organizations as described in Subparagraph 311(c)(2)(C) below, all individuals having made a written request for notification for a specific parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical, occupants of the properties in the notification area."
312	Notice in NCDs	Clean up	312(c) Add back notification requirements for Self-Service, Specialty Food (790.93) - EN deleted it 312(d) add tenants of the subject property to recipients of notice
317	317(e)(1)	Dwelling Unit Mergers	Change and to OR The Merger of Residential Units not otherwise subject to Conditional Use authorization by this Code, shall be prohibited, unless the Planning Commission approves the building permit application at a Mandatory Discretionary Review hearing, applying criteria in subsection (2) below, or the project qualifies for administrative approval and the Planning Department approves the project administratively in accordance with subsections (3) and <u>OR</u> (4) below.
602.25 602.26	Historic Theater Projecting sign Historic Theater Marquees	Need to cross reference controls to Sec. 188	ADD last sentence: <i>602.25: For controls on the preservation, reconstruction, or replacement of these signs, refer to Section 188(e) of this Code.</i> <i>602.26: For controls on the preservation, reconstruction, or replacement of these features, refer to Section 188(e) of this Code.</i>
607.1	607.1(f)(2)	Pacific Avenue NCD not referenced	need to list Pacific Ave. NCD

702.2 702.3 702.4	Charts for NCD Special Use Districts & RUDs	Need to Update	702.2: SUDS ADD: 780.2: Bayshore-Hester SUD; 780.3: North Beach SUD 702.3: RUDS ADD: 781.6: change name to NB Financial Service, Limited Financial Service, and Business or Professional Service SUD; 781.9: Haight Street Alcohol RUD; 783: Divisadero Street Alcohol RUD; 784: Lower Haight Street Alcohol RUD; 785: Excelsior Alcohol RUD; 786: Lower Haight Tobacco Paraphernalia RUD; 702.4: SUDS in Article 2 ADD: 249.51(?): Mission Alcohol RUD; 249.52(?): 117th-RI Street SUD; 249.53(?): Third Street Alcohol RUD; 249.13: Gearly Boulevard/Divisadero St. SUD; 249.21: California Street & Precidio Avenue - Community Central SUD; 249.31: Japantown SUD; 249.35A: Fulton Street Grocery Store SUD; 249.46(?) Telegraph Hill-North Beach Residential SUD; REMOVE: 236: Garment Shop SUD	
703.2(a)	NCD use categories	need to update	NCD Use Categories - update ADD .69B - Amusement Game Arcade (Mechanical Amusement Devices) (790.04) .69 - Tobacco Paraphernalia Est. (790.123); .85 - Service, Philanthropic Administrative (790.107); 703.2(b)(1)(C)(iii) Take-out Accessory for Grocery Stores CHANGE TO: "Any take-out food use, as defined in Setion 790.122, except for take-out food use which occupies 400 <u>1/3 of the total floor area or up to 500 s/f</u> whichever is more restrictive or less in a general grocery or specialty grocery store; <u>This take-out food use includes the area devoted to food preparation and service and excludes storage and waiting areas.</u> 703.2(b)(c): Accessory definition - prohibit ADD <u>(vii) Medical Cannabis Dispensaries as defined in 790.141.</u>	
710	NC-1	clean up	Add Fringe Financial controls	
711	NC-2	clean up	Amend MCD control to update	
			Remove Garment District SUD from controls - was removed several years ago	
712	NC-3	clean up	Control Table: Change reference Code section for the <i>Mission-Harrison SUD</i> Mission Fast Food RUD: change Avenue to Street	
714	Broadway NCD	clean up	Make Specialty Food, Self-Service P Add Fringe Financial Controls Remove Garment Ctr SUD	

715	Castro NCD	clean up	Add Fringe Financial Controls
716	Inner Clement NCD	clean up	Add Fringe Financial Controls
717	Outter Clement NCD	clean up	Add Fringe Financial Controls
718	Upper Fillmore	clean up	Add Fringe Financial Controls
719	Haight Street NCD	clean up	Remove # signs from categories except for Full-Service Restaurants Make Self-Service Specialty Food P Add C to Tobacco Paraphernalia Establishments
720	Hayes NCT	clean up	720.32 - add # sign to reference controls
721	Upper Market NCD	clean up	Add Fringe Financial Controls
722	North Beach NCD	clean up	Remove controls for Walk Up Facilities - they are NP Remove Garment District SUD Add Fringe Financial Controls
724	Sacramento NCD	clean up	Add C to Tobacco Parahernalia Establishments Add Fringe Financial Controls
725	Union Street NCD	clean up	Add # to Full Service Restaurant to reference controls Correct reference # for Amusement Games Use Add Fringe Financial Controls
726	Valencia Street NCT	clean up	Add Transit to Title in Tables Fix street frontage controls
727	24th-Mission NCT	clean up	Add Transit to Title in Tables Fix street frontage controls
729	West Portal NCD	clean up	Add Fringe Financial Controls
730	Inner Sunset NCD	clean up	Add # to Fringe Financial to reference controls
731	NCT-3	clean up	Correct Title in charts Remove # signs from certain use categories Add Fringe Financial Controls
732	Pacific Ave NCD	clean up	Add Fringe Financial Controls
733	Upper Market NCT	clean up	Add Fringe Financial Controls
733A	NCT-1	clean up	Change control table title from NCT-2 to NCT-1 NCD Use Categories - update ADD .69B - Amusement Game Arcade (Mechanical Amusement Devices) (790.04) .69 - Tobacco Paraphernalia Est. (790.123); .85 - Service, Philanthropic Administrative (790.107) Supposed to have similar MCD controls as NC-1 Add control to end: <u>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation and have obtained a final permit to operate by March 1, 2008 are permitted.</u>
734	NCT-2	clean up	Add Fringe Financial Controls NCD Use Categories - update ADD .69B - Amusement Game Arcade (Mechanical Amusement Devices) (790.04) .69 - Tobacco Paraphernalia Est. (790.123) .85 - Service, Philanthropic Administrative (790.107)

			Fix Reference #'s NCD Use Categories - update ADD .69B - Amusement Game Arcade (Mechanical Amusement Devices) (790.04) .69 - Tobacco Paraphernalia Est. (790.123) .85 - Service, Philanthropic Administrative (790.107)	
735	SoMa NCT	clean up	Add Fringe Financial Controls	
			Add NCT to title in charts NCD Use Categories - update ADD .69B - Amusement Game Arcade (Mechanical Amusement Devices) (790.04) .69 - Tobacco Paraphernalia Est. (790.123); .85 - Service, Philanthropic Administrative (790.107);	
736	Mission NCT	clean up	Add NCT to title in charts NCD Use Categories - update ADD .69B - Amusement Game Arcade (Mechanical Amusement Devices) (790.04) .69 - Tobacco Paraphernalia Est. (790.123) .85 - Service, Philanthropic Administrative (790.107)	
			Add Fringe Financial Controls	
737	Ocean Ave NCT	clean up	Was accidentally removed from Code in subsequent legislation - add back	
780.4	Mission-Harrison SUD	add back	MOVE: 781.8: Mission Alcohol RUD --> move to 249.52(?) 781.10: 17th-RI St Grocery Store SUD --> move to 249.53(?) 782: Third Street Alcohol RUD --> move to 249.54(?)	
781.8 782 781.10	Mission Alcoholic SUD Third Street Alcoholic SUD 17th-RI SUD	Move to Article 2	Remove Sunset provision per Supervisor request - controls will be permanent	
784	Lower Haight Alcohol RUD		790.22: Bar A A retail use which provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction with other uses which admit minors, such as restaurants, movie theaters, and other entertainment. If a bar use also includes a full-service restaurant, as defined by 790.92, or a small self-service restaurant, as defined by 790.91, then these uses are considered to be separate and distinct, even though they may occupy the same retail space.	
790.22	Bar Uses	Make clear that a bar use is separate from a restaurant use	A public or private institutional use which provides medical facilities for inpatient or outpatient medical care, medical offices, clinics, and laboratories. It may also include employee or student dormitories adjacent to medical facilities when the dormitories are operated by and affiliated with a medical institution. The institution must have met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.	
790.44	Medical Center	update	Clean up definition to make it easier to read	
790.141	MCD	Clean up definition to make it easier to read	See Attachment for revised Definition	

803.2	Uses permitted in Chinatown Mixed Use Districts		ADD 803.2(b)(B) - conditional use Formula retail controls per BOS File No. 081234; Ordinance 269-08, effective 12/25/08 ADD: Accessory Uses - prohibited uses 803.2(b)(1)(C): <i>(v) Medical Cannabis Dispensaries as defined in 890.133.</i>	
803.3	Accessory Uses in Mixed Use Districts	MCDs	ADD 803.3(b)(1)(C):(v) Medical Cannabis Dispensaries as defined in 890.133.	
803.6	Formula Retail controls	add back chinatown	Per BOS File No. 081234; Ordinance 269-08, effective 12/25/08	
890.141	MCD	Clean up definition to make it easier to read	See Attachment for revised Definition	
Article 10 & 11	Entire Articles	HPC	Incorporate Charter Section 4.135 into the Code, eliminating the LPAB and PC where necessary	

Z

Attachment C

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike-through italics Times New Roman~~.

303(i) Formula Retail Uses.

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

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

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

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

(d) Decor shall be defined as the style of interior finishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.

(e) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.

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

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

(h) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

(2) "Retail sales activity or retail sales establishment" shall include the following uses, as defined in Article 7 and Article 8 of this Code: "bar," "drive-up facility," "eating and drinking use," "liquor store," "restaurant, large fast-food," "restaurant, small self-service," "restaurant, full-service," "sales and service, other retail," "sales and service, retail," "movie theatre," "video store," "amusement and game arcade," "take-out food," and "specialty food, self-service."

(3) With regard to an conditional use authorization application for a formula retail use, the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c) above:

- (A) The existing concentrations of formula retail uses within the district.
- (B) The availability of other similar retail uses within the district.

- (C) The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the district.
- (D) The existing retail vacancy rates within the district.
- (E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district.

(4) A Conditional Use Authorization shall be required for a formula retail use in the following zoning district unless explicitly exempted:

- (a) All Neighborhood Commercial Districts in Article 7;
- (b) All Mixed Use-General Districts in Article 8;
- (c) All Urban Mixed Use Districts in Article 8;
- (d) RC-3 and RC-4 zoned parcels along Van Ness Avenue;
- (e) Japantown Special Use District as defined in Section 249.31;
- (f) Chinatown Community Business District as defined in Section 810;
- (g) Chinatown Residential/Neighborhood Commercial District as defined in 812;
- (h) Western SoMa Planning Area Special Use District as defined in 802.5.

(5) Formula Retail Uses are not permitted in the following zoning districts:

- (a) Hayes-Gough Neighborhood Commercial Transit District;
- (b) North Beach Neighborhood Commercial District;
- (c) Chinatown Visitor Retail District.

(6) Neighborhood Commercial Notification and Design Review. Any building permit application for a "formula retail use" as defined in this section and located within a Neighborhood Commercial District in Article 7 shall be subject to the Neighborhood Commercial Notification and Design Review Procedures of Section 312 of this Code.

(7) A change from one formula retail use to another requires a new Conditional Use Authorization, whether or not a Conditional Use Authorization would otherwise be required by the particular change in use in question. This Conditional Use Authorization requirement also applies in changes from one Formula Retail operator to another within the same use category.

A new Conditional Use authorization shall not apply to a change in a formula use retailer that meets the following criteria:

- (a) the formula use operation remains the same in terms of its size, function and general merchandise offering as determined by the Zoning Administrator, and
- (b) the change in the formula retail use operator is the result of multiple existing operations being purchased by another formula retail operator.

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

(8) Determination of Formula Retail Use. In those areas in which "formula retail uses" are prohibited, any building permit application determined by the City to be for a "formula retail use" that does not identify the use as a "formula retail use" is incomplete and cannot be processed until the omission is corrected. Any building permit approved that is determined by the City to have been, at the time of application, for a "formula

retail use" that did not identify the use as a "formula retail use" is subject to revocation at any time. If the City determines that a building permit application or building permit subject to this Section of the Code is for a "formula retail use," the building permit applicant or holder bears the burden of proving to the City that the proposed or existing use is not a "formula retail use."

Attachment D

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike-through italics Times New Roman~~.

Sec. 309 – Permit Review in C-3 Districts

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for 1) the construction or substantial alteration of structures in C-3 Districts, 2) the granting of exceptions to certain requirements of this Code where the provisions of this Section are invoked, and 3) ~~the approval of open space provided in compliance with Section 138, and the approval of open space and streetscape requirements of the Planning Code streetscape improvements in compliance with Section 138.1. The categories of alterations deemed to be substantial shall be established by the City Planning Commission after a public hearing.~~ When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered. This Section shall not require additional review in connection with a site or building permit application if review hereunder was completed with respect to the same proposed structure or alteration in connection with a project authorization application pursuant to Section 322.

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

- (1) Exceptions to the setback and rear yard requirements as permitted in Sections 132.1 and 134(d);
- (2) Exceptions to the ground-level wind current requirements as permitted in Section 148;
- (3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section 146;
- (4) Exceptions to the limitation on residential accessory parking as permitted in Section 151.1(e);
- (5) Exceptions to the requirement of independently accessible parking spaces as permitted in Section 155(c);
- (6) Exceptions to the limitation on curb cuts for parking access as permitted in Section 155(r);
- (7) Exceptions to the limitations on above-grade residential accessory parking as permitted in Section 155(s);
- (8) Exceptions to the freight loading and service vehicle space requirements as permitted in Section 161(h);
- (9) Exceptions to the off-street tour bus loading space requirements as permitted in Section 162;
- (10) Exceptions to the height limits for vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;

(11) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as permitted in Section 263.8;

(12) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

~~A project applicant seeking an exception shall file an application on a form provided by the Zoning Administrator.~~

(b) **Design Review. Additional Requirements.** In addition to the requirements set forth in this Code, additional *design* requirements and limitations (hereafter referred to as modifications) may be imposed on the following aspects of a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the Master Plan or the purposes of this Code:

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

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

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

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

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

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

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

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

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

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

(c) **Application Process for 309 Review.** ~~Notice of Application for Building or Site Permit. Review subject to this Section will be triggered by submittal of a Section 309 Application or submittal of a building or site permit. After receipt of an application — a project authorization or building or site permit, for new construction or substantial alteration of a structure in a C-3 District, the Zoning Administrator shall mail~~

~~*notice of the application to all owners of property immediately adjacent to the property that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and, in addition, shall publish notice at least once in an official newspaper of general circulation.*~~

(d) **Notice of Proposed Approval.** If, after a review of the Application or building *or site* permit, ~~a project authorization or permit application, and 1) the Zoning Administrator determines that an application complies with the provisions of this Code and that no exception is sought as provided in Subsection (a), and 2) the Director of Planning determines that no additional modifications are warranted as provided in Subsection (b), and 3) the project meets the open space and streetscape requirements of the Planning Code or 4) the project sponsor agrees to the modifications as requested by the Director, that the open space requirements of Section 138 and the streetscape requirements of Section 138.1 have been complied with,~~ the Zoning Administrator shall provide notice of the proposed approval of the application by mail to all owners of the property immediately adjacent to the property that is subject of the Application no less than 10 days before final approval. in the manner set forth in Subsection (e) and, in addition, to any person who has requested such notice in writing. If no request for ~~City~~ Planning Commission review pursuant to Subsection (g) is made within 10 days of such notice, the Zoning Administrator shall approve the application.

(e) Hearing and Determination of Applications for Exceptions.

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

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

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

(4) **Decision on Appeal.** Upon the hearing of an appeal, the Board of ~~Permit~~ Appeals may, subject to the same limitations as are placed on the ~~City~~ Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from. If the determination of the Board differs from that of the Commission it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

(f) Administrative Approval of Design Review Director's Recommendations.

(1) **Recommendations.** If the Director of Planning determines that modifications through the imposition of conditions are warranted as provided in Subsection (b), or that the open space requirements ~~of Section 138~~ or the streetscape requirements of the Planning Code of Section 138.1

have not been complied with, the matter shall be scheduled for hearing before the ~~City~~ Planning Commission. ~~;~~ ~~provided, however, that i~~ If the Director determines that the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1 have been complied with and the applicant does not oppose the imposition of conditions which the Director has determined are warranted, the applicant may waive the right to a hearing before the Commission in writing and agree to the conditions. ~~, in which case t~~ The Zoning Administrator shall provide notice of the proposed approval of the application such fact according to the notice given for applications governed by Subsection (d), so that any person seeking additional modifications or objecting to the open space or streetscape requirements Section 138 or Section 138.1 determination may make such a request for Planning Commission review as provided in Subsection (g). If no request is made within 10 days of such notice, the Zoning Administrator shall approve the application subject to the conditions.

(2) **Notice.** ~~If the proposed application will be heard by the Planning Commission, notice of such hearing~~ ~~, Notice of any meeting of the City Planning Commission pursuant to this subsection~~ shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the Director's written recommendation will be is available for public review at the Planning Department of City Planning.

(3) **Commission Action.** The ~~City~~ Planning Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions applications considered pursuant to Subsection (b) or for compliance with the open space and streetscape requirements of the Planning Code Section 138 or Section 138.1.

(g) ~~City~~ **Planning Commission Review Upon Request.**

(1) **Requests.** Within 10 days after notice of the proposed approval has been given, as provided in Subsection (d), any person may request in writing that the ~~City~~ Planning Commission impose additional modifications on the project as provided in Subsection (b) or consider the application for compliance with the open space and streetscape requirements of the Planning Code Section 138 or Section 138.1. ~~Said~~ ~~The~~ written request shall state why additional modifications should be imposed notwithstanding its compliance with the requirements of this Code and shall identify the policies or objectives that would be promoted by the imposition of conditions, or shall state why the open space and streetscape requirements Section 138 has have not been complied with.

(2) **Commission Consideration.** The ~~City~~ Planning Commission shall consider at a public hearing meeting each written request for additional modifications and for consideration of the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1 compliance and may, by majority vote, direct that a hearing be conducted to consider such modifications or compliance, which hearing may be conducted at the same meeting that the written request is considered and decided. Notice of such hearing meeting shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the Citywide Assessment Roll in the Assessor's Office, to any person who has requested such notice, and to any person who has submitted a request for additional requirements. In determining whether to conduct such a hearing, the Commission shall determine whether, based upon a review of the project, reasonable grounds exist justifying a public hearing in order to consider the proposed additional modifications and the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1 compliance.

(3) **Commission Action.** If the Commission determines to conduct a hearing to consider the imposition of additional modifications or ~~the open space and streetscape requirements Section 138 and Section 138.1~~ compliance, it may, after such hearing and after making appropriate findings, approve, disapprove, or approve subject to conditions the building or site permit or project authorization application. If the Commission determines not to conduct a hearing, the Zoning Administrator shall approve the application subject to any conditions imposed by the Director of Planning to which the applicant has consented.

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

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

(j) **Change of Conditions.** Authorization of a change in any condition previously imposed pursuant to this Section shall require an application for a change in conditions, which application shall be subject to the procedures set forth in this Section.

Attachment E

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike through italics Times New Roman~~.

Medical cannabis dispensary("MCD") as defined by Section 3301(f) of the San (k) Francisco Health Code.

~~provided that:~~ (a) Requirements. MCDs must meet all of the following requirements:

1. the parcel containing the MCD cannot be 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 a recreation center as defined in 209.4(a) that primarily serves persons under 18 years of age;
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 Health Code Section 3304 and 3305, (2) supplemental application materials, if any, designated by the Planning Department, and (3) a building permit application.

(c) 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 authorize the violation of State or Federal law."

the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community clubhouse that primarily serves persons under 18 years of age, or neighborhood center as defined in Section 221(e) of this Code that primarily serves persons under 18 years of age, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community clubhouse that primarily serves persons under 18 years of age, or a neighborhood center as defined in Section 221(e) of this Code that primarily serves persons under 18 years of age; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary 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; (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups that have made a written request for notification regarding specific medical cannabis dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and neighborhood groups; (h) after this 30 day period, the Planning Commission shall schedule a hearing to consider whether to exercise its discretionary review powers over the building permit application for a medical cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in accordance with Section 312(e) of this Code; (i) [Expired]; (j) 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 authorize the violation of State or Federal law.~~ (Amended by Ord. 443-78, App. 10/6/78; Ord. 115-90, App. 4/6/90; Ord. 275-05, File No. 051250, App. 11/30/2005; Ord. 225-06, File No. 060032, Effective without the signature of the Mayor; Ord. 225-07, File No. 070677, App. 10/2/2007; Ord. 90-08, File No. 080232, App. 5/21/2008; Ord. 99-08, File No. 080339, App. 6/11/2008; Ord. 298-08, File No. 081153, App. 12/19/2008)

[Creating an Historic Preservation Commission.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 4.105 and adding Section 4.135 to establish an independent Historic Preservation Commission, appointed by the Mayor, subject to the approval of the Board of Supervisors and meeting certain specified qualifications, with authority to: recommend approval, disapproval or modification to the Board of Supervisors of landmark and significant or contributory building designations under the Planning Code and historical property contracts under Chapter 71 of the Administrative Code without referral to the Planning Commission; recommend approval, disapproval or modification to the Board of Supervisors of historic district and conservation district designations under the Planning Code with comment by the Planning Commission; approve, disapprove, or modify certificates of appropriateness to landmarks buildings or historic districts; approve, disapprove, or modify permits for major and minor alterations to significant or contributory buildings or conservation districts; recommend a Preservation Element of the General Plan to the Planning Commission; and take such other actions on matters as may be prescribed by ordinance; and establishing appeal provisions; requiring referral of certain matters; and establishing budget, fees, and staffing provisions.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2008, a proposal to amend the Charter of the City and County by amending Section 4.105 and adding Section 4.135 to read as follows:

Note: Additions are single-underline italics Times New Roman.
Deletions are ~~strikethrough italics Times New Roman~~.

SEC. 4.105. PLANNING COMMISSION.

GENERAL. The Planning Commission shall consist of seven members nominated and appointed pursuant to this section. Four of the members shall be nominated by the Mayor, and three of the members shall be nominated by the President of the Board of Supervisors. Charter Section 4.101 shall apply to these appointments, with particular emphasis on the geographic diversity of City neighborhoods. Vacancies shall be filled by the appointing officer.

Each nomination of the Mayor and the President of the Board of Supervisors is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors.

Members may be removed by the appointing officer only pursuant to Section 15.105.

In order to stagger the terms, three members shall initially serve two-year terms, and four members shall initially service four-year terms. The initial two and four-year terms of office shall be instituted as follows:

1. The respective terms of office of members of the Planning Commission who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the four members appointed by the Mayor and the three members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.

2. The Clerk of the Board of Supervisors shall determine by lot which two of the four Mayoral appointees shall serve an initial two-year term, and which one of the three appointees of the President of the Board of Supervisors shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Planning, selected on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of City planning.

The Commission may contract with consultants for such services as it may require subject to the fiscal provisions of this Charter.

GENERAL PLAN. The Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan. If the Board of Supervisors fails to act within 90 days of receipt, the proposed General Plan or amendments shall be deemed approved. The General Plan which will initially consist of the Master Plan in effect immediately prior to the effective date of this Charter shall consist of goals, policies and programs for the future physical development of the City and County that take into consideration social, economic and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments and the City Administrator, shall periodically prepare special area, neighborhood and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or a change in the use or title of property owned by, the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County; and
6. Such other matters as may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

PERMITS AND LICENSES. All permits and licenses dependent on, or affected by, the City Planning Code administered by the Planning Department shall be approved by the Commission prior to issuance. The Commission may delegate this approval function to the Planning Department. Notwithstanding the foregoing, certificates of appropriateness for work to designated landmarks and historic districts and applications for alterations to significant or contributory buildings or properties in designated conservation districts that have been approved, disapproved, or modified by the Historic Preservation Commission shall not require approval by the Commission prior to issuance.

ENFORCEMENT. The Planning Department shall administer and enforce the City Planning Code.

ZONING AMENDMENTS. The Commission may propose for consideration by the Board of Supervisors ordinances regulating or controlling the height, area, bulk, set-back,

location, use or related aspects of any building, structure or land. An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission. Applications for the reclassification of property may be made by interested parties and must be reviewed by the Commission. Notwithstanding the foregoing, designation of a landmark, a significant or contributory building, an historic district, or a conservation district shall be reviewed by the Commission only as provided in Section 4.135.

Notwithstanding the Commission's disapproval of a proposal from the Board of Supervisors or the application of interested parties, the Board of Supervisors may adopt the proposed ordinance; however, in the case of any proposal made by the application of interested parties, any such adoption shall be by a vote of not less than two-thirds of the Board of Supervisors.

No application of interested parties proposing the same or substantially the same ordinance as that disapproved by the Commission or by the Board of Supervisors shall be resubmitted to or reconsidered by the Commission within a period of one year from the effective date of final action upon the earlier application.

ZONING ADMINISTRATOR. The director of planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

Before any such variance may be granted, there shall appear, and the Zoning Administrator shall specify in his or her findings, the facts in each case which shall establish:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district or zone;

(b) That owing to such exceptional or extraordinary circumstances the literal enforcement of the zoning ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity;

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(e) That the granting of such variance will be in harmony with the general purpose and intent of the zoning ordinance and will not adversely affect the general plan.

The determination of the Zoning Administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the Board of Appeals, exclusively and notwithstanding any other provisions of this Charter, by any person aggrieved or by any office, agency, or department of the City and County. An appeal from a determination of the Zoning Administrator shall be filed with the Board of Appeals within ten days from the date of such determination. Upon making a ruling or determination upon any matter under his or her jurisdiction, the Zoning Administrator shall thereupon furnish a copy thereof to the applicant and to the Director of Planning. No variance granted by the Zoning Administrator shall become effective until ten days thereafter. An appeal shall stay all proceedings in furtherance of the action appealed from.

CONDITIONAL USE. The Commission shall have the power to hear and decide conditional use applications. An appeal may be taken to the Board of Supervisors from a decision of the Commission to grant or deny a conditional use application. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than two-thirds of the members of the Board.

SEC. 4.135. HISTORIC PRESERVATION COMMISSION.

GENERAL. There is hereby created a Historic Preservation Commission, which shall advise the City on historic preservation matters, participate in processes that involve historic or cultural resources, and take such other actions concerning historic preservation as may be prescribed by ordinance. The Historic Preservation Commission shall consist of seven members nominated by the Mayor and subject to approval by a majority of the Board of Supervisors.

The term and tenure of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation Commission, four shall be for a four-year term and three for a two-year term as follows: the odd-numbered seats shall be for four-year terms and the even-numbered seats shall be for two-year terms. After the expiration of the original terms, all appointments shall be for four-year terms, provided however, that a member may holdover until a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve.

The original nominations shall be made no later than 31 days after the date of the election creating this section. If the Mayor fails to nominate an original appointment within said period, the nomination for the original appointment may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors.

Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

Members may be removed by the appointing officer only pursuant to Section 15.105.

QUALIFICATIONS. In addition to the specific requirements set forth below, members of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City. Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:

1. Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;

2. Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

3. Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

4. Seat 5: an historic preservation professional or professional in a field such as law, land use, community planning or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning.

5. Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3:

a. A professional archeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;

b. A real estate professional or contractor who has demonstrated a special interest, competence, experience, and knowledge in historic preservation;

c. A licensed structural engineer with at least four years of experience in seismic and structural engineering principals applied to historic structures; or

d. A person with training and professional experience with materials conservation.
Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.

LANDMARK AND HISTORIC DISTRICT DESIGNATIONS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding landmarks designations to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding historic district designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a landmark or historic district shall be final unless appealed to the Board of Supervisors.

CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks

or within historic districts. For minor alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission's or Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

SIGNIFICANT OR CONTRIBUTORY BUILDING AND CONSERVATION DISTRICT DESIGNATIONS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of Significant or Contributory building and Conservation District designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding Significant or Contributory Buildings to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall

refer recommendations regarding Conservation District designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a Significant or Contributory building or Conservation District shall be final unless appealed to the Board of Supervisors.

ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to determine if a proposed alteration is a Major Alteration or a Minor Alteration. The Historic Preservation Commission shall have the authority to approve, disapprove, or modify applications for permits to alter or demolish designated Significant or Contributory buildings or buildings within Conservation Districts. For Minor Alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any permit to alter before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and II) or Contributory (Category III only) building, the Planning Commission may modify any decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission's or Planning Commission's decision on a permit to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by

a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

MILLS ACT CONTRACTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors, without referral or recommendation of the Planning Commission.

PRESERVATION ELEMENT OF THE GENERAL PLAN. The Historic Preservation Commission shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan. Other objectives, policies, and provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but that concern historic preservation shall be referred to the Historic Preservation Commission for its comment and recommendations prior to action by the Planning Commission. When the Planning Commission recommends to the Board of Supervisors for approval or rejection proposed amendments to the General Plan that concern historic preservation, any recommendation or comments of the Historic Preservation Commission on such proposed amendments shall be forwarded to the Board of Supervisors for its information.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission regarding effects upon historic or cultural resources: ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance. If the Planning Commission is required to take action on the matter, the Historic

Preservation Commission shall submit any report to the Planning Commission as well as to the Board of Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the Board of Supervisors.

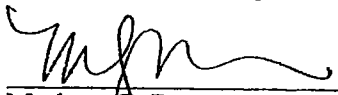
OTHER DUTIES. For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act. The Historic Preservation Commission shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act. The Historic Preservation Commission shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement. The Historic Preservation Commission shall have the authority to oversee and direct the survey and inventory of historic properties.

Once a quorum of members of the Historic Preservation Commission has been originally appointed and approved, the Historic Preservation Commission shall assume any powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal Code has been amended to reflect the creation of the Historic Preservation Commission.

BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(3), 4.102(4), 4.102(5), and 4.102(6) shall not apply to the Historic Preservation Commission. The Historic Preservation Commission may review and make recommendations on the Planning Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the department head of the Planning Department or the Planning Commission. The department head of the Planning Department shall assume the powers and duties that would

otherwise be executed by an Historic Preservation Commission department head. The Planning Department shall render staff assistance to the Historic Preservation Commission.

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

By: 

Marlena G. Byrne
Deputy City Attorney



SAN FRANCISCO PLANNING DEPARTMENT

Attachment G

Since the 2010 Code Clean Up Legislation was initiated by the Planning Commission on July 8, 2010 (Planning File No. 2010.0080T; Reso. No. 18092), there have been additional modifications proposed to the Planning Code. The Department is recommending that these changes be incorporated into the final legislation.

The below list details the items that are proposed for amendments to Articles 10 and 11, respectively. The page and line numbers correspond to the large 396-page document.

NOTE: Additions are *single-underline italics Times New Roman*;
Deletions are ~~*strike-through italics Times New Roman*~~.

ARTICLE 10

Page 340, at line 4 and following,

Add the following Powers and Duties from the Charter:

(6) Shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act for proposed projects that may have an impact on historic or cultural resources;

(7) Shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act;

(8) Shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement;

(9) Shall have the authority to oversee and direct the survey and inventory of historic properties;

(10) Shall review and provide written reports to the Planning Commission and Board of Supervisors on ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance;

(11) Shall have the authority to recommend approval, disapproval, or modification of historical property contracts pursuant to the Mills Act (Cal. Govt. Code Section 50280 et seq.) to the Board of Supervisors, without referral or recommendation of the Planning Commission;

(12) Shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan; and shall comment and provide recommendations to the Planning Commission and Board of Supervisors on other objectives, policies and provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but concern historic preservation; and"

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Page 340, lines 18 and 195

Amend (6) as follows:

~~(6)~~ (13) May establish such policies, rules and regulations as they deem necessary to administer and enforce this Article 10 and Charter Section 4.135 establishing the Historic Preservation Commission.

Page 341, Line 14

Add new (a) about HPC's authority over designations:

(a) The HPC shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors.

Page 342, Lines 14 & 15

Delete the words ~~the Board of Supervisors deems~~ and replace with deemed.

Page 343, Line 6

Revise as follows:

"verified application of owners~~(s)~~ of the property to be designated or their authorized agents."

Page 343, Lines 8 & 9

Revise as follows:

"Any such application ~~shall be~~ filed with the Department by the owner(s) shall be upon forms..."

Page 343-344, Lines 23 through 1

Revise as follows:

"The HPC shall hold a public hearing on the ~~proposal; the Department proposed designation; the HPC shall...~~"

Page 344, Lines 21-24

Replace (c) with language from the Charter:

(c) Notice of Action Taken: The Planning Commission shall promptly notify the applicant of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part it shall transmit the proposal together with a copy of the resolution of approval to the Clerk of the Board of Supervisors. Transmittal to the Board of Supervisors: "The HPC shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors. The HPC shall send its recommendations regarding landmark designations to the Board of Supervisors without referral to or recommendation of the Planning Commission. The HPC shall refer recommendations regarding historic district designations to the Planning Commission, which shall have 45 days to review and

comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the HPC's recommendation. Designations by the HPC to disapprove designation of a landmark or historic district shall be final unless appealed to the Board of Supervisors.

Page 353, Line 12

Add "pursuant to Section 1006.2," after "...the Department" at the end of Line 12.

Page 353, Lines 12 & 13

Delete the words "~~the Department shall set a time and place for said hearing~~"

Page 354, Line 13

Delete the words "~~Director of Planning~~" and replace with "Department".

Page 354, Line 22

Add new beginning sentence:

(d) Decision. The HPC shall approve, disapprove, or modify Certificates of Appropriateness for work to designated landmarks or within historic districts. The decision of the ...

Page 354, Line 25

Change sentence to read:

"in ~~either~~ approving ~~or~~ disapproving or modifying"

Page 356, Line 6

Change sentence to read:

"in ~~either~~ approving ~~or~~ disapproving or modifying"

Page 356, 5 - 11

Make mailed notice of Certificate of Appropriateness hearings consistent with Article 11 and Section 303 of the Code:

(b) By mail not less than 10 days prior to the date of the hearing to the owners of all real property that is the subject of the application and, if said property is in a historic district, to the owners of all real property within 300 feet of the subject property ~~the historic district~~, using for this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;

Page 362, Line 7

Add "the" in front of HPC.

ARTICLE 11

Page 365, Line 24

Add ("TDR") following the words Transferable Development Rights.

Page 371, Lines 3 & 4

Change the title of Section 1106 :

"SEC. 1106. PROCEDURES FOR CHANGE OF DESIGNATION:—AND DESIGNATION OF ADDITIONAL SIGNIFICANT AND CONTRIBUTORY BUILDINGS."

Page 371, Line 8

Add "Significant or Contributory" before the word "building."

Page 371, Line 16

Replace "~~Department~~" with "HPC".

Page 372, Line 5

Change "~~application~~" to "proposed designation or change of designation" since this could be initiated by resolution as well as by application.

Page 372, Lines 3 - 10

Amend language about referrals to the Planning Commission.

(c) Action by the ~~Planning Commission~~ HPC. ~~Upon completion of the review of the proposed designation or change of designation by the Department of City Planning and the submittal of the report by the Landmarks Board, the matter~~ The application for a designation or change of designation shall be placed on the agenda of the Planning Commission HPC for public hearing. The Planning Commission HPC shall determine the appropriate designation or change in designation of the building. If the Planning Commission HPC approves or modifies the proposed designation or change of designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval, to the Clerk of the Board of Supervisors without referral or recommendation of the Planning Commission.

Page 372, Line 9

Replace the words "~~the proposal~~" with "its recommendation"

Page 372, Lines 11-15

Move subsection (d) about Planning Commission review of Conservation Districts to page 376, at line 2, under Section 1107 governing Conservation Districts.

Page 372, Line 6

Replace the words "~~the hearing~~" with "hearings"

Page 374, Line 7

Following the end of the first sentence add:

The HPC shall have the authority to recommend approval, disapproval, or modification of Conservation District designations or boundary changes to the Board of Supervisors.

Page 374, Line 21

Replace "~~said Department~~" with "the HPC" as the entity that determines what data should be required to be submitted in connection with a designation or boundary change.

Page 374, Lines 22-25

For consistency with Section 1106(b), which is incorporated into this provision by reference:

(b) Notice; Referral to the HPC; Review by the Planning Department. Notice, referral to the HPC and review by the Planning Department shall be as provided in Section 1106(b) of this Article.

Page 375, Lines 1-2

For consistency with Section 1106(c), which this section incorporates by reference:

"(c) Action by the HPC. Action by the HPC shall be as set forth in Section 1106(c) of this Article, except that the HPC's recommendation shall be subject to review by the Planning Commission as set forth below in Section 1107(d)."

Page 375, Lines 3-4

Move (d) from page 372, Lines 11-157 here as follows:

"(d) Review by the Planning Commission. The HPC shall refer recommendations regarding Conservation District designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the HPC's recommendation. Notice of the hearing shall be given by mail to the applicant and to any other interested persons or organizations requesting notice.

Page 375, Line 20

Replace the words "~~the hearing~~" with "hearings"

Page 378, Lines 3 - 22

SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS.

With respect to a designated Significant or Contributory Building or any Category V Building in a Conservation District, no person shall carry out or cause to be carried out any alteration to the exterior of a building for which a permit is required pursuant to the Building Code unless the permit is approved pursuant to the provisions of Sections 1111 through 1111.6 of this Article. The HPC shall have the authority to approve, disapprove, or modify all applications for permits to alter Significant or Contributory Buildings or buildings within Conservation Districts under this Article, subject to appeal as provided in this Article 11. provided, however, that This approval is not required with respect to the owner of a Contributory Building of Category III who has not transferred any TDR and who elects to proceed with a major alteration without reference to Sections 1111 through 1111.6. Election to proceed without a permit pursuant to this Section may be made at the time that the ~~Zoning Administrator~~ Planning Department determines that the proposed alteration is major pursuant to Section 1111.1. If no election is made at the time of the ~~Zoning Administrator~~ Department's determination that an alteration is major, the applicant may make such election at any time thereafter. Review under Sections 1111 through 1111.6 shall cease after such election has been made and the permit shall be processed without regard to the requirements of that Section. Election shall be made in writing on a form provided by the ~~Zoning Administrator~~ Planning Department. Where an owner elects not to proceed pursuant to Sections 1111 through 1111.6, the proposed alteration for which the application is filed shall be deemed not to meet the requirements of Section 1111.6, and if the alteration permit is issued and work commenced thereunder, the Zoning Administrator shall not issue a Statement of Eligibility for the lot on which the building is located.

Page 379-380, Lines 24; 1-11

SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER.

~~The Zoning Administrator~~ The HPC may define categories of alterations which are deemed to be minor alterations. ~~and individual permits falling within those categories shall be reviewed and acted upon without referral to the Zoning Administrator for review pursuant to Sections 111 through 1111.6.~~ All other applications for permits to undertake any alteration of a building subject to this Article designated Significant or Contributory or a building in any Conservation District shall be referred to the ~~Zoning Administrator~~ Planning Department by the Central Permit Bureau within five (5) days of receipt.

An applicant for a major alteration permit for a Category V Building in any of the Conservation Districts which provides for such eligibility may request on the application a determination by the HPC that if the proposed alteration is completed as approved, the building will be deemed a Compatible Rehabilitation under Section 1109(c) so that the lot on which the building is located becomes eligible as a Preservation Lot for the transfer of TDR.

Page 382-383, Lines 20-25 and 1-4

Delete: SEC. 1111.5A. APPEAL OF PERMIT TO ALTER – and move to new SEC. 1112.6B ON Page 390 at Line 8.

Page 383, Lines 6 & 7

Do not delete: "the Planning Commission" from those that shall be governed by the standards. Change "~~Director of Planning~~" to "Planning Director."

Page 385, Line 10

Add following the words "Conservation District": "is subject to review by the HPC which"

Page 385, Lines 15 & 16

Change "~~Director of Planning~~" to "Department" on each line.

Page 385, Line 24

Insert Charter language as second sentence of SEC. 1112:

"The Historic Preservation Commission shall have the authority to approve, disapprove, or modify all applications for permits to demolish Significant or Contributory Buildings or buildings within Conservation Districts under this Article, subject to appeal as provided in this Article 11.

Page 387-388, Lines 21-25; 1-3

The ~~Zoning Administrator~~ Planning Department shall approve an application for demolition of a Significant Building – Category II if the HPC has approved a building or site permit has been lawfully issued for an alteration or replacement structure on the portion of the site which would be affected by the demolition, in compliance with Section 1111.6(b)(7) for allowing demolition of a Significant Building are met.

Page 388, Lines 4 - 9

The ~~Zoning Administrator~~ Planning Department shall disapprove any application for a demolition permit where the foregoing requirement has not been met; provided, however, that the ~~Zoning Administrator~~ Planning Department shall approve any otherwise satisfactory application for such a permit notwithstanding the fact that no permit has been obtained for a replacement structure if the HPC has determined that the standards of Section 1112.7 for allowing demolition of a Significant Building are met.

Page 388, Lines 18 & 19

"...shall approve any such demolition permit application if the HPC has determined that the standards of Section 1112.7 for allowing demolition of a Significant Building are met."

Page 390, Lines 2-13

Delete: SEC. 1112.5A. MULTIPLE PLANNING APPROVALS – and move to new SEC. 1112.6A on page 390, Line 8.

Page 390, Line 4

Add after the words "disapprove or approve with conditions, "or modify"

Page 390, at Line 8

ADD HERE SECTIONS ON MULTIPLE PLANNING APPROVALS AND RIGHTS OF APPEAL FROM CHARTER:

SEC. 1112.5A. Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC must review and act on any permit to alter before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and II) or Contributory (Category III only) building, the Planning Commission may modify any decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code. For projects that are located on vacant lots, the Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code."

SEC. 1112.5B. Right of Appeal. The HPC's or Planning Commission's decision on a permit to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

Page 390, Line 9

Do not delete "the Planning Commission" from those that shall be governed by the standards. And change "Director of Planning" to "Planning Director."

Attachment H

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike through italics Times New Roman~~.

Section 134(a)(1)(C)

Add this section to clean up legislation and add back language from the Market-Octavia Plan that was accidentally removed in subsequent legislation:

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

Section 201: Classes of Use Districts (table)

Page 17, line 21

Move the Title/Header "Residential-Commercial Districts" to between RM & RC Districts.

Section 201: Classes of Use Districts (table)

Page 21, line 8

Add Transbay Downtown Residential District to Downtown Residential Districts Table.

Sec. 309 (a)(5) – Permit Review in C-3 Districts

Pg. 87, line 13-14

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

~~(5) Exceptions to the requirement of independently accessible parking spaces as permitted in Section 155(e);~~

Section 311(c)(5):

Page 97 & 98, lines 22; 1-20

(5) Notification Package. The notification package for a project subject to notice under this Section 311 shall include a written notice and access to reduced-sized drawings of the project.

(A) The written notice shall compare the proposed project to the existing conditions at the development lot. Change to basic features of the project that are quantifiable shall be

~~disclosed on the written notice. The basic features of existing and proposed conditions shall include, where applicable, front setback, building depth, rear yard depth side setbacks, building height, number of stories, dwelling unit count and use of the building.. A description of the proposal compared to any existing improvements on the site with dimensions of the basic features, elevations and site plan of the proposed project including exterior dimensions and finishes, and a graphic reference scale.~~

(B) ~~The written notice shall describe if whether the project is a demolition, new construction or alteration project. If the project is an alteration, the type of alteration shall be described: horizontal, vertical or both horizontal and vertical additions and where the alteration is located. Information stating whether the proposed project includes horizontal, vertical, or both horizontal and vertical additions.~~

(C) ~~Written project description shall be part of the notice. In addition, the notice shall describe the project review process, information on how to obtain additional information and the contact information of the Planning Department. Information showing the relationship of the project to adjacent properties, including the position and height of any adjacent building and location of windows facing the subject property.~~

(D) ~~The building permit application number(s) shall be disclosed in the written notice. The start and expiration dates of the notice shall be stated. A description about the recipient's rights to request additional information, to request Discretionary Review by the Planning Commission and to appeal to other boards or commissions shall be provided. 11 by 17 drawings at a measurable scale with all dimensions legible that shows (i) both existing and proposed floor plans, (ii) specific dimensional changes to the building, including parapets, penthouses, and other proposed building extensions and (iii) the location and amount of removal of exterior walls.~~

(E) ~~Access to 11x17 sized or equivalent drawings to scale shall be included with the Section 311 written notice. The drawings shall illustrate the existing and proposed conditions in relationship to the adjacent properties. All dimensions and text throughout the drawings shall be legible. The drawings shall include a site plan, floor plans and elevations documenting dimensional changes that correspond to the basic features included in the written notice. Floor plans where there is a new building, building expansion, or change in the floor plans of an existing building.~~

(F) The existing and proposed site plan shall illustrate the project including the full lots and structures of the directly adjacent properties. The name and telephone number of the project planner at the Planning Department assigned to review the application.

(G) The existing and proposed floor plans shall illustrate the location and removal of interior and exterior walls. The use of each room shall be labeled. Significant dimensions shall be provided to document the change proposed by the project. A description of the project review process, information on how to obtain additional information about the project, and information about the recipient's rights to request additional information, to request discretionary review by the Planning Commission, and to appeal to other boards or commissions.

(H) The existing and proposed elevations shall document the change in building volume: height and depth. Dimensional changes shall be documented, including overall building height and also parapets, penthouses and other proposed vertical and horizontal building extensions. The front and rear elevations shall include the full profiles of the adjacent structures including the adjacent structures' doors, windows and general massing. Each side elevation shall include the full profile of the adjacent building in the foreground of the project, and the adjacent windows, lightwells and general massing shall be illustrated.

Sections 209.3(k), 217(k), 790.141, & 890.141: Medical Cannabis Dispensaries

Remove reference to Section 209.4(a) in criteria for community center/recreation building.

Article 7: Neighborhood Commercial Districts

Add references to alleyway height sculpting (Sec. 261.1) to various NCD charts where it is omitted.