

FILE NO. 081153

ORDINANCE NO. 298-08

1 [Planning Code amendments for the Eastern Neighborhoods Area Plans.]

2

3 **Ordinance amending the San Francisco Planning Code by adding and**
4 **amending various sections to implement the four Eastern Neighborhood**
5 **Area Plans comprised of the East SoMa, the Mission, the Showplace**
6 **Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu**
7 **fees for on-site open space, trees, and affordable housing; adopting the**
8 **Eastern Neighborhoods impact fee subject to certain restrictions; and**
9 **making various findings, including environmental findings and findings of**
10 **consistency with the General Plan and priority policies of Planning Code**
11 **Section 101.1.**

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~~.

15

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

17 Section 1. Findings. The Board of Supervisors of the City and County of
18 San Francisco hereby finds and determines that:

19 (a) Under Planning Code Section 302, the Board of Supervisors finds
20 that this ordinance will serve the public necessity, convenience and welfare for
21 the reasons set forth in Planning Commission Resolution No. 17663
22 recommending the approval of this Planning Code Amendment and incorporates
23 such reasons by this reference thereto. A copy of said resolution is on file with
24 the Clerk of the Board of Supervisors in File No. 081153 and is incorporated
25 here by reference.

1 (b) Under Planning Code Section 101.1, the Board of Supervisors finds
2 that this ordinance is consistent with the Priority Policies of Planning Code
3 Section 101.1(b) of the Planning Code and with the General Plan as proposed to
4 be amended in companion legislation and hereby adopts the findings of the
5 Planning Commission, as set forth in Planning Commission Resolution No.
6 17662. A copy of said Resolution is on file with the Clerk of the Board of
7 Supervisors in File No. 081152 and is incorporated herein by reference.

8 (c) In accordance with the actions contemplated herein, this Board
9 adopted Ordinance No. 297-08, concerning findings pursuant to the
10 California Environmental Quality Act (California Public Resources Code sections
11 21000 et seq.). A copy of said Ordinance is on file with the Clerk of the Board of
12 Supervisors in File No. 081152 and is incorporated by reference herein.

13 (d) Notwithstanding any contrary technical requirements that may exist in
14 the Planning or Administrative Codes, the Board hereby finds that the Planning
15 Department provided adequate notice for all documents and decisions, including
16 environmental documents, related to the Eastern Neighborhoods Area Plans.
17 This finding is based on the extensive mailed, posted, electronic, and published
18 notices that the Planning Department provided. Copies of such notices are
19 available for review through the Custodian of Records at the Planning
20 Department, 1650 Mission Street, San Francisco.

21 Section 2. The San Francisco Planning Code is hereby amended by
22 adding and amending Sections 102.5, 102.9, 102.29, 102.30, 121.1, 121.2,
23 121.5, 121.8, 121.9, 124, 132, 134, 135, 135.3, 136, 136.1, 136.2, 140, 141, 142,
24 143, 144, 145.1, 145.4, 145.5, 445.6, 147, 150, 151.1, 152, 152.1, 153, 154, 155,
25 157.1, 161, 163, 166, 175.6, 175.8, 175.9, 179.1, 181, 182, 201, 202, 204, 204.4,

1 205, 205.1, 205.3, 206, 206.5, 207.1, 207.4, 207.5, 207.6, 207.8, 208, 209.1,
2 209.2, 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 210, 210.8, 210.9,
3 201.10, 210.11, 215, 216, 217, 218, 218.1, 219, 219.1, 220, 221, 222, 223, 224,
4 225, 226, 227, 230, 233, 234.2, 249.36, 249.37, 249.38, 249.39, 253.4, 260,
5 261.1, 263.19, 263.21, 270, 270.1, 270.2, 271, 304, 305, 306.2, 307, 309.1,
6 ~~309.2~~, 311, 312, 313.6, 315.1, 315.3, 315.4, 316, 319, 319.1, 319.2, 319.3,
7 319.4, 319.5, 327, 327.1, 327.2, 327.3, 327.4, 327.5, 327.6, ~~327.7~~, 328, 329,
8 352, 603, 607, 607.1, 607.2, 608.1, 702.1, 703.2, 726, 726.1, 727, 727.1, 734,
9 734.1, 735, 735.1, 736, 736.1, 801.1, 802.1, 802.3, 802.4, 802.5, 802.6, 803,
10 803.3, 803.4, 803.5, 803.6, 803.8, 803.9, 809, 813, 814, ~~814.04~~, 815, 816, 817,
11 818, 820, 822, 825, 825.1, 827, 829, 840, ~~840.24~~, 841, ~~841.24~~, 842, 843, 890.49,
12 890.52, 890.53, 890.54, 890.70, 890.88, 890.111, Appendix I to Article 10 and
13 Appendix L to Article 10, to read as follows:

14 **SEC. 102.5. DISTRICT.**

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

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

23 **SEC. 102.9. FLOOR AREA, GROSS.**

24 In districts other than C-3, the sum of the gross areas of the several floors of a
25 building or buildings, measured from the exterior faces of exterior walls or from

1 the centerlines of walls separating two buildings. Where columns are outside and
2 separated from an exterior wall (curtain wall) which encloses the building space
3 or are otherwise so arranged that the curtain wall is clearly separate from the
4 structural members, the exterior face of the curtain wall shall be the line of
5 measurement, and the area of the columns themselves at each floor shall also
6 be counted.

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

13 (a) Except as specifically excluded in this definition, "gross floor area"
14 shall include, although not be limited to, the following:

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

18 (2) Elevator shafts, stairwells, exit enclosures and smokeproof
19 enclosures, at each floor;

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

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

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

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

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

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

9 (b) "Gross floor area" shall not include the following:

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

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

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

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

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

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

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

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

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

23 (B) If more than 70 percent of the perimeter of such an area is enclosed,
24 either by building walls (exclusive of a railing or parapet not more than three feet
25 eight inches high), or by such walls and interior lot lines, and the clear space is

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

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

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

21 (10) One-third of that portion of a window bay conforming to the
22 requirements of Section 136(d)(2) which extends beyond the plane formed by the
23 face of the facade on either side of the bay but not to exceed seven square feet
24 per bay window as measured at each floor;

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1 (11) Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-
2 3-G Districts devoted to building or pedestrian circulation and building service;

3 (12) In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts,
4 space devoted to personal services, restaurants, and retail sales of goods
5 intended to meet the convenience shopping and service needs of downtown
6 workers and residents, not to exceed 5,000 occupied square feet per use and, in
7 total, not to exceed 75 percent of the area of the ground floor of the building plus
8 the ground level, on-site open space. Said uses shall be located on the ground
9 floor, except that, in order to facilitate the creation of more spacious ground floor
10 interior spaces, a portion of the said uses, in an amount to be determined
11 pursuant to the provisions of Section 309, may be located on a mezzanine level;

12 (13) An interior space provided as an open space feature in accordance
13 with the requirements of Section 138;

14 (14) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
15 Neighborhoods Mixed Use RED, RSD, SPD, SLR, SLI, and SSO Districts devoted to
16 child care facilities provided that:

17 (A) Allowable indoor space is ~~no more or~~ no less than 3,000 square feet
18 and no more than 6,000 square feet, and

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

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

23 (D) The space is used for child care for the life of the building as long as
24 there is a demonstrated need. No change in use shall occur without a finding by
25 the City Planning Commission that there is a lack of need for child care and that

1 the space will be used for a facility described in Subsection 15 below dealing with
2 cultural, educational, recreational, religious, or social service facilities;

3 (15) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
4 Neighborhoods Mixed Use RED, RSD, SPD, SLR, SLI, and SSO Districts permanently
5 devoted to cultural, educational, recreational, religious or social service facilities
6 available to the general public at no cost or at a fee covering actual operating
7 expenses, provided that such facilities are:

8 (A) Owned and operated by a nonprofit corporation or institution, or

9 (B) Are made available rent free for occupancy only by nonprofit
10 corporations or institutions for such functions. Building area subject to this
11 subsection shall be counted as occupied floor area, except as provided in
12 Subsections 102.10(a) through (f) of this Code, for the purpose of calculating the
13 off-street parking and freight loading requirements for the project;

14 (16) In C-3 Districts, floor space used for short-term parking and aisles
15 incidental thereto when required pursuant to Section 309 in order to replace
16 short-term parking spaces displaced by the building or buildings;

17 (17) Floor space in mezzanine areas within live/work units where the
18 mezzanine satisfies all applicable requirements of the San Francisco Building
19 Code;

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

24 (19) In South of Market Mixed Use RED, RSD, SPD, SLR, SLI and SSO
25 Districts, live/work units and any occupied floor area devoted to mechanical

1 equipment or appurtenances or other floor area accessory to live/work use
2 provided that:

3 (A) The nonresidential use within each live/work unit shall be limited to
4 uses which are principal permitted uses in the district or otherwise are conditional
5 uses in the district and are approved as a conditional use,

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

9 (C) For the purpose of calculating the off-street parking and freight
10 loading requirement for the project, building area subject to this subsection shall
11 be counted as occupied floor area, except as provided in Subsections 102.10(a)
12 through (f) of this Code.

13 **SEC. 102.29. BEDROOM.**

14 *A "sleeping room", as defined in the Building Code.*

15 **SEC 102.30. WIDTH, STREET OR ALLEY.**

16 *Unless specified elsewhere in this Code, the width of a street or alley shall be the*
17 *distance measured along a line which is perpendicular to the centerline of that street or*
18 *alley and extends from the mid-point of the front property line of a given parcel to a front*
19 *property line on the opposite side of that street or alley.*

20 **SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD**
21 **COMMERCIAL DISTRICTS.**

22 In order to promote, protect, and maintain a scale of development which is
23 appropriate to each district and compatible with adjacent buildings, new
24 construction or significant enlargement of existing buildings on lots of the same
25 size or larger than the square footage stated in the table below shall be permitted

1 only as conditional uses subject to the provisions set forth in Sections 316
 2 through 316.8 of this Code.

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District	Lot Size Limits
NC-1,	5,000 sq. ft.
Broadway,	
Castro Street,	
Inner Clement Street,	
Inner Sunset,	
Outer Clement Street,	
Upper Fillmore Street,	
Haight Street,	
North Beach,	
Sacramento Street,	
Union Street,	
24th Street-Mission,	
24th Street-Noe Valley,	
West Portal Avenue	
NC-2, <i>NCT-2</i> ,	10,000 sq. ft.
NC-3, NCT-3, <i>Mission Street</i>	
<i>SoMa</i>	
Hayes-Gough,	

1	Upper Market Street,	
2	Polk Street,	
3	Valencia Street	
4	NC-S	Not Applicable

6 In addition to the criteria of Section 303(c) of this Code, the City Planning
7 Commission shall consider the extent to which the following criteria are met:

8 (1) The mass and facade of the proposed structure are compatible with
9 the existing scale of the district.

10 (2) The facade of the proposed structure is compatible with design
11 features of adjacent facades that contribute to the positive visual quality of the
12 district.

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

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

1	District	Lot Size Limits
2	North Beach	2,000 sq. ft.
3	Castro Street	
4	Inner Clement Street	2,500 sq. ft.
5	Inner Sunset	
6	Outer Clement Street	
7	Upper Fillmore Street	
8	Haight Street	
9	Sacramento Street	
10	Union Street	
11	24th Street-Mission	
12	24th Street-Noe Valley	
13	West Portal Avenue	3,000 sq. ft.
14	NC-1	
15	Broadway	
16	Hayes-Gough	
17	Upper Market Street	
18	Polk Street	
19	Valencia Street	4,000 sq. ft.
20	NC-2, <i>NCT-2, SoMa</i>	
21	NC-3, NCT-3, <i>Mission Street</i>	6,000 sq. ft.
22	NC-S	

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

3 (1) The intensity of activity in the district is not such that allowing the
4 larger use will be likely to foreclose the location of other needed neighborhood-
5 serving uses in the area.

6 (2) The proposed use will se the neighbor-hood, in whole or in significant
7 part, and the nature of the use requires a larger size in order to function.

8 (3) The building in which the use is to be located is designed in discrete
9 elements which respect the scale of development in the district.

10 (b) In order to protect and maintain a scale of development appropriate to
11 each district, nonresidential uses which exceed the square footage stated in the
12 table below shall not be permitted, except that in the North Beach Neighborhood
13 Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater
14 use as defined in Section 790.64 or Other Entertainment use as defined in
15 Section 790.38 in a building existing prior to November 1, 1999, that was
16 originally constructed as a multi-story, single-tenant commercial occupancy. The
17 use area shall be measured as the gross floor area for each individual
18 nonresidential use.

District	Lot Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

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1 **SEC. 121.5. DEVELOPMENT OF LARGE LOTS, RESIDENTIAL**
2 **DISTRICTS.**

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

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District	Lot Size Limit
RTO, <i>RTO-M</i>	10,000

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

- (1) The mass and articulation of the proposed structures are compatible with the intended scale of the district.
- (2) For development sites greater than ½-acre, the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.
- (3) The site plan, including the introduction of new streets and alleys, the provision of open space and landscaping, and the articulation and

1 massing of buildings, is compatible with the goals and policies of the
2 applicable Area Plan in the General Plan.

3 **SEC. ~~421.5121.8~~ USE SIZE LIMITS (NON-RESIDENTIAL), PDR**
4 **DISTRICTS.**

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

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

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

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25 **SEC. ~~421.6121.9~~ SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.**

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

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

- 12 (1) The proposed parcelization will support light industrial activities in the
13 district.
- 14 (2) If the resulting parcelization will require demolition of a structure, the
15 demolition of the
16 structure complies with the replacement requirement per Section 230.
- 17 (3) The uses proposed for the parcels, if any, comply with the cumulative
18 use size limits per Section 121.58, and other requirements of this Code.

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

20 (a) Except as provided in Subsections (b), (c) and (e) of this Section, the
21 basic floor area ratio limits specified in the following table shall apply to each
22 building or development in the districts indicated.

23 TABLE 124

24 **BASIC FLOOR AREA RATIO LIMITS**

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District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, <i>RTO-M</i>	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED	1.0 to 1
RSD, SPD	1.8 to 1
NC-1	1.8 to 1
NC-S	
Inner Clement	
Inner Sunset	
Outer Clement	
Haight	
North Beach	
Sacramento	
24th Street--Noe Valley	

1	West Portal	
2	NC-2, <i>NCT-2, SoMa</i>	2.5 to 1
3	Broadway	
4	Upper Fillmore	
5	Polk	
6	Valencia	
7	24th Street-Mission	
8	Castro	
9	Hayes-Gough	
10	Upper Market	
11	Union	
12	NC-3, NCT-3, <i>Mission Street</i>	3.6 to 1
13	Chinatown R/NC	1.0 to 1
14	Chinatown VR	2.0 to 1
15	Chinatown CB	2.8 to 1
16	C-1, C-2	3.6 to 1
17	C-2-C	4.8 to 1
18	C-3-C	6.0 to 1
19	C-3-O	9.0 to 1
20	C-3-R	6.0 to 1
21	C-3-G	6.0 to 1
22		
23		
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1	C-3-S	5.0 to 1
2	C-3-O (SD)	6.0 to 1
3	C-3-S (SU)	7.5 to 1
4	C-M	9.0 to 1
5	M-1, M-2	5.0 to 1
6	SLR, SLI	2.5 to 1
7	SSO and in a 40 or 50 foot height district	3.0 to 1
8	SSO and in a 65 or 80 foot height district	4.0 to 1
9	SSO and in a 130 foot height district	4.5 to 1
10	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 40,</u>	<u>3.0 to 1</u>
11	<u>or 45, or 48 foot height district</u>	
12	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 50,</u>	<u>4.0 to 1</u>
13	<u>55, or 58 foot height district</u>	
14	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65</u>	<u>5.0 to 1</u>
15	<u>or 68 foot height district</u>	
16	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85</u>	<u>6.0 to 1</u>
17	<u>foot height district</u>	
18	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a</u>	<u>7.5 to 1</u>
19	<u>height district over 85 feet</u>	

21 (b) In R, NC, and Mixed Use Districts the above floor area ratio limits
 22 shall not apply to dwellings or to other residential uses. In NC Districts, the above
 23 floor area ratio limits shall also not apply to nonaccessory off-street parking. In
 24 Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to
 25

1 institutions, and mezzanine commercial space shall not be calculated as part of
2 the floor area ratio.

3 (c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot
4 which is nearer to an RM-4 or RC-4 District than to any other R District, and 10.0
5 to 1 for a lot which is nearer to a C-3 District than to any R District. The distance
6 to the nearest R District or C-3 District shall be measured from the midpoint of
7 the front line, or from a point directly across the street there from, whichever
8 gives the greatest ratio.

9 (d) In the Van Ness Special Use District, as described in Section 243 of
10 this Code, the basic floor area ratio limit shall be 7.0 to 1 where the height limit is
11 130 feet and 4.5 to 1 where the height limit is 80 feet.

12 (e) In the Waterfront Special Use Districts, as described in Sections 240
13 through 240.3 of this Code, the basic floor area ratio limit in any C District shall
14 be 5.0 to 1.

15 (f) For buildings in C-3-G and C-3-S Districts other than those designated
16 as Significant or Contributory pursuant to Article 11 of this Code, additional
17 square footage above that permitted by the base floor area ratio limits set forth
18 above may be approved for construction of dwellings on the site of the building
19 affordable for 20 years to households whose incomes are within 150 percent of
20 the median income as defined herein, in accordance with the conditional use
21 procedures and criteria as provided in Section 303 of this Code. For buildings in
22 the C-3-G District designated as Significant or Contributory pursuant to Article 11
23 of this Code, additional square footage above that permitted by the base floor
24 area ratio limits set forth above up to the gross floor area of the existing building
25 may be approved, in accordance with the conditional use procedures and criteria

1 as provided in Section 303 of this Code, where: (i) TDRs (as defined by Section
2 128(a)(5)) were transferred from the lot containing the Significant or Contributory
3 building prior to the effective date of the amendment to Section 124(f) adding this
4 paragraph when the floor area transferred was occupied by a non-profit
5 corporation or institution meeting the requirements for exclusion from gross floor
6 area calculation under Planning Code Section 102.9(b)(15); (ii) the additional
7 square footage includes only the amount necessary to accommodate dwelling
8 units and/or group housing units that are affordable for not less than 50 years to
9 households whose incomes are within 60 percent of the median income as
10 defined herein together with any social, educational, and health service space
11 accessory to such units; and (iii) the proposed change in use to dwelling units
12 and accessory space and any construction associated therewith, if it requires any
13 alternation to the exterior or other character defining features of the Significant or
14 Contributory Building, is undertaken pursuant to the duly approved Permit to
15 Alter, pursuant to Section 1110; provided, however, that the procedures
16 otherwise required for a Major Alteration as set forth in sections 1111.2-1111.6
17 shall be deemed applicable to any such Permit to Alter.

18 (1) Any dwelling approved for construction under this provision shall be
19 deemed a "designated unit" as defined below. Prior to the issuance by the
20 Director of the Department of Building Inspection ("Director of Building
21 Inspection") of a site or building permit to construct any designated unit subject to
22 this Section, the permit applicant shall notify the Director of Planning and the
23 Director of Property in writing whether the unit will be an owned or rental unit as
24 defined in Section 313(a) of this Code.

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

10 (3) Each designated unit shall be subject to the provisions of Section
11 313(i) of this Code. For purposes of this Subsection and the application of
12 Section 313(i) of this Code to designated units constructed pursuant to this
13 Subsection, the definitions set forth in Section 313(a) shall apply, with the
14 exception of the following definitions, which shall supersede the definitions of the
15 terms set forth in Section 313(a):

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

19 (B) "Base rent" shall mean .45 times the median income for the County
20 of San Francisco as set forth in California Administrative Code Section 6932 for a
21 family of a size equivalent to the number of persons residing in a household
22 renting a designated unit.

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

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

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

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

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

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1 Determinations under this Paragraph shall be made in accordance with the
2 provisions of Section 309.

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

6 (j) Within any RSD, SPD, SLR, SLI or SSO District, live/work units
7 constructed above the floor area ratio limit pursuant to Section 102.9(b)(19) of
8 this Code shall be subject to the following conditions and standards:

9 (1) Considering all dwelling units and all live/work units on the lot,
10 existing and to be constructed, there shall be no more than one live/work unit
11 and/or dwelling unit per 200 square feet of lot area, except that, for projects in the
12 RSD District which will exceed 40 feet in height, and therefore are required to
13 obtain conditional use approval, the allowable density for dwelling units and
14 live/work units shall be established as part of the conditional use determination;
15 and

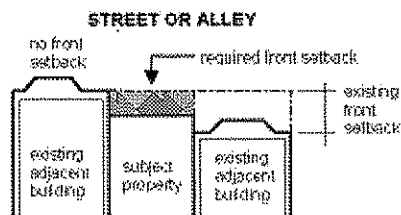
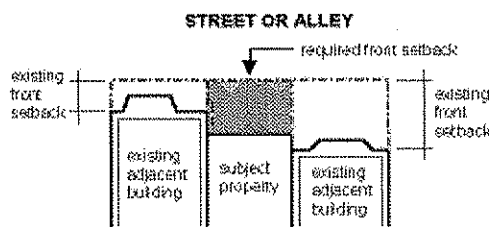
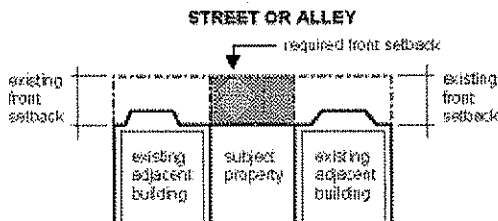
16 (2) The parking requirement for live/work units subject to this subsection
17 shall be equal to that required for dwelling units within the subject district.

18 **SEC. 132. FRONT SETBACK AREAS, RH, RTO, AND RM DISTRICTS.**

19 The following requirements for minimum front setback areas shall apply to every
20 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided
21 to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which
22 have more than 75 feet of street frontage are additionally subject to the Ground Floor
23 Residential Design Guidelines, as adopted and periodically amended by the Planning
24 Commission.

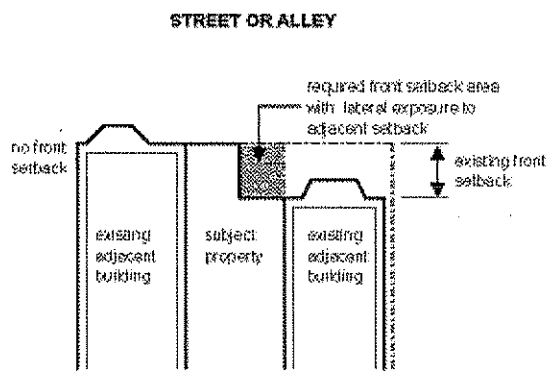
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1 (a) Basic Requirement. Where one or both of the buildings adjacent to
2 the subject property have front setbacks along a street or alley, any building or
3 addition constructed, reconstructed or relocated on the subject property shall be
4 set back to the average of the two adjacent front setbacks. If only one of the
5 adjacent buildings has a front setback, or if there is only one adjacent building,
6 then the required setback for the subject property shall be equal to one-half the
7 front setback of such adjacent building. In any case in which the lot constituting
8 the subject property is separated from the lot containing the nearest building by
9 an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or
10 alley, such nearest building shall be deemed to be an "adjacent building," but a
11 building on a lot so separated for a greater distance shall not be deemed to be an
12 "adjacent building."



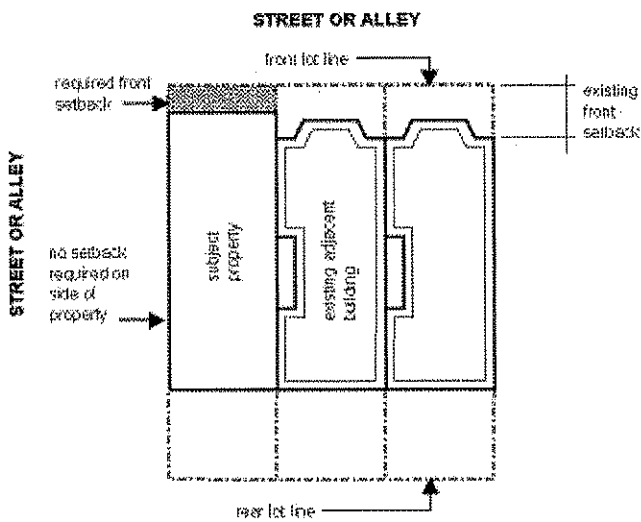
1 (b) Alternative Method of Averaging. If, under the rules stated in
 2 Subsection (a) above, an averaging is required between two adjacent front
 3 setbacks, or between one adjacent setback and another adjacent building with
 4 no setback, the required setback on the subject property may alternatively be
 5 averaged in an irregular manner within the depth between the setbacks of the
 6 two adjacent buildings, provided that the area of the resulting setback shall be at
 7 least equal to the product of the width of the subject property along the street or
 8 alley times the setback depth required by Subsections (a) and (c) of this Section;
 9 and provided further, that all portions of the resulting setback area on the subject
 10 property shall be directly exposed laterally to the setback area of the adjacent
 11 building having the greater setback. In any case in which this alternative method
 12 of averaging has been used for the subject property, the extent of the front
 13 setback on the subject property for purposes of Subsection (c) below relating to
 14 subsequent development on an adjacent site shall be considered to be as
 15 required by Subsection (a) above, in the form of a single line parallel to the street
 16 or alley.

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1 (c) Method of Measurement. The extent of the front setback of each
2 adjacent building shall be taken as the horizontal distance from the property line
3 along the street or alley to the building wall closest to such property line,
4 excluding all projections from such wall, all decks and garage structures and
5 extensions, and all other obstructions.

6 (d) Applicability to Special Lot Situations.

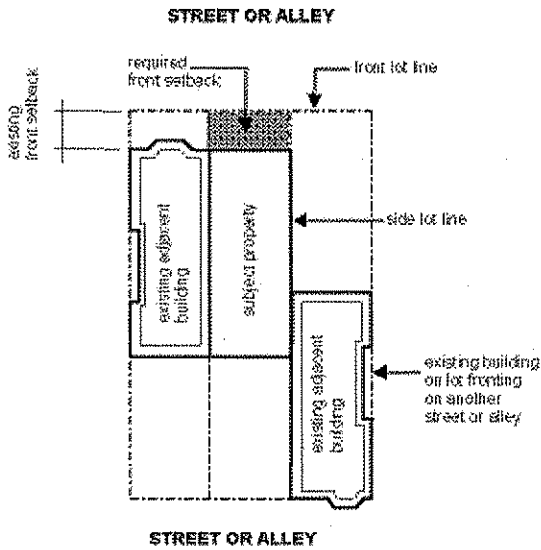


16 (1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined
17 by this Code, or a lot at the intersection of a street and an alley or two alleys, a
18 front setback area shall be required only along the street or alley elected by the
19 owner as the front of the property. Along such street or alley, the required
20 setback for the subject lot shall be equal to 1/2 the front setback of the adjacent
21 building.

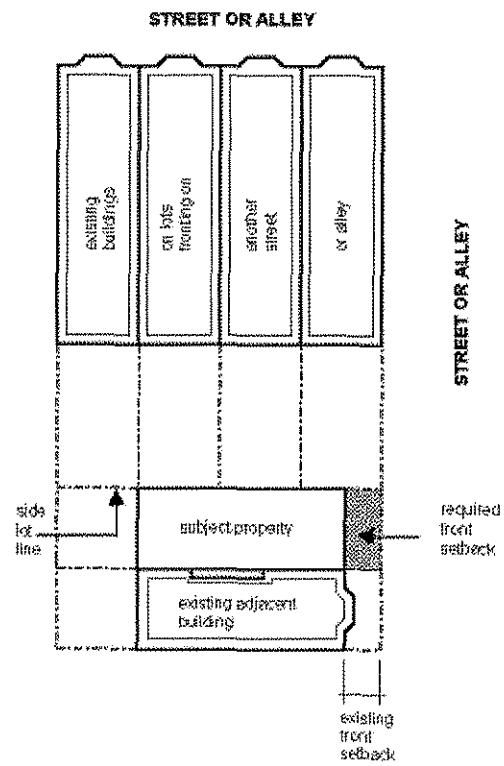
22 (2) Lots Abutting Properties That Front on Another Street or Alley. In the
23 case of any lot that abuts along its side lot line upon a lot that fronts on another
24 street or alley, the lot on which it so abuts shall be disregarded, and the required
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setback for the subject lot shall be equal to the front setback of the adjacent building on its opposite side.



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(3) Lots Abutting RC, C, M and P Districts. In the case of any lot that abuts property in an RC, C, M or P District, any property in such district shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building in the RH, RTO, or RM District.

(e) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be 15 feet from the property line along the street or alley, or 15 percent of the average depth of the lot from such street or alley, whichever results in the lesser requirement. The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

(f) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required front setback area, and no other

1 obstruction shall be constructed, placed or maintained within any such area. No
2 motor vehicle, trailer, boat or other vehicle shall be parked or stored within any
3 such area, except as specified in Section 136.

4 (g) Landscaping. All front setback areas required by this Section 132
5 shall be appropriately landscaped, and in every case not less than 20 percent of
6 the required setback area shall be and remain unpaved and devoted to plant
7 material, including the use of native/drought resistant plant material.

8 (h) Relationship to Legislated Setback Lines. In case of any conflict
9 between the requirements of this Section 132 for front setback areas and a
10 legislated setback line as described in Section 131 of this Code, the more
11 restrictive requirements shall prevail.

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

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

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

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

7 (1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC,
8 C, M, MUG, MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts.

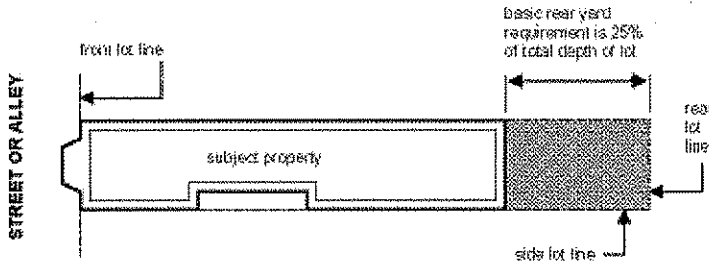
9 The minimum rear yard depth shall be equal to 25 percent of the total depth of
10 the lot on which the building is situated, but in no case less than 15 feet. For
11 buildings containing only SRO units in the South of Market Mixed Use and Eastern
12 Neighborhoods Mixed Use Districts base-area, the minimum rear yard depth shall be
13 equal to 25 percent of the total depth of the lot on which the building is situated,
14 but the required rear yard of SRO buildings not exceeding a height of 65 feet
15 shall be reduced in specific situations as described in Subsection (c) below.

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

20 (B) NC-2, NCT-2, Castro Street, Inner Clement Street, Upper Fillmore
21 Street, North Beach, Union Street, Valencia Street, 24th Street-Mission Districts.
22 Rear yards shall be provided at the second story, and at each succeeding story
23 of the building, and at the first story if it contains a dwelling unit. ~~Properties in~~
24 ~~NCT-2, Valencia Street, and 24th Street Mission Districts are also subject to the~~

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1 rear building wall requirements and associated maintenance setbacks of Section
2 145.6.

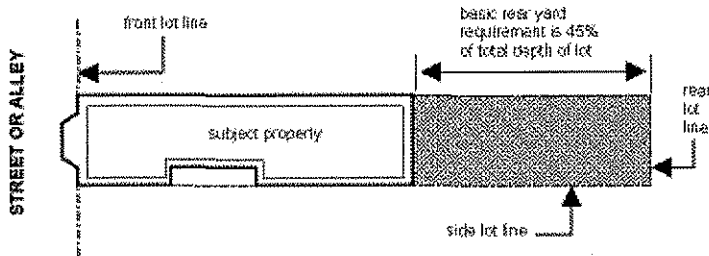


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10 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper
11 Market Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR,
12 SLI, and SSO, MUR, MUG, MUO, and UMU Districts. Rear yards shall be provided
13 at the lowest story containing a dwelling unit, and at each succeeding level or
14 story of the building. ~~Properties in SoMa and Mission Street NCT Districts are~~
15 ~~also subject to the rear building wall requirements and associated maintenance~~
16 ~~setbacks of Section 145.6.~~

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

23 (2) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts. The minimum
24 rear yard depth shall be equal to 45 percent of the total depth of the lot on which
25 the building is situated, except to the extent that a reduction in this requirement is

1 permitted by Subsection (c) below. Rear yards shall be provided at grade level
2 and at each succeeding level or story of the building.



8 (b) Permitted Obstructions. Only those obstructions specified in Section
9 136 of this Code shall be permitted in a required rear yard, and no other
10 obstruction shall be constructed, placed or maintained within any such yard. No
11 motor vehicle, trailer, boat or other vehicle shall be parked or stored within any
12 such yard, except as specified in Section 136.

13 (c) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1 and
14 RM-2 Districts. The rear yard requirement stated in Paragraph (a)(2) above, for
15 RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and as stated in Paragraph
16 (a)(1) above, for single room occupancy buildings *located* in *either* the South of
17 Market Mixed Use or Eastern Neighborhoods Mixed Use Districts ~~base area~~ not
18 exceeding a height of 65 feet, shall be reduced in specific situations as described
19 in this Subsection (c), based upon conditions on adjacent lots. Except for those
20 SRO buildings referenced above in this paragraph whose rear yard can be
21 reduced in the circumstances described in Subsection (c) to a 15-foot minimum,
22 under no circumstances, shall the minimum rear yard be thus reduced to less
23 than a depth equal to 25 percent of the total depth of the lot on which the building
24 is situated, or to less than 15 feet, whichever is greater.

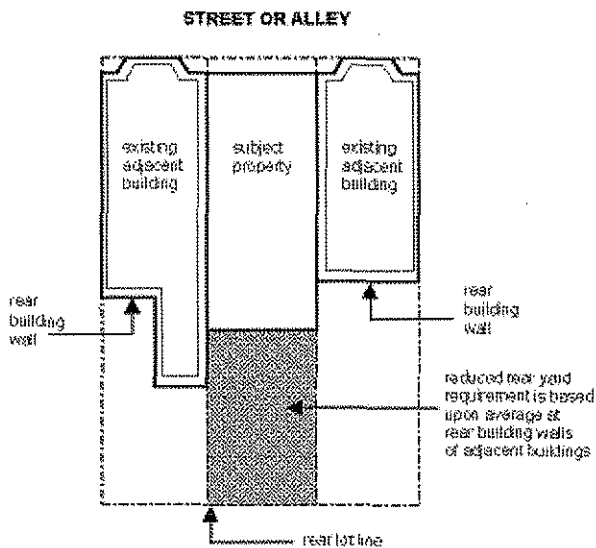
1 (1) General Rule. In such districts, the forward edge of the required rear
2 yard shall be reduced to a line on the subject lot, parallel to the rear lot line of
3 such lot, which is an average between the depths of the rear building walls of the
4 two adjacent buildings. Except for single room occupancy buildings in the South
5 of Market Mixed Use Districts ~~base-area~~, in any case in which a rear yard
6 requirement is thus reduced, the last 10 feet of building depth thus permitted on
7 the subject lot shall be limited to a height of 30 feet, measured as prescribed by
8 Section 260 of this Code, or to such lesser height as may be established by
9 Section 261 of this Code.

10 (2) Alternative Method of Averaging. If, under the rule stated in
11 Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the
12 reduction may alternatively be averaged in an irregular manner; provided that the
13 area of the resulting reduction shall be no more than the product of the width of
14 the subject lot along the line established by Paragraph (c)(1) above times the
15 reduction in depth of rear yard permitted by Paragraph (c)(1); and provided
16 further that all portions of the open area on the part of the lot to which the rear
17 yard reduction applies shall be directly exposed laterally to the open area behind
18 the adjacent building having the lesser depth of its rear building wall.

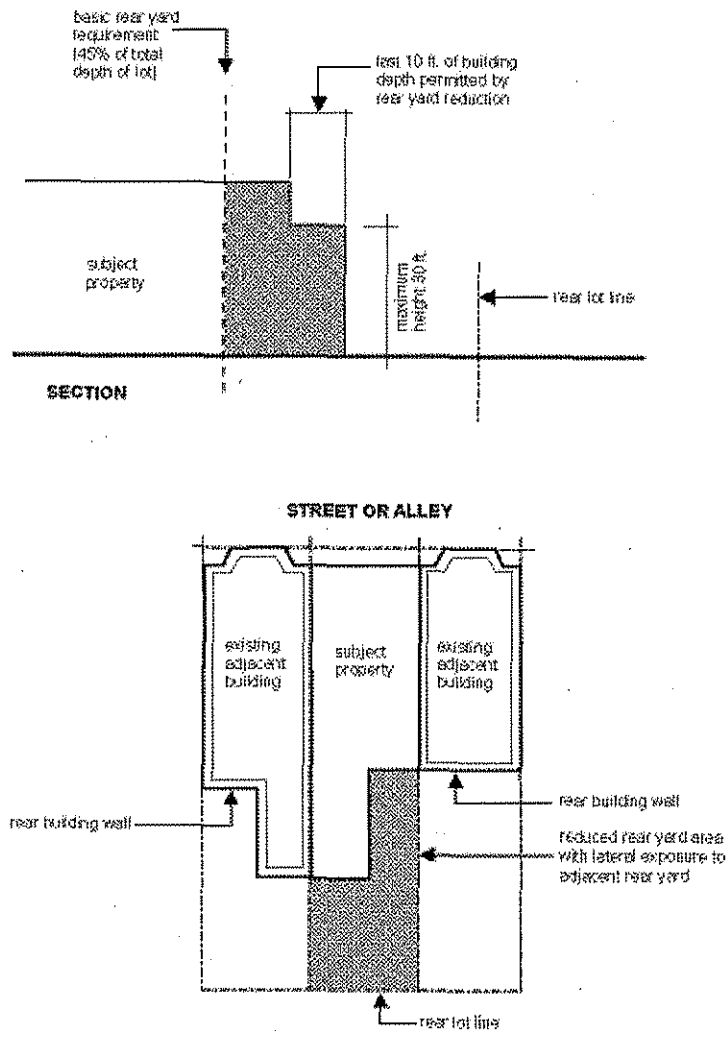
19 (3) Method of Measurement. For purposes of this Subsection (c), an
20 "adjacent building" shall mean a building on a lot adjoining the subject lot along a
21 side lot line. In all cases the location of the rear building wall of an adjacent
22 building shall be taken as the line of greatest depth of any portion of the adjacent
23 building which occupies at least 1/2 the width between the side lot lines of the lot
24 on which such adjacent building is located, and which has a height of at least 20
25 feet above grade, or two stories, whichever is less, excluding all permitted

1 obstructions listed for rear yards in Section 136 of this Code. Where a lot
2 adjoining the subject lot is vacant, or contains no dwelling or group housing
3 structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED,
4 SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for
5 purposes of the calculations in this Subsection (c), be considered to have an
6 adjacent building upon it whose rear building wall is at a depth equal to 75
7 percent of the total depth of the subject lot.

8 (4) Applicability to Special Lot Situations. In the following special lot
9 situations, the general rule stated in Paragraph (c)(1) above shall be applied as
10 provided in this Paragraph (c)(4), and the required rear yard shall be reduced if
11 conditions on the adjacent lot or lots so indicate and if all other requirements of
12 this Section 134 are met.



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(A) Corner Lots and Lots at Alley Inter-sections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

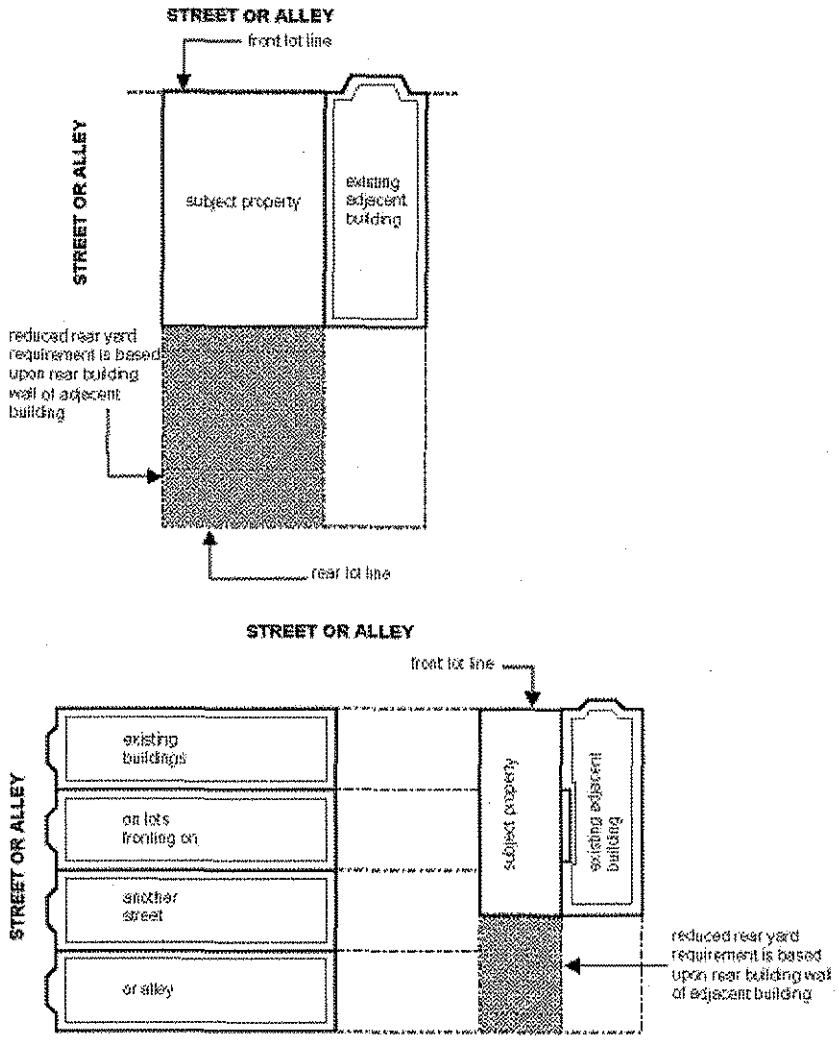
(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts

1 shall be disregarded, and the forward edge of the required rear yard shall be
2 reduced to a line on the subject lot which is at the depth of the rear building wall
3 of the one adjacent building fronting on the same street or alley. In the case of
4 any lot that abuts along both its side lot lines upon lots with buildings that front on
5 another street or alley, both lots on which it so abuts shall be disregarded, and
6 the minimum rear yard depth for the subject lot shall be equal to 25 percent of
7 the total depth of the subject lot, or 15 feet, whichever is greater.

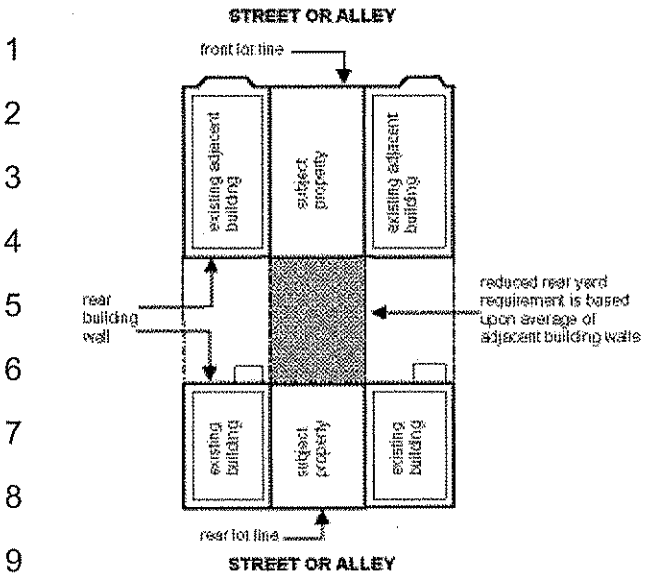
8 (C) Through Lots Abutting Properties that Contain Two Buildings. Where
9 a lot is a through lot having both its front and its rear lot line along streets, alleys,
10 or a street and an alley, and both adjoining lots are also through lots, each
11 containing two dwellings or group housing structures that front at opposite ends
12 of the lot, the subject through lot may also have two buildings according to such
13 established pattern, each fronting at one end of the lot, provided all the other
14 requirements of this Code are met. In such cases the rear yard required by this
15 Section 134 for the subject lot shall be located in the central portion of the lot,
16 between the two buildings on such lot, and the depth of the rear wall of each
17 building from the street or alley on which it fronts shall be established by the
18 average of the depths of the rear building walls of the adjacent buildings fronting
19 on that street or alley. In no case, however, shall the total minimum rear yard for
20 the subject lot be thus reduced to less than a depth equal to 25 percent of the
21 total depth of the subject lot, or to less than 15 feet, whichever is greater.
22 Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the
23 requirements of Section 132 of this Code for front setback areas shall be
24 applicable along both street or alley frontages of the subject through lot.

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(d) Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.



(e) Modification of Requirements in NC and South of Market Mixed Use Districts. The rear yard requirements in NC and South of Market Mixed Use Districts may be modified or waived in specific situations as described in this Subsection (e).

(1) General. The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, in the case of NC Districts, and in accordance with Section 307(g), in the case of South of Market Mixed Use Districts if all of the following criteria are met for both NC and South of Market Mixed Use Districts:

(A) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

1 (B) The proposed new or expanding structure will not significantly
2 impede the access of light and air to and views from adjacent properties; and

3 (C) The proposed new or expanding structure will not adversely affect
4 the interior block open space formed by the rear yards of adjacent properties.

5 (2) Corner Lots and Lots at Alley Intersections. On a corner lot as defined
6 by this Code, or on a lot at the intersection of a street and an alley of at least 25
7 feet in width, the required rear yard may be substituted with an open area equal
8 to 25 percent of the lot area which is located at the same levels as the required
9 rear yard in an interior corner of the lot, an open area between two or more
10 buildings on the lot, or an inner court, as defined by this Code, provided that the
11 Zoning Administrator determines that all of the criteria described below in this
12 Paragraph are met.

13 (A) Each horizontal dimension of the open area shall be a minimum of 15
14 feet.

15 (B) The open area shall be wholly or partially contiguous to the existing
16 midblock open space formed by the rear yards of adjacent properties.

17 (C) The open area will provide for the access to light and air to and views
18 from adjacent properties.

19 (D) The proposed new or expanding structure will provide for access to
20 light and air from any existing or new residential uses on the subject property.

21 The provisions of this Paragraph 2 of Subsection (e) shall not preclude
22 such additional conditions as are deemed necessary by the Zoning Administrator
23 to further the purposes of this Section.

24 (f) Modification of Requirements in the Eastern Neighborhoods Mixed Use
25 Districts. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may

1 be modified or waived by the Planning Commission pursuant to Section 309.2329, and
2 by the Zoning Administrator pursuant to the procedures and criteria set forth in Section
3 307(h) for other projects, provided that:

4 (1) Residential uses are included in the new or expanding development and a
5 comparable amount of readily accessible usable open space is provided elsewhere on the
6 lot or within the development;

7 (2) The proposed new or expanding structure will not significantly impede the
8 access to light and air from adjacent properties; and

9 (3) The proposed new or expanding structure will not adversely affect the
10 interior block open space formed by the rear yards of adjacent properties.

11 (gf) Reduction of Requirements in the North of Market Residential
12 Special Use District. The rear yard requirement may be substituted with an
13 equivalent amount of open space situated anywhere on the site, provided that
14 the Zoning Administrator determines that all of the following criteria are met:

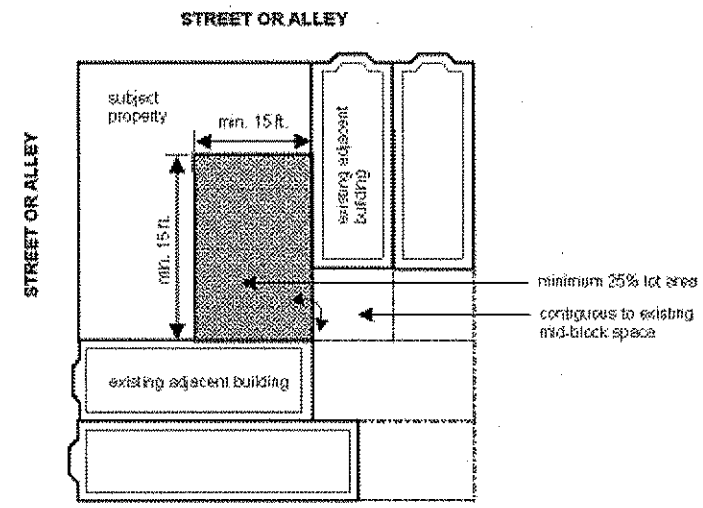
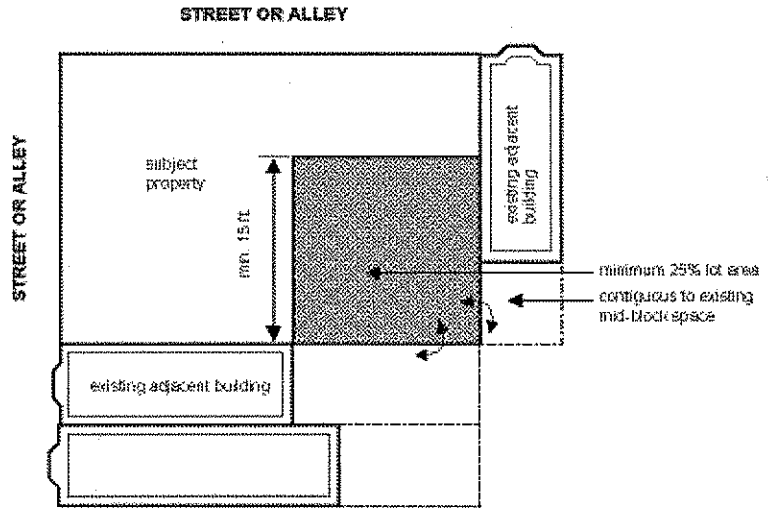
15 (1) The substituted open space in the proposed new or expanding
16 structure will improve the access of light and air to and views from existing
17 abutting properties; and

18 (2) The proposed new or expanding structure will not adversely affect the
19 interior block open space formed by the rear yards of existing abutting properties.

20 This provision shall be administered pursuant to the notice and hearing
21 procedures which are applicable to variances as set forth in Sections 306.1
22 through 306.5 and 308.2.

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SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.

Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section unless otherwise specified in specific district controls elsewhere in this Code.

1 (a) Character of Space Provided. Usable open space shall be composed
2 of an outdoor area or areas designed for outdoor living, recreation or
3 landscaping, including such areas on the ground and on decks, balconies,
4 porches and roofs, which are safe and suitably surfaced and screened, and
5 which conform to the other requirements of this Section. Such area or areas shall
6 be on the same lot as the dwelling units (or bedrooms in group housing) they
7 serve, and shall be designed and oriented in a manner that will make the best
8 practical use of available sun and other climatic advantages. "Private usable
9 open space" shall mean an area or areas private to and designed for use by only
10 one dwelling unit (or bedroom in group housing). "Common usable open space"
11 shall mean an area or areas designed for use jointly by two or more dwelling
12 units (or bedrooms in group housing).

13 (b) Access. Usable open space shall be as close as is practical to the
14 dwelling unit (or bedroom in group housing) for which it is required, and shall be
15 accessible from such dwelling unit or bedroom as follows:

16 (1) Private usable open space shall be directly and immediately
17 accessible from such dwelling unit or bedroom; and shall be either on the same
18 floor level as such dwelling unit or bedroom, with no more than one story above
19 or below such floor level with convenient private access.

20 (2) Common usable open space shall be easily and independently
21 accessible from such dwelling unit or bedroom, or from another common area of
22 the building or lot.

23 (c) Permitted Obstructions. In the calculation of either private or common
24 usable open space, those obstructions listed in Sections 136 and 136.1 of this
25 Code for usable open space shall be permitted.

1 (d) Amount Required. Usable open space shall be provided for each
2 building in the amounts specified herein and in Table 135 for the district in which
3 the building is located; provided, however, that in the Downtown Residential (DTR)
4 Districts, ~~Rincon Hill Special Use District, Residential Sub-district~~, open space shall
5 be provided in the amounts specified in Section ~~825-249.1(e)(4)~~.

6 In Neighborhood Commercial Districts, the amount of usable open space
7 to be provided shall be the amount required in the nearest Residential District,
8 but the minimum amount of open space required shall be in no case greater than
9 the amount set forth in Table 135A for the district in which the building is located.
10 The distance to each Residential District shall be measured from the midpoint of
11 the front lot line or from a point directly across the street there from, whichever
12 requires less open space.

13 (1) For dwellings other than SRO dwellings, except as provided in
14 Paragraph (d)(3) below, the minimum amount of usable open space to be
15 provided for use by each dwelling unit shall be as specified in the second column
16 of ~~the~~ Table 135A if such usable open space is all private. Where common usable
17 open space is used to satisfy all or part of the requirement for a dwelling unit,
18 such common usable open space shall be provided in an amount equal to 1.33
19 square feet for each one square foot of private usable open space specified in
20 the second column of ~~the~~ Table 135A. In such cases, the balance of the required
21 usable open space may be provided as private usable open space, with full credit
22 for each square foot of private usable open space so provided.

23 (2) For group housing structures and SRO units, the minimum amount of
24 usable open space provided for use by each bedroom shall be 1/3 the amount
25 required for a dwelling unit as specified in Paragraph (d)(1) above. For purposes

1 of these calculations, the number of bedrooms on a lot shall in no case be
2 considered to be less than one bedroom for each two beds. Where the actual
3 number of beds exceeds an average of two beds for each bedroom, each two
4 beds shall be considered equivalent to one bedroom.

5 (3) For dwellings specifically designed for and occupied by senior
6 citizens or physically handicapped persons, as defined and regulated by Section
7 209.1(m) of this Code, the minimum amount of usable open space to be provided
8 for use by each dwelling unit shall be 1/2 the amount required for each dwelling
9 unit as specified in Paragraph (d)(1) above.

10 (4) DTR Districts. For all residential uses, 75 square feet of open space is
11 required per dwelling unit. All residential open space must meet the provisions described
12 in this Section unless otherwise established in this subsection or in Section 825 or a
13 Section governing an individual DTR District. Open space requirements may be met with
14 the following types of open space: "private usable open space" as defined in Section
15 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this
16 Code, and "publicly accessible open space" as defined in subsection (h) below. At least
17 40 percent of the residential open space is required to be common to all residential units.
18 Common usable open space is not required to be publicly-accessible. Publicly-accessible
19 open space, including off-site open space permitted by subsection (i) below and by
20 Section 827(a)(9), meeting the standards of subsection (h) may be considered as common
21 usable open space. For residential units with direct access from the street, building
22 setback areas that meet the standards of Section 145.1 and the Ground Floor Residential
23 Design Guidelines may be counted toward the open space requirement as private non-
24 common open space.

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TABLE 135 <u>A</u> MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING <i>OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS</i>		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, <i>RTO-M</i>	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the	

	dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, <u>NCT-2</u> , NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street- Mission, 24th Street-Noe Valley, NCT-3, <u>SoMa, Mission Street</u>	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
<u>Rincon Hill</u> DTR	This table not applicable. 75 square feet per dwelling. See Sec. 827 <u>135(d)(4)</u> .	

TABLE 135B

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING
IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

<u>Square feet of usable open space per dwelling unit, if not publicly accessible</u>	<u>Square feet of usable open space per dwelling unit, if publicly accessible</u>	<u>Percent of open space that may be provided off site</u>
<u>80 square feet</u>	<u>54 square feet</u>	<u>50%</u>

(e) Slope. The slope of any area credited as either private or common usable open space shall not exceed five percent.

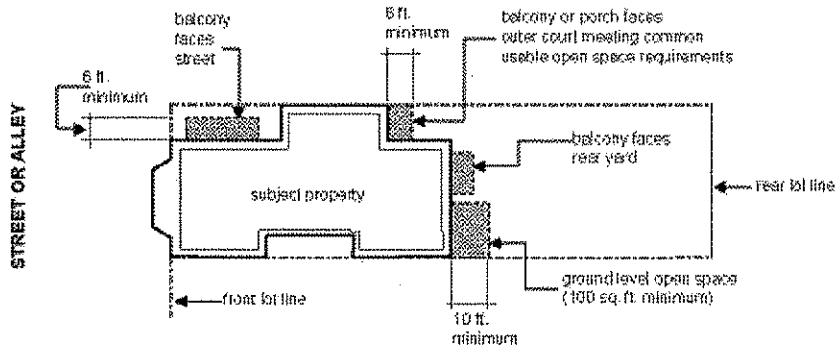
(f) Private Usable Open Space: Additional Standards.

(1) Minimum Dimensions and Minimum Area. Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) Exposure. In order to be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

(3) Fire Escapes as Usable Open Space. Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

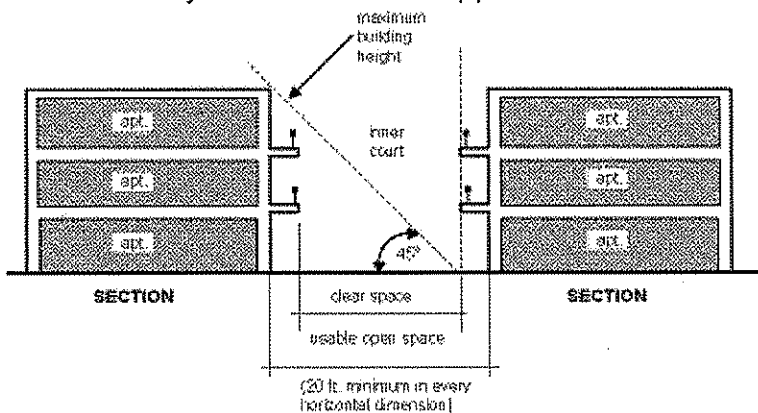
(4) Use of Solariums. In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50

1 percent of its perimeter and (ii) not less than 30 percent of its overhead area and
2 25 percent of its perimeter are open or can be opened to the air.

3 (g) Common Usable Open Space: Additional Standards.

4 (1) Minimum Dimensions and Minimum Area. Any space credited as
5 common usable open space shall be at least 15 feet in every horizontal
6 dimension and shall have a minimum area of 300 square feet.

7 (2) Use of Inner Courts. The area of an inner court, as defined by this
8 Code, may be credited as common usable open space, if the enclosed space is
9 not less than 20 feet in every horizontal dimension and 400 square feet in area;
10 and if (regardless of the permitted obstructions referred to in Subsection 135(c)
11 above) the height of the walls and projections above the court on at least three
12 sides (or 75 percent of the perimeter, whichever is greater) is such that no point
13 on any such wall or projection is *higher than* one foot for each foot that such point
14 is horizontally distant from the opposite side of the clear space in the court.



22 (3) Use of Solariums. The area of a totally or partially enclosed solarium
23 may be credited as common usable open space if the space is not less than 15
24 feet in every horizontal dimension and 300 square feet in area; and if such area
25

1 is exposed to the sun through openings or clear glazing on not less than 30
2 percent of its perimeter and 30 percent of its overhead area.

3 (h) Publicly-Accessible Usable Open Space Standards: In DTR Districts and the
4 Eastern Neighborhoods Mixed Use Districts, any space credited as publicly-accessible
5 usable open space, where permitted or required by this Code, shall meet the following
6 standards:

7 (1) Open space shall be of one or more of the following types:

8 (A) An unenclosed park or garden at street grade or following the natural
9 topography, including improvements to hillsides or other unimproved public areas;

10 (B) An unenclosed plaza at street grade, with seating areas and landscaping and
11 no more than 10 percent of the total floor area devoted to facilities for food or beverage
12 service, exclusive of seating areas as regulated in Subsection (2)(d), below;

13 (C) An unenclosed pedestrian pathway which complies with the standards of
14 Section 270.2 and which is consistent with applicable design guidelines,

15 (D) Streetscape improvements with landscaping and pedestrian amenities that
16 result in additional pedestrian space beyond the pre-existing sidewalk width and conform
17 to any applicable streetscape plan or other related policies such as those associated with
18 sidewalk widenings or building setbacks, other than those intended by design for the use
19 of individual ground floor residential units; and

20 (2) Open space shall meet the following standards:

21 (A) Be in such locations and provide such ingress and egress as will make the
22 area
23 convenient, safe, secure and easily accessible to the general public;

24 (B) Be appropriately landscaped;

25 (C) Be protected from uncomfortable winds;

1 (D) Incorporate ample seating. Any seating which is provided shall be available
2 for public use and may not be exclusively reserved or dedicated for any food or beverage
3 services located within the open space;

4 (E) Be well signed and accessible to the public during daylight hours;

5 (F) Be well lit if the area is of the type requiring artificial illumination;

6 (G) Be designed to enhance user safety and security;

7 (H) Be of sufficient size to be attractive and practical for its intended use; and

8 (I) Have access to drinking water and toilets if feasible and appropriate.

9 (3) Maintenance: Open spaces shall be maintained at no public expense. The
10 owner of the property on which the open space is located shall maintain it by keeping the
11 area clean and free of litter and keeping in a healthy state any plant material that is
12 provided. Conditions intended to assure continued maintenance of the open space for the
13 actual lifetime of the building giving rise to the open space requirement may be imposed
14 by the Commission or Department pursuant to applicable procedures in this Code.

15 (4) Informational Plaque: Prior to issuance of a permit of occupancy, a plaque
16 shall be placed in a publicly conspicuous location outside the building at street level, or
17 at the site of any publicly-accessible open space. The plaque shall identify said open
18 space feature and its location, stating the right of the public to use the space and the
19 hours of use, describing its principal required features (e.g., number of seats or other
20 defining features) and stating the name, telephone number, and address of the owner or
21 owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches
22 by 36 inches in size unless specifically reduced by the Zoning Administrator in cases
23 where the nature, size, or other constraints of the open space would make the proscribed
24 dimensions inappropriate.

1 (5) Property owners providing open space under this section will hold harmless
2 the City and County of San Francisco, its officers, agents and employees, from any
3 damage or injury caused by the design, construction, use, or maintenance of open space.
4 Property owners are solely liable for any damage or loss occasioned by any act or
5 negligence in respect to the design, construction, use, or maintenance of the open space.

6 (i) Off-Site Provision of Required Usable Open Space.

7 (1) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods
8 Mixed Use Districts, the provision of off-site publicly accessible open space may be
9 credited toward the residential usable open space requirement, subject to Section
10 309.2329 for projects to which that Section applies and Section 307(h) for other
11 projects. Any such space shall meet the publicly accessible open space standards set
12 forth in Section 135(h) and be provided within 800 feet of the project. No more than 50
13 percent of a project's required usable open space shall be off-site. The publicly
14 accessible off-site usable open space shall be constructed, completed, and ready for use
15 no later than the project itself, and shall receive its Certificate of Final Completion from
16 the Department of Building Inspection prior to the issuance of any Certificate of Final
17 Completion or Temporary Certificate of Occupancy for the project itself.

18 (2) DTR Districts. In DTR Districts the provision of off-site publicly accessible
19 open space may be counted toward the requirements of residential open space per the
20 procedures of Section 309.1 provided it is within the individual DTR district of the
21 project or within 500 feet of any boundary of the individual DTR district of the project,
22 and meets the standards of subsection (h).

23 (A) At least 36 square feet per residential unit of required open space must be
24 provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission
25 may reduce the minimum on-site provision of required residential open space to not less

1 than 18 square feet per unit in order to both create additional publicly-accessible open
2 space serving the district and to foster superior architectural design on constrained sites.

3 (B) Open Space Provider. The open space required by this Section may be
4 provided individually by the project sponsor or jointly by the project sponsor and other
5 project sponsors, provided that each square foot of jointly developed open space may
6 count toward only one sponsor's requirement. With the approval of the Planning
7 Commission, a public or private agency may develop and maintain the open space,
8 provided that (i) the project sponsor or sponsors pay for the cost of development of the
9 number of square feet the project sponsor is required to provide, (ii) provision
10 satisfactory to the Commission is made for the continued maintenance of the open space
11 for the actual lifetime of the building giving rise to the open space requirement, and (iii)
12 the Commission finds that there is reasonable assurance that the open space to be
13 developed by such agency will be developed and open for use by the time the building,
14 the open space requirement of which is being met by the payment, is ready for
15 occupancy.

16 (j) Payment in Cases of Variance or Exception. In the Eastern Neighborhoods
17 Mixed Use Districts, should a Variance from usable open space requirements for
18 residential uses be granted by the Zoning Administrator, or an exception be granted for
19 those projects subject to the ~~309-2329~~ process, a fee of \$327 shall be required for each
20 square foot of usable open space not provided pursuant to that Variance. This fee shall
21 be adjusted in accordance with Section 327.3(d). This fee shall be paid into the Eastern
22 Neighborhoods Public Benefits Fund, as described in Section 327. Said fee shall be used
23 for the purpose of acquiring, designing, and improving park land, park facilities, and
24 other open space resources, which is expected to be used solely or in substantial part by
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1 persons who live, work, shop or otherwise do business in the Eastern Neighborhoods
2 Mixed Use Districts.

3 **SEC. 135.3. USABLE OPEN SPACE FOR USES OTHER THAN**
4 **DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS WITHIN THE**
5 **SOUTH OF MARKET AND EASTERN NEIGHBORHOODS MIXED USE RED,**
6 **RSD, SPD, SLR, SLI AND SSO DISTRICTS.**

7 (a) Amount of Open Space Required. All newly constructed structures, all
8 structures to which gross floor area equal to 20 percent or more of existing gross
9 floor area is added, and all structures in the SSO and Eastern Neighborhoods Mixed
10 Use Districts within which floor area is converted to office use other than office
11 use accessory to a non-office use shall provide and maintain usable open space
12 for that part of the new, additional or converted square footage which is not
13 subject to Sections 135.1 and 135.2 as follows:

14
15 **TABLE 135.3**

16 **MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER**
17 **THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS IN**
18 **THE SOUTH OF MARKET, EASTERN NEIGHBORHOODS MIXED USE, AND**
19 **DTR RED, RSD, SPD, SLR, SLI AND SSO DISTRICTS**

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Use	Square Feet of Usable Open Space Required
Retail, eating and/or drinking	1 sq. ft. per 250 sq. ft. of occupied

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1	establishments, personal service,	floor area of new or added square footage
2	wholesale, home and business service,	
3	arts activities, institutional and like uses	
4		
5	Manufacturing and light industrial, storage	1 sq. ft. per 120 gross sq. ft. of occupied floor area of new or added square footage
6	without distribution facilities, and like uses <i>in the South of Market Mixed Use</i>	
7	<u>Districts</u>	
8		
9	<u>Manufacturing and light industrial, storage</u>	<u>None required</u>
10	<u>without distribution facilities, and like uses in</u>	
11	<u>the Eastern Neighborhoods Mixed Use</u>	
12	<u>Districts</u>	
13		
14	Office uses, <i>as defined in 890.70, in the South</i>	1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage
15	<i>of Market Mixed Use Districts</i>	
16		
17	<u>Office uses, as defined in 890.70, in the</u>	<u>1 sq. ft. per 50 sq. ft. of occupied floor</u>
18	<u>Eastern Neighborhoods Mixed Use Districts</u>	
19		<u>area of new, converted or added</u>
20		<u>square footage</u>
21	<u>All non-residential uses in DTR Districts</u>	<u>1 sq. ft. per 50 sq. ft. of occupied floor</u>
22		<u>area of net new, converted or added</u>
		<u>square footage over 10,000 gross</u>
		<u>square feet</u>

23 _____ (1) Open space shall be provided for uses not listed in this subsection and
24 Table (other than live/work units, dwelling units and group housing whose open
25 space requirements are specified in Sections 135 and 135.2 of this Code), in the

1 amount required for the listed use determined by the Zoning Administrator to be
2 most similar to the unlisted use in question. Private or public parking structures
3 and change of use or additions to an existing structure which are limited to uses
4 operating solely during nighttime hours and for which public access to open
5 space cannot feasibly be provided during daytime hours pursuant to Subsection
6 (c)(4), shall be exempt from this open space requirement.

7 (2) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods
8 Mixed Use Districts, the open space requirements of this Section may be fulfilled by
9 providing publicly accessible usable open space. Such publicly accessible usable open
10 space is subject to the following:

11 (A) The amount of open space required pursuant to Table 135.3 may be reduced
12 by 33 percent if it is publicly accessible usable open space.

13 (B) Publicly accessible usable open space is required to meet the standards of
14 Section 135(h).

15 (C) Up to 50 percent of the publicly accessible open space may be provided off-
16 site, subject to Section ~~309-2329~~ for projects to which that Section applies and Section
17 307(h) for other projects. Any such space shall meet the publicly accessible open space
18 standards set forth Section 135(h) and be provided within 800 feet of the project. The
19 publicly accessible off-site usable open space shall be constructed, completed, and ready
20 for use no later than the project itself, and shall receive its Certificate of Final
21 Completion from the Department of Building Inspection prior to the issuance of any
22 Certificate of Final Completion or Temporary Certificate of Occupancy for the project
23 itself.

24 (3) DTR Districts. In DTR Districts, the open space requirements of this Section
25 shall be subject to the following:

1 (A) Such open space shall meet the standards for publicly accessible open space
2 of Section 135(h).

3 (B) Up to 50 percent of required open space may be provided off-site per the
4 procedures of Section 309.1 if it is within the individual DTR district of the project or
5 within 500 feet of any boundary of the individual DTR district of the project.

6 (C) Open Space Provider. The open space required by this Section may be
7 provided individually by the project sponsor or jointly by the project sponsor and other
8 project sponsors, provided that each square foot of jointly developed open space may
9 count toward only one sponsor's requirement. With the approval of the Planning
10 Commission, a public or private agency may develop and maintain the open space,
11 provided that (i) the project sponsor or sponsors pay for the cost of development of the
12 number of square feet the project sponsor is required to provide, (ii) provision
13 satisfactory to the Commission is made for the continued maintenance of the open space
14 for the actual lifetime of the building giving rise to the open space requirement, and (iii)
15 the Commission finds that there is reasonable assurance that the open space to be
16 developed by such agency will be developed and open for use by the time the building,
17 the open space requirement of which is being met by the payment, is ready for
18 occupancy.

19 (b) Types of Open Space. One or more of the following types of open
20 space may be provided to satisfy the requirements of this section: a plaza, an
21 urban park, an urban garden, a view terrace, a sun terrace, a greenhouse, a
22 small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in
23 a galleria, arcade, or pedestrian mall or walkway.

24 The required open space shall, as determined by the Zoning
25 Administrator:

1 (1) Be in such locations and provide such ingress and egress as will
2 make the area convenient, safe, secure and easily accessible to the general
3 public;

4 (2) Be appropriately landscaped;

5 (3) Be protected from uncomfortable wind;

6 (4) Incorporate ample seating and, if appropriate, access to food service,
7 which will enhance public use of the area;

8 (5) Be well signed and accessible to the public during daylight hours;

9 (6) Have adequate access to sunlight if sunlight access is appropriate to
10 the type of area;

11 (7) Be well lighted if the area is of the type requiring artificial illumination;

12 (8) Be designed to enhance user safety and security;

13 (9) Be of sufficient size to be attractive and practical for its intended use;

14 and

15 (10) Have access to toilets, if feasible.

16 (c) Permitted Obstructions. In addition to those specified in Section 136,
17 permitted obstructions for open space required under this Section shall include
18 small-scale pedestrian-oriented convenience establishments and resources such
19 as movable beverage and/or food stands, outdoor cafes, toilets, newsstands, or
20 flower stands provided that all such activities along with other permitted
21 obstructions combined do not exceed 20 percent of the total usable open space
22 requirement.

23 (d) Alternative Means of Satisfying the Open Space Requirement in the
24 South of Market Mixed Use Districts. If it is the judgment of the Zoning
25 Administrator that an open space satisfying the requirements and standards of

1 subsections (b) and (c) cannot be created because of constraints of the
2 development site, or because the project cannot provide safe, convenient access
3 to the public, or because the square footage of open space is not sufficient to
4 provide a usable open space, the Zoning Administrator may (i) authorize, as an
5 eligible type of open space, a pedestrian mall or walkway within a public right-of-
6 way which is improved with paving, landscaping, and street furniture appropriate
7 for creating an attractive area for sitting and walking, or (ii) waive the requirement
8 that open space be provided upon payment to the Open Space Fund of a fee of
9 \$.80 for each square foot of open space otherwise required to be provided.
10 These amounts shall be adjusted annually effective April 1st of each calendar
11 year by the percentage of change in the Building Cost Index used by the San
12 Francisco Bureau of Building Inspection. This payment shall be paid in full to the
13 City prior to the issuance of any temporary or other certificate of occupancy for
14 the subject property. Said fee shall be used for the purpose of acquiring,
15 designing, improving and/or maintaining park land, park facilities, and other open
16 space resources, which is expected to be used solely or in substantial part by
17 persons who live, work, shop or otherwise do business in the South of Market
18 Base District, as that District is defined in City Planning Code Section 820 and
19 identified on Sectional Map 3SU of the Zoning Map of the City and County of San
20 Francisco. Said fee, and any interest accrued by such fee, shall be used for the
21 purpose stated herein unless it is demonstrated that it is no longer needed.

22 (e) Alternative Means of Satisfying the Open Space Requirement in the Eastern
23 Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts,
24 the open space requirement may be satisfied through payment of a fee of \$76 for each
25 square foot of usable open space not provided pursuant to that Variance. This fee shall

1 be adjusted in accordance with Section 327.3(d). This fee shall be paid into the Eastern
2 Neighborhoods Public Benefits Fund, as described in Section 327. Said fee shall be used
3 for the purpose of acquiring, designing, and improving park land, park facilities, and
4 other open space resources, which is expected to be used solely or in substantial part by
5 persons who live, work, shop or otherwise do business in the Eastern Neighborhoods
6 Mixed Use districts.

7 (fe) Costs and Restrictions. All costs of the open space, including without
8 limitation those associated with design, development, liability insurance, regular
9 maintenance, and safe operation of this open space, shall be borne by the
10 property owner. Liability insurance satisfactory to the City Attorney, naming the
11 City and County of San Francisco and its officers and employees as additional
12 insureds, shall be provided for all such spaces. The property owner shall record
13 with the County Recorder a special restriction on the property satisfactory in
14 substance to the Department and sufficient to give notice to subsequent owners,
15 tenants and other persons having other economic interests in the property of the
16 open space requirement and the means by which the requirement has been, and
17 must continue to be, satisfied.

18 ~~(f) [Reserved.]~~

19 (g) A sign satisfying the requirements of Section 603(k) shall be
20 prominently posted at the entrance to the open space area declaring that the
21 area is open to the public.

22 (h) Approval and Construction. The open space shall be reviewed and
23 approved as part of the site or building permit application for the project giving
24 use to the open space requirement. No temporary or other certificate of
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1 occupancy shall be issued for any structure constructed under the permit until the
2 open space is complete.

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

5
6 TABLE INSET:

Streets and Alleys	Setbacks	Yards	Usable Open Space	
				(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:
				(1) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7 1/2 feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be

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				<p>required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;</p>
				<p>(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;</p>
				<p>(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;(4) Obstructions within usable open space, as required by Section 135 of this Code.</p>
				<p>(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this Section.</p>
				<p>(c) The permitted obstructions shall be as</p>

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				follows:
x	x	x	x	(1) Overhead horizontal projections (leaving at least 7 1/2 feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:
				(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection,
				(B) At every other level, one foot over streets and alleys and into setbacks, and
				(C) Three feet into yards and usable open

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				space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;
x	x	x	x	(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).
				(A) The minimum headroom shall be 7 1/2 feet.
				(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be

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				further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.
				(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.
				(D) The maximum length of each bay

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				<p>window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p> <p>(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p>
				<p>(F) The minimum horizontal separation between bay windows, between balconies,</p>

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				and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.
				(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in

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				<p>proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;</p>
		x	x	<p>(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).</p>
				<p>(A) The minimum headroom shall be 7 1/2 feet.</p>

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				(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.
				(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.
				(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all

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				bay windows, balconies, fire escapes and chimneys.
x	x	x	x	(4) Fire escapes, leaving at least 7 1/2 feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
			x	(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7 1/2 feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is

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				greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;
		x		(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
x				(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as

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				regulated by the Building Code and other portions of the Municipal Code;
x				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
x	x			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;
x	x			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;
x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
x	x			(12) Marquees, awnings and canopies in P, NC, C, M, <u>MUG</u> , <u>MUO</u> , <u>MUR</u> , <u>UMU</u> , <u>and</u> RSD, SPD, SLR, SLI, <u>DTR</u> and SSO districts, as regulated by the Building

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				Code, and as further limited in Section 136.1 and other provisions of this Code;
	x	x	x	(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length

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				of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
x	x	x	x	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x	x	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;
	x	x	x	(17) Fences no more than three feet in height above grade;
		x	x	(18) Fences and wind screens no more than six feet in height above grade;
		x		(19) Fences and wind screens no more

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				than 10 feet in height above grade;
		x	x	(20) Normal outdoor recreational and household features such as play equipment and drying lines;
	x	x	x	(21) Landscaping and garden furniture;
		x	x	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
		x		(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;
		x		(24) Decks, whether attached to a building or not, at or below the adjacent

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				first floor of occupancy, if developed as usable open space and meeting the following requirements:
				(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,
				(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose

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				floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,
				(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:
				(i) The deck shall be designed to provide the minimum obstruction to light, air, view

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				and privacy.
				(ii) The deck shall be at least two feet inside all side lot lines.
				(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;
		x		(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:
				(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,

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				(B) Within all parts of the required open area, the structure shall be limited in height to either:
				(i) 10 feet above grade, or
	x			(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,
				(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;
		x		(26) Garages which are underground, or

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				<p>under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;</p>
	x			<p>(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;</p>
	x			<p>(28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the</p>

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				average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback;
				(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;
x	x	x		(30) Driveways, for use only to provide necessary access to required or permitted

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				parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;
		x	x	(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.
				(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:
				(1) Decorative Architectural Features. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and

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				horizontal dimensions described as follows:
				(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet.
				(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet.
				(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot

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3				(2) Bay Windows. Notwithstanding the
4				provisions of Subsections (c)(2)(D) and (F)
5				of this Section, bay windows on
6				nonresidential floors of a structure are
7				permitted only if the width of the bay is at
8				least two times its depth, the total width of
9				all bays on a facade plane does not
10				exceed 1/2 of the width of the facade
11				plane, and the maximum horizontal (plan)
12				dimensions of the bay fit within the
13				dimensions set forth in the diagram below.
14				

15 **SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN NC, EASTERN**
16 **NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE**
17 **DISTRICTS.**

18 In addition to the limitations of Section 136, especially Paragraph
19 136(c)(12), the following provisions shall apply in NC, Eastern Neighborhoods
20 Mixed Use and South of Market Mixed Use Districts.

21 (a) Awnings. Awnings, as defined in Section 790.20 of this Code, shall be
22 regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use
23 Districts below.

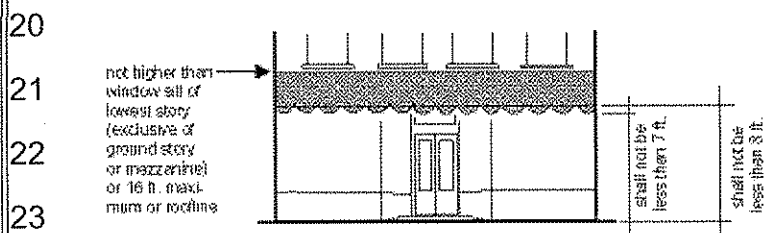
24 All portions of any permitted awning shall be not less than eight feet above
25 the finished grade, excluding any valance which shall not be less than seven feet

1 above the finished grade. No portion of any awning shall be higher than the
2 windowsill level of the lowest story (if any) exclusive of the ground story and
3 mezzanine, provided that no such awning shall in any case exceed a height of 16
4 feet or the roofline of the building to which it is attached, whichever is lower.

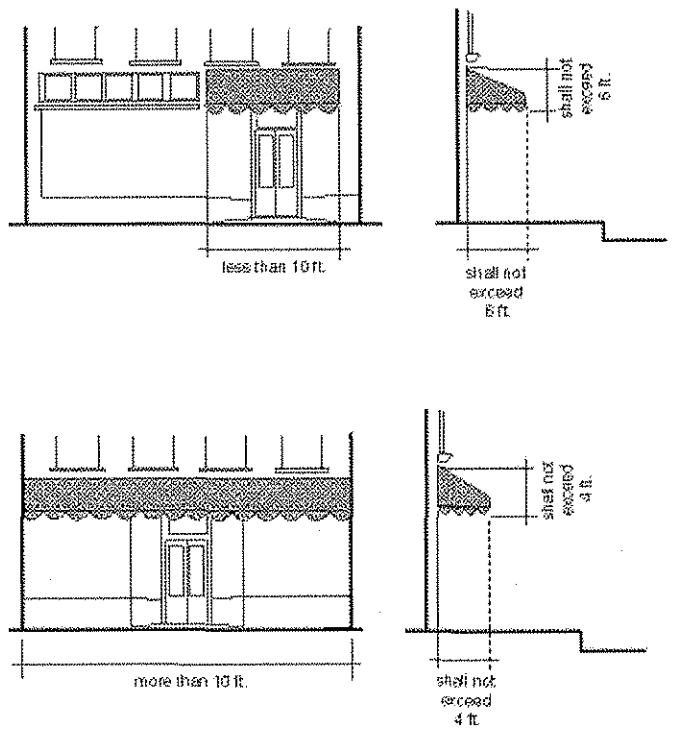
5 (1) NC-1 Districts. The horizontal projection of any awning shall not
6 exceed four feet from the face of a building. The vertical distance from the top to
7 the bottom of any awning shall not exceed four feet, including any valance.

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

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



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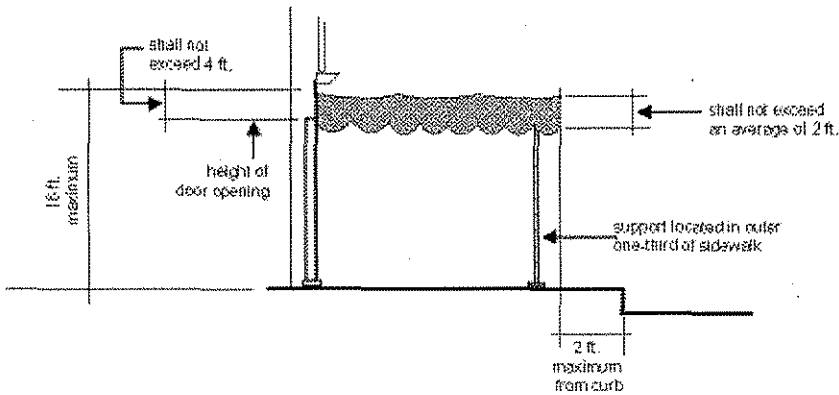
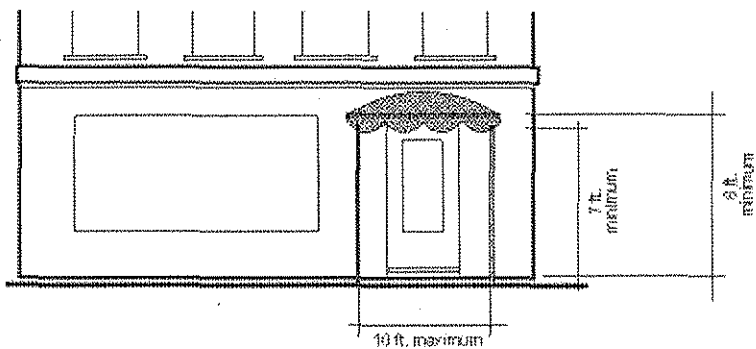
(b) Canopies. Canopies, as defined in Section 790.26 of this Code, shall be regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

(1) NC-1 Districts. No canopy shall be permitted in any NC-1 District.

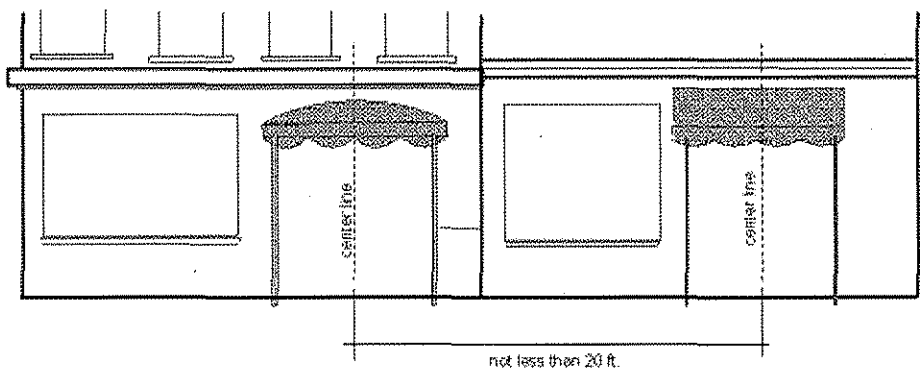
(2) All Other NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts. The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point not closer than two feet from the curb. The outer column support shall be located in the outer 1/3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

1 column supports and excluding any valance which may be not less than seven
2 feet above the finished grade, shall be not less than eight feet above the finished
3 grade. Canopies shall not be spaced closer than 20 feet from each other,
4 measured from centerline to centerline.

5 NOTE: These illustrations are diagrams showing maximum dimensions
6 and are not design examples.



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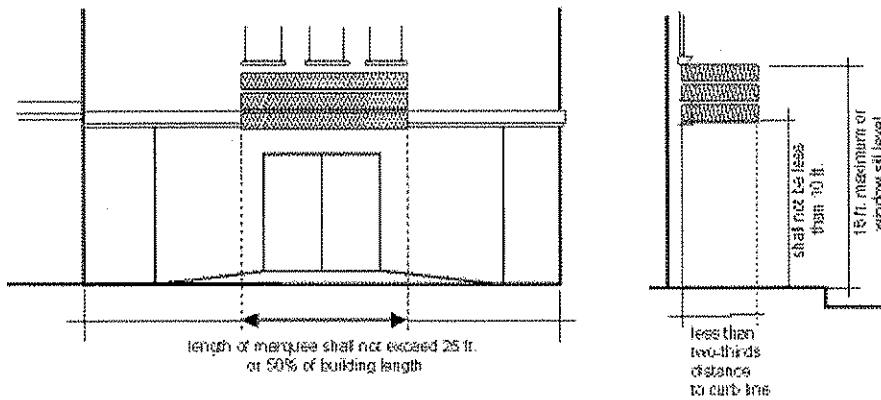
(c) Marquees. Marquees, as defined in Section 790.58 of this Code, shall be regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

(1) NC-1 Districts. No marquee shall be permitted in any NC-1 District.

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

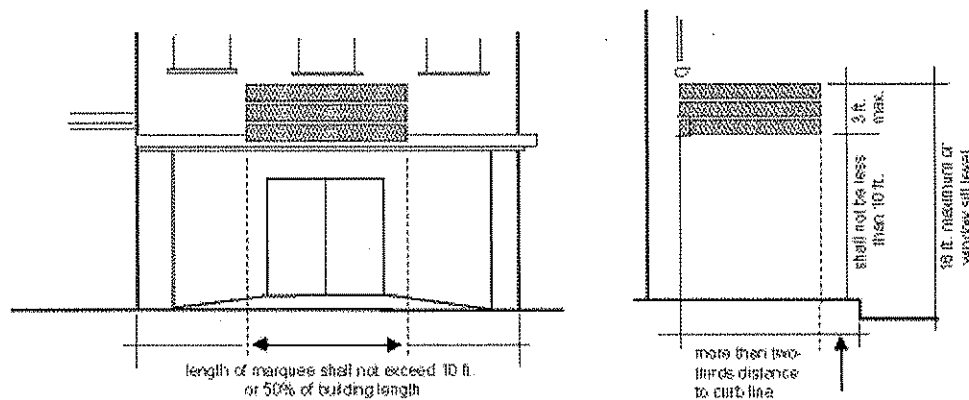
(A) A marquee projecting more than of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height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

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



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

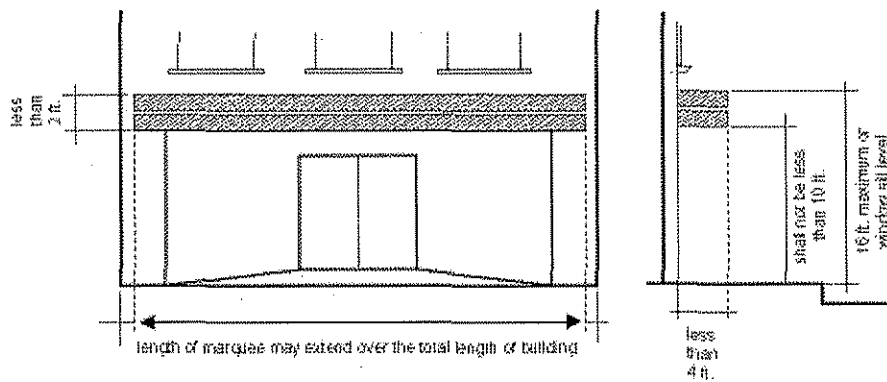
NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



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

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

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



14
15 **SEC. 136.2. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN**
16 **REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED**
17 **USE DISTRICTS.**

18
19 In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the
20 following provisions shall apply in Mixed Use Districts.

21 (a) Awnings. All portions of any permitted awning shall be not less than
22 eight feet above the finished grade, excluding any valance which shall not be
23 less than seven feet above the finished grade. No portion of any awning shall be
24 higher than the windowsill level of the lowest story (if any), exclusive of the
25 ground story and mezzanine, provided that no such awning shall in any case

1 exceed a height of 16 feet or the roofline of the building to which it is attached,
2 whichever is lower.

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

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

16 (b) Canopies.

17 (1) Chinatown Residential Neighborhood Commercial District. No canopy
18 shall be permitted in any Residential Neighborhood Commercial District.

19 (2) All Other Mixed Use Districts. The maximum width of any canopy
20 shall be 10 feet. The horizontal projection of any canopy may extend to a point
21 two feet from the curb. The outer column support shall be located in the outer 1/3
22 of the sidewalk and shall be no less than four feet from the building face to ensure
23 adequate clear space along the sidewalk. The vertical distance from the top to the
24 bottom of the canopy shall not exceed two feet, including any valance. All
25 portions of any canopy, excluding the column supports and excluding any

1 valance which may be not less than seven feet above the finished grade, shall be
2 not less than eight feet above the finished grade. Canopies shall not be spaced
3 closer than twenty feet from each other, measured from centerline to centerline.

4 (c) Marquees.

5 (1) Chinatown Residential Neighborhood Commercial District. No
6 marquee shall be permitted in any Residential Neighborhood Commercial
7 District.

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

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

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

24 **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE**
25 **ON AN OPEN AREA.**

1 (a) With the exception of dwelling units in single room occupancy
2 buildings in the South of Market Mixed Use Districts base-area, in each dwelling
3 unit in any use district, the required windows (as defined by Section 501.4 of the
4 San Francisco Housing Code) of at least one room that meets the 120-square-
5 foot minimum superficial floor area requirement of Section 501.1 of the Housing
6 Code shall face directly on an open area of one of the following types:

7 (1) A public street, public alley at least 25 feet in width, side yard at least
8 25 feet in width, or rear yard meeting the requirements of this Code; provided,
9 that if such windows are on an outer court whose width is less than 25 feet, the
10 depth of such court shall be no greater than its width; or

11 (2) An open area (whether an inner court or a space between separate
12 buildings on the same lot) which is unobstructed (except for fire escapes not
13 projecting more than necessary for safety and in no case more than four feet six
14 inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15),
15 (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every
16 horizontal dimension for the floor at which the dwelling unit in question is located
17 and the floor immediately above it, with an increase of five feet in every
18 horizontal dimension at each subsequent floor, except for single room occupancy
19 buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to
20 increase five feet in every horizontal dimension until the fifth floor of the building.

21 (b) For historic buildings identified in Section 307(h)(3) which are located within the
22 Eastern Neighborhoods Mixed Use Districts, the requirements of this Section 140 may be
23 modified or waived by the Zoning Administrator pursuant to the procedures and criteria
24 set forth in Section 307(h).

25

1 **SEC. 141. SCREENING OF ROOFTOP FEATURES R, NC, C, M, MUG,**
2 **MUO, MUR, UMU, DTR, SPD, RSD, SLR, SLI AND SSO DISTRICTS.**

3 (a) In R, SPD, RSD, NC, C, M, MUG, MUO, MUR, UMU, SLR, SLI and
4 SSO Districts, rooftop mechanical equipment and appurtenances to be used in
5 the operation or maintenance of a building shall be arranged so as not to be
6 visible from any point at or below the roof level of the subject building. This
7 requirement shall apply in construction of new buildings, and in any alteration of
8 mechanical systems of existing buildings that results in significant changes in
9 such rooftop equipment and appurtenances. The features so regulated shall in all
10 cases be either enclosed by outer building walls or parapets, or grouped and
11 screened in a suitable manner, or designed in themselves so that they are
12 balanced and integrated with respect to the design of the building. Minor features
13 not exceeding one foot in height shall be exempted from this regulation.

14 (b) In C-3 Districts, whenever the enclosure or screening of the features
15 listed in Section 260(b)(1)(A) and (B), will be visually prominent, modifications
16 may, in accordance with provisions of Section 309, be required in order to insure
17 that: (1) the enclosure or screening is designed as a logical extension of the
18 building form and an integral part of the overall building design; (2) its cladding
19 and detailing is comparable in quality to that of the rest of the building; (3) if
20 enclosed or screened by additional volume, as authorized by Section 260(b), the
21 rooftop form is appropriate to the nature and proportions of the building, and is
22 designed to obscure the rooftop equipment and appurtenances and to provide a
23 more balanced and graceful silhouette for the top of the building or structure; and
24 (4) the additional building volume is not distributed in a manner which simply
25 extends vertically the walls of the building.

1 (c) In ~~the Rincon Hill~~ Downtown Residential Districts, the Eastern
2 Neighborhoods Mixed Use Districts, and South of Market Mixed Use-Base Districts,
3 mechanical equipment and appurtenances shall be enclosed in such a manner
4 that: (1) the enclosure is designed as a logical extension of the building form and
5 an integral part of the overall building design; (2) its cladding and detailing is
6 comparable in quality to that of the rest of the building; (3) if screened by
7 additional volume, as authorized by Section 260(b), the rooftop form is
8 appropriate to the nature and proportions of the building, and is designed to
9 obscure the rooftop equipment and appurtenances and to provide a more
10 balanced and graceful silhouette for the top of the building or structure; and (4)
11 the additional building volume is not distributed in a manner which simply
12 extends vertically the walls of the building.

13 (d) Off-street parking or freight loading spaces shall only be permitted on
14 unenclosed rooftops when the parking area is screened with fencing, trellises
15 and/or landscaped screening features such that parked vehicles cannot be easily
16 viewed from adjacent buildings, elevated freeways or public vista points.

17 **SEC. 142. SCREENING OF PARKING AREAS, R, ~~AND NC, AND~~**
18 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

19 Off-street parking areas in R, ~~and NC~~ and Eastern Neighborhoods Mixed Use
20 Districts shall be screened as provided in this Section.

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

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1 (b) Along rear yard areas and other interior open spaces, all off-street
2 parking spaces, driveways and maneuvering areas *not* within buildings shall be
3 screened from view and confined by solid building walls.

4 (c) Off-street parking spaces in parking lots shall meet the requirements
5 of Section 156 and other applicable provisions of Article 1.5 of this Code. Such
6 parking areas shall be screened from view as provided in Section 156(d) of this
7 Code.

8 **SEC. 143. STREET TREES, R, SPD, RSD, NC, C-3, DTR, MUG, MUO,**
9 **MUR, UMU, SLR, SLI AND SSO DISTRICTS.**

10 (a) In any R, SPD, RSD, NC, C-3, DTR, MUG, MUO, MUR, UMU, SLR,
11 SLI, or SSO District, street trees shall be installed by the owner or developer in
12 the case of construction of a new building, relocation of a building, or addition of
13 gross floor area equal to 20 percent or more of the gross floor area of an existing
14 building, and within the RED, SPD, RSD, MUG, MUO, MUR, UMU, SLR, SLI and
15 SSO Districts, in the case of change of 20 percent or more of the occupied floor
16 area of an existing building to another use.

17 (b) The street trees installed shall be a minimum of one 24-inch box tree
18 ~~of 15-gallon size~~ for each 20 feet of frontage of the property along each street or
19 alley, with any remaining fraction of 10 feet or more of frontage requiring an
20 additional tree. Such trees shall be located either within a setback area on the lot
21 or within the public right-of-way along such lot.

22 (c) The species of trees selected shall be suitable for the site, and, in the
23 case of trees installed in the public right-of-way, the species and locations shall
24 be subject to approval by the Department of Public Works. Procedures and other
25

1 requirements for the installation, maintenance and protection of trees in the
2 public right-of-way shall be as set forth in Article 16 of the Public Works Code.

3 (d) In any case in which the Department of Public Works cannot grant
4 approval for installation of a tree in the public right-of-way, on the basis of
5 inadequate sidewalk width, interference with utilities or other reasons regarding
6 the public welfare, and where installation of such tree on the lot itself is also
7 impractical, the requirements of this Section 143 may be modified or waived by
8 the Zoning Administrator to the extent necessary.

9 (e) In C-3 and South of Market Mixed Use Districts, the Zoning
10 Administrator may allow the installation of planter boxes or tubs or similar
11 landscaping in place of trees when that is determined to be more desirable in
12 order to make the landscaping compatible with the character of the surrounding
13 area, or may waive the requirement in C-3 districts where landscaping is
14 considered to be inappropriate because it conflicts with policies of the Downtown
15 Plan, a component of the Master General Plan, such as the policy favoring
16 unobstructed pedestrian passage.

17 (f) In Eastern Neighborhoods Mixed Use Districts, street trees shall be installed
18 along all street frontages in the public right of way as set forth in subsection (b). Street
19 tree basins shall be edged with decorative treatment, such as pavers or cobbles, in
20 accordance with City standards. In the event that the Department of Public Works does
21 not approve for any reason the installation of the number of trees required as set forth in
22 subsection (b), an in-lieu fee for each missed street tree, in an amount set forth in Article
23 16 of the Public Works Code, shall be paid to the Adopt A Tree Fund. When a pre-
24 existing site constraint prevents the installation of a street tree, as an alternative to
25 payment of any portion of the in-lieu fee, the Zoning Administrator may allow the

1 installation of sidewalk landscaping in accordance with all adopted standards and
2 requirements.

3 (g) DTR Districts. In DTR Districts, in addition to the requirements of subsections
4 (a)-(d) above, all street trees shall:

5 (1) be open to the sky and free from all encroachments for that entire width,
6 planted at least one foot back from the curb line;

7 (2) have a minimum 2 inch caliper, measured at breast height;

8 (3) branch a minimum of 8 feet above sidewalk grade;

9 (4) where in the public right-of-way, be planted in a sidewalk opening at least 16
10 square feet, and have a minimum soil depth of 3 feet 6 inches;

11 (5) where planted in individual basins rather than a landscaped planting bed, be
12 protected by a tree grate with a removable inner ring to provide for the tree's growth
13 over time;

14 (6) provide a below-grade environment with nutrient-rich soils, free from overly-
15 compacted soils, and generally conducive to tree root development;

16 (7) be irrigated, maintained and replaced if necessary by the property owner, in
17 accordance with Sec. 174 of the Public Works Code; and

18 (8) be planted in a continuous soil-filled trench parallel to the curb, such that the
19 basin for each tree is connected.

20 **SEC. 144. TREATMENT OF GROUND STORY ON STREET**
21 **FRONTAGES, RH-2, RH-3, RTO, RTO-M, RM-1, AND RM-2 DISTRICTS.**

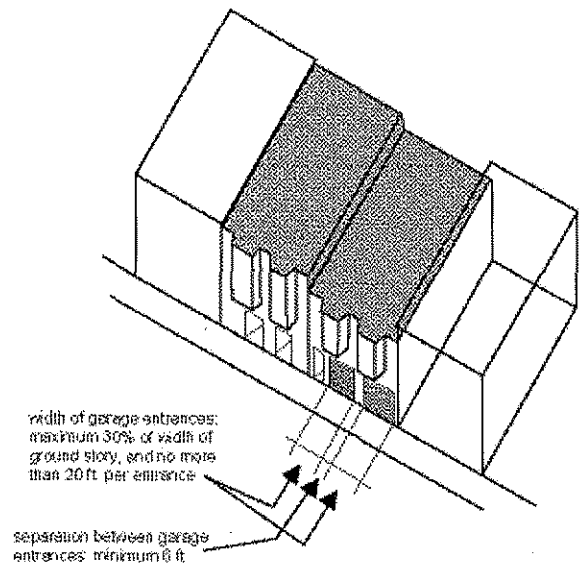
22 (a) General. This Section is enacted to assure that in RH-2, RH-3, RM-1,
23 RM-2, RTO and RTO-M Districts the ground story of dwellings as viewed from the
24 street is compatible with the scale and character of the existing street frontage,
25 visually interesting and attractive in relation to the pattern of the neighborhood,

1 and so designed that adequate areas are provided for front landscaping, street
2 trees and on-street parking between driveways. The design of ground story
3 frontages subject to this Section shall also be reviewed for consistency with applicable
4 design guidelines, including the Ground Floor Residential Design Guidelines.

5 (b) Entrances to Off-Street Parking. Except as otherwise provided herein,
6 in the case of every dwelling in such districts no more than 30 percent of the
7 width of the ground story along the front lot line, or along a street side lot line, or
8 along a building wall that is set back from any such lot line, shall be devoted to
9 entrances to off-street parking, except that in no event shall a lot be limited by
10 this requirement to a single such entrance of less than 16 feet in width, or to a
11 single such entrance of less than 8 feet in RTO and RTO-M districts. In addition,
12 no entrance to off-street parking for a dwelling on any lot shall be wider than 20
13 feet, and where two or more separate entrances are provided there shall be a
14 minimum separation between such entrances of six feet. Lots in RTO and RTO-M
15 districts are limited to a total of 20 feet per block frontage devoted to entrances to
16 off-street parking. The requirements of this Subsection (b) shall not be applicable
17 where the lot has an upward or downward slope from the front lot line to the
18 forward edge of the required rear yard, along the centerline of the building, of
19 more than 20 percent; or where the lot depth and the requirements of this Code
20 for dimensions, areas and open spaces are such that the permitted building
21 depth is less than 40 feet in an RH-2 District or less than 65 feet in an RH-3, RM-
22 1 or RM-2 District.

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(c) Features To Be Provided. In the case of every dwelling in such districts, no less than 30 percent of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

(d) Parking Setback. In RTO *and RTO-M* districts off-street parking is not permitted on the ground floor within the first 20 feet of building depth from any façade facing a street at least 30 feet in width, unless such parking occupies the space otherwise used as the drive-aisle or driveway (such as in cases of tandem parking). All off-street parking along these frontages must be wrapped with dwelling units, entrances to dwelling units, commercial uses where permitted, and other uses (other than storage) and building features that generate activity or pedestrian interest.

1 **SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL,**
2 **DOWNTOWN RESIDENTIAL, AND EASTERN NEIGHBORHOOD MIXED USE**
3 **DISTRICTS.**

4 (a) Purpose. ~~In order~~ The purpose of this Section is to preserve, enhance and
5 promote attractive, clearly defined street frontages that are pedestrian-oriented,
6 fine-grained, and which are appropriate and compatible with the buildings and
7 uses in Neighborhood Commercial Districts, Downtown Residential Districts, and
8 Eastern Neighborhoods Mixed Use Districts, and adjacent districts.

9 (b) Definitions.

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

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

12 (B) Building alterations which would increase the gross square footage of
13 a structure by 20 percent or more, or

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

17 (2) Active use. An "active use", shall mean any principal, conditional, or
18 accessory use which by its nature does not require non-transparent walls facing a public
19 street or involves the storage of goods or vehicles. Residential uses are considered active
20 uses above the ground floor; on the ground floor, residential uses are considered active
21 uses only if more than 50 percent of the linear residential street frontage at the ground
22 level features walk-up dwelling units which provide direct, individual pedestrian access
23 to a public sidewalk, and are consistent with the Ground Floor Residential Design
24 Guidelines, as adopted and periodically amended by the Planning Commission.

1 (A) Public Uses described in 790.80 and 890.80 are considered active
2 uses except utility installations.

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

6 (c) Controls. the following requirements shall apply, except as specified
7 below, to new structures or alterations to existing structures involving a change in
8 the level of the first story or a change in the facade at the street frontage at the
9 first story and below, where such structure is located along any block frontage
10 that is entirely within an NC District subject to this Section.

11 In NC-S Districts, the applicable frontage shall be the primary facade(s)
12 which contain customer entrances to commercial spaces.

13 (b1) Standards Applicable in all Districts
14 Other than as set forth in this Subsection (c) for NC-S Districts, no more than 1/3 of the
15 width of a new or altered structure, parallel to and facing such street, shall be devoted to
16 ingress/egress to parking, provided that in no case shall such ingress/egress exceed 20
17 feet in width per frontage or be less in width than eight feet for garages containing up to
18 three cars, nine feet for garages containing up to ten cars, and ten feet for garages
19 containing up to 50 cars. In NC-S Districts, no more than 1/3 or 50 feet, whichever is
20 less, of each lot frontage shall be devoted to ingress/egress of parking, provided that each
21 such ingress/egress shall not be less than 10 feet in width for single directional movement
22 or 20 feet in width for bidirectional movement.

23 (a2) Additional Standards Applicable in all NC Districts other than NCT
24 Districts

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1 If such structures contain any of the permitted uses in the Zoning Control
 2 Categories listed below, at least 1/2 the total width of such new or altered
 3 structures at the commercial street frontage shall be devoted to entrances to
 4 commercially used space, windows or display space at the pedestrian eye-level.
 5 Such windows shall use clear, untinted glass, except for decorative or
 6 architectural accent. Any decorative railings or decorative grille work, other than
 7 wire mesh, which is placed in front of or behind such windows, shall be at least
 8 75 percent open to perpendicular view and no more than six feet in height above
 9 grade.

No.	Zoning Control Category
.40	Other Retail Sales and Services
.41	Bar
.42	Full-Service Restaurant
.43	Small Fast Food Restaurant
.44	Large Fast Food Restaurant
.45	Take-Out Food
.46	Movie Theater
.49	Financial Service
.50	Limited Financial Service
.51	Medical Service
.52	Personal Service
.53	Business or Professional Service

1	.55	Tourist Hotel
2	.61	Automobile Sale or Rental
3	.62	Animal Hospital
4	.65	Trade Shop
5	.70	Administrative Service

7

8 ~~(b) In all NC Districts other than NC S Districts, no more than 1/3 of the width of such~~
9 ~~new or altered structure, parallel to and facing such street, shall be devoted to~~
10 ~~ingress/egress to parking, provided that in no case shall such ingress/egress exceed 20~~
11 ~~feet in width or be less in width than eight feet for garages containing up to three cars,~~
12 ~~nine feet for garages containing up to ten cars, and ten feet for garages containing up to~~
13 ~~50 cars. Development lots in NCT districts are limited to a total of 20 feet per block~~
14 ~~frontage devoted to entrances to off-street parking. A "development lot" shall be any lot~~
15 ~~containing a proposal for new construction, building alterations which would increase~~
16 ~~the gross square footage of a structure by 20 percent or more, or change of use of more~~
17 ~~than 50 percent of the gross floor area of a structure containing parking.~~

18 ~~In NC S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot~~
19 ~~frontage shall be devoted to ingress/egress of parking, provided that each such~~
20 ~~ingress/egress shall not be less than 10 feet in width for single-directional movement or~~
21 ~~20 feet in width for bidirectional movement.~~

22 (3) Additional Standards Applicable in NCT Districts, Downtown Residential
23 Districts, and Eastern Neighborhoods Mixed Use Districts

24 (e1) Above-Grade Parking Setback. ~~In NCT districts, off-street~~
25 parking at ~~or above~~ street grade on a development lot must be set back at least

1 25 feet on the ground floor and at least 15 feet on floors above, from any façade
2 facing a street at least 30 feet in width. ~~Space for active uses as defined in subsection~~
3 ~~(e) and permitted by the specific district in which it is located shall be provided along the~~
4 ~~frontages for the above mentioned setback depth.~~ Parking above the ground level
5 shall be entirely screened from all public rights-of-way in a manner that
6 accentuates ground floor uses, minimizes ~~louvers and other~~ mechanical features
7 and is in keeping with the overall massing and architectural vocabulary of the
8 building. ~~A "development lot" shall be any lot containing a proposal for new~~
9 ~~construction, building alterations which would increase the gross square footage of a~~
10 ~~structure by 20 percent or more, or change of use of more than 50 percent of the gross~~
11 ~~floor area of a structure containing parking.~~

12 (B) Active Uses Required. With the exception of space allowed for parking
13 and loading access, building egress, and access to mechanical systems, space for active
14 uses as defined in Subsection (b)(2) and permitted by the specific district in which it is
15 located shall be provided within the first 25 feet of building depth on the ground floor
16 and 15 feet on floors above from any façade facing a street at least 30 feet in width.
17 Building systems including mechanical, electrical, and plumbing features may be
18 exempted from this requirement by the Zoning Administrator only in instances where
19 those features are provided in such a fashion as to not negatively impact the quality of
20 the ground floor space.

21 (C) Ceiling Height. Unless otherwise established elsewhere in this Code,
22 the following controls shall apply:

23 (4) ~~G~~ground floor non-residential uses in UMU Districts shall have a
24 minimum ~~unobstructed ceiling~~ floor-to-floor height of ~~45~~ 17 feet, as measured
25 from ~~floor level~~ grade. Ground floor non-residential uses in all NCT, DTR, MUG,

1 MUR, and MUO Districts shall have a minimum unobstructed ceiling floor-to-floor
2 height of ~~42~~ 14 feet, as measured from floor-level grade.

3 (ii) ~~Ground floor residential uses in UMU Districts shall have a minimum~~
4 ~~unobstructed ceiling height of 15 feet, as measured from grade. Ground floor~~
5 ~~residential uses in all NCT, DTR, MUG, MUR, and MUO Districts shall have a~~
6 ~~minimum unobstructed ceiling height of 12 feet, as measured from grade.~~

7 (D) Transparency and Fenestration. Frontages with active uses that are
8 not residential or PDR must be fenestrated with transparent windows and doorways for
9 no less than 60 percent of the street frontage at the ground level and allow visibility to
10 the inside of the building. The use of dark or mirrored glass shall not count towards the
11 required transparent area.

12 (E) Gates, Railings, and Grillwork. Any decorative railings or grillwork,
13 other than wire mesh, which is placed in front of or behind ground floor windows, shall
14 be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall
15 consist of open grillwork rather than solid material, so as to provide visual interest to
16 pedestrians when the gates are closed, and to permit light to pass through mostly
17 unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism,
18 shall be recessed within, or laid flush with, the building façade.

19 ~~(d) Required Ground Floor Commercial Uses. In the locations listed in this~~
20 ~~subsection, active, pedestrian-oriented commercial uses, as described in subsection (e),~~
21 ~~and permitted by the specific district in which it is located, are a required ground floor~~
22 ~~use on street facing building frontages. Where these uses are required, they shall occupy~~
23 ~~no less than 75 percent of the building frontage to a depth of not less than 25 feet, and~~
24 ~~shall be open at the pedestrian eye level, allowing visibility to the inside of the building,~~
25

1 ~~and shall meet the standards described in subsection (a). This requirement applies to the~~
2 ~~following street frontages:~~

3 ~~—(1) Hayes Street, for the entirety of the Hayes Gough NCT;~~

4 ~~—(2) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes Gough~~
5 ~~NCT;~~

6 ~~(3) Market Street, for the entirety of the NCT 3 and Upper Market NCT Districts; and~~

7 ~~(4) Church Street, for the entirety within the NCT 3 and Upper Market NCT Districts.~~

8 ~~(e) Definition of Active Uses.~~

9 ~~—(1) Active uses shall include those that are oriented to public access and primarily to~~
10 ~~walk-up pedestrian activity. Active uses shall not include any use whose primary~~
11 ~~function is the storage of goods or vehicles, utility installations, any office use, or any use~~
12 ~~or portion of a use which by its nature requires non-transparent walls facing a public~~
13 ~~street. Uses considered active uses shall include the uses listed in Table 145.1 and as~~
14 ~~defined by the referenced Code sections, and lobbies for any permitted or conditional use~~
15 ~~in that district. Uses noted with an asterisk in Table 145.1 are restricted as follows:~~

16 ~~—(A) Where ground floor commercial frontages are required in subsection (d), such~~
17 ~~uses shall not include any use oriented to motor vehicles except as follows. Automobile~~
18 ~~sale or rental may be considered as an active use meeting the requirements of subsection~~
19 ~~(d) if no curb cuts, garage doors, or loading access are utilized or proposed on streets~~
20 ~~listed in subsection (d) or in Section 155(r), and such sales or rental activity is entirely~~
21 ~~within an enclosed building and does not encroach on surrounding sidewalks or open~~
22 ~~spaces. Such sales or rental activity shall not include auto repair or vehicle servicing~~
23 ~~functions for frontages required for active commercial uses.~~

24 ~~—(B) Public Uses described in 790.80 are considered active uses except utility~~
25 ~~installations.~~

1 ~~(C) Where ground floor commercial frontages are required in subsection (d), such~~
 2 ~~uses shall not include residential uses. Residential Uses described in 790.88 are~~
 3 ~~considered active uses meeting the requirements of subsection (e) only if a majority of the~~
 4 ~~street frontage at the ground level features dwelling units with direct, individual~~
 5 ~~pedestrian access to a public sidewalk or street. Spaces accessory to residential uses,~~
 6 ~~such as fitness or community rooms, are considered active uses only if they meet the~~
 7 ~~intent of this section and have access directly to the public sidewalk or street.~~

8

9 *Table 145.1*

10 <i>Other Retail Sales and Services</i>	§ 790.102
11 <i>[Not Listed Below]</i>	
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13 <i>Bar</i>	§ 790.22
14	
15 <i>Full Service Restaurant</i>	§ 790.92
16	
17 <i>Large Fast Food Restaurant</i>	§ 790.90
18	
19 <i>Small Self Service Restaurant</i>	§ 790.91
20	
21 <i>Liquor Store</i>	§ 790.55
22	
23 <i>Other Entertainment</i>	§ 790.38
24	
25 <i>Financial Service</i>	§ 790.110
<i>Limited Financial Service</i>	§ 790.112

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<i>Medical Service</i>	§ 790.114
<i>Personal Service</i>	§ 790.116
<i>Business or Professional Service</i>	§ 790.108
<i>Automotive Service Station</i>	§ 790.17*
<i>Automotive Repair</i>	§ 790.15*
<i>Automobile Sale or Rental</i>	§ 790.12*
<i>Animal Hospital</i>	§ 790.6
<i>Trade Shop</i>	§ 790.124
<i>Video Store</i>	§ 790.135
<i>Other Institutions, Large</i>	§ 790.50
<i>Other Institutions, Small</i>	§ 790.51
<i>Public Use</i>	§ 790.80*
<i>Medical Cannabis Dispensary</i>	§ 790.141
<i>Residential Use</i>	§ 790.88*

~~SEC. 145.4. STREET FRONTAGES, DOWNTOWN AND MIXED-USE DISTRICTS.~~

1 ~~In order to preserve, enhance and promote street frontages that are pedestrian-oriented,~~
2 ~~lively, fine-grained, and provide opportunity for multiple shops and services to serve both~~
3 ~~local and citywide populations, the following rules are established in all DTR districts~~
4 ~~and other specific districts as described below:~~

5 ~~(a) **Above-Grade Parking Setback.** Except as more restrictively established in Section~~
6 ~~827, any parking built above street grade must be set back at least 25 feet on the ground~~
7 ~~floor, with the exception of space allowed for parking and loading access, building~~
8 ~~egress, and access to mechanical systems, and 15 feet at all other levels from any facade~~
9 ~~facing a street. Space for active uses as defined in this Section and permitted by the~~
10 ~~specific district in which it is located shall be provided along the frontages for the above-~~
11 ~~mentioned setback depths.~~

12 ~~(b) **Ground Floor Commercial Uses.** Active, pedestrian-oriented commercial uses, as~~
13 ~~defined in this Section and permitted by the specific district in which it is located, are a~~
14 ~~required ground floor use on street facing building frontages in the locations listed in~~
15 ~~this subsection. Where these uses are required, they shall occupy no less than 75 percent~~
16 ~~of the building frontage and shall be open at the pedestrian eye level, allowing visibility~~
17 ~~to the inside of the building. Such openings shall use clear, untinted, glass except for~~
18 ~~decorative or architectural accent. Any decorative railings or decorative grille work,~~
19 ~~other than wire mesh, which is placed in front of or behind such windows, shall be at~~
20 ~~least 75 percent open to perpendicular view. This requirement applies to the following~~
21 ~~street frontages:~~

- 22 ~~(1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827; and~~
23 ~~(2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial~~
24 ~~Special Use District.~~

25

1 ~~(3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use~~
2 ~~District, from Fell Street to Market Street.~~

3 ~~(4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown~~
4 ~~Residential Special Use District.~~

5 ~~(5) Market Street, for the entirety of the Van Ness and Market Downtown Residential~~
6 ~~Special Use District.~~

7 ~~(e) **Maximum Street-Facing Use Sizes.** An individual ground floor tenancy may not~~
8 ~~occupy more than 75 linear feet for the first 25 feet of depth from the street facing facade~~
9 ~~of a frontage on a major street. Separate individual storefronts shall wrap large ground~~
10 ~~floor uses for the first 25 feet of depth.~~

11 ~~(d) Exceptions to the requirements of this section may be granted only pursuant to the~~
12 ~~procedures of Section 309.1. of this Code.~~

13 ~~(e) **Definition of Active Uses.**~~

14 ~~(1) **Ground Floor.** Active uses at the ground floor shall include those that are oriented~~
15 ~~to public access and walk up pedestrian activity. These uses shall not include any use~~
16 ~~whose primary function is the storage of goods or vehicles, utility installations, any office~~
17 ~~use, any use oriented toward motorized vehicles, or any use or portion of a use which by~~
18 ~~its nature requires non-transparent walls facing a public street. Uses considered active~~
19 ~~uses on the ground floor shall include lobbies for any use, and the uses listed in Table~~
20 ~~145.4 and as defined by the referenced Code Sections. Uses noted with an asterisk in~~
21 ~~Table 145.4 are restricted as follows:~~

22 ~~(A) **Non-Auto Vehicle Sales and Rental** are only considered as active uses if their use is~~
23 ~~limited to the sales and rental of bicycles, or the sales of scooters or motorcycles, and no~~
24 ~~curb cuts, garage doors, or loading access are required on streets where such are~~
25 ~~restricted in this Code, and pedestrian movement on abutting sidewalks is not infringed.~~

1 ~~(B) Public Uses described in 890.80 are considered active uses except utility~~
2 ~~installations.~~

3 ~~(C) Residential Uses described in 890.88 are considered active uses only if a majority of~~
4 ~~residential uses at the ground level have direct, individual pedestrian access to a public~~
5 ~~sidewalk or street. Spaces accessory to residential uses, such as fitness or community~~
6 ~~rooms, are considered active uses only if they meet the intent of this section and have~~
7 ~~access directly to the public sidewalk or street.~~

8 ~~(D) Automobile Sale or Rental are only considered as active uses meeting the~~
9 ~~requirements of subsection (b) for frontages in the Van Ness and Market Downtown~~
10 ~~Residential Special Use District, and if no curb cuts, garage doors, or loading access are~~
11 ~~required on Van Ness Avenue or Market Street, such sales or rental activity is entirely~~
12 ~~within an enclosed building and does not encroach on surrounding sidewalks or open~~
13 ~~spaces. Such sales or rental activity shall not include auto repair or vehicle servicing~~
14 ~~functions for frontages required for active commercial uses.~~

15 ~~Table 145.4~~

16

Code	Use
Reference	
890.4	Amusement Game Arcade
890.6	Animal Hospital
890.13*	Automobile Sale or Rental
890.22	Bar
890.23	Business Goods and Equipment Sales and Repair Service

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890.34	Eating and Drinking Use
890.37	Entertainment, Other
890.39	Gift Store Tourist Oriented
890.50	Institutions, Other
890.51	Jewelry Store
890.68	Neighborhood Serving Business
890.69*	Non Auto Vehicle Sales or Rental
890.80*	Public Use
890.88*	Residential Use
890.90	Restaurant, Fast Food (Small)
890.91	Restaurant, Fast Food (Large)
890.92	Restaurant, Full Service
890.102	Sales and Service, Other Retail
890.104	Sales and Services, Retail
890.112	Service, Limited Financial
890.116	Service, Personal
890.122	Take Out Food
890.124	Trade Shop
890.140	Walk Up Facility

1 ~~(2) Floors above the Ground Floor. Active uses on floors above the ground floor shall~~
2 ~~include any use included in subsection (1) along with all office uses, all residential uses,~~
3 ~~hotels, and any industrial or light industrial use that is permitted in the district and meets~~
4 ~~the intent of this Section.~~

5 SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.

6 (a) Purpose: to support active, pedestrian-oriented commercial uses on important
7 commercial streets.

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

10 (1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section
11 827;

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

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

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

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

20 (6) 3rd Street, in the UMU districts for parcel frontages wholly contained within
21 100 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th
22 Street;

23 (7) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;

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

25

1 (9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough
2 NCT:

3 (10) Market Street, for the entirety of the NCT-3 and Upper Market NCT
4 Districts:

5 (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT
6 Districts:

7 (12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2
8 District:

9 (13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT
10 District:

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

12 (15) 24th Street, for the entirety of the 24th Street-Mission NCDNCT;

13 (16) 16th Street, between Guerrero and Capp Streets;

14 (17) 22nd Street, between Valencia and Mission Streets;

15 (18) 6th Street for its entirety within the SoMa NCT District;

16 (c) Definitions.

17 "Active commercial uses" shall include those uses specifically identified below in Table
18 145.4, and:

19 (1) Shall not include uses oriented to motor vehicles except for automobile sale or
20 rental where curb-cuts, garage doors, or loading access are not utilized or proposed,
21 and such sales or rental activity is entirely within an enclosed building and does not
22 encroach on surrounding sidewalks or open spaces;

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

24 (3) Shall not include residential care uses as defined in Sections 790.50, 790.51,
25 and 890.50.

1 Table 145.4

<u>Reference for Neighborhood Commercial Districts</u>	<u>Reference fo r Mixed Use Districts</u>	<u>Use</u>
790.4	890.4	<u>Amusement Game Arcade</u>
790.6	890.6	<u>Animal Hospital</u>
790.12	890.13	<u>Automobile Sale or Rental (see qualification, above)</u>
790.22	890.22	<u>Bar</u>
N/A	890.23	<u>Business Goods and Equipment Sales and Repair Service</u>
790.34	890.34	<u>Eating and Drinking Use</u>
790.38	890.37	<u>Entertainment, Other</u>
N/A	890.39	<u>Gift Store-Tourist Oriented</u>
790.50, 790.51	890.50	<u>Institutions, Other (see qualification, above)</u>
N/A	890.51	<u>Jewelry Store</u>
790.68	890.68	<u>Neighborhood-Serving Business</u>
N/A	890.69	<u>Non-Auto Vehicle Sales or Rental (see qualification, above)</u>
790.80	890.80	<u>Public Use (see qualification, above)</u>
790.91	890.90	<u>Restaurant, Fast-Food (Small)</u>
790.90	890.91	<u>Restaurant, Fast-Food (Large)</u>

1	<u>790.92</u>	<u>890.92</u>	<u>Restaurant, Full-Service</u>
2	<u>790.102</u>	<u>890.102</u>	<u>Sales and Service, Other Retail</u>
3			
4	<u>790.104</u>	<u>890.104</u>	<u>Sales and Services, Retail</u>
5	<u>790.110</u>	<u>890.110</u>	<u>Service, Financial</u>
6	<u>790.112</u>	<u>890.112</u>	<u>Service, Limited Financial</u>
7			
8	<u>790.114</u>	<u>890.114</u>	<u>Service, Medical</u>
9	<u>790.116</u>	<u>890.116</u>	<u>Service, Personal</u>
10	<u>790.122</u>	<u>890.122</u>	<u>Take-Out Food</u>
11			
12	<u>790.124</u>	<u>890.124</u>	<u>Trade Shop</u>
13	<u>790.140</u>	<u>890.140</u>	<u>Walk-Up Facility</u>

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(d) Controls.

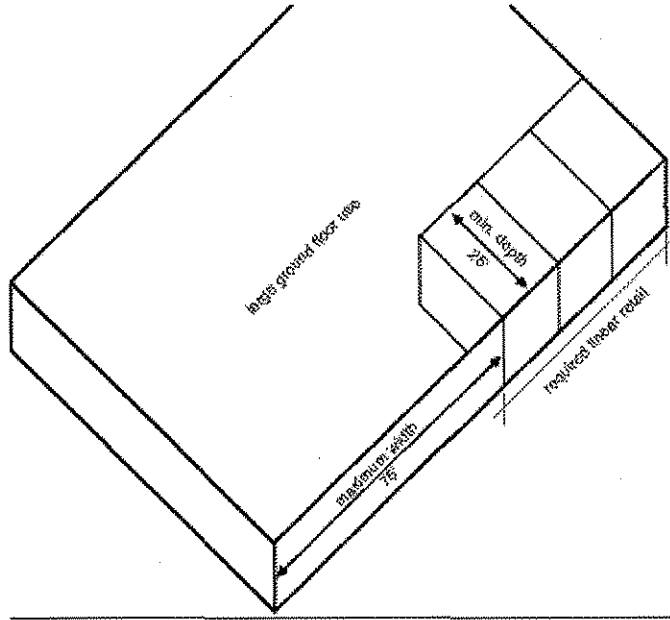
(1) Active commercial uses which are permitted by the specific district in which they are located are required on the ground floor of all street frontages listed in Subsection (b) above.

(2) Active commercial uses shall comply with the standards applicable to active uses as set forth in Section 145.1(c)(3) and shall further be consistent with any applicable design guidelines.

(3) On those street frontages listed in Subsection (b), an individual ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing façade. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of depth, as illustrated in Figure 145.4.

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Figure 145.4



(e) Modifications. Modifications to the requirements of this Section are not permitted in DTR Districts. In Neighborhood Commercial Districts, modifications to the requirements of this Section may be granted through the Conditional Use process, as set forth in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the requirements of this Section may be granted through the procedures of Section 309.2329 for projects subject to that Section or through an Administrative Modification from the Zoning Administrator for other projects, as set forth in Section 307(g).

SEC. 145.5. GROUND FLOOR STANDARDS IN PDR DISTRICTS.

All new buildings constructed in PDR Districts shall provide ground floor spaces with a minimum clear ceiling height of 15 feet, as measured from grade.

SEC. 145.6. REAR BUILDING WALLS, NCT DISTRICTS.

1 ~~(a) Applicability. This Section shall apply to all new or expanded buildings located~~
2 ~~in the SoMa NCT, Mission Street NCT, Valencia Street NCT, 24th Street Mission~~
3 ~~NCT, and NCT-2 Districts.~~

4 ~~(b) Definitions. For the purposes of this Section, a 'Green Wall' shall mean a~~
5 ~~generally vertical surface that is covered to the maximum extent feasible with~~
6 ~~climbing plants or other vegetation. In addition to plant matter, a green wall may~~
7 ~~also include growing medium, irrigation systems, or components that integrate~~
8 ~~the wall with other landscape or building systems. A Green Wall may include~~
9 ~~limited glazing or other openings so long as such openings do not detract from~~
10 ~~the growth or coverage of plant matter, or otherwise interfere with the intent of~~
11 ~~this Section.~~

12 ~~(c) Controls. In order to preserve and enhance the quality of existing mid-block~~
13 ~~open spaces in NCT Districts, the following requirements apply:~~

14 ~~(1) Buildings must provide and maintain a Green Wall along all exterior building~~
15 ~~walls which occupy space within the rearmost 5 feet of the lot. Such Green Wall~~
16 ~~shall comprise the entire rear building wall, excepting a doorway or other~~
17 ~~passage from the building's interior and space directly above that opening, and~~
18 ~~extend to at least 10 feet above grade or to the floor level of the first floor of~~
19 ~~occupancy above the ground story at the rear of the building, whichever is~~
20 ~~greater.~~

21 ~~(2) Regardless of the rear yard requirements of Section 134, buildings subject to~~
22 ~~this Section also must provide a setback of no less than 3 feet for the full width of~~
23 ~~the lot, measured from the rear lot line, to allow for access to, and maintenance~~
24 ~~of, the Green Wall. In connection with this requirement, a doorway or other~~

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1 passageway leading from the interior of the building to the maintenance setback
2 is required.

3 **SEC. 147. REDUCTION OF SHADOWS ON CERTAIN PUBLIC OR**
4 **PUBLICLY ACCESSIBLE OPEN SPACES IN C-3, SOUTH OF MARKET MIXED**
5 **USE, AND EASTERN NEIGHBORHOODS MIXED USE ~~RSD, SLR, SLI OR SSO~~**
6 **DISTRICTS.**

7 New buildings and additions to existing buildings in C-3, South of Market
8 Mixed Use, and Eastern Neighborhoods Mixed Use Districts ~~or in RSD, SLR, SLI or SSO~~
9 ~~Districts~~ where the building height exceeds 50 feet shall be shaped, consistent
10 with the dictates of good design and without unduly restricting the development
11 potential of the site in question, to reduce substantial shadow impacts on public
12 plazas and other publicly accessible spaces other than those protected under
13 Section 295. In determining the impact of shadows, the following factors shall be
14 taken into account: The amount of area shadowed, the duration of the shadow,
15 and the importance of sunlight to the type of open space being shadowed.
16 Determinations under this Section with respect to C-3 Districts shall be made in
17 accordance with the provisions of Section 309 of this Code. Determinations
18 under this Section with respect to South of Market Mixed Use and Eastern
19 Neighborhoods Mixed Use ~~RSD, SLR, SLI or SSO~~ Districts shall be made in
20 accordance with the provisions of Section 307 of this Code.

21 **SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.**

22 (a) General. This Article 1.5 is intended to assure that off-street parking
23 and loading facilities are provided in amounts and in a manner that will be
24 consistent with the objectives and policies of the San Francisco Master General
25 Plan, as part of a balanced transportation system that makes suitable provision

1 for use of both private vehicles and transit. With respect to off-street parking, this
2 Article is intended to require needed facilities but discourage excessive amounts
3 of parking, to avoid adverse effects upon surrounding areas and uses, and to
4 encourage effective use of public transit as an alternative to travel by private
5 automobile.

6 (b) Spaces Required. Off-street parking and loading spaces, according to
7 the requirements stated in this Article 1.5, shall be provided for any structure
8 constructed, and any use established, whether public or private, after the original
9 effective date of any such requirement applicable to such structure or use.

10 (c) Additions to Structure and Uses.

11 (1) For any structure or use lawfully existing on such effective date, off-
12 street parking and loading spaces need be provided only in the case of a major
13 addition to such structure or use, and only in the quantity required for the major
14 addition itself. Any lawful deficiency in off-street parking or loading spaces
15 existing on such effective date may be carried forward for the structure or use,
16 apart from such major addition.

17 (2) For these purposes, a "major addition" is hereby defined as any
18 enlargement, alteration, change of occupancy or increase in intensity of use
19 which would increase the number of off-street parking spaces required for
20 dwelling units by one or more spaces; which would increase the number of off-
21 street parking spaces required for uses other than dwelling units by at least 15
22 percent or by at least five spaces, whichever is greater; or which would increase
23 the requirement for off-street loading spaces by at least 15 percent.

24 (3) Successive additions made after the effective date of an off-street
25 parking or loading requirement shall be considered cumulative, and at the time

1 such additions become major in their total, off-street parking and loading spaces
2 shall be provided as required for such major addition.

3 (d) Spaces to be Retained. Once any off-street parking or loading space
4 has been provided which wholly or partially meets the requirements of this Code,
5 such off-street parking or loading space shall not thereafter be reduced,
6 eliminated or made unusable in any manner; provided, however, that in the Outer
7 Clement Neighborhood Commercial District a maximum of one off-street parking
8 space may be used for the storage of materials for a commercial use if the
9 commercial use is on a lot contiguous to the lot on which the parking space is
10 located and if access between the commercial use and the storage is available
11 without the use of a public sidewalk or other public right-of-way and if the storage
12 occurred prior to 1985. Any required residential parking space may be leased or
13 rented on a monthly basis to serve the resident of any dwelling unit within 1,250-
14 feet of said parking space, as provided under Section 204.5(b)(1) of this Code,
15 and such lease or rental shall not be considered a reduction or elimination of
16 required spaces.

17 (3) Any off-street parking space or spaces which existed lawfully at the effective
18 date of this Section and which have a total number in excess of the maximum permitted
19 off-street parking spaces permitted under Section 151.1 shall be considered
20 noncomplying features pursuant to Section 180(a)(2) and shall be regulated as set forth
21 in Section 188.

22 (e) Conditional Use Cases. When authorizing a conditional use under
23 Section 303 of this Code, the City Planning Commission may require such
24 additional off-street parking and loading spaces, and apply such other standards
25

1 in addition to those stated in this Article 1.5, as are in its opinion necessary to
2 secure the objectives of this Code.

3 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING**
4 **SPACES IN SPECIFIED DISTRICTS DOWNTOWN RESIDENTIAL(DTR), C-3,**
5 **NEIGHBORHOOD COMMERCIAL TRANSIT (NCT), AND RESIDENTIAL**
6 **TRANSIT-ORIENTED (RTO) DISTRICTS.**

7 (a) Applicability. This subsection shall apply only to ~~For any use in~~ DTR, NCT,
8 RTO, Eastern Neighborhood Mixed Use, PDR-1-D, and PDR-1-G or C-3 Districts.

9 (b) Controls. ~~Off-street accessory parking shall not be required for any~~
10 ~~use, and, as specified in Section 151.1 herein. The quantities of off-street parking~~
11 ~~specified in Table 151.1 shall serve as the maximum amount of off-street parking~~
12 ~~that may be provided as accessory to the uses specified. For non-residential and~~
13 ~~non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of~~
14 ~~off-street parking that may be provided as accessory shall be no more than 50% greater~~
15 ~~than that indicated in Table 151.1. For uses in DTR, NCT, and RTO districts not~~
16 ~~described in Table 151.1, the off-street requirements specified in Table 151 and set forth~~
17 ~~in Section 204.5 of this Code shall serve as maximums for the total amount of accessory~~
18 ~~parking that may be provided. For uses in C-3 Districts not described in Table 151.1,~~
19 ~~Section 204.5 shall determine the maximum permitted accessory parking that may be~~
20 ~~provided. Variances from accessory off-street parking limits, as described in this~~
21 ~~Section, may not be granted, in C-3, NCT and RTO above the maximum specified in~~
22 ~~this Section 151.1. Where off-street parking is provided that exceeds the quantities~~
23 ~~specified in Table 151.1 or as explicitly permitted by this Section set forth in Section~~
24 ~~204.5 of this Code, such parking shall be classified not as accessory parking but~~
25 ~~as either a principally permitted or conditional use, depending upon the use~~

1 provisions applicable to the district in which the parking is located. In considering
2 an application for a conditional use for any such parking due to the amount being
3 provided, the Planning Commission shall consider the criteria set forth in Section
4 157 and 157.1 of this Code.

5 (bc) Where a number or ratio of spaces are described in Table 151.1,
6 such number or ratio shall refer to the total number of parked cars
7 accommodated in the project proposal, regardless of the arrangement of parking,
8 and shall include all spaces accessed by mechanical means, valet, or non-
9 independently accessible means. For the purposes of determining the total
10 number of cars parked, the area of an individual parking space, except for those
11 spaces specifically designated for persons with physical disabilities, may not
12 exceed 185 square feet, including spaces in tandem, or in parking lifts, elevators
13 or other means of vertical stacking. Any off-street surface area accessible to motor
14 vehicles with a width of 7.5 feet and a length of 17 feet (127.5 square feet) not otherwise
15 designated on plans as a parking space may be considered and counted as an off-street
16 parking space at the discretion of the Zoning Administrator if the Zoning Administrator,
17 in considering the possibility for tandem and valet arrangements, determines that such
18 area is likely to be used for parking a vehicle on a regular basis and that such area is not
19 necessary for the exclusive purpose of vehicular circulation to the parking or loading
20 facilities otherwise permitted.

21 (ed) Any off-street parking space dedicated for use as a car-share
22 parking space, as defined in Section 166, shall not be ~~counted~~ credited toward the
23 total parking ~~allowed~~ permitted as accessory in this Section.

24
25 **Table 151.1**
OFF-STREET PARKING ~~ALLOWED~~ PERMITTED AS ACCESSORY

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

1 2 3	<u>2 bedrooms and at least 1,000 square feet of occupied floor area</u>	<u>conditions and procedures of Section 151.1(f); NP above one car for each dwelling unit.</u>
4 5 6	Dwelling units in NCT Districts	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.
7 8 9 10	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.
11 12 13	<u>Dwelling units and SRO units in UMU Districts, except as specified below</u>	<u>P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(f); NP above.</u>
14 15 16 17	<u>Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area</u>	<u>P up to 1 car for each dwelling unit and subject to the conditions of 151.1(f); NP above.</u>
18 19 20	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.
21 22 23	SRO units	P up to one car for each 20 units, plus one for the manager's dwelling unit, if any. NP above.
24 25	<u>All non-residential uses in C-3 Districts</u>	<u>Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.</u>

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<u>Hotel, inn, or hostel</u>	<u>P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.</u>
<u>Motel</u>	<u>P up to one for each guest unit, plus one for the manager's dwelling unit, if any.</u>
<u>Hospital or other inpatient medical institution</u>	<u>P up to one for each 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</u>
<u>Residential care facility</u>	<u>P up to one for each 10 residents.</u>
<u>Child care facility</u>	<u>P up to one for each 25 children to be accommodated at any one time.</u>
<u>Elementary school</u>	<u>P up to one for each six classrooms.</u>
<u>Secondary school</u>	<u>P up to one for each two classrooms.</u>
<u>Post-secondary educational institution</u>	<u>P up to one for each two classrooms.</u>
<u>Church or other religious institutions</u>	<u>P up to one for each 20 seats.</u>
<u>Theater or auditorium</u>	<u>P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.</u>
<u>Stadium or sports arena</u>	<u>P up to one for each 15 seats.</u>
<u>Medical or dental office or outpatient clinic</u>	<u>P up to one for each 300 square feet of occupied floor area.</u>

<p>1 All office uses <u>in C-3, DTR, SPD,</u> 2 <u>MUG, MUR, and MUO Districts</u></p>	<p>P up to seven percent of the gross floor area of such uses <u>and subject to the pricing conditions of Section 155(g);</u> NP above.</p>
<p>4 <u>Office uses in UMU, PDR-1-D,</u> 5 <u>and PDR-1-G Districts, except as</u> 6 <u>specified below</u></p>	<p><u>P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g);</u> NP above.</p>
<p>7 <u>Office uses in UMU, PDR-1-D,</u> 8 <u>and PDR-1-G Districts where the</u> 9 <u>entire parcel is greater than ¼-</u> 10 <u>mile from Market, Mission, 3rd and</u> 11 <u>4th Streets</u></p>	<p><u>P up to one car per 500 square feet of gross floor area;</u> NP above.</p>
<p>12 Non-residential uses in RTO 13 districts permitted under 14 Sections 209.8(e) and 2310.</p>	<p>None permitted.</p>
<p>15 All non-residential uses in NCT 16 districts except as specified 17 below</p>	<p>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.</p>
<p>20 Retail grocery store uses in 21 NCT districts with over 20,000 22 square feet of occupied floor 23 area 24 25</p>	<p>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.</p>

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<p><u>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.</u></p>	<p><u>P up to one for each 1,500 square feet of gross floor area.</u></p>
<p><u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other rRestaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise</u></p>	<p><u>P up to one for each 200 square feet of occupied floor area.</u></p>
<p><u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other rRetail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture</u></p>	<p><u>P up to one for each 1,000 square feet of occupied floor area.</u></p>
<p><u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other gGreenhouse or plant nursery</u></p>	<p><u>P up to one for each 4,000 square feet of occupied floor area.</u></p>

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<p><u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other rRetail space</u></p>	<p><u>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.</u></p>
<p><u>Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts</u></p>	<p><u>P up to one for each 1,000 square feet of occupied floor area.</u></p>
<p><u>Mortuary</u></p>	<p><u>P up to five.</u></p>
<p><u>Storage or warehouse space, and space devoted to any use first permitted in an M-2 District</u></p>	<p><u>P up to one for each 2,000 square feet of occupied floor area.</u></p>
<p><u>Arts activities and spaces except theater or auditorium spaces</u></p>	<p><u>P up to one for each 2,000 square feet of occupied floor area.</u></p>
<p><u>Laboratory</u></p>	<p><u>P up to one for each 1,500 square feet of occupied floor area.</u></p>
<p><u>Small Enterprise Workspace Building</u></p>	<p><u>P up to one for each 1,500 square feet of occupied floor area.</u></p>
<p><u>Integrated PDR</u></p>	<p><u>P up to one for each 1,500 square feet of occupied floor area.</u></p>
<p><u>Other manufacturing and industrial uses</u></p>	<p><u>P up to one for each 1,500 square feet of occupied floor area.</u></p>

1 (d) In DTR districts, any request for accessory parking in excess of what
2 is permitted by right shall be reviewed on a case-by-case basis by the Planning
3 Commission, subject to the procedures set forth in Section 309.1 of this Code. In
4 granting approval for parking accessory to residential uses above that permitted
5 by right in Table 151.1, the Commission shall make the following affirmative
6 findings:

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

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

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

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

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

23 (e) In C-3 Districts any request for accessory parking in excess of what is
24 permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by
25 the Planning Commission, subject to the procedures set forth in Section 309 of

1 this Code. In granting approval for parking accessory to residential uses above
2 that permitted by right in Table 151.1, the Planning Commission shall make the
3 following affirmative findings:

4 (1) For projects with 50 units or more, all residential accessory parking in
5 excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed
6 by mechanical stackers or lifts, valet, or other space-efficient means that allows
7 more space above-ground for housing, maximizes space efficiency and
8 discourages use of vehicles for commuting or daily errands. The Planning
9 Commission may authorize the request for additional parking notwithstanding
10 that the project sponsor cannot fully satisfy this requirement provided that the
11 project sponsor demonstrates hardship or practical infeasibility (such as for
12 retrofit of existing buildings) in the use of space-efficient parking given the
13 configuration of the parking floors within the building and the number of
14 independently accessible spaces above 0.5 spaces per unit is de minimus and
15 subsequent valet operation or other form of parking space management could
16 not significantly increase the capacity of the parking space above the maximums
17 in Table 151.1;

18 (2) For any project with residential accessory parking in excess of 0.375
19 parking spaces for each dwelling unit, the project complies with the housing
20 requirements of Sections 315 through 315.9 of this Code except as follows: the
21 inclusionary housing requirements that apply to projects seeking conditional use
22 authorization as designated in Section 315.3(a)(2) shall apply to the project.

23 (3) The findings of Section 151.1(d)(2), (d)(3) and (d)(5) are satisfied;

24 (4) All parking meets the active use and architectural screening
25 requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor

1 is not requesting any exceptions or variances requiring such treatments
2 elsewhere in this Code.

3 (f) In RTO and NCT districts, any request for accessory parking in excess
4 of what is principally permitted in Table 151.1, but which does not exceed the
5 maximum amount stated in Table 151.1, shall be reviewed ~~on a case-by-case basis~~ by
6 the Planning Commission as a Conditional Use. In MUG, MUR, MUO, and SPD
7 Districts, any project subject to Section 309-2329 and that requests residential
8 accessory parking in excess of that which is principally permitted in Table 151.1, but
9 which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by
10 the Planning Commission according to the procedures of Section 309-2329. Projects
11 that are not subject to Section 309-2329 shall be reviewed under the procedures detailed
12 in subsection (g), below. In granting such Conditional Use or exception per 309-2329
13 for parking in excess of that principally permitted in Table 151.1, the Planning
14 Commission shall make the following affirmative findings according to the uses to
15 which the proposed parking is accessory:

16 (1) Parking for all uses

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

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

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

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

3 (2) Parking for Residential Uses

4 (A) For projects with 50 dwelling units or more, all residential accessory
5 parking in excess of 0.5 spaces per unit shall be stored and accessed by
6 mechanical stackers or lifts, valet, or other space-efficient means that reduces
7 space used for parking and maneuvering, and maximizes other uses, ~~and~~
8 ~~discourages the use of vehicles for commuting for daily errands.~~

9 (3) Parking for Non-Residential Uses

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

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

24 (C) Parking shall be limited to short-term use only.

25

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

3 (g) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project that
4 is not subject to the requirements of Section 309.2329 and that requests residential
5 accessory parking in excess of what is principally permitted in Table 151.1 shall be
6 reviewed by the Zoning Administrator subject to Section 307(h). The Zoning
7 Administrator may grant parking in excess of what is principally permitted in Table
8 151.1, not to exceed the maximum amount stated in Table 151.1, only if the Zoning
9 Administrator determines that all of the following conditions are met:

10 (A) all the conditions of subsection (f)(1) above have been met.

11 (B) parking is not accessed from any protected Transit or Pedestrian Street
12 described in Section 155(r), and

13 (C) where more than ten spaces are proposed at least half of them, rounded down
14 to the nearest whole number, are stored and accessed by mechanical stackers or lifts,
15 valet, or other space-efficient means that reduces space used for parking and
16 maneuvering, and maximizes other uses.

17 **SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT**
18 **LOADING SPACES IN DISTRICTS OTHER THAN C-3, EASTERN**
19 **NEIGHBORHOODS MIXED USE DISTRICTS, OR SOUTH OF MARKET MIXED**
20 **USE DISTRICTS.**

21 In districts other than C-3, Eastern Neighborhoods Mixed Use Districts, and
22 the South of Market Mixed Use Districts, off-street freight loading spaces shall be
23 provided in the minimum quantities specified in the following table, except as
24 otherwise provided in Section 152.2 and Section 161 of this Code. The
25 measurement of gross floor area shall be as defined in this Code, except that

1 nonaccessory parking spaces and driveways and maneuvering areas incidental
 2 thereto shall not be counted.

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 4 **Table 152**
 5 **OFF-STREET FREIGHT LOADING SPACES REQUIRED (OUTSIDE C-3,**
 6 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF**
 7 **MARKET MIXED USE DISTRICTS)**

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, wholesaling, manufacturing, live/work units in newly constructed structures, and all other uses primarily engaged in the handling of goods.	0--10,000	0
	10,001--60,000	1
	60,001--100,000	2
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
Offices, hotels, apartments, live/work units not included above, and all other uses not included above	0--100,000	0
	100,001--200,000	1
	200,001--500,000	2

	over 500,000	3 plus 1 for each additional 400,000 sq. ft.
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SEC. 152.1. REQUIRED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN C-3, EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS.

In C-3, Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following Table 152.1, except as otherwise provided in Sections 153(a)(6), ~~and 161~~, and as stated below in this Section of this Code. The measurement of gross floor area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to Section 309.2329, the Planning Commission may waive these requirements per the procedures of Section 309.2329 if it finds that the design of the project, particularly ground floor frontages, would be improved and that such loading could be sufficiently accommodated on adjacent streets and alleys. For projects in the Eastern Neighborhoods Mixed Use Districts that are not subject to Section 309.2329, the Zoning Administrator may administratively waive these requirements pursuant to Section 307(h) and the criteria identified above which apply to projects subject to Section 309.2329.

Table 152.1

**OFF-STREET FREIGHT LOADING SPACES REQUIRED (IN C-3, EASTERN
NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET
MIXED USE DISTRICTS)**

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Offices and Banks		0.1 space per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)
Retail stores, restaurants, bars, nighttime entertainment and drugstores	0--10,000	0
	10,001--30,000	1
	30,001--50,000	2
	over 50,000	1 space per 25,000 sq. ft. of gross floor area (to closest whole number per Section 153)

1		0--10,000	0
2	Wholesaling, manufacturing, and all other uses primarily engaged in handling goods, and live/work units within existing buildings, within <u>Eastern Neighborhoods Mixed Use</u> <u>Districts</u> , and South of Market <u>Mixed Use</u> <u>Districts</u>	10,001-- 50,000	1
3		over 50,000	0.21 spaces per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)
4			
5	Hotels, apartments, live/work units not included above, and all other uses not included above	0-- 100,000	0
6		100,001-- 200,000	1
7		200,001-- 500,000	2
8		over 500,000	3 plus 1 space for each additional 400,000 sq. ft.
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19 **SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.**

20 (a) In the calculation of off-street parking and freight loading spaces
21 required under Sections 151, 152 and 152.1, the following rules shall apply:

22 (1) In the case of mixed uses in the same structure, on the same lot or in
23 the same development, or more than one type of activity involved in the same
24 use, the total requirements for off-street parking and loading spaces shall be the
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1 sum of the requirements for the various uses or activities computed separately,
2 including fractional values.

3 (2) Where an initial quantity of floor area, rooms, seats or other form of
4 measurement is exempted from off-street parking or loading requirements, such
5 exemption shall apply only once to the aggregate of that form of measurement. If
6 the initial exempted quantity is exceeded, for either a structure or a lot or a
7 development, the requirement shall apply to the entire such structure, lot or
8 development, unless the contrary is specifically stated in this Code. In combining
9 the requirements for use categories in mixed use buildings, all exemptions for
10 initial quantities of square footage for the uses in question shall be disregarded,
11 excepting the exemption for the initial quantity which is the least among all the
12 uses in question.

13 (3) Where a structure or use is divided by a zoning district boundary line,
14 the requirements as to quantity of off-street parking and loading spaces shall be
15 calculated in proportion to the amount of such structure or use located in each
16 zoning district.

17 (4) Where seats are used as the form of measurement, each 22 inches
18 of space on benches, pews and similar seating facilities shall be considered one
19 seat.

20 (5) When the calculation of the required number of off-street parking or
21 freight loading spaces results in a fractional number, a fraction of 1/2 or more
22 shall be adjusted to the next higher whole number of spaces, and a fraction of
23 less than 1/2 may be disregarded.

24 (6) In C-3, MUG, MUR, MUO, UMU, and South of Market Districts,
25 substitution of two service vehicle spaces for each required off-street freight

1 loading space may be made, provided that a minimum of 50 percent of the
2 required number of spaces are provided for freight loading. Where the 50 percent
3 allowable substitution results in a fraction, the fraction shall be disregarded.

4 (b) The requirements for off-street parking and loading for any use not
5 specifically mentioned in Sections 151 and 152 shall be the same as for a use
6 specified which is similar, as determined by the Zoning Administrator.

7 (c) For all uses and all districts covered by Section 151.1, the rules of
8 calculation established by subsection (a) shall apply to the determination of
9 maximum permitted spaces allowed by Section 151.1.

10 **SEC. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT**
11 **LOADING AND SERVICE VEHICLE SPACES.**

12 (a) Parking Spaces. Required parking spaces may be either
13 independently accessible or space-efficient as described in 154(a)(4) and
14 154(a)(5), except as required elsewhere in the Building Code for spaces
15 specifically designed for persons with physical disabilities. Space-efficient
16 parking is encouraged.

17 (1) Each independently accessible off-street parking space shall have a
18 minimum area of 144 square feet for a standard space and 112.5 feet for a
19 compact space, except for the types of parking authorized by (a)(4) below and
20 spaces specifically designated for person with physical disabilities, the
21 requirements for which are set forth in the Building Code. Every required space
22 shall be of usable shape. The area of any such space shall be exclusive of
23 driveways, aisles and maneuvering areas. The parking space requirements for
24 the Bernal Heights Special Use District are set forth in Section 242.

25

1 (2) Any ratio of standard spaces to compact spaces may be permitted, so
2 long as compact spaces are specifically marked and identified as a compact
3 space. Special provisions relating to the Bernal Heights Special Use District are
4 set forth in Section 242.

5 (3) Off-street parking spaces in DTR, ~~and~~ C-3, RTO, NCT, Eastern
6 Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts shall have no minimum
7 area or dimension requirements, except as required elsewhere in the Building
8 Code for spaces specifically designated for persons with physical disabilities. For
9 all uses in all Districts for which there is no minimum off-street parking requirement, per
10 Section 151.1, refer to 151.1(c) for rules regarding calculation of parking spaces.

11 (4) Parking spaces in mechanical parking structures that allow a vehicle to
12 be accessed without having to move another vehicle under its own power shall
13 be deemed to be independently accessible. Parking spaces that are accessed by
14 a valet attendant and are subject to such conditions as may be imposed by the
15 Zoning Administrator to insure the availability of attendant service at the time the
16 vehicle may reasonably be needed or desired by the user for whom the space is
17 required, shall be deemed to be independently accessible. Any conditions
18 imposed by the Zoning Administrator pursuant to this Section shall be recorded
19 as a Notice of Special Restrictions.

20 (5) Space-efficient parking is parking in which vehicles are stored and
21 accessed by valet, mechanical stackers or lifters, certain tandem spaces, or
22 other space-efficient means. Tandem spaces shall only count towards satisfying
23 the parking requirement if no more than one car needs to be moved to access
24 the desired parking space. Space-efficient parking is encouraged, and may be
25 used to satisfy minimum-parking requirements so long as the project sponsor can

1 demonstrate that all required parking can be accommodated by the means
2 chosen.

3 (6) Ground floor ingress and egress to any off-street parking spaces
4 provided for a structure or use, and all spaces to be designated as preferential
5 carpool or van pool parking, and their associated driveways, aisles and
6 maneuvering areas, shall maintain a minimum vertical clearance of seven feet.

7 (b) Freight Loading and Service Vehicle Spaces. Every required off-
8 street freight loading space shall have a minimum length of 35 feet, a minimum
9 width of 12 feet, and a minimum vertical clearance including entry and exit of 14
10 feet, except as provided below.

11 (1) Minimum dimensions specified herein shall be exclusive of platform,
12 driveways and maneuvering areas except that minimum vertical clearance must
13 be maintained to accommodate variable truck height due to driveway grade.

14 (2) The first such space required for any structure or use shall have a
15 minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical
16 clearance, including entry and exit, of 12 feet.

17 (3) Each substituted service vehicle space provided under Section
18 153(a)(6) of this Code shall have a minimum width of eight feet, a minimum
19 length of 20 feet, and a minimum vertical clearance of seven feet.

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

23 Required off-street parking and freight loading facilities shall meet the following
24 standards as to location and arrangement. In addition, facilities which are not
25 required but are actually provided shall meet the following standards unless such

1 standards are stated to be applicable solely to required facilities. In application of
2 the standards of this Code for off-street parking and loading, reference may be
3 made to provisions of other portions of the Municipal Code concerning off-street
4 parking and loading facilities, and to standards of the Bureau of Engineering of
5 the Department of Public Works. Final authority for the application of such
6 standards under this Code, and for adoption of regulations and interpretations in
7 furtherance of the stated provisions of this Code shall, however, rest with the
8 *Department of City Planning Department.*

9 (a) Every required off-street parking or loading space shall be located on
10 the same lot as the use served by it, except as provided in Sections 159, 160 and
11 161 of this Code.

12 (b) Every required off-street parking or loading space shall be located in
13 its entirety within the lot lines of private property.

14 (c) Every off-street parking or loading space shall have adequate means
15 of ingress from and egress to a street or alley. Access to off-street loading
16 spaces shall be from alleys in preference to streets.

17 Adequate reservoir space shall be provided on private property for
18 entrance of vehicles to off-street parking and loading spaces, except with respect
19 to spaces independently accessible directly from the street.

20 (1) For residential uses, independently accessible off-street parking
21 spaces shall include spaces accessed by automated garages, or car elevators,
22 lifts or other space-efficient parking as defined in Section 154(a)(4) and Section
23 154(a)(5) provided that no more than one car needs to be moved under its own
24 power to access any one space.

1 (d) All off-street freight loading and service vehicle spaces in the C-3-O,
2 C-3-R, C-3-G, DTR, MUO, MUG, MUR, and South of Market Mixed Use Districts
3 shall be completely enclosed and access from a public street or alley shall be
4 provided by means of a private service driveway, which is totally contained within
5 the structure. Such a private service driveway shall include adequate space to
6 maneuver trucks and service vehicles into and out of all provided spaces, and
7 shall be designed so as to facilitate access to the subject property while
8 minimizing interference with street and sidewalk circulation. Any such private
9 service driveway shall be of adequate width to accommodate drive-in movement
10 from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet.
11 Notwithstanding the foregoing, if an adjacent street or alley is determined by the
12 Zoning Administrator to be primarily used for building service, up to four off-street
13 freight or loading spaces may be allowed to be individually accessible directly from such
14 a street or alley, pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-
15 3-G District, ~~or~~ the provisions of Section 307(g) in a South of Market Mixed Use
16 District, the provisions of Section 309.1 in a DTR District, the provisions of Section
17 309.2329 for projects subject to Section 309.2329 in a MUO, MUG, or MUR District,
18 or by administrative decision of the Zoning Administrator for projects that do are not
19 subject to Section 309.2329 in a MUO, MUG, or MUR District, up to four spaces may
20 be allowed to be individually accessible directly from such a street or alley.

21 (e) In a C-3 or South of Market District, where site constraints would
22 make a consolidated freight loading and service vehicle facility impractical,
23 service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code
24 may be located in a parking garage for the structure or other location separate
25 from freight loading spaces.

1 (f) In a C-3, Eastern Neighborhood Mixed Use District or South of Market
2 Mixed Use District, whenever off-street freight loading spaces are provided, freight
3 elevators immediately accessible from the loading dock shall be provided to all
4 floors which contain uses that are included in the calculation of required number
5 of freight loading spaces. If freight loading facilities are subterranean, the location
6 and operation of freight elevators shall be designed, where feasible, to
7 discourage use of freight elevators for deliveries from the ground floor.
8 Directories of building tenants shall be provided at all freight elevators. A raised
9 loading dock or receiving area shall be provided with sufficient dimensions to
10 provide for short-term storage of goods. All required freight loading and service
11 vehicle spaces shall be made available only to those vehicles at all times, and
12 provision shall be made to minimize interference between freight loading and
13 service operations, and garbage dumpster operations and storage.

14 (g) In order to discourage long-term commuter parking, any off-street
15 parking spaces provided for a structure or use other than residential or hotel in a
16 C-3 District, whether classified as an accessory or conditional use, which are
17 otherwise available for use for long-term parking by downtown workers shall
18 maintain a rate or fee structure for their use such that the rate charge for four
19 hours of parking duration is no more than four times the rate charge for the first
20 hour, and the rate charge for eight or more hours of parking duration is no less
21 than 10 times the rate charge for the first hour. Additionally, no discounted
22 parking rate shall be permitted for weekly, monthly or similar time-specific
23 periods.

24
25

1 (h) The internal layout of off-street parking and loading spaces,
2 driveways, aisles and maneuvering areas shall be according to acceptable
3 standards, and all spaces shall be clearly marked.

4 (i) For each 25 off-street parking spaces provided, one such space shall
5 be designed and designated for handicapped persons.

6 (j) Except as provided by Section 155.1 and Section 155.2 below, for
7 each 20 off-street parking spaces provided, one space shall be provided for
8 parking of a bicycle. The most restrictive provisions of 155(j) or 155.4 shall
9 prevail.

10 (k) Off-street parking and loading facilities shall be arranged, designed
11 and operated so as to prevent encroachments upon sidewalk areas, bicycle
12 lanes, transit-only lanes and adjacent properties, in the maneuvering, standing,
13 queuing and storage of vehicles, by means of the layout and operation of
14 facilities and by use of bumper or wheel guards or such other devices as are
15 necessary.

16 (l) Driveways crossing sidewalks shall be no wider than necessary for
17 ingress and egress, and shall be arranged, to the extent practical, so as to
18 minimize the width and frequency of curb cuts, to maximize the number and size
19 of on-street parking spaces available to the public, and to minimize conflicts with
20 pedestrian and transit movements.

21 (m) Every off-street parking or loading facility shall be suitably graded,
22 surfaced, drained and maintained.

23 (n) Off-street parking and loading spaces shall not occupy any required
24 open space, except as specified in Section 136 of this Code.

25

1 (o) No area credited as all or part of a required off-street parking space
2 shall also be credited as all or part of a required off-street loading space, or used
3 as all or part of an unrequired off-street loading space. No area credited as all or
4 part of a required off-street loading space shall also be credited as all or part of a
5 required off-street parking space, or used as all or part of an unrequired off-street
6 parking space.

7 (p) Any off-street freight loading area located within 50 feet of any R
8 District shall be completely enclosed within a building if such freight loading area
9 is used in regular night operation.

10 (q) Rooftop parking shall be screened as provided in Section 141(d) of
11 this Code.

12 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order
13 to preserve the pedestrian character of certain downtown and neighborhood
14 commercial districts and to minimize delays to transit service, garage entries,
15 driveways or other vehicular access to off-street parking or loading (except for
16 the creation of new publicly-accessible streets and alleys) shall be regulated on
17 development lots as follows on the following street frontages:

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

20 (2) Not permitted: The entire portion of Market Street in the C-3, NCT-3
21 and Upper Market NCT Districts, Hayes Street from Franklin Street to Laguna
22 Street, Church Street in the NCT-3 and Upper Market NCT Districts, Van Ness
23 Avenue from Hayes Street to Mission Street, Mission Street from 10th Street to
24 Division Street, Octavia Street from Hayes Street to Fell Street, ~~not permitted:~~
25 Embarcadero in the DTR Districts, 22nd Street between 3rd Street and Minnesota Streets

1 within the NCT-2 District, Valencia Street between 15th and 23rd Streets in the Valencia
2 Street NCT District, Mission Street for the entirety of the Mission Street NCT District,
3 24th Street for the entirety of the 24th Street-Mission NCT, 16th Street between Guerrero
4 and Capp Streets within the Valencia Street NCT and Mission Street NCT Districts, 16th
5 St between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts, 6th Street
6 for its entirety within the SoMa NCT District, 3rd Street, in the UMU districts for 100 feet
7 north and south of Mariposa and 100 feet north and south of 20th Streets, and 4th Street
8 between Bryant and Townsend in the SLI and MUO District.

9 (3) Not permitted except with a Conditional Use authorization: The entire
10 portion of California Street, The Embarcadero, Folsom Street, Geary Street,
11 Mission Street, Powell Street and Stockton Street in the C-3 Districts, and Grant
12 Avenue from Market Street to Bush Street and Montgomery Street from Market
13 Street to Columbus Avenue, Haight Street from Market Street to Webster Street,
14 Church Street and 16th Street in the RTO District, and Duboce Street from Noe
15 Street to Market Street, Octavia Street from Fell Street to Market Street, ~~not~~
16 ~~permitted except with a conditional use permit.~~

17 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street
18 parking or loading shall be created or utilized on street frontages identified along
19 any Transit Preferential, Citywide Pedestrian Network or Neighborhood
20 Commercial Streets as designated in the Transportation Element of the General
21 Plan or official city bicycle routes or bicycle lanes, where an alternative frontage
22 is available. For bicycle lanes, the prohibition on curb cuts applies to the side or
23 sides of the street where bicycle lanes are located; for one-way bicycle routes or
24 lanes, the prohibition on curb cuts shall apply to the right side of the street only,
25 unless the officially adopted alignment is along the left side of the street. Where

1 an alternative frontage is not available, parking or loading access along any
2 Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial
3 Streets as designated in the Transportation Element of the General Plan or
4 official city bicycle lane or bicycle route, may be allowed on streets not listed in
5 subsection (2) above as an exception in the manner provided in Section 309 for
6 C-3 Districts and in Section 303 for NCT and RTO districts in cases where it can
7 be clearly demonstrated that the final design of the parking access minimizes
8 negative impacts to transit movement and to the safety of pedestrians and
9 bicyclists to the fullest extent feasible.

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

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

20 (1) Ground floor or below-grade parking and street frontages with active
21 uses.

22 (A) All off-street parking in C-3 Districts (both as accessory and principal
23 uses) shall be built no higher than the ground-level (up to a maximum ceiling
24 height of 20 feet from grade) unless an exception to this requirement is granted
25 in accordance with Section 309 and subsection 155(s)(2) or a conditional use is

1 authorized in accordance with Section 303 and subsections 155(s)(2) or
2 155(s)(3) below.

3 (B) Parking at the ground-level to the full height of the ground-level
4 parking shall be lined with active uses, as defined by Section 1415.4(e), to a
5 depth of at least 25 feet along all street frontages, except for space allowed for
6 parking and loading access, building egress, and access to mechanical systems.
7 So as not to preclude conversion of parking space to other uses in the future,
8 parking at the ground-level shall not be sloped and shall have a minimum clear
9 ceiling height of nine feet.

10 (i) Where a non-accessory off-street parking garage permitted under
11 Section 223(m)--(p) is located in the Mid-Market area described below in
12 subsection 155(s)(3)(B) and fronts more than one street of less than 45 feet in
13 width, a conditional use may be granted in accordance with Section 303 that
14 allows an exception to this requirement for one of the street frontages. The above
15 provision authorizing such conditional use shall sunset eight years from the
16 effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

17 (C) Parking allowed above the ground-level in accordance with an
18 exception under Section 309 or a conditional use in accordance with Section 303
19 as authorized by subsections 155(s)(2) or 155(s)(3) shall be entirely screened
20 from public rights-of-way in a manner that accentuates ground floor retail and
21 other uses, minimizes louvers and other mechanical features and is in keeping
22 with the overall massing and architectural vocabulary of the building's lower
23 floors. So as not to preclude conversion of parking space to other uses in the
24 future, parking allowed above the ground-level shall not be sloped and shall have
25 a minimum clear ceiling height of nine feet.

1 (2) Residential accessory parking. For residential accessory off-street
2 parking in C-3 Districts, two additional floors of above-grade parking beyond the
3 at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35
4 feet from grade, may be permitted subject to the provisions of subsections
5 155(s)(2)(A) or 155(s)(2)(B) below:

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

14 (B) As a conditional use in accordance with the criteria set forth in
15 Section 303 of this Code, provided it can be clearly demonstrated that
16 constructing the parking above-grade instead of underground would allow the
17 proposed housing to meet affordability levels for which actual production has not
18 met ABAG production targets as identified in the Housing Element of the General
19 Plan.

20 (3) Non-accessory off-street parking garages. For non-accessory off-
21 street parking garages in C-3 Districts permitted under Section 223(m)--(p), two
22 additional floors of above-grade parking beyond the at-grade parking allowed by
23 Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be
24 permitted subject to the provisions of subsections 155(s)(3)(A) or 155(s)(3)(B)
25 below:

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

9 (B) As a conditional use in accordance with the criteria set forth in
10 Section 303, provided the site contains an existing non-accessory off-street
11 surface parking lot with valid permits for such parking as of the effective date of
12 the ordinance enacting this subsection and the site is located in the following
13 Mid-Market area: Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342,
14 Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3
15 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24
16 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block
17 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and
18 64; Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54,
19 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through
20 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9
21 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79,
22 Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
23 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83,
24 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49,

25

1 50 and 51 This subsection 155(s)(3)(B) shall sunset eight years from the
2 effective date of the ordinance enacting this subsection.

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

7 (5) Parking and Loading Access.

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

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

19 **SEC. 157.1. CONDITIONAL USE APPLICATIONS FOR NON-ACCESSORY**
20 **PARKING GARAGES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS**
21 **AND DTR DISTRICTS.**

22 (a) In considering a Conditional Use application for a non-accessory parking
23 garage in Eastern Neighborhoods Mixed Use Districts and DTR Districts, the Planning
24 Commission shall affirmatively find that such facility meets all the criteria and standards
25 of this Section, as well as any other requirement of this Code as applicable.

1 (b) A non-accessory garage permitted with Conditional Use may not be permitted
2 under any condition to provide additional accessory parking for specific residential or
3 non-residential uses if the number of spaces in the garage, in addition to the accessory
4 parking permitted in the subject project or building, would exceed those amounts Not
5 Permitted by Section 151.1.

6 (c) Criteria.

7 (1) Such facility shall meet all the design requirements for setbacks from facades
8 and wrapping with active uses at all levels per the requirements of Section 145.1; and

9 (2) Such parking shall not be accessed from any protected Transit or Pedestrian
10 Street described in Section 155(r); and

11 (3) Such parking garage shall be located in a building where the ratio of gross
12 square footage of parking uses to other uses that are permitted or Conditionally
13 permitted in that district is not more than 1 to 1; and

14 (4) Such parking shall be available for use by the general public on equal terms
15 and shall not be deeded or made available exclusively to tenants, residents, owners or
16 users of any particular use or building except in cases that such parking meets the
17 criteria of subsection (d) or (e) below; and

18 (5) Such facility shall provide spaces for car sharing vehicles per the
19 requirements of Section 166 and bicycle parking per the requirements of Section 155.2;
20 and

21 (6) Such facility, to the extent open to the public per subsection (4) above, shall
22 meet the pricing requirements of Section 155(g) and shall generally limit the proposed
23 parking to short-term occupancy rather than long-term occupancy; and

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1 (7) Vehicle movement on or around the facility does not unduly impact pedestrian
2 spaces or movement, transit service, bicycle movement, or the overall traffic movement in
3 the district; and

4 (8) Such facility and its access does not diminish the quality and viability of
5 existing or planned streetscape enhancements.

6 (d) Parking of Fleet Vehicles. Parking of fleet of commercial or governmental
7 vehicles intended for work-related use by employees and not used for parking of
8 employees' personal vehicles may be permitted with Conditional Use provided that the
9 Commission affirmatively finds all of the above criteria except criteria (4) and (6).

10 (e) Pooled Residential Parking. Non-accessory parking facilities limited to use by
11 residents, tenants or visitors of specific off-site development(s) may be permitted with
12 Conditional Use provided that the Commission affirmatively finds all of the above
13 criteria under (c) except criteria (4) and (6), and provided that the proposed parking on
14 the subject lot would not exceed the maximum amounts permitted by Section 151.1 with
15 Conditional Use or 309 exception as accessory for the uses in the off-site residential
16 development. For the purpose of this subsection, an "off-site development" is a
17 development which is existing or has been approved by the Planning Commission or
18 Planning Department in the previous 12 months, is located on a lot other than the subject
19 lot, and does not include any off-street parking.

20 **SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT**
21 **LOADING AND SERVICE VEHICLE REQUIREMENTS.**

22 The following exemptions shall apply to the requirements for off-street
23 parking and loading spaces set forth in Sections 151 through 155 of this Code.
24 These provisions, as exemptions, shall be narrowly construed.

1 (a) No off-street parking shall be required for a one-family or two-family
2 dwelling where the lot on which such dwelling is located is entirely inaccessible
3 by automobile because of topographic conditions.

4 (b) No off-street loading shall be required where access to the lot cannot
5 be provided other than by means of a driveway across a sidewalk 25 feet or
6 more in width from the curb to the front lot line which would cause serious
7 disruption to pedestrian traffic.

8 (c) In recognition of the compact and congested nature of the downtown
9 area and portions of Chinatown, the accessibility of this area by public transit,
10 and programs for provision of public parking facilities on an organized basis at
11 specific locations, no off-street parking shall be required for any use, in any C-3
12 Districts, or for any use other than dwellings units where a requirement is
13 specified, in Chinatown Visitor Retail, or Chinatown Residential Neighborhood
14 Commercial Districts.

15 (d) In recognition of the small scale of development, the desirability of
16 retention and conversion of many existing buildings of established character, the
17 need to relieve congestion, and the provision of public parking facilities on an
18 organized basis at specific locations, no off-street parking shall be required for
19 any use other than dwellings in the Washington Broadway Special Use District
20 Numbers 1 and 2 as described in Section 239 of this Code and in the Chinatown
21 Community Business District, where the size of the lot does not exceed 20,000
22 square feet.

23 (e) In recognition of the close neighborhood orientation of the uses
24 provided for in Residential-Commercial Combined Districts of high density, no
25 off-street parking shall be required for any principal use in an RC-4 District for

1 which the form of measurement is occupied floor area, where the occupied floor
2 area of such use does not exceed 10,000 square feet.

3 (f) In recognition of the policies set forth in the Northeastern Waterfront
4 Plan, a part of the General Plan, the unique nature of the area and the difficulty
5 of providing vehicular access thereto, the Planning Department or Planning
6 Commission in specific cases may determine an appropriate reduction in off-
7 street parking requirements in Waterfront Special Use District Numbers 1 and 3
8 as described in Sections 240.1 and 240.3 of this Code, in authorizing any
9 principal or conditional use, respectively, under those sections. In considering
10 any such reduction, the Planning Department for principal uses, and the Planning
11 Commission for conditional uses, shall consider the following criteria:

12 (1) The anticipated parking demand to be generated by the particular use
13 contemplated;

14 (2) Accessibility to the proposed site from freeway ramps or from major
15 thoroughfares;

16 (3) Minimization of conflict of vehicular and pedestrian movements;

17 (4) The service patterns of forms of transportation other than the
18 automobile;

19 (5) The pattern of land uses and the availability of parking in the vicinity;

20 (6) The policies set forth in the Northeastern Waterfront Plan, including
21 policies concerning the relative emphasis that should be given to pedestrian and
22 vehicular movement; and

23 (7) Such other criteria as may be deemed appropriate in the
24 circumstances of the particular case.

25

1 (g) In instances in which all public agencies involved have certified by
2 resolution that the requirements of this Code (i) will be satisfied in whole or in
3 part by public off-street parking facilities constructed or authorized to be
4 constructed for a special assessment district or upon any other basis, or (ii) in C-
5 3 and NC Districts will be satisfied by a requirement of a cash contribution in an
6 amount deemed sufficient to provide for the future construction of the required
7 number of parking stalls, off-street parking required for individual buildings and
8 uses may be correspondingly reduced if the total off-street parking supply in the
9 area will nevertheless meet the requirements of this Code for all buildings and
10 uses in the area.

11 (h) The off-street parking requirements for dwelling units in the North of
12 Market Residential Special Use District, as described in Section 249.5 of this
13 Code, may be reduced by the Planning Commission pursuant to the procedures
14 for conditional use authorization set forth in Section 303 of this Code. In acting
15 upon any application for a reduction of requirements, the Planning Commission
16 shall consider the criteria set forth below in lieu of the criteria set forth in Section
17 303(c), and may grant the reduction if it finds that:

18 (1) The reduction in the parking requirement is justified by the reasonably
19 anticipated auto usage by residents of and visitors to the project; and

20 (2) The reduction in the parking requirement will not be detrimental to the
21 health, safety, convenience, or general welfare of persons residing or working in
22 the vicinity.

23 (i) In recognition of the fact that site constraints in C-3 Districts may make
24 provision of required freight loading and service vehicle spaces impractical or
25 undesirable, a reduction in or waiver of the provision of freight loading and

1 service vehicle spaces for uses in C-3 Districts may be permitted, in accordance
2 with the provisions of Section 309 of this Code. In considering any such reduction
3 or waiver, the following criteria shall be considered:

4 (1) Provision of freight loading and service vehicle spaces cannot be
5 accomplished underground because site constraints will not permit ramps,
6 elevators, turntables and maneuvering areas with reasonable safety;

7 (2) Provision of the required number of freight loading and service
8 vehicle spaces on-site would result in the use of an unreasonable percentage of
9 ground-floor area, and thereby preclude more desirable use of the ground floor
10 for retail, pedestrian circulation or open space uses;

11 (3) A jointly used underground facility with access to a number of
12 separate buildings and meeting the collective needs for freight loading and
13 service vehicles for all uses in the buildings involved, cannot be provided; and

14 (4) Spaces for delivery functions can be provided at the adjacent curb
15 without adverse effect on pedestrian circulation, transit operations or general
16 traffic circulation, and off-street space permanently reserved for service vehicles
17 is provided either on-site or in the immediate vicinity of the building.

18 (j) The off-street parking requirements for dwelling units in NC Districts,
19 as described in Article 7 of this Code, may be reduced by the Planning
20 Commission pursuant to the procedures for conditional use authorization set
21 forth in Section 303 of this Code. In acting upon any application for a reduction of
22 requirements, the Planning Commission shall consider the criteria set forth below
23 in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it
24 finds that:

25

1 (1) The reduction in the parking requirement is justified by the reasonably
2 anticipated auto usage by residents of and visitors to the project;

3 (2) The reduction in the parking requirement will not be detrimental to the
4 health, safety, convenience, or general welfare of persons residing or working in
5 the vicinity;

6 (3) The project is consistent with the existing character and pattern of
7 development in the area; and

8 (4) The project is consistent with the description and intent of the
9 neighborhood commercial district in which it is located.

10 (k) For arts activities in the RED, RSD, ~~SPD~~, SLR, SLI or SSO Districts
11 which will operate primarily during evenings and weekends, the Zoning
12 Administrator may reduce or waive the off-street parking requirement when he or
13 she determines pursuant to Section 307(g) that within an 800 foot walking
14 distance from the site the anticipated demand from the proposed project, in
15 combination with the existing nighttime and/or weekend demand for parking
16 within the same geographic area at the time of the permit application, would not
17 exceed 90 percent of the on-street or off-street parking spaces available to the
18 public within the subject area. The applicant shall provide to the Zoning
19 Administrator an acceptable parking survey and study which shows evidence of
20 existing parking resources and demand and anticipated demand generated by
21 the proposed project and nearby land uses. The Zoning Administrator may
22 impose conditions on reduction or waiver of the requirement, including, but not
23 limited to, advertising of nearby transit and parking facilities, requiring valet
24 parking services and/or leasing parking spaces on nearby lots during
25 performance or exhibition activities.

1 (l) Beginning on the effective date of Ordinance No. 412-88 (effective
2 October 10, 1988), within any South of Market *Mixed Use* District, the Zoning
3 Administrator, upon application pursuant to Section 307(g), may waive or reduce
4 the required off-street parking for any nonresidential use where he or she
5 determines that: (1) sufficient spaces to replace the waived or modified
6 requirement will be provided within a parking facility open to the public sponsored
7 by the San Francisco Parking Authority or the City and County of San Francisco;
8 (2) it is anticipated that the replacement spaces will be available not more
9 than 10 years after the parking would otherwise first be required to be available;
10 (3) the facility in question is within a walking distance, as defined in Section
11 159(d), of one-half mile; and (4) the applicant agrees to pay a one-time fee of
12 \$15,000.00 (this amount shall be adjusted annually effective April 1st of each
13 calendar year by the percentage of change in the Building Cost Index used by
14 the San Francisco Department of Building Inspection) for each space as to which
15 the requirement is waived or modified, which fee shall be deposited to the Off-
16 Street Parking Fund for the purpose of acquiring property or rights to property,
17 through lease, purchase, or other means, and design, improvement and
18 maintenance of property, for the general purpose of providing publicly accessible
19 parking within the South of Market *Mixed Use Base* District, as defined in *City*
20 Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning
21 Map of the City and County of San Francisco, which parking is reasonably
22 expected to be used by persons who live, work, shop, do business or visit in the
23 South of Market *Mixed Use Base* District. Said fee, and any interest accrued by
24 such fee, shall be used for the purposes stated herein unless it is demonstrated
25 that it is no longer needed. This payment shall be paid in full to the City prior to

1 the issuance of any temporary or other certificate of occupancy for the subject
2 property.

3 (m) Within the South of Market *Mixed Use Base* District, the required off-
4 street parking for any nonresidential principal or conditional use in structures
5 designated as landmarks, as contributory buildings within a historic district
6 identified in the approved South of Market Plan or as significant or contributory
7 buildings pursuant to Article 11 of this Code, may be modified or waived by the
8 Zoning Administrator pursuant to Section 307(g) of this Code when the Landmark
9 Preservation Advisory Board advises that the provision of parking would
10 adversely affect the landmark, significant or contributory character of the
11 structure or that modification or waiver would enhance the economic feasibility of
12 preservation of the landmark or structure.

13 (n) With respect to dwelling units in the China-town Mixed Use Districts,
14 the parking requirement may be reduced to not less than one space for each four
15 dwelling units, if the Zoning Administrator determines pursuant to Section 307(g)
16 that the reduced parking requirement is sufficient to serve the reasonably
17 anticipated auto ownership by residents of and auto usage by visitors to the
18 project.

19 (o) Within the South of Market *Mixed Use Base*-District, upon approval by
20 the Zoning Administrator pursuant to Section 307(g), the required off-street
21 parking for bars, restaurants, arts, nighttime entertainment, pool halls, and
22 neighborhood-serving retail or personal service activities may be modified,
23 reduced or waived through participation in a Parking Management Program
24 approved by the Zoning Administrator which may include, but need not be limited
25

1 to, participation in a coordinated off-site satellite parking facilities program,
2 shuttle service, specified signage and designated advertising procedures.

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

7 (a) Purpose. This Section is intended to assure that adequate measures
8 are undertaken and maintained to minimize the transportation impacts of added
9 office employment in the downtown and South of Market area, in a manner
10 consistent with the objectives and policies of the ~~Master-General~~ Plan, by
11 facilitating the effective use of transit, encouraging ridesharing, and employing
12 other practical means to reduce commute travel by single-occupant vehicles.

13 (b) Requirement. For any new building or additions to or conversion of an
14 existing building in C-3, Eastern Neighborhoods Mixed Use, and South of Market
15 Mixed Use Districts where the gross square feet of new, converted or added floor
16 area for office use equals at least 100,000 square feet, or, in the case of the SSO
17 or MUO District, 25,000 square feet, the project sponsor shall be required to
18 provide on-site transportation brokerage services for the actual lifetime of the
19 project, as provided in this Subsection. Prior to the issuance of a temporary
20 permit of occupancy (for this purpose Section 149(d) shall apply), the project
21 sponsor shall execute an agreement with the ~~Department of City~~ Planning
22 Department for the provision of on-site transportation brokerage services and
23 preparation of a transportation management program to be approved by the
24 Director of Planning and implemented by the provider of transportation brokerage
25

1 services. The transportation management program and transportation brokerage
2 services shall be designed:

3 (1) To promote and coordinate effective and efficient use of transit by
4 tenants and their employees, including the provision of transit information and
5 sale of transit passes on-site;

6 (2) To promote and coordinate ridesharing activities for all tenants and
7 their employees within the structure or use;

8 (3) To reduce parking demand and assure the proper and most efficient
9 use of on-site or off- site parking, where applicable, such that all provided parking
10 conforms with the requirements of Article 1.5 of this Code and project approval
11 requirements;

12 (4) To promote and encourage project occupants to adopt a coordinated
13 flex-time or staggered work hours program designed to more evenly distribute
14 the arrival and departure times of employees within normal peak commute
15 periods;

16 (5) To participate with other project sponsors in a network of
17 transportation brokerage services for the respective downtown, ~~or~~ South of
18 Market area, or other area of employment concentration in the Eastern Neighborhoods
19 Mixed Use Districts;

20 (6) To carry out other activities determined by the ~~Department of City~~
21 Planning Department to be appropriate to meeting the purpose of this
22 requirement.

23 **SEC. 166. CAR SHARING.**

24 (a) Findings. The Board hereby finds and declares as follows: One of the
25 challenges posed by new development is the increased number of privately-

1 owned automobiles it brings to San Francisco's congested neighborhoods.
2 Growth in the number of privately-owned automobiles increases demands on the
3 City's limited parking supply and often contributes to increased traffic congestion,
4 transit delays, pollution and noise. Car-sharing can mitigate the negative impacts
5 of new development by reducing the rate of individual car-ownership per
6 household, the average number of vehicle miles driven per household and the
7 total amount of automobile-generated pollution per household. Accordingly, car-
8 sharing services should be supported through the Planning Code when a car-
9 sharing organization can demonstrate that it reduces: (i) the number of
10 individually-owned automobiles per household; (ii) vehicle miles traveled per
11 household; and (iii) vehicle emissions generated per household.

12 (b) Definitions. For purposes of this Code, the following definitions shall
13 apply:

14 (1) A "car-share service" is a mobility enhancement service that provides
15 an integrated citywide network of neighborhood-based motor vehicles available
16 only to members by reservation on an hourly basis, or in smaller intervals, and at
17 variable rates. Car-sharing is designed to complement existing transit and bicycle
18 transportation systems by providing a practical alternative to private motor
19 vehicle ownership, with the goal of reducing over-dependency on individually
20 owned motor vehicles. Car share vehicles must be located at unstaffed, self-
21 service locations (other than any incidental garage valet service), and generally
22 be available for pick-up by members 24 hours per day. A car share service shall
23 provide automobile insurance for its members when using car share vehicles and
24 shall assume responsibility for maintaining car share vehicles.

25

1 (2) A "certified car-share organization" is any public or private entity that
2 provides a membership-based car-share service to the public and manages,
3 maintains and insures motor vehicles for shared use by individual and group
4 members. To qualify as a certified car-share organization, a car-share
5 organization shall submit a written report prepared by an independent third party
6 academic institution or transportation consulting firm that clearly demonstrates,
7 based on a statistically significant analysis of quantitative data, that such car-
8 sharing service has achieved two or more of the following environmental
9 performance goals in any market where they have operated for at least two
10 years: (i) lower household automobile ownership among members than the
11 market area's general population; (ii) lower annual vehicle miles traveled per
12 member household than the market area's general population; (iii) lower annual
13 vehicle emissions per member household than the market area's general
14 population; and (iv) higher rates of transit usage, walking, bicycling and other
15 non-automobile modes of transportation usage for commute trips among
16 members than the market area's general population. This report shall be called a
17 Car-sharing Certification Study and shall be reviewed by Planning Department
18 staff for accuracy and made available to the public upon request. The Zoning
19 Administrator shall only approve certification of a car-share organization if the
20 Planning Department concludes that the Certification Study is technically
21 accurate and clearly demonstrates that the car-share organization has achieved
22 two or more of the above environmental performance goals during a two-year
23 period of operation. The Zoning Administrator shall establish specific quantifiable
24 performance thresholds, as appropriate, for each of the three environmental
25 performance goals set forth in this subsection.

1 (3) The Planning Department shall maintain a list of certified car-share
2 organizations that the Zoning Administrator has determined satisfy the minimum
3 environmental performance criteria set forth in subsection 166(b)(2) above. Any
4 car-share organization seeking to benefit from any of the provisions of this Code
5 must be listed as a certified car-share organization.

6 (4) An "off-street car-share parking space" is any parking space generally
7 complying with the standards set forth for the district in which it is located and
8 dedicated for current or future use by any car share organization through a deed
9 restriction, condition of approval or license agreement. Such deed restriction,
10 condition of approval or license agreement must grant priority use to any certified
11 car-share organization that can make use of the space, although such spaces
12 may be occupied by other vehicles so long as no certified car-share organization
13 can make use of the dedicated car-share spaces. Any off-street car-share
14 parking space provided under this Section must be provided as an independently
15 accessible parking space. In new parking facilities that do not provide any
16 independently accessible spaces other than those spaces required for disabled
17 parking, off-street car-share parking may be provided on vehicle lifts so long as
18 the parking space is easily accessible on a self-service basis 24 hours per day to
19 members of the certified car-share organization. Property owners may enact
20 reasonable security measures to ensure such 24-hour access does not
21 jeopardize the safety and security of the larger parking facility where the car-
22 share parking space is located so long as such security measures do not prevent
23 practical and ready access to the off-street car-share parking spaces.

24 (5) A "car-share vehicle" is a vehicle provided by a certified car share
25 organization for the purpose of providing a car share-service.

1 (6) A "property owner" refers to the owner of a property at the time of
2 project approval and its successors and assigns.

3 (c**b**) Requirements for Provision of Car-Share Parking Spaces.

4 (1) In newly constructed buildings containing residential uses or existing
5 buildings being converted to residential uses, if parking is provided, car-share
6 parking spaces shall be provided in the amount specified in Table 166. In newly
7 constructed buildings in NCT, MU-G, MU-R, MU-O, UMU, DTR, and SPD Districts
8 or the Van Ness and Market Downtown Residential Special Use District
9 containing parking for non-residential uses, including non-accessory parking in a
10 garage or lot, car-share parking spaces shall be provided in the amount specified
11 in Table 166.

12 Table 166

13 **REQUIRED CAR SHARE PARKING SPACES**

14

15 Number of Residential Units	16 Number of Required Car Share Parking Spaces
17 0--49	18 0
19 50--200	20 1
21 201 or more	22 2 , plus 1 for every 200 dwelling units over 200
23 Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility	24 Number of Required Car Share Parking Spaces

25

1	0-24	0
2	25-49	1
3	50 or more	1, plus 1 for every 50
4		parking spaces over 50

5
6 (2) The required car-share spaces shall be made available, at no cost, to
7 a certified car-share organization for purposes of providing car-share services for
8 its car-share service subscribers. At the election of the property owner, the car-
9 share spaces may be provided (i) on the building site, (ii) on another off-street
10 site within 800 feet of the building site.

11 (3) Off-Street Spaces. If the car-share space or spaces are located on
12 the building site or another off-street site:

13 (A) The parking areas of the building shall be designed in a
14 manner that will make the car-share parking spaces accessible to non-resident
15 subscribers from outside the building as well as building residents;

16 (B) Prior to Planning Department approval of the first building or
17 site permit for a building subject to the car share requirement, a Notice of Special
18 Restriction on the property shall be recorded indicating the nature of
19 requirements of this Section and identifying the minimum number and location of
20 the required car-share parking spaces. The form of the notice and the location or
21 locations of the car-share parking spaces shall be approved by the Planning
22 Department;

23 (C) All car-share parking spaces shall be constructed and
24 provided at no cost concurrently with the construction and sale of units; and
25

1 (D) if it is demonstrated to the satisfaction of the Planning
2 Department that no certified car-share organization can make use of the
3 dedicated car-share parking spaces, the spaces may be occupied by non-car-
4 share vehicles; provided, however, that upon ninety (90) days of advance written
5 notice to the property owner from a certified car-sharing organization, the
6 property owner shall terminate any non car-sharing leases for such spaces and
7 shall make the spaces available to the car-share organization for its use of such
8 spaces.

9 (de) Provision of a required car-share parking space shall not be counted
10 against the number of parking spaces allowed by this Code as a principal use, an
11 accessory use, or a conditional use.

12 (ed) The Planning Department shall maintain a publicly-accessible list,
13 updated quarterly, of all projects approved with required off-street car share
14 parking spaces. The list shall contain the Assessor's Block and Lot number,
15 address, number of required off-street car share parking spaces, project sponsor
16 or property owner contact information and other pertinent information as
17 determined by the Zoning Administrator.

18 ~~SEC. 175.6. EFFECTIVE DATE OF SOUTH OF MARKET ZONING~~
19 ~~CONTROL AMENDMENTS.~~

20 ~~Any permit, including a building permit, site permit, police permit, conditional use,~~
21 ~~variance or other license, for property located in the South of Market Base District for~~
22 ~~which any application was filed prior to March 31, 1990 and approved by the~~
23 ~~Department of City Planning no later than December 31, 1990 shall be governed by the~~
24 ~~provisions of the City Planning Code in effect prior to adoption of the South of Market~~
25 ~~zoning control amendments to the Planning Code; provided, however, that such permit or~~

1 ~~permit application is subject to any City Planning Commission discretionary review~~
2 ~~policy in effect upon the date of application for any such permit; such permit is subject to~~
3 ~~any time limits imposed pursuant to the Building Code or as a condition of approval of~~
4 ~~the project; and further provided that modifications in the project which exceed the scope~~
5 ~~of such approval shall be subject to any then applicable laws.~~

6 **SEC. 175.6. EFFECTIVE DATE OF THE EASTERN NEIGHBORHOODS**

7 **ZONING CONTROLS.**

8 (a) Intent. It is the intent of this Section to provide for an orderly transition from
9 prior zoning and planning requirements to the requirements imposed in implementing the
10 Eastern Neighborhoods Controls, without impairing the validity of prior actions by the
11 City, or frustrating completion of actions authorized prior to the effective date of those
12 Controls.

13 (b) Applicability. This Section applies only to the specific types of development
14 projects identified herein and that are subject to changed regulations or procedures as a
15 result of the Eastern Neighborhoods Controls and are located in an Eastern
16 Neighborhoods Mixed Use District, an SLI District, or any PDR, R, or NC District
17 located within the boundaries of the Eastern Neighborhoods Project Area pursuant to
18 Section 327.2(l). This Section shall not apply to any other project.

19 (c) Definitions. The following definitions shall apply to this Section:

20 (1) 'Eastern Neighborhoods Controls' shall mean all Ordinances adopted in
21 furtherance of the Eastern Neighborhoods Area Plan Process, including but not limited
22 to Ordinance Numbers _____, and associated amendments to the Planning Code,
23 Zoning Map, and Administrative Code.

24 (2) 'Development Application' shall mean any application for a building permit,
25 site permit, environmental review, Conditional Use or Variance.

1 (3) 'Project Approval' shall mean any required approval or determination on a
2 Development Application that the Planning Commission, Planning Department, or
3 Zoning Administrator issues.

4 (4) 'Code Conforming Project Application' shall mean a development project
5 for which all required Development Applications, excepting an environmental
6 review application, for which a could have received Project Approvals could have
7 been issued or authorized in accordance with the provisions of the Planning Code in
8 effect when the first such application was filed with the Planning Department. Under no
9 circumstances may a Code Conforming Project make use of any community plan
10 intake process or fee schedule as set forth in Chapter 31 of the Administrative
11 Code.

12 (5) 'Entitled Project' shall mean any project for which a Project Approval was
13 granted prior to the effective date of the Eastern Neighborhoods Controls and:

14 (A) that is not, and has not been, in violation of any time limits imposed
15 pursuant to the Building Code or as a condition of approval of the project; and

16 (B) for which no certificate of occupancy or completion of any type has
17 ever been issued.

18 (6) 'Residential Project' shall mean any development project which
19 includes at least one dwelling unit, group housing bedroom, or other residential
20 use or uses.

21 (7) 'Non-Residential Project' shall mean any development project which is
22 not a Residential Project.

23 (d) Effect of Amendments on Approved Projects. A Development Application that
24 would modify an Entitled Project shall be governed by the more recent of:

25

1 ~~(1) the Planning Code in effect prior to the effective date of the Eastern~~
2 ~~Neighborhoods Controls; and~~

3 ~~(2) all current provisions of the Planning Code (including the Zoning Maps) exclusive of~~
4 ~~the Eastern Neighborhood Controls.~~

5 (e) Effect of Amendments on Projects for Which No Project Approval Has
6 Occurred. A Code Conforming Project Application for a project which a
7 Development Application first was filed with the Planning Department during any of
8 the time periods identified in this Subsection and that did not obtain Project Approval
9 prior to the effective date of the Eastern Neighborhoods Controls shall be governed by
10 Subsection (d), above, except as specifically modified below:

11 (1) For Non-Residential and Single Room Occupancy (as defined in Sec.
12 890.88(c)) Code Conforming Projects that filed a first Development Application with
13 the Planning Department prior to January 19, 2007 and for Residential Code
14 Conforming Projects, excluding Single Room Occupancy projects, that filed a first
15 Development Application with the Planning Department prior to April 1, 2006:

16 (A) Articles 1, 1.2, 1.5, and 2.5 of the Planning Code as amended by the
17 Eastern Neighborhood Controls shall apply; and

18 (B) The Planning Director may grant an increase beyond the otherwise-
19 superseded height limits of no more than 8 feet when an equal or greater increase would
20 be allowed under the Eastern Neighborhoods Controls and when such increase is
21 necessary to comply with Subsection (e)(1)(A), above.

22 (C) If compliance with Subsection (e)(1)(A) would require a substantial
23 re-design of the project or a significant change to the type or size of uses originally
24 proposed, the applicant may seek complete or partial relief from that requirement
25 through the Conditional Use authorization process as set forth in Section 303.

1 (D) Additionally, for proposed residential uses in PDR Districts
2 where such uses are not permitted under the Eastern Neighborhoods Controls,
3 Subsection (e)(1)(A), above, shall apply as if the residential use were located in
4 an Urban Mixed Use (UMU) District.

5 (2) For Non-Residential Code Conforming projects that filed a first
6 Development Application with the Planning Department between January 19, 2007 and
7 August 29, 2007:

8 (A) Subsection (e)(1), above, shall apply;

9 (B) The impact fees set forth in Section 327 of the Eastern Neighborhoods
10 Controls shall apply, except that the fees set forth in Table 327.3, regardless of fee tier,
11 shall be reduced to \$4 per gross square foot of residential use and \$3 per gross
12 square foot of non-residential use; and

13 (C) The housing requirements for residential projects as set forth in Section 319
14 of the Eastern Neighborhoods Controls shall apply.

15 (3) For Non-Residential Code Conforming projects that filed a first
16 Development Application with the Planning Department between August 30, 2007 and
17 April 17, 2008 and for Residential Code Conforming Projects that filed a first
18 Development Application with the Planning Department between April 1, 2006
19 and April 17, 2008:

20 (A) Subsection (e)(1), above, shall apply;

21 (B) The impact fees set forth in Section 327 of the Eastern Neighborhoods
22 Controls shall apply; and

23 (C) The housing requirements for residential projects as set forth in
24 Section 319 of the Eastern Neighborhoods Controls shall apply.

25 **SEC. 175.8. SUNSET FOR INTEGRATED PDR USES.**

1 Any Integrated PDR use (as defined in Sec. 890.49) permitted by this Code will require
2 conditional use authorization five years after the effective date of Ordinance Number
3 _____ in order to allow for greater scrutiny of Integrated PDR uses in light of the City's
4 Enterprise Zone Payroll Tax Credit program. The Planning Commission and Board of
5 Supervisors should consider revising this control to continue permitting Integrated PDR
6 uses if data show that 25 percent of all employees in areas Integrated PDR uses are
7 eligible for the City's Enterprise Zone Payroll Tax Credit.

8 **SEC. 175.9. DURATION OF AUTHORIZATION IN THE EASTERN**
9 **NEIGHBORHOODS.**

10 (a) This Section shall apply only to property located in any Eastern
11 Neighborhoods Mixed Use District, the SLI District, or any NCT, RTO or PDR
12 District which is located within the boundaries of the Eastern Neighborhoods
13 Project Area pursuant to Section 327.2(l).

14 (b) Notwithstanding any contrary provision in Section 175.6, should
15 Should a project not receive its first building or site permit within 36 months after
16 receiving the latter last of any required authorization under Sections 303, 305, or
17 329, authorization, then any such authorization shall expire be subject to the
18 Eastern Neighborhoods Public Benefit Fee set forth in Sections 327 et seq. at the
19 date it receives its first building or site permit.

20 (c) Any residential project subject to Subsection (b) also shall provide the
21 Planning Code's affordable housing requirements in the zoning district where the
22 subject property is located.

23 (d) Notwithstanding any contrary provision of Subsection (c) above, if a
24 residential project submitted its first application, including an environmental
25 evaluation application or any other Planning Department or Building Department

1 application before July 1, 2006 and the project is in compliance with Section
2 175.6(c)(4), then it shall provide the lesser of:

3 (1) Three additional percentage points (3%) above the Residential
4 Inclusionary Affordable Housing Program requirements that would have applied
5 to the subject project pursuant to Sections 315 et seq. at the time of first
6 application submittal or

7 (2) The Planning Code's affordable housing requirements in the zoning
8 district where the subject property is located.

9 ~~These provisions are This provision~~

10 (e) The time period in Subsection (b) is subject to the following
11 requirements: (1) the required authorization must be final and effective; and (2)
12 the 36-month time period shall be tolled until the expiration of the any appeal
13 period if no appeal is filed, or if an appeal is filed, final resolution of the any
14 appeal. This time period also shall be tolled until a final judgment is issued in
15 any litigation challenging the project authorization. The Planning Commission
16 ~~shall hold a public hearing on any expired authorization in order to finalize the~~
17 ~~expiration or, upon presentation of evidence documenting extraordinary or~~
18 ~~unusual circumstances, extend the duration of validity of the authorization.~~

19 **SEC. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN**
20 **NEIGHBORHOODS**

21 (a) Intent. As a result of the Eastern Neighborhoods Zoning Controls,
22 certain land uses that were previously permitted, particularly office and housing,
23 are no longer permitted. The purpose of this Section is to establish a time-limited
24 program wherein existing uses that have operated without the benefit of required
25 permits may seek those permits. Uses that could be "legitimized" under this

1 Section are those uses which, under the current provisions of this Code and
2 without this Section, could not otherwise seek the required permits.

3 (b) Applicability.

4 (1) Geography. This Section shall apply only to property located in the
5 Eastern Neighborhoods Mixed Use Districts, the SLI District, or any PDR District
6 which is located within the boundaries of the Eastern Neighborhoods Project
7 Area pursuant to Section 327.2(j). This Section shall not apply to any Live/Work
8 use as set forth in Section 233.

9 (2) Eligibility. Any use that is the subject of an application under this
10 Section shall be one that is determined by the Zoning Administrator as one
11 which:

12 (A) exists as of the date of the application;

13 (B) would have been principally permitted or permitted with
14 conditional use authorization under provisions of the Planning Code that were
15 effective on April 17, 2008.

16 (C) would not be permitted under current provisions of this Code;

17 (D) is a land use that either:

18 (1) has been regularly operating or functioning on a continuous
19 basis for no less than 3 2 years prior to the effective date of this Section; or

20 (2) has been functioning in the space since at least April 17, 2008,
21 and is associated with an organization, entity or enterprise which has been
22 located in this space on a continuous basis for no less than 3 2 years prior to the
23 effective date of this Section;

24 (E) is not accessory to any other use; and

25

1 (F) is not discontinued and abandoned pursuant to the provisions of
2 Section 183 that would otherwise apply to nonconforming uses.

3 (3) Sunset. All applications for a determination of eligibility under
4 Subsection (d) must be received by the Zoning Administrator within three years
5 of the effective date of this Section. If the Planning Department fails to timely
6 issue notice pursuant to Subsection (c), the Zoning Administrator may extend this
7 termination date for an additional period of time not to exceed the number of
8 days that the Department delayed in issuing the notice.

9 **(c) Notification of Program Availability.**

10 Within 90 days of the effective date of this Section, the Planning Department
11 shall cause notice to be mailed to all owners of property to which this Section
12 applies. Such notification shall consist of an explanation of this program and
13 application instructions and any other relevant information determined by the
14 Zoning Administrator.

15 **(d) Application for Eligibility.**

16 An application under this Section may include multiple tenancies and/or uses on
17 a property; however, only one application may be made per parcel for the
18 duration of the program. Such application may not involve any expansion or
19 intensification of the use in question. Any proposed expansion or intensification
20 must be made under separate application and is subject to all current provisions
21 of this Code.

22 Any application under this Subsection shall be accompanied by the following
23 materials:

24 (1) Floor plans for the entire building along with specific demarcation of
25 the space proposed for legitimization;

1 (2) evidence supporting the findings required under Subsection (b)(2)
2 above. Such evidence may include but is not necessarily limited to the following:
3 rental or lease agreements, building or other permits, utility records, business
4 licenses, or tax records; and

5 (3) notification materials, including a list of all property owners within 300
6 feet of the subject property, as set forth in Section 306.3(a)(2) and, to the extent
7 practical, a complete list of all current occupants of the subject property.

8 **(e) Determination of Eligibility.**

9 The Zoning Administrator shall determine compliance with the criteria set forth in
10 Subsection (b)(2), above, through a written decision. No less than 30 days prior
11 to making a determination, the Zoning Administrator shall mail and post a notice
12 of intent to render a determination as set forth below so that parties other than
13 the applicant are afforded the opportunity to present information which may have
14 bearing on the determination:

15 (1) By mailing notice to owners within 300 feet of the property in question
16 as set forth in Section 306.3(a)(2);

17 (2) by mailing notice to current tenants of the subject property using
18 materials submitted pursuant to Section (d)(3), above;

19 (3) by mailing notice to all individuals or neighborhood organizations
20 having made written request for notification for either (i) applications under this
21 Section or (ii) specific properties or areas; and

22 (4) by posting a notice on the subject property as set forth in Section
23 306.8.

24 **(f) Application to Legitimize.**

25

1 Uses that are determined to be in compliance with the criteria of Subsection
2 (b)(2), above, shall be governed as set forth below. Unless specifically stated by
3 the Planning Commission in the case of a Conditional Use authorization,
4 approval of any application under this Subsection shall be deemed to authorize
5 all aspects of the use and portions of the structure housing the use under the
6 Planning Code. Those portions of the use or structure that do not comply with
7 current provisions of this Code shall be deemed nonconforming uses or
8 noncomplying structures under Article 1.8 of this Code. Action under this
9 Subsection shall in no way shall affect the applicability of relevant portions of the
10 Building Code or other portions of the Municipal Code.

11 (1) Those uses which, under the provisions of this Code that were
12 applicable on April 17, 2008, would have either: (i) required Conditional Use
13 authorization pursuant to Section 303 or (ii) been principally permitted but
14 required an allocation of office space of less than 50,000 gross square feet under
15 the Annual Limit pursuant to Section 321(b)(4), may seek such authorization
16 pursuant to all requirements of the applicable Section.

17 (2) Those uses which, under the provisions of this Code that were
18 applicable on April 17, 2008, were principally permitted may seek a building
19 permit in order to legally establish the use. Upon the Department's determination
20 that the application is consistent with the enabling Zoning Administrator's
21 decision, the Planning Department shall approve such permit.

22 (3) Those uses which, under the provisions of this Code that were
23 applicable on April 17, 2008, would have required an allocation of office space of
24 50,000 or more gross square feet under the Annual Limit, may seek such
25 authorization pursuant to the requirements of Section 321; however, no

1 application may be acted on by the Planning Commission until the termination
2 date of the application period set forth in Subsection (b)(3), above. After that
3 time, Planning Department staff shall take all reasonable steps to schedule
4 pending eligible applications for Planning Commission review based on the order
5 in which a project's determination of eligibility was issued. Nothing in this Section
6 shall preclude the Director of Planning, based on the demand for participation in
7 this program, from limiting the number of projects that appear before the
8 Planning Commission in a given period of time.

9 (g) Fee payment. Any use authorized under Subsection (f) above shall pay
10 all current fees set forth in Article 3 and elsewhere in this Code. Fees may be
11 paid when required by the applicable Section or an applicant may elect to
12 participate in a deferred payment program, as specified below:

13 (1) At least 20% of applicable fees are due annually following the issuance
14 of the first site or building permit and final payment must be made within five
15 years of receiving the first building or site permit.

16 (2) The applicant may elect to pay any outstanding balance at any time
17 within these five years.

18 (3) A Notice of Special Restrictions shall be placed on the title of the
19 property specifying that additional payment is required. This Notice of Special
20 Restrictions shall be released when payment is complete.

21 (4) All outstanding fees will be adjusted annually based on the cost of
22 living as defined by the Controller's Office.

23 (5) The Department may assess an additional fee for time and materials
24 spent implementing this deferred fee program.

25

1 (6) Failure to comply with the terms of the program and associated NSR
2 as specified in this Subsection shall be deemed a violation of this Code and
3 result in an enforcement action by the Department, which may include, referral to
4 the Bureau of Delinquent Revenue and a lien on the subject property. Any
5 enforcement action also may result in additional charges or penalties to cover the
6 City's costs in the enforcement action, including, but not limited to City Attorney's
7 fees.

8 ~~SEC. 179.1. USES LOCATED IN THE EASTERN NEIGHBORHOODS PLAN~~
9 ~~AREA.~~

10 ~~The following provisions shall govern with respect to uses and features located in~~
11 ~~the Eastern Neighborhoods Plan Area to the extent that there is a conflict~~
12 ~~between the provisions of this Section and other sections contained in this Article~~
13 ~~4.7.~~

14 ~~(a) Applicability. This Section shall apply only to property located in any Eastern~~
15 ~~Neighborhoods Mixed Use District, the SLI District, or any PDR District which is~~
16 ~~located within the boundaries of the Eastern Neighborhoods Project Area~~
17 ~~pursuant to Section 327.2(j). This section shall not apply to any Live/Work units~~
18 ~~as set forth in Sec. 233.~~

19 ~~(b) Definitions. A "Recognized Existing Use" shall mean an actual use of space~~
20 ~~that existed on the effective date of Ordinance No. _____ for which the required~~
21 ~~permits have not been obtained. Such uses also may include existing office~~
22 ~~activities located within a lawfully permitted business service use, but may not~~
23 ~~include any activity located within lawfully permitted live/work use. Recognized~~
24 ~~Existing Uses shall be limited to include only an activity that:~~

- 1 ~~(1) has been regularly operating, conducting business, or otherwise functioning~~
2 ~~on a reasonably continuous basis for no less than 3 years prior to the effective~~
3 ~~date of Ordinance No. _____;~~
- 4 ~~(2) is conducted in a manner generally consistent with the nature of, and any~~
5 ~~improvements to, the space in which it exists;~~
- 6 ~~(3) is not accessory to any other use;~~
- 7 ~~(4) complies with the discontinuance and abandonment provisions of Section 183~~
8 ~~that would otherwise apply to nonconforming uses; and,~~
- 9 ~~(5) is determined to be a Recognized Existing Use by the Zoning Administrator,~~
10 ~~along with a use size and establishment date, when a property owner requests~~
11 ~~such determination and provides adequate supporting evidence, which may~~
12 ~~include but is not necessarily limited to the following: rental or lease agreements,~~
13 ~~building or other permits, utility records, business licenses, or tax records.~~
- 14 ~~(c) Lawfully Existing Uses. The following provisions shall apply to all lawful~~
15 ~~existing uses:~~
- 16 ~~(1) Any use or feature in the Eastern Neighborhoods that lawfully existed on the~~
17 ~~effective date of Ordinance No. _____ which is classified as a principal use by~~
18 ~~the enactment of Ordinance No. _____ is hereby deemed to be a permitted~~
19 ~~principal use.~~
- 20 ~~(2) Any use or feature in the Eastern Neighborhoods that lawfully existed on the~~
21 ~~effective date of Ordinance No. _____ which is classified as a conditional use by~~
22 ~~the enactment of Ordinance No. _____ is deemed to be a permitted conditional~~
23 ~~use, subject to the provisions of Section 178 of this Code.~~
- 24 ~~(3) Any use or feature in the Eastern Neighborhoods that lawfully existed on the~~
25 ~~effective date of Ordinance No. _____ and which use or feature is not permitted by~~

1 the enactment of Ordinance No. _____ is hereby deemed to be a nonconforming
2 use subject to the provisions of Sections 180 through 186.1 of this Code.

3 ~~(4) Any use or feature in the Eastern Neighborhoods that was nonconforming~~
4 ~~under Section 180 of this Code prior to the effective date of Ordinance No. _____,~~
5 ~~which is classified as a principal use by the enactment of Ordinance No. _____, is~~
6 ~~deemed to be a permitted principal use.~~

7 ~~(5) Any use or feature in the Eastern Neighborhoods that was nonconforming~~
8 ~~under Section 180 of this Code prior to the effective date of Ordinance No. _____,~~
9 ~~which is classified as a conditional use by the enactment of Ordinance No. _____,~~
10 ~~is deemed to be a permitted conditional use, subject to the provisions of Section~~
11 ~~178 of this Code.~~

12 ~~(6) Any use or feature in the Eastern Neighborhoods that was nonconforming~~
13 ~~under Section 180 of this Code prior to the effective date of Ordinance No. _____,~~
14 ~~which continues to be not permitted by operation of Ordinance No. _____, shall~~
15 ~~still be classified as a nonconforming use, subject to the provisions of Sections~~
16 ~~180 through 183 of this Code.~~

17 ~~(d) Recognized Existing Uses. A Recognized Existing Use shall be deemed to be~~
18 ~~a permitted principal use, permitted conditional use, or nonconforming use, only if~~
19 ~~the use or feature complies with all applicable conditions prescribed in this~~
20 ~~Subsection; otherwise the use or feature shall be in violation of this Code subject~~
21 ~~to the provisions of Section 176.~~

22 ~~(1) A Recognized Existing Use that is permitted as a principal use by the~~
23 ~~enactment of Ordinance No. _____, will be deemed to be a permitted principal use~~
24 ~~if:~~

25

1 ~~(A) An application is filed for all permits necessary to bring the use into~~
2 ~~compliance with applicable Codes within three years of the effective date of this~~
3 ~~Section;~~

4 ~~(B) The application is subject to only those Planning Code provisions that would~~
5 ~~have applied to the use at the time it was established, with the following~~
6 ~~exceptions:~~

7 ~~(i) any requirement for a Conditional Use authorization,~~

8 ~~(ii) any prohibition of the use itself,~~

9 ~~(iii) any off-street parking or loading requirements set forth under Article 1.5; and~~

10 ~~(C) The application does not involve any expansion or intensification of the~~
11 ~~recognized existing use, rather any such expansion or intensification would be~~
12 ~~proposed under separate application subject to all current Planning Code~~
13 ~~provisions;~~

14 ~~(D) All necessary permits and entitlements are granted; and~~

15 ~~(E) All work that is required for Code compliance under all applicable Codes is~~
16 ~~completed, including the issuance of a Certificate of Final Completion from the~~
17 ~~Department of Building Inspection, within one year of the granting of the~~
18 ~~necessary permits and entitlements, except that this time may be extended an~~
19 ~~additional one year should delays be caused by a government agency or by legal~~
20 ~~action.~~

21 ~~(2) A Recognized Existing Use that is permitted as a conditional use by the~~
22 ~~enactment of Ordinance No. _____ and would have been a principally permitted~~
23 ~~use at the time the use was established, will be deemed to be a permitted~~
24 ~~conditional use if all the criteria identified in Subsection (e)(1)(A) through~~
25 ~~(e)(1)(E), above, are met.~~

1 ~~(3) A Recognized Existing Use that is not a permitted use by the enactment of~~
2 ~~Ordinance No. _____, and would have been a principally permitted use at the time~~
3 ~~it was established, will be deemed to be a nonconforming use if all the criteria~~
4 ~~identified in Subsection (e)(1)(A) through (e)(1)(E), above, are met.~~

5 ~~(4) A Recognized Existing Use that is permitted as a conditional use by the~~
6 ~~enactment of Ordinance No. _____, and would have been permitted as a~~
7 ~~conditional use at the time it was established, will be deemed to be a permitted~~
8 ~~conditional use if:~~

9 ~~(A) Application are filed for (1) conditional use authorization pursuant to the~~
10 ~~provisions of Article 3 of this Code and (2) all permits necessary to bring the use~~
11 ~~into compliance with applicable Codes within 3 years of the effective date of this~~
12 ~~Section; and~~

13 ~~(B) The application is subject to only those Planning Code provisions which~~
14 ~~would have applied to the use at the time it was established, with the following~~
15 ~~exceptions:~~

16 ~~(i) any prohibition of the use itself, and~~

17 ~~(ii) any off-street parking or loading requirements set forth under Article 1.5; and~~

18 ~~(C) The application does not involve any expansion or intensification of the~~
19 ~~recognized existing use, rather any such expansion or intensification would be~~
20 ~~proposed under separate application subject to all current Planning Code~~
21 ~~provisions; and~~

22 ~~(D) The conditional use is authorized the City grants all and all other necessary~~
23 ~~permits and entitlements for the use; and~~

24 ~~(E) All work that is required for Code compliance under all applicable Codes is~~
25 ~~completed, including the issuance of a Certificate of Final Completion from the~~

1 Department of Building Inspection, within one year of the granting of the
2 necessary permits and entitlements, except that this time may be extended an
3 additional one year should delays be caused by a government agency or by legal
4 action.

5 ~~(5) A Recognized Existing Use that is not a permitted use by the enactment of~~
6 ~~Ordinance No. _____, and which would have been permitted as a conditional use~~
7 ~~at the time it was established, will be deemed a nonconforming use if all the~~
8 ~~criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.~~

9 ~~(6) A Recognized Existing Use that is permitted as a conditional use by the~~
10 ~~enactment of Ordinance No. _____, and which was not permitted at the time the~~
11 ~~use was established, will be deemed to be a permitted conditional use if all the~~
12 ~~criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.~~

13 ~~(e) Existing Uses Which Are Not Permitted. Any use that existed on the effective~~
14 ~~date of Ordinance No. _____ for which the required permits have not been~~
15 ~~obtained, and which use was not permitted either (1) at the time the use was~~
16 ~~established or (2) by the enactment of Ordinance No. _____ shall be in violation of~~
17 ~~this Code, subject to the provisions of Section 176 of this Code.~~

18 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS,**
19 **ALTERATIONS AND RECONSTRUCTION.**

20 The following provisions shall apply to non-conforming uses with respect
21 to enlargements, alterations and reconstruction:

22 (a) A nonconforming use, and any structure occupied by such use, shall
23 not be enlarged, intensified, extended, or moved to another location, with the
24 exception of the construction of a mezzanine within a live/work unit *and expansion*
25 *of dwelling units in PDR Districts*, unless the result will be elimination of the

1 nonconforming use, except as provided in Paragraph (b)(3) and (i) below and
2 Section 186.1 of this Code. A nonconforming use shall not be extended to
3 occupy additional space in a structure, or additional land outside a structure, or
4 space in another structure, or to displace any other use, except as provided in
5 Sections 182 and 186.1 of this Code.

6 (b) A structure occupied by a nonconforming use shall not be
7 constructed, reconstructed or altered, unless the result will be elimination of the
8 nonconforming use, except as provided in Section 186.1 of this Code and in
9 Subsections (a) above and (d), (e), (f) and (g) below, and except as follows:

10 (1) Ordinary maintenance and minor repairs shall be permitted where
11 necessary to keep the structure in sound condition, as well as minor alterations,
12 where such work is limited to replacement of existing materials with similar
13 materials placed in a similar manner.

14 (2) Minor alterations shall be permitted where ordered by an appropriate
15 public official to correct immediate hazards to health or safety, or to carry out
16 newly enacted retroactive requirements essential to health or safety.

17 (3) Alterations otherwise allowed by this Code shall be permitted for any
18 portion of the structure that will not thereafter be occupied by the nonconforming
19 use, provided the nonconforming use is not enlarged, intensified, extended, or
20 moved to another location.

21 (4) All other alterations of a structural nature shall be permitted only to
22 the extent that the aggregate total cost of such other structural alterations, as
23 estimated by the Department of Public Works, is less than 1/2 of the assessed
24 valuation of the improvements prior to the first such alteration, except that
25 structural alterations required to reinforce the structure to meet the standards for

1 seismic loads and forces of the Building Code shall be permitted without regard
2 to cost.

3 (c) A dwelling or other housing structure exceeding the permitted density
4 of dwelling units or other housing units set forth in Sections 207.5, 208, 209.1, ~~or~~
5 209.2, or 215 of this Code for the district in which it is located shall be classified
6 as a nonconforming use under Section 180 of this Code, but only to the extent
7 that such dwelling or other housing structure exceeds the permitted density. This
8 Section 181 shall apply with respect to enlargements, alterations and
9 reconstruction of the nonconforming portion of such dwelling or other housing
10 structure, consisting of those dwelling units or other housing units which exceed
11 the permitted density. Any dwelling unit or other housing unit coming within the
12 density limit shall not be affected by this Section 181. Except as provided in
13 Sections 181(h) and 182(e), no dwelling or other housing structure exceeding the
14 permitted density of dwelling units or other housing units shall be altered to
15 increase the number of dwelling units or other housing units therein, or to
16 increase or create any other nonconformity with respect to the dwelling unit or
17 other housing unit density limitations of Section 209.1 or Section 209.2.

18 (d) Notwithstanding the foregoing provisions of this Section 181, a
19 structure occupied by a nonconforming use that is damaged or destroyed by fire,
20 or other calamity, or by Act of God, or by the public enemy, may be restored to its
21 former condition and use; provided that such restoration is permitted by the
22 Building Code, and is started within one year and diligently prosecuted to
23 completion. The age of such a structure for the purposes of Sections 184 and
24 185 shall nevertheless be computed from the date of the original construction of
25 the structure. Except as provided in Subsection (e) below, no structure occupied

1 by a nonconforming use that is voluntarily razed or required by law to be razed
2 by the owner thereof may thereafter be restored except in full conformity with the
3 use limitations of this Code.

4 For purposes of this Subsection, any dwelling unit or other housing unit in
5 a structure that has, in whole or substantial part, been determined by the Director
6 of Public Works to be unsafe to occupy or that will require substantial repair due
7 to damage caused by the earthquake that occurred in San Francisco on October
8 17, 1989 and its associated aftershocks, may be restored and recorded as a
9 lawfully permitted unit even if its prior lawful existence cannot be established if
10 (1) the permit applicant can demonstrate to the satisfaction of the Zoning
11 Administrator that the unit has been occupied within one year prior to the
12 earthquake, and (2) the unit is brought into compliance with the Building Code,
13 Housing Code, Fire Code and any applicable requirements of State and Federal
14 law. Any dwelling unit or other housing unit legalized pursuant to this Subsection
15 shall be offered to the previous tenant, or if that tenant does not desire to
16 reoccupy such unit, to any tenant on reoccupancy at the rent which was charged
17 prior to the earthquake. If the amount of rent cannot be established to the
18 satisfaction of the Zoning Administrator, the Zoning Administrator shall set a rent
19 that is affordable to households making 80 percent of the median income in San
20 Francisco, according to guidelines established by the Mayor's Office of Housing.

21 (e) In order that major life safety hazards in structures may be eliminated
22 as expeditiously as possible, a structure containing nonconforming uses and
23 constructed of unreinforced masonry that is inconsistent with the requirements of
24 the UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished
25 and reconstructed with the same nonconforming use or a use as permitted by

1 Planning Code Section 182; provided that there is no increase in any
2 nonconformity, or any new nonconformity, with respect to the use limitations of
3 this Code; provided further that the current requirements of the Building Code,
4 the Housing Code and other applicable portions of the Municipal Code are met;
5 and provided further that such restoration or reconstruction is started within one
6 year after razing or other demolition work on the structure and diligently
7 prosecuted to completion.

8 (f) A nighttime entertainment use within the *South of Market*-RSD, MUG,
9 MUR, or SLR Districts may be enlarged, intensified, extended or expanded,
10 including the expansion to an adjacent lot or lots, provided that: (1) the
11 enlargement, intensification, extension or expansion is approved as a conditional
12 use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole meets
13 the parking and signage requirements, floor area ratio limit, height and bulk limit,
14 and all other requirements of this Code which would apply if the use were a
15 permitted one; and (3) the provisions of Section 803.5(ba) of this Code are
16 satisfied.

17 (g) Automotive sales and service signs within the Automotive Special
18 Use District which have all required permits but which do not comply with the
19 controls for new signs established in Section 607.3 of this Code shall be
20 permitted to remain as nonconforming uses and shall be permitted to modify the
21 signage text to describe new automobile ownerships and dealerships that may
22 occur from time to time.

23 (h) In PDR Districts, no building containing a residential use shall be altered to
24 increase the number of dwelling units or other housing units therein. However, individual
25 dwelling units or other housing units may be expanded, subject to height, bulk, and all

1 other provisions of this Code which would otherwise be applicable to dwelling units or
2 other housing units in the Urban Mixed Use District.

3 (i) In the Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts, a
4 non-residential nonconforming use may expand in gross floor area by no more than 25
5 percent with conditional use authorization pursuant to Section 303 of this Code. Such
6 conditional use authorization may not be granted for any subsequent or additional
7 expansion beyond the initial 25 percent.

8 **SEC. 182. NONCONFORMING USES: CHANGES OF USE.**

9 The following provisions shall apply to nonconforming uses with respect to
10 changes of use:

11 (a) A nonconforming use shall not be changed or modified so as to
12 increase the degree of nonconformity under the use limitations of this Code, with
13 respect to the type of use or its intensity except as provided in Section 181 for
14 nighttime entertainment activities within the ~~South of Market~~ RSD, MUG, MUR, or
15 SLR Districts and in Subsection (f) below. The degree of nonconformity shall be
16 deemed to be increased if the new or modified use is less widely permitted by the
17 use districts of the City than the nonconforming use existing immediately prior
18 thereto.

19 (b) Except as limited in this Subsection, a nonconforming use may be
20 reduced in size, extent or intensity, or changed to a use that is more widely
21 permitted by the use districts of the City than the existing use, subject to the
22 other applicable provisions of this Code. Except as otherwise provided herein,
23 the new use shall still be classified as a nonconforming use.

24 (1) A nonconforming use in a Residential District (other than a
25 Residential-Commercial Combined District or an RED District), which use is

1 located more than 1/4 mile from the nearest Individual Area Neighborhood
2 Commercial District or Restricted Use Subdistrict described in Article 7 of this
3 Code, may change to another use which is permitted as a principal use at the
4 first story and below in an NC-1 District, or it may change to another use which is
5 permitted as a conditional use at the first story and below in an NC-1 District only
6 upon approval of a conditional use application pursuant to the provisions of
7 Article 3 of this Code. If the nonconforming use is seeking to change in use to a
8 retail sales activity or retail sales establishment which is also a formula retail use,
9 as defined in Section 703.3 of this Code, it shall comply with the provisions of
10 Section 703.3 of this Code. The nonconforming use shall comply with other
11 building standards and use limitations of NC-1 Districts, as set forth in Sections
12 710.10 through 710.95 of this Code.

13 If the nonconforming use is located within 1/4 mile from any Individual
14 Area Neighborhood Commercial District or Restricted Use Subdistrict described
15 in Article 7 of this Code, the nonconforming use may change to another use
16 which is permitted as a principal use at the first story and below in an NC-1
17 District and in the Individual Area Neighborhood Commercial District or
18 Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change
19 to another use which is permitted as a conditional use at the first story and below
20 in an NC-1 District and in the Individual Area Neighborhood Commercial District
21 or Districts within 1/4 mile of the use only upon approval of a conditional use
22 application pursuant to the provisions of Article 3 of this Code. If the
23 nonconforming use is seeking to change in use to a retail sales activity or retail
24 sales establishment which is also a formula retail use, as defined in Section
25 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this

1 Code. The nonconforming use shall comply with other building standards and
2 use limitations of NC-1 Districts and any Individual Area NC District or Districts
3 located within 1/4 mile of the use, as set forth in Article 7 of this Code.

4 (2) A nonconforming use in a Residential-Commercial Combined District
5 may be changed to another use listed in Articles 2 or 7 of this Code as a principal
6 use for the district in which the existing use would first be permitted as a principal
7 or conditional use.

8 (3) A nonconforming use in a Neighborhood Commercial District may be
9 changed to another use as provided in Subsections (c) and (d) below or as
10 provided in Section 186.1 of this Code.

11 (4) A nonconforming use in any district other than a Residential,
12 Downtown Residential, or Neighborhood Commercial District may be changed to
13 another use listed in Articles 2 or 7 of this Code as a principal use for the district
14 in which the existing use would first be permitted as a principal use.

15 (5) A nonconforming use in any South of Market Mixed Use District may
16 not be changed to an office, retail, bar, restaurant, nighttime entertainment, adult
17 entertainment, hotel, motel, inn, hostel, or movie theater use in any district where
18 such use is otherwise not permitted or conditional, except as provided in
19 Subsection (g) below.

20 (c) A nonconforming use may be changed to a use listed in Articles 2 or
21 7 of this Code as a conditional use for the district in which the property is located,
22 subject to the other applicable provisions of this Code, without the necessity of
23 specific authorization by the City Planning Commission except where major work
24 on a structure is involved, and the new use may thereafter be continued as a
25 permitted conditional use, subject to the limitation of Section 178(b) of this Code.

1 (d) A nonconforming use may be changed to a use listed in Articles 2, 7
2 or 8 of this Code as a principal use for the district in which the property is located,
3 subject to the other applicable provisions of this Code, and the new use may
4 thereafter be continued as a permitted principal use.

5 (e) A nonconforming use in an R District subject to termination under the
6 provisions of Section 185 of this Code may be converted to a dwelling unit
7 without regard to the requirements of this Code with respect to dwelling unit
8 density under Article 2, dimensions, areas and open space under Article 1.2, or
9 off-street parking under Article 1.5, provided the nonconforming use is eliminated
10 by such conversion, provided further that the structure is not enlarged, extended
11 or moved to another location, and provided further that the requirements of the
12 Building Code, the Housing Code and other applicable portions of the Municipal
13 Code are met.

14 (f) Any nonconforming use in an RED District may change to any use
15 falling within zoning categories 816.36, 816.42 through 816.47, 816.55, or 816.64
16 through 816.67, subject to the applicable provisions of this Code other than those
17 controlling uses, and the new use may thereafter continue as a nonconforming
18 use.

19 (g) Once a nonconforming use has been changed to a principal or
20 conditional use permitted in the district in which the property is located, or
21 brought closer in any other manner to conformity with the use limitations of this
22 Code, the use of the property may not thereafter be returned to its former
23 nonconforming status, except that:

24 (1) Any area which is used as a live/work unit shall be allowed to return
25 to its former nonconforming status.

1 (2) Within any South of Market Mixed Use District, any area occupied by a
2 nonconforming office use which is changed to an arts, home and/or business
3 service use falling within zoning categories 102.2 or 816.42 through 816.47 or a
4 wholesale, storage or light manufacturing use falling within zoning categories
5 816.64 through 816.67 shall be allowed to return to its former nonconforming
6 office use.

7 (3) Upon restoration of a previous nonconforming use as permitted by
8 Subsection (1) or (2) above, any modification, enlargement, extension, or change
9 of use, from circumstances which last lawfully existed prior to the creation of the
10 live/work unit, or prior to the change from office use, shall be subject to the
11 provisions of this Article, and the restored nonconforming use shall be
12 considered to have existed continuously since its original establishment, prior to
13 the live/work unit or change to office use, for purposes of this Article.

14 (h) If a nonconforming use has been wrongfully changed to another use
15 in violation of any of the foregoing provisions, and the violation is not immediately
16 corrected when required by the Zoning Administrator, the wrongful change shall
17 be deemed to be a discontinuance or abandonment of the nonconforming use
18 under Section 183 of this Code.

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

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

22 TABLE INSET:

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Public Use Districts	

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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
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
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
RTO	Residential Transit-Oriented Neighborhood Districts
<u>RTO-M</u>	<u>Residential Transit-Oriented – Mission Neighborhood Districts</u>
Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District

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NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial District	
Inner Clement Street Neighborhood Commercial District	
Outer Clement Street Neighborhood Commercial District	
Upper Fillmore Street Neighborhood Commercial District	
Haight Street Neighborhood Commercial District	
Hayes-Gough Neighborhood Commercial District	
Inner Sunset Neighborhood Commercial District	
Upper Market Street Neighborhood Commercial District	
North Beach Neighborhood Commercial District	
Polk Street Neighborhood Commercial	

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District	
Sacramento Street Neighborhood Commercial District	
Union Street Neighborhood Commercial District	
<i>Valencia Street Neighborhood Commercial District</i>	
24th Street Mission Neighborhood Commercial District	
24th Street-Noe Valley Neighborhood Commercial District	
West Portal Avenue Neighborhood Commercial District	
Neighborhood Commercial Transit Districts (NCT)	
<u>NCT-2</u>	<u>Small-Scale Neighborhood Commercial Transit District</u>
NCT-3	Moderate Scale Neighborhood Commercial Transit District
Individual Area Neighborhood Commercial Transit (NCT) Districts	
Hayes-Gough NCT	
Upper Market NCT	
<u>Valencia Street NCT</u>	
<u>24th Street – Mission NCT</u>	

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<u>Mission Street NCT</u>	
<u>SoMa NCT</u>	
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
<u>Commercial Districts</u>	
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
<u>Industrial Districts</u>	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts

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<u>PDR-1-B</u>	<u>Production Distribution and Repair – Light Industrial Buffer</u>
<u>PDR-1-D</u>	<u>Production Distribution and Repair – Design</u>
<u>PDR-1-G</u>	<u>Production Distribution and Repair - General</u>
<u>PDR-2</u>	<u>Core Production Distribution and Repair – Bayview</u>
<u>Chinatown Mixed Use Districts</u>	
<u>(Also see Article 8)</u>	
—	
<u>CCB</u>	<u>Chinatown Community Business District</u>
<u>CR/NC</u>	<u>Chinatown Residential/Neighborhood Commercial District</u>
<u>CVR</u>	<u>Chinatown Visitor Retail District</u>
South of Market Use <u>Mixed Use</u> Districts	
(Also see Article 8)	
RED	Residential Enclave Districts
SPD	South Park District
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District

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<u>Eastern Neighborhoods Mixed Use Districts</u>	
<u>(Also see Article 8)</u>	
<u>SPD</u>	<u>South Park District</u>
<u>MUG</u>	<u>Mixed Use – General</u>
<u>MUO</u>	<u>Mixed Use – Office</u>
<u>MUR</u>	<u>Mixed Use – Residential</u>
<u>UMU</u>	<u>Urban Mixed Use</u>
Downtown Residential Districts (Also see Article 8)	
RH-DTR	Rincon Hill Downtown Residential
<u>SB-DTR</u>	<u>South Beach Downtown Residential</u>
Mission Bay Districts (Also see Article 9)	
MB-R-1	Mission Bay Lower Density Residential District
MB-R-2	Mission Bay Moderate Density Residential District
MB-R-3	Mission Bay High Density Residential District
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District

1	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
2	MB-O	Mission Bay Office District
3	MB-CI	Mission Bay Commercial-Industrial District
4	MB-H	Mission Bay Hotel District
5	MB-CF	Mission Bay Community Facilities District
6	MB-OS	Mission Bay Open Space District
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8 **SEC. 202. USES PERMITTED BY THIS CODE.**

9 (a) The use limitations of this Code shall be set forth in Articles 2, 6, 7, 8
10 and 9 for the use districts of the City, as established by Sections 201, 701, 801
11 and 902 of this Code and as shown on the Zoning Map referred to in Section 105
12 of this Code, subject to the provisions of Section 105. The uses permitted under
13 this Code shall consist of the following:

14 (1) Principal uses, permitted as of right in each established district where
15 listed for that class of districts in Articles 2, 7, 8 and 9 as regulated herein and
16 elsewhere in this Code;

17 (2) Conditional uses, permitted in each established district when
18 authorized by the City Planning Commission under Section 303 of this Code,
19 where listed for that class of districts in Articles 2, 7, 8 and 9 and as regulated
20 herein and elsewhere in this Code;

21 (3) Accessory uses for such permitted principal and conditional uses, as
22 defined and regulated in Sections 204 through 204.5, Section 703.2(b)(1)(C),
23 Section 803.3(b)(1)(C), Section 903(a)(3) and Section 986 of this Code. Any use
24 not qualified under such sections as an accessory use shall be classified as a
25 principal or conditional use.

1 (b) Permitted uses shall include in each established district such uses not
2 specifically listed in Articles 2, 7 or 8 of this Code as are from time to time
3 determined by the Zoning Administrator to be permitted uses in accordance with
4 Section 307(a) of this Code.

5 (c) No use shall be permitted in any R District, C District, PDR-1 Districts
6 or M-1 District which by reason of its nature or manner of operation creates
7 conditions that are hazardous, noxious or offensive through emission of odor,
8 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
9 excessive noise.

10 (d) Except as specifically provided herein to the contrary, the provisions
11 of Articles 2, 7, 8 and 9 of this Code shall apply to all uses, properties and
12 developments, both public and private, including those of the City and County of
13 San Francisco.

14 **SEC. 204. ACCESSORY USES, GENERAL.**

15 Subject to the limitations set forth in this Code, and especially as specified in
16 Sections 204.1 through 204.5, a related minor use which is either (a) necessary
17 to the operation or enjoyment of a lawful principal use or conditional use, or (b)
18 appropriate, incidental and subordinate to any such use, and (c) in the case of
19 Internet Services Exchange as defined in Section 209.6(c) which use does not
20 exceed 25,000 gross square feet of floor area or use more than two megawatts
21 of back-up power generators, shall be permitted as an accessory use when
22 located on the same lot; provided, however, that in the Outer Clement
23 Neighborhood Commercial District the storage of materials for a commercial use
24 shall be permitted as an accessory use if the storage occurred prior to 1985, if it
25 is within 200 feet of the use to which it is accessory, if it is accessible to the

1 principal permitted use without the use of a public sidewalk or other public right-
2 of-way, and if the provision of storage would not conflict with the provisions of
3 Section 145.1 relating to street frontage in N-C Districts. In PDR Districts,
4 accessory uses to non-office uses (as defined in Section 890.70) may occupy space which
5 is non-contiguous or on a different story as the principal use so long as the accessory use
6 is located in the same building as the principal use and complies with all other
7 restrictions applicable to such accessory uses.

8 **SEC. 204.4. DWELLING UNITS ACCESSORY TO OTHER USES.**

9 (a) In any R, NC, or C District, one dwelling unit to serve as the
10 residence of a manager and the manager's family shall be permitted as an
11 accessory use for any permitted hotel, motel or group housing structure, without
12 any such structure being classified as a dwelling for purposes of this Code due to
13 the presence of such dwelling unit.

14 (b) In any NC, C, ~~or~~ M, PDR, or Eastern Neighborhood Mixed Use District,
15 dwelling units which are integrated with the working space of artists, artisans and
16 other craftspersons shall be permitted as an accessory use to such working
17 space, when such dwelling units are occupied by a group of persons including no
18 more than four adults, and where the occupancy meets all applicable provisions
19 of the Building Code and Housing Code.

20 (c) In any M District, one dwelling unit or other form of habitation to serve
21 as the residence of a caretaker and the caretaker's family shall be permitted as
22 an accessory use for any permitted principal or conditional use in such district,
23 where the operation of such use necessitates location of such residence in such
24 district.

25 **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

1 In order to be classified as an accessory use, off-street parking and loading shall
2 meet all of the following conditions:

3 (a) Such parking or loading facilities shall be located on the same lot as
4 the structure or use served by them. (For provisions concerning required parking
5 on a separate lot as a principal or conditional use, see Sections 156, 159, 160
6 and 161 of this Code.)

7 (b) Such parking or loading facilities shall be for use by the occupants,
8 patrons, employees or services of the structure or use to which they are
9 accessory. Accessory parking facilities for any dwelling in any R District shall be
10 limited, further, to storage of private passenger automobiles, private automobile
11 trailers and boats, and trucks of a rated capacity not exceeding 3/4 ton.

12 (c) Accessory parking facilities shall include only those facilities which do
13 not exceed the following amounts for a structure, lot or development: three
14 spaces where one space is required by this Code; four spaces where two spaces
15 are required by this Code; 150 percent of the required number of spaces where
16 three or more spaces are required by this Code; and, in all districts other than
17 NC, 15 spaces or seven percent of the total gross floor area of the structure or
18 development, whichever is greater, or in NC Districts, three spaces, where no off-
19 street parking spaces are required by this Code. For purposes of calculation
20 under the last provision just stated, gross floor area shall be as defined by this
21 Code, and the area considered to be devoted to parking shall be only the parking
22 spaces and aisles, excluding entrance and exit driveways and ramps. Off-street
23 parking facilities which exceed the amounts stated in this Subsection (c) shall be
24 classified as either a principal or a conditional use, depending upon the use
25 provisions applicable to the district in which such facilities are located. This

1 subsection (c) does not apply to districts subject to Section 151.1, which
2 establishes maximum amounts of accessory parking for all uses in those
3 districts.

4 **SEC. 205. TEMPORARY USES, GENERAL.**

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

10 (b) Action upon such uses shall be by the ~~City~~ Planning Commission,
11 subject to all the requirements for conditional uses in Sections 303 and 306
12 through 306.5 of this Code; except that uses listed in Section 205.1, uses listed
13 in Section 205.2 if located in a PDR, C, or M District, and uses listed in Section
14 205.3 within the South of Market Mixed Use Districts and Eastern Neighborhoods
15 Mixed Use dDistricts, may be authorized by the Zoning Administrator without a
16 public hearing.

17 (c) Wherever a use exists at the effective date of this Code or of an
18 amendment thereto under which such use is classified as a temporary use, or
19 wherever a use is being conducted under a temporary use authorization given
20 prior to such a date, such use may be continued for the maximum term specified
21 therefor~~e~~, calculated from said effective date or date of authorization. No such
22 use shall continue thereafter unless a temporary use authorization shall have
23 been sought and obtained under a new application. Continuance of a temporary
24 use beyond the date of expiration of the period authorized therefor~~e~~, or failure to
25

1 remove a structure for such temporary use within 10 days thereafter, shall
2 constitute a violation of this Code.

3 **SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.**

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

6 (a) Neighborhood carnival, exhibition, celebration or festival sponsored
7 by an organized group of residents in the vicinity or, in PDR, C₂ or M Districts,
8 sponsored by property owners or businesses in the vicinity;

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

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

13 **SEC. 205.3. TEMPORARY USES: TWENTY-FOUR-HOUR LIMIT.**

14 Within the South of Market Mixed Use Districts and Eastern Neighborhoods
15 Mixed Use Districts, a temporary use may be authorized for a period not to
16 exceed 24 hours per event once a month for up to 12 events per year per
17 premises for any of the following uses:

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

22 (b) A performance, dance or party requiring a liquor license, dance, live
23 entertainment and/or other City permit, an art exhibit, or other similar exhibition in
24 each case if sponsored by a residential or commercial tenant or group of tenants
25

1 or owner-occupants of the property or structure in which the temporary use is
2 authorized.

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

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

10 **SEC. 206. DESCRIPTION AND PURPOSE OF RESIDENTIAL**
11 **DISTRICTS.**

12 The following statements of description and purpose outline the main
13 functions of the R (Residential) Districts in the zoning plan for San Francisco,
14 supplementing the statements of purpose contained in Section 101 of this Code.
15 These districts are established for purposes of implementing the Residence
16 element and other elements of the ~~Master~~ General Plan, according to the
17 objectives, principles and policies stated therein. Among these purposes are the
18 following:

19 (a) Preservation, improvement and maintenance of the existing housing
20 stock through protection of neighborhood environments and encouragement of
21 sound ownership practices and rehabilitation efforts;

22 (b) Recognition and protection of the architectural characteristics and
23 densities of existing residential areas;

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1 (c) Maximizing of housing choice by assuring the availability of quality
2 owner and rental housing of various kinds, suitable for a whole range of
3 household types, lifestyles and economic levels;

4 (d) Encouragement of residential development that will meet outstanding
5 community needs, provide adequate indoor and outdoor spaces for its
6 occupants, and relate well to the character and scale of existing neighborhoods
7 and structures; and

8 (e) Promotion of balanced and convenient neighborhoods having
9 appropriate public improvements and services, suitable nonresidential activities
10 that are compatible with housing and meet the needs of residents, and other
11 amenities that contribute to the livability of residential areas.

12 Additional purposes for Eastern Neighborhoods and South of Market R-and
13 Mixed Use Districts are listed in Article 8, ~~Sections 813 through 818~~ of this Code.

14 **SEC. 206.5. RTO-M (RESIDENTIAL, TRANSIT-ORIENTED - MISSION**
15 **NEIGHBORHOOD) DISTRICT.**

16 This district is intended to recognize, protect, conserve and enhance areas
17 characterized by a mixture of houses and apartment buildings, covering a range of
18 densities and building forms, in the Mission District. The RTO-M district is composed of
19 multi-family moderate-density areas, primarily areas formerly designated RM and RH-3,
20 and are well served within short walking distance, generally less than 1/4-mile, of transit
21 and neighborhood commercial areas. Transit available on nearby Mission Street is
22 frequent and/or provides multiple lines serving different parts of the city or region.
23 Limited small-scale neighborhood-oriented retail and services is common and permitted
24 throughout the neighborhood on corner parcels only to provide goods and services to
25 residents within walking distance, but the districts are otherwise residential. Only retail

1 compatible with housing, generally those permitted in NC-1 Districts, is permitted and
2 auto-oriented uses are not permitted. Hours of operation are restricted and off-street
3 parking is not permitted for these very locally-oriented uses.

4 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and
5 structures typically range from two to five stories in height. While some one- and two-
6 family structures are present, the character of the district is primarily of structures with
7 three or more units of a range of sizes and types suitable for a variety of households.
8 Buildings are moderately scaled and segmented, and units or groups of units have
9 separate entrances directly from the street. The overall residential density is regulated by
10 the permitted and required height, bulk, setbacks, and open space of each parcel, along
11 with residential design guidelines. Because of the high availability of transit service and
12 the proximity of retail and services within walking distance, many households do not own
13 cars; it is common that not every dwelling unit has a parking space and overall off-street
14 residential parking is limited. Open space is provided on-site, in the form of rear yards,
15 decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks,
16 plazas, and enhanced streetscapes.

17 **SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT**
18 **DENSITIES.**

19 The following rules shall apply in the calculation of dwelling unit densities
20 under this Code:

21 (a) The entire amount of lot area per dwelling unit specified in Sections
22 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot.
23 Fractional numbers shall be adjusted downward to the next lower whole number
24 of dwelling units.
25

1 (b) Where permitted by the provisions of Sections 207.5, 209.1 and
2 209.2 of this Code, two or more of the dwelling and other housing uses specified
3 in said sections may be located on a single lot, either in one structure or in
4 separate structures, provided that the specified density limits are not exceeded
5 by the total of such combined uses. Where dwelling units and group housing are
6 combined, the maximum permitted density for dwelling units and for group
7 housing shall be prorated to the total lot area according to the quantities of these
8 two uses that are combined on the lot.

9 (c) Where any portion of a lot is narrower than five feet, such a portion
10 shall not be counted as part of the lot area for purposes of calculating the
11 permitted dwelling density.

12 (d) No private right-of-way used as the principal vehicular
13 access to two or more lots shall be counted as part of the lot area of any such lot
14 for purposes of calculating the permitted dwelling unit density.

15 (e) Where a lot is divided by a use district boundary line, the dwelling unit
16 density limit for each district shall be applied to the portion of the lot in that
17 district, and none of the dwelling units attributable to the district permitting the
18 greater density shall be located in the district permitting the lesser density.

19 (f) In RTO and RTO-M districts, dwelling units that are affordable (meeting
20 the criteria of Section 326.3(h)(2)(B) or the requirements of Section 315) shall not
21 count toward density calculations or be limited by lot area.

22 **SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD**
23 **COMMERCIAL DISTRICTS.**

24 The density of dwelling units in Neighborhood Commercial Districts shall
25 be as stated in the following subsections:

1 (a) The rules for calculation of dwelling unit densities set forth in Section
 2 207.1 of this Code shall apply in Neighborhood Commercial Districts, except that
 3 any remaining fraction of 1/2 or more of the minimum amount of lot area per
 4 dwelling unit shall be adjusted upward to the next higher whole number of
 5 dwelling units.

6 The dwelling unit density in Neighborhood Commercial Districts shall be at
 7 a density ratio not exceeding the number of dwelling units permitted in the
 8 nearest Residential District, provided that the maximum density ratio shall in no
 9 case be less than the amount set forth in the following table. The distance to
 10 each Residential District shall be measured from the midpoint of the front lot line
 11 or from a point directly across the street therefrom, whichever permits the greater
 12 density.

13 TABLE INSET:

NC District	Residential Density Limits
NC-1	One dwelling unit for each 800 sq. ft of lot area.
NC-2	
NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	One dwelling unit for each 600 sq. ft. of lot area.

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Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Union Street	
Valencia Street	
24th Street-Mission	
24th Street-Noe Valley	
Broadway	One dwelling unit for each 400 sq. ft. of lot area.
Hayes-Gough	
Upper Market Street	
North Beach	
Polk Street	

(b) The dwelling unit density for dwellings specifically designed for and occupied by senior citizens or physically handicapped persons shall be at a density ratio not exceeding twice the number of dwelling units permitted by the limits set forth in Subsection (a).

(c) The dwelling unit density in NCT districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk,

1 setbacks, open space, exposure, and unit mix, as well as by applicable design
2 guidelines, applicable elements and area plans of the General Plan, and design
3 review by the Planning Department.

4 **SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE**
5 **DISTRICTS.**

6 (a) The dwelling unit density in the Chinatown Mixed Use District shall be
7 at a density ratio not exceeding the amount set forth in the following Table
8 207.5(a):

9
10 **Table 207.5(a)**
11 **Density of Dwelling Units in Chinatown Mixed Use Districts**

12 TABLE INSET:

General Area District	Residential Density Limits
Chinatown Community Business	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Residential Neighborhood Commercial	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Visitor Retail	One dwelling unit for each 200 sq. ft. of lot area

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1 (b) Except as indicated in Paragraph (c) below, the dwelling unit density
 2 in the South of Market Mixed Use Districts shall not exceed the amount set forth
 3 in the following table:

4 **Table 207.5(b)**
 5 **Density of Dwelling Units in South of Market Mixed Use Districts**
 6

7 TABLE INSET:

General Area District	Residential Density Limits
Residential Enclave (RED)	One dwelling unit for each 400 sq. ft. of lot area
South Park (SPD)	One dwelling unit for each 600 sq. ft. of lot area
Residential Service (RSD) Service/Light Industrial/Residential (SLR), Service/Secondary Office (SSO)	One dwelling unit for each 200 sq. ft. of lot area except that which project above 40 feet in height, a higher density may be allowed as a conditional use in accordance with the provisions of 303(c) of this Code.

1 (c) There shall be no density limit for single room occupancy (SRO) units
2 in any South of Market Mixed Use District.

3 (d) There shall be no density limit for any residential use, as defined by
4 Section 890.88 in any DTR district.

5 (e) There shall be no density limits for any residential use, as defined by Section
6 890.88, in the Eastern Neighborhoods Mixed Use Districts.

7 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX ~~AND UNIT~~**
8 **DIVISION RESTRICTIONS IN RTO, ~~AND NCT, DTR, AND EASTERN~~**
9 **NEIGHBORHOODS MIXED USE DISTRICTS.**

10 (a) Purpose. In order to foster flexible and creative infill development while
11 maintaining the character of the district, ~~d~~ Dwelling unit density is not controlled by
12 lot area in RTO, ~~and NCT, and Eastern Neighborhoods Mixed Use~~ Districts, ~~which are~~
13 well-served by transit and services within walking distance, but rather by the physical
14 constraints of ~~the~~ this Code (such as height, bulk, setbacks, open space, and
15 dwelling unit exposure), ~~in order to foster flexible and creative infill development while~~
16 maintaining the character of the district. However, to ensure an adequate supply of
17 family-sized units in existing and new housing stock, subdivision of existing units is
18 restricted and new residential construction must include a minimum percentage of
19 units of at least 2 bedrooms ~~or more~~.

20 (b) Applicability.

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

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

1 (3) This Section does not apply to buildings for which 100 percent of the
2 residential uses are: group housing, dwelling units which are provided at below market
3 rates pursuant to Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units,
4 student housing (as defined in Sec. 315.1.38), or housing specifically and permanently
5 designated for seniors or persons with physical disabilities. In RTO and NCT districts,
6 for newly constructed residential projects or additions with 5 dwelling units or greater,
7 no less than 40 percent of all dwelling units on site must have at least two bedrooms or
8 more. This requirement does not apply to group housing; housing designated for seniors
9 or persons with physical disabilities; or permanently affordable housing projects meeting
10 the criteria of Section 326.3(h)(2)(b).

11 (c) Controls.

12 (1) For the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3
13 districts, no less than 40 percent of the total number of dwelling units on site shall
14 contain at least two bedrooms. Any fraction resulting from this calculation shall be
15 rounded to the nearest whole number of dwelling units. While existing dwelling units in
16 buildings which do not comply with this Subsection need not be expanded to meet this
17 requirement, all new dwelling units shall provide at least two bedrooms when less than
18 40 percent of the total number of dwelling units contain less than two bedrooms.

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

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

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

4 (d) Modifications.

5 (1) In NCT and RTO Districts, these requirements may be waived or modified
6 with Conditional Use Authorization. In addition to those conditions set forth in Section
7 303, the Planning Commission shall consider the following criteria:

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

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

12 (2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be
13 waived in return for provision of family-sized affordable units, pursuant to Section
14 319.4(b). To receive this waiver, 100 percent of the total number of inclusionary units
15 required under Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also
16 in Eastern Neighborhoods Mixed Use Districts, these requirements may be waived or
17 modified through the Variance process set forth in Section 305, or in the case of projects
18 subject to Section ~~309.2329~~, through the procedures of that section.

19 ~~(43) In DTR Districts, these requirements may be modified per the procedures of~~
20 ~~Section 309.1. The Planning Commission may waive the requirements of subsection (b)~~
21 ~~via Conditional Use procedures with one or more of the following affirmative findings:~~
22 ~~(1) the project demonstrates a need or mission to serve unique populations, or (2) the~~
23 ~~project site or subject building features physical constraints that make it unreasonable to~~
24 ~~fulfill the requirement.~~

1 ~~(c) The Planning Commission may waive the requirements of subsection (b) via~~
2 ~~Conditional Use procedures with one or more of the following affirmative findings:~~

3 ~~(1) the project demonstrates a need or mission to serve unique populations, or (2)~~

4 ~~(d) Division of any existing dwelling unit into two or more units in RTO and NCT~~
5 ~~districts shall be permitted only if it meets both of the following conditions:~~

6 ~~The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms;~~

7 ~~and~~

8 ~~At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in~~
9 ~~size.~~

10 **SEC. 207.8. DIVISION OF DWELLING UNITS IN THE RTO AND NCT**

11 **DISTRICTS.**

12 In order to ensure an adequate supply of family-sized units in existing and new housing
13 stock, the subdivision of existing units is restricted. The division of any existing dwelling
14 unit into two or more units in RTO and NCT districts shall be permitted only if it meets
15 both of the following conditions:

16 (a) The existing unit exceeds 2,000 occupied square feet or contains more than 3
17 bedrooms; and

18 (b) At least one of the resulting units is no less than 2 bedrooms and 1,250 square
19 feet in size.

20 **SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.**

21 Except for single room occupancy units in the South of Market Mixed Use
22 Districts ~~Special Use District~~, the density limitations for group housing, as
23 described in Sections 209.2(a), (b), and (c), 790.88(b) and 890.88(b) of this
24 Code, shall be as follows:

1 (a) The maximum number of bedrooms on each lot shall be as specified
 2 in the following table for the district in which the lot is located, except that in RTO,
 3 RTO-M, UMU, MUG, MUR, MUO, SPD, DTR and all NCT districts the density of
 4 group housing shall not be limited by lot area, and except that for lots in NC
 5 Districts, the group housing density shall not exceed the number of bedrooms
 6 permitted in the nearest Residential District provided that the maximum density
 7 not be less than the amount permitted by the ratio specified for the NC District in
 8 which the lot is located.

9
 10 **Table 208**
 11 **MAXIMUM DENSITY FOR GROUP HOUSING**

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70
NC-1	275
NC-2	

1	NC-S	
2	Inner Sunset	
3	Sacramento Street	
4	West Portal Avenue	
5		
6		
7	NC-3	210
8	NC-S	
9	Castro Street	
10	Inner Clement Street	
11	Outer Clement Street	
12	Upper Fillmore Street	
13	Haight Street	
14	Union Street	
15		
16	Valencia Street	
17	24th Street Mission	
18	24 th Street-Noe Valley	
19		
20		
21	Broadway	140
22	Upper Market Street	
23	North Beach	
24	Polk Street	
25		

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2	Chinatown Community	70
3	Business	
4	Chinatown Residential	
5	Neighborhood	
6	Commercial	
7	Chinatown Visitor	
8	Retail	
9		
10	RED	140
11	RSD, SLR, SLI and SSO	70
12		
13	SPD	210

14 (b) For purposes of calculating the maximum density for group housing
15 as set forth herein, the number of bedrooms on a lot shall in no case be
16 considered to be less than one bedroom for each two beds. Where the actual
17 number of beds exceeds an average of two beds for each bedroom, each two
18 beds shall be considered equivalent to one bedroom.

19 (c) The rules for calculation of dwelling unit densities set forth in Section
20 207.1 shall also apply in calculation of the density limitations for group housing,
21 except that in NC Districts, any remaining fraction of 1/2 or more of the maximum
22 amount of lot area per bedroom shall be adjusted upward to the next higher
23 whole number of bedrooms.

24 (d) The group housing density in all RTO districts and all NCT districts,
25 as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable

1 requirements and limitations elsewhere in this Code, including but not limited to
 2 height, bulk, setbacks, open space, and exposure, as well as by the Residential
 3 Design Guidelines in RTO districts, other applicable design guidelines, applicable
 4 elements and area plans of the General Plan, and design review by the Planning
 5 Department.

6 **SEC. 209.1. DWELLINGS.**

7

8	RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
9																
10	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(a) One-family dwelling having side yards
11		P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Other one-family dwelling.
12			P	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.
13				P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(d) Other two-family dwelling.
14					P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Three-family dwelling.
15					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
16					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
17					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
18					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
19					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
20					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
21					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
22					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
23					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
24					P	P	P	P	P	P	<u>P</u>	P	P	P	P	
25					P	P	P	P	P	P	<u>P</u>	P	P	P	P	

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	C	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.
			C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
				C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.

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					P	NA	NA	NA	NA	<u>NA</u>	P	NA	NA	NA	(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.
						P	NA	NA	P	<u>P</u>		P	NA	NA	(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.
							P	NA	C	<u>P</u>			P	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.

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							P	C	P				P	(I) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to 3/4 of a dwelling unit.
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P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(m) Dwelling specifically designed for and occupied by senior citizens or physically handicapped persons, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district. Such dwellings shall be limited to such occupancy for the actual lifetime of the building by the requirements of State or Federal programs for housing for senior citizens or physically handicapped persons, or otherwise by design features and by legal arrangements approved as to form by the City Attorney and satisfactory to the Department of City Planning.
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(n) Dwelling at a density not limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by the Residential Design Guidelines and other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. In lieu of the conditions of Section 303, the Planning Commission shall affirmatively find all of the following: (1) the proposed project has a physical design and articulation compatible with the character of surrounding

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SEC. 209.2. OTHER HOUSING.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
			C	C	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Group housing, boarding: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity and sorority house but shall not include group

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															housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by this Code. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Group housing, religious orders: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a

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															religious order calling for collective work or worship and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Group housing, medical and educational institutions: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time

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																and housing six or more persons in a space not defined by this Code as a dwelling unit, where such facility is affiliated with and operated by a medical or educational institution as defined and regulated by Sections 209.3(a), (g), (h) and (i) of this Code but not located on the same lot as such institution and not used for inpatient care. Such housing shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	<u>C</u>	C	C	C	C		(d) Hotel, inn or hostel

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															medical institution which includes facilities for inpatient 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	<u>P</u>	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

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															facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 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	<u>C</u>	C	C	C	C	(c) Residential care facility meeting all applicable requirements of Subsection

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															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	<u>P</u>	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed 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	<u>C</u>	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 13

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															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	<u>C</u>	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	<u>C</u>	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study.

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															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	<u>C</u>	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

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															industrial arts as its primary course of study.
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 who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)
											P	P	P	P	(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that:

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														<p>(a) 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;</p> <p>(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 recreation buildings as defined in Section 209.4(a) of this Code, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the</p>
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														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
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																					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 which have made a written request for notification of regarding specific properties, areas or 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; and (h) after this 30 day period, the Planning Commission shall schedule
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													obtain a permit or must cease operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in continuous operation since then, but can demonstrate to the Planning Department, based on any criteria it may develop, that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, also have 18 months from the effective date of this legislation to obtain a permit or must cease
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																								<p>operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be considered to be in continuous operation. Any dispensary operating in a Residential-House or Residential-Mixed district of the City or which began operation after April 1, 2005, must immediately cease operations; (j) any permit issued for a medical cannabis dispensary shall contain the following statement in</p>
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														business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC Districts, see also Section 209.9(d).)
										C	C	C	C	(b) Private lodge, private clubhouse, private recreational facility or community facility other than as specified in Subsection 209.4(a) above, and which is not operated as a gainful business. (With respect to RC Districts, see

															also Section 209.9(d.)
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SEC. 209.5. OPEN RECREATION AND HORTICULTURE.

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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	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(a) Open recreation area not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business and is devoted to outdoor recreation such as golf, tennis or riding.
P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Open space used for horticultural or passive recreational

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																<p>purposes which is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include but not necessarily be limited to a park, playground, plant nursery, rest area, community garden or neighborhood garden.</p>
P	P	P	P	P	P	P	P	P	C	<u>C</u>	P	P	P	P		<p>(c) Greenhouse, plant nursery, truck garden</p>

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																or other land or structure devoted to cultivation of plants of any kind, either with or without retail or wholesale sales on the premises. (With respect to RC Districts, see also Section 209.9(d).)
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SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Utility

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															installation, including but not necessarily limited to water, gas, electric, transportation or communications utilities, or public service facility, except as stated in Section 209.6(c), provided that operating requirements necessitate placement at this location.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Utility Installation that is an Internet Services Exchange defined as a location that contains any of the following uses (excluding any commercial wireless transmitting, receiving or relay facility described in Sections 227(h) and 227(i)): switching equipment (whether wireline or wireless) that joins or

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															of the immediate vicinity, and meeting the requirements of Article 1.5 of this Code.
NA	NA	NA	NA	NA	NA	NA	NA	NA	C	<u>C</u>	NA	NA	NA	NA	(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section 155(r) and 144., and the car share requirements of section 166.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(c) Access driveway to property in C or M District, or to property in an R District in which the permitted dwelling unit density is greater than that permitted in

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															the district where the driveway is located, provided that a solid fence, solid wall, or compact evergreen hedge, not less than six feet in height, is maintained along such driveway to screen it from any adjoining lot in any R District. Such driveway shall meet the applicable requirements of Article 1.5 of this Code.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(d) Off-street parking facility to serve a use permitted in any R District, when such parking is not classified as accessory parking for such use, under the

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														provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking shall meet, where applicable, the requirements of Section 156 for parking lots, Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of this Code. In considering any application for a conditional use for such parking where the amount of parking provided exceeds the amount classified as accessory parking in Section
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														204.5, the Planning Commission shall consider the criteria set forth in Section 157 of this Code. In RTO districts, such parking shall also be subject to criteria and requirements of Sections 158.1, 144, and 155(r).
								<u>P</u>	<u>P</u>					<u>(e) Off-street car share parking spaces for car sharing vehicles, whether required or not, meeting the standards of Section 166.</u>

SEC. 209.8. COMMERCIAL ESTABLISHMENTS.

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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	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
											P	NA	NA	NA	(a) Except for message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 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	(b) Except for message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a

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													principal use in a C-1 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
										P	P	P	(c) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 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	C	C	(d) Except for

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															message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
									P	<u>P</u>					(e) Any use meeting the standards and limitations set forth in Section 2370: Limited Corner Commercial Uses in RTO Districts.

SEC. 209.9. OTHER USES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
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P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.	
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.	
SEE SECTIONS 205 THROUGH 205.2														(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.		
												P	P	P	P	(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.

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C	C	C	C	C	C	C	C	C	C	<u>C</u>						(e) Any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that:
																(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and

															(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.
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C	C	C	C	C	C	C	C	C	C	<u>C</u>				(f) Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the live/work unit, that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use, and further subject to Section 303(c)(6)(B) where that Section applies.

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										P	P	P	P	(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.
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C	C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
											P	P	P	P	(i) Arts activities except those uses subject to Sections 209.3(d) or (h).

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C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(j) Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches.
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SEC. 210. DESCRIPTION AND PURPOSE OF COMMERCIAL, INDUSTRIAL, AND PRODUCTION/DISTRIBUTION/REPAIR DISTRICTS.

The following statements of description and purpose outline the main functions of the C (Commercial), M (Industrial), and PDR (Production, Distribution, and Repair) Districts in the zoning plan for San Francisco,

1 supplementing the statements of purpose contained in Section 101 of this Code.
2 The emphasis, in the case of these districts, is upon the allocation of adequate
3 areas in proper locations for the carrying on of business and industry to serve
4 City, regional and national needs and provide San Francisco with a sound and
5 growing economic base.

6 ~~The description and purpose statement for Neighborhood Commercial Districts are listed~~
7 ~~in Article 7, Sections 710.1 through 728.1. The description and purpose statements for~~
8 ~~South of Market Districts are listed in Article 8, Sections 813 through 818 of this Code.~~

9 **SEC. 210.8 PDR-1-B DISTRICTS: LIGHT INDUSTRIAL BUFFER.**

10 ~~The intent of this~~ These districts ~~is~~ are intended to create a buffer area between
11 residential neighborhoods and light industrial areas, primarily in the Bayview
12 Hunters Point neighborhood. Thus, this district prohibits residential uses and limits
13 office, retail, and institutional uses. Generally, all other uses are permitted. This zone
14 allows for less intensive production, distribution, and repair PDR activities that will
15 not compromise the quality of life of nearby residents. These uses generate less
16 external noise, odors, and vibrations and engage in fewer trucking activities than
17 those permitted in PDR-2 districts. Uses in this district are generally conducted
18 completely within enclosed structures. Small-scale retail and office uses are
19 permitted, as are other activities that may serve well to buffer existing residential
20 neighborhoods from areas of concentrated industrial operations. In considering
21 any new land use not contemplated in this District, the Zoning Administrator shall take
22 into account the intent of this District as expressed in this Section and in the General
23 Plan.

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1 **SEC. 210.9. PDR-1-D DISTRICT: DESIGN.**

2 *The intention of this district is to retain and encourage less-intensive production,*
3 *distribution, and repair businesses, especially the existing clusters of design-related*
4 *businesses. Thus, this district prohibits residential uses (except for student housing)*
5 *and office, and limits office, retail, and institutional uses. Additionally, this district*
6 *prohibits heavy industrial uses, which generate external noise, odors, and vibrations and*
7 *engage in frequent trucking activities. Generally, all other uses are permitted. In*
8 *considering any new land use not contemplated in this District, the Zoning Administrator*
9 *shall take into account the intent of this District as expressed in this Section and in the*
10 *General Plan.*

11 **SEC. 210.10. PDR-1-G DISTRICT: GENERAL.**

12 *The intention of this district is to retain and encourage existing production,*
13 *distribution, and repair activities and promote new business formation. Thus, this district*
14 *prohibits residential and office uses and limits office, retail, and institutional uses.*
15 *Additionally, this district allows for more intensive production, distribution, and repair*
16 *activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all*
17 *other uses are permitted. In considering any new land use not contemplated in this*
18 *District, the Zoning Administrator shall take into account the intent of this District as*
19 *expressed in this Section and in the General Plan.*

20 **SEC. 210.911. PDR-2 DISTRICTS: CORE PRODUCTION,**
21 **DISTRIBUTION, AND REPAIR.**

22 *The intent of this ~~These~~ districts is to encourage the introduction,*
23 *intensification, and protection of a wide range of light and contemporary industrial*
24 *activities. Thus, this district, while prohibiting new housing, large office*
25 *developments, large-scale retail, and the heaviest of industrial uses, such as*

1 incinerators. Generally, all other uses are permitted. The conservation of existing
2 flexible industrial buildings is also encouraged. These districts permit certain non-
3 industrial, non-residential uses, including small-scale retail and office,
4 entertainment, certain institutions, and similar uses that would not create conflicts
5 with the primary industrial uses or are compatible with the operational
6 characteristics of businesses in the area. Light industrial uses in these districts
7 may be conducted entirely within an enclosed structure, partly within enclosed
8 structures, or some functions may occur entirely in open areas. These uses may
9 require trucking activity multiple times per day, including trucks with up to 18
10 wheels or more, and occurring at any time of the day or night. As part of their
11 daily operations, PDR activities in these areas may emit noises, vibrations,
12 odors, and other emissions, as permitted by law. Within the requirements of
13 local, state, and federal health and safety regulations, and within the stipulation
14 of this code, which may impose additional use size maximums and minimum
15 distance requirements on certain activities, raw materials used for production,
16 manufacturing, repair, storage, research, and distribution may be stored on site
17 and may include chemical, biological, and other hazardous, explosive, or
18 flammable materials. In considering any new land use not contemplated in this District,
19 the Zoning Administrator shall take into account the intent of this District as expressed in
20 this Section and in the General Plan.

21 **SEC. 215. DWELLINGS.**

22 TABLE INSET:
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C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	PDR-1-B	PDR-2	
													SEC. 215 DWELLINGS.
P	P	P	P	P	P	C	C	C					(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street there from, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less

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												than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of 1/2 or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.
		C	C	C	C							(b) Dwelling at a density ratio greater than that set forth in Subsection (a), to be determined by the City Planning Commission

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																							(d) Student housing, as defined in 315.1(38). In the PDR 1-D District, density limits and dwelling unit mix requirements do not apply. So long as these dwelling units are affiliated with and operated by an accredited post-secondary educational institution, the inclusionary housing requirements of Section 315 shall not apply. In the PDR 1-D District, the accredited post-secondary educational institution to which the student housing is affiliated must also contain educational facilities within the PDR 1-D District.	
	N A	N A	N A	N A	N A	N A	N A	NA	N A															

1 **SEC. 216. OTHER HOUSING.**

2 **TABLE INSET:**

3	C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
4														
5														
6														SEC. 216 OTHER
7														HOUSING.
8														(a) Group housing,
9														providing lodging or both
10														meals and lodging, without
11														individual cooking facilities,
12														by prearrangement for a
13														week or more at a time, in a
14														space not defined by this
15														Code as a dwelling unit.
16	P	P	P	P	P	P	P	C	C					Such group housing shall
17														include but not necessarily
18														be limited to a
19														boardinghouse, guesthouse,
20														rooming house, lodging
21														house, residence club,
22														commune, fraternity or
23														sorority house, monastery,
24														nunnery, convent or ashram.
25														It shall also include group
														housing affiliated with and
														operated by a medical or
														educational institution, when

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											<p>not located on the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for all group housing described in this subsection shall be based in this subsection shall be based upon the density limitations for group housing in the nearest R District, following the same rules as those set forth in Section 215(a) of this Code for dwelling unit densities in C and M Districts.</p>
											<p>(b) Hotel, inn or hostel containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as described</p>

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																							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	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf, C</u> <u>above</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf, C</u> <u>above</u>	P under 7,500 gsf	P under 5,000 gsf	(c) Clinic primarily providing outpatient care in medical, 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	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u>	P under 5,000 gsf	P under 5,000 gsf	(d) Social service or philanthropic facility providing assistance of a										

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												charitable or public service nature.
										<u>P</u>		(e) 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.
												(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the
										<u>P</u> <u>under</u> <u>20,000</u> <u>gsf if</u> <u>no</u> <u>housing</u> <u>g</u>	P under 20,000 gsf if no housing	
	P	P	P	P	P	C	P	P				
	P	P	P	P	P	P	P	P				

1														institution.
2														(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.
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10	P	P	P	P	P	P	P	P						
11												<i>P</i>		
12												<i>under</i>	P under	
13												<i>20,000</i>	20,000	
14												<i>gsf if</i>	gsf if no	
15												<i>no</i>	housing	
16												<i>housing</i>		
17												<i>g</i>		
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19														(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education,
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21	P	P	P	P	P	P	P	P						
22												<i>P</i>		
23												<i>under</i>	P under	
24												<i>20,000</i>	20,000	
25												<i>gsf if</i>	gsf if no	
												<i>no</i>	housing	
												<i>housing</i>		
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													which <i>is required</i> <i>to submit an</i> <i>institutional master</i> <i>plan pursuant to</i> <i>institution has met</i> <i>the applicable</i> <i>provisions of</i> Section 304.5 of this Code <i>concerning</i> <i>institutional master</i> <i>plans.</i> 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	<u>P</u> <u>under</u>	<u>P</u> <u>under</u>	P under 20,000 gsf if no	P under 20,000 gsf if no	(i) Secondary or postsecondary educational		

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										<u>20,000</u> <i>gsf if</i> <u>no</u> <i>housing</i> <u>g</u>	<u>20,000</u> <i>gsf if</i> <u>no</u> <i>housing</i> <u>g. C</u> <u>above.</u>	housing	housing	institution, other than as specified in Subsection 217(g) and (h) above.
P	P	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>20,000</u> <i>gsf if</i> <u>no</u> <i>housing</i> <u>g</u>	<u>P</u> <u>under</u> <u>20,000</u> <i>gsf if</i> <u>no</u> <i>housing</i> <u>g</u>	P under 20,000	P under 20,000	(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) the

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																				can demonstrate to the Planning Department, based on any criteria it may develop, they were in operation as of April 1, 2005 and have remained in continuous operation since then, have 18 months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Medical cannabis dispensaries that were in operation
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1													as of April 1,
2													2005, and were
3													not in continuous
4													operation since
5													then, but can
6													demonstrate to
7													the Planning
8													Department,
9													based on any
10													criteria it may
11													develop, that the
12													reason for their
13													lack of
14													continuous
15													operation was
16													not closure due
17													to an actual
18													violation of
19													federal, state or
20													local law, also
21													have 18 months
22													from the effective
23													date of this
24													legislation to
25													obtain a permit or

as of April 1, 2005, and were not in continuous operation since then, but can demonstrate to the Planning Department, based on any criteria it may develop, that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, also have 18 months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or

1																							upon denial of a permit application if it occurs before the end of that 18 month period.
2																							Notwithstanding the foregoing, in
3																							no case shall a
4																							dispensary that
5																							had or has a
6																							suspended or
7																							revoked permit
8																							be considered to
9																							be in continuous
10																							operation. Any
11																							dispensary
12																							operating in a
13																							Residential-
14																							House or
15																							Residential-
16																							Mixed district of
17																							the City or which
18																							began operation
19																							after April 1,
20																							2005, must
21																							immediately
22																							cease
23																							operations; (j)
24																							any permit issued
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																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.
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SEC. 218. RETAIL SALES AND PERSONAL SERVICES.

TABLE INSET:

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C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 218. RETAIL SALES AND

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													PERSO NAL SERVIC ES.
													The uses specified in this Section shall not include any use first specifica lly listed in a subsequ ent Section of this Code.
P	N A	N A	N A	N A	N A	N A	N A	N A	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	(a) Ret ail business or personal service establish

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													ment, of a type which supplies new commodi ties or offers personal services primarily to residents in the immediat e vicinity.
													(b) Ret ail business or personal service establish ment not limited to sales or services
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P under 2,500 gsf per <u>lot</u> *#	
									<u>2,500</u>	<u>5,00</u>	2,500		
									<u>0 gsf</u>	<u>0 gsf</u>	gsf per		
									<u>per</u>	<u>per</u>	<u>lot</u> *-#		
									<u>lot</u>	<u>lot</u>			

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													primarily for residents in the immediate vicinity, and not restricted to sale of new commodities.
									<u>P</u>	<u>P</u>			(c) <u>Grocery stores, as defined in Section 790.102(a)</u>
								<u>under</u>	<u>under</u>	<u>P</u>	<u>P</u>	<u>under</u>	
								<u>2,500</u>	<u>5,000</u>	<u>2,500</u>	<u>2,500</u>	<u>gsf per lot *</u>	
								<u>0 gsf per lot;</u>	<u>0 gsf per lot;</u>	<u>gsf per lot *</u>			
								<u>C</u>	<u>C</u>				(d) <u>Health club, fitness.</u>
								<u>above</u>	<u>above</u>			<u>P</u>	
								<u>e</u>	<u>e</u>			<u>P</u>	
								<u>under</u>	<u>under</u>	<u>P</u>	<u>P</u>	<u>under</u>	
								<u>2,500</u>	<u>5,000</u>	<u>under</u>	<u>2,500</u>	<u>gsf</u>	

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								<u>0 gsf</u>	<u>0 gsf</u>	<u>2,500</u>	<u>per lot *</u>	
								<u>per</u>	<u>per</u>	<u>gsf per</u>		
								<u>lot;</u>	<u>lot;</u>	<u>lot *</u>		
								<u>C</u>	<u>C</u>			
								<u>abov</u>	<u>abov</u>			
								<u>e</u>	<u>e</u>			
												<u>gymnasiu</u>
												<u>m, or</u>
												<u>exercise</u>
												<u>facility</u>
												<u>when</u>
												<u>including</u>
												<u>equipmen</u>
												<u>t and</u>
												<u>space for</u>
												<u>weight-</u>
												<u>lifting</u>
												<u>and</u>
												<u>cardio-</u>
												<u>vascular</u>
												<u>activities.</u>
												*Subject
												to the
												limitation
												s of
												Section
												121.-58
												# <u>Except</u>
												<u>practice</u>
												<u>studios;</u>
												<u>eat</u>
												<u>boarding;</u>
												<u>hardware</u>
												<u>stores</u>

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													Francisco Health Code provided that: (a) the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, except that such proviso shall not apply where: (1) massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used
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												<p>primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities, or (2) the only massage service provided is chair massage, such service is visible to the public, and customers are fully-clothed at all times, (b) the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other massage establishment; except that such proviso shall not apply where massage services are incidental to the institutional uses</p>
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													permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities; and further provided that: (c) the following standards and conditions are met: (1) the hours of operation of the massage activity shall be limited to from 7:00 a.m. to 12:00 a.m.; (2) signs
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																						announcing the massage activity shall be no more than a single sign affixed to the wall of the building and shall not exceed nine square feet in area and shall not be directly illuminated; (3) there shall be no outdoor activity associated with the massage activity; (4) disposed of on a daily basis during the days the establishment is in operation; and (6) any change of there shall be nonalcoholic beverages served on the premises; (5) there shall be a litter patrol financed by the establishment such that any litter within 100 feet of the premises is cleaned
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													and ownership or change in operation of the massage establishment which requires a new Health Permit shall be required to meet these standards and conditions.
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9 **SEC. 219. OFFICES.**

10 TABLE INSET:

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C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 219. OFFICES.
P	P	P	P	P	P	P	P	P	<u>NP</u>	<u>NP</u>	P*	P*	(a) Professional and business offices, <i>as defined in 890.70</i> , not more than 5,000 gross square feet in size and offering on-site services to the general public.

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													the district's primary function as an area for comparison shopper retailing and direct consumer services.
P	P	C		C	C	P	P	P	<u>NP</u>	<u>NP</u>	P under 5,000 gsf per use *	P under 5,000 gsf per use *	(d) Other professional and business offices, <i>as defined in 890.70</i> , at or below the ground floor.
									<u>P</u>	<u>P</u>			<i>(e) Offices in designated landmark buildings</i>
													* Subject to the limitations of Section 121.58.
													# Use size control shall apply to all types of "Office use" as listed in

																				Section
																				313.1(35)(A) and
																				(B).

SEC. 220. LAUNDERING, CLEANING AND PRESSING.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 220. LAUNDRING, CLEANING AND PRESSING.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Automatic laundry, as defined in Part II, Chapter V (Health Code) of the San Francisco Municipal Code.
	P	P	P	P	P	P	N A	N A	<u>P</u>	<u>P</u>	P	P	(b) Establishm ent for hand- ironing only, not employing

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													more than five persons.
P	N A	N A	N A	N A	N A	N A	N A	N A	<u>P</u>	<u>P</u>	P und er 2,50 0 gsf	P	(c) Dry-cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:

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																				(1) The establishment has only a central cleaning unit with a rated load factor of no more than 40 pounds and operated by employees of the establishment; or
																				(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment, where the total number of units does not exceed eight and their total aggregate capacity does

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													not exceed 40 cubic feet; or
													(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 40 pounds, and no more than four self-service units the aggregate capacity of which shall not exceed 20 cubic feet.
	P	P	P	P	P	P	N A	N A	<u>P</u>	<u>P</u>	P und er 2,50		(d) Dry-cleaning establishment, including

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										0 gsf	P	<p>pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:</p>
												<p>(1) The establishment has only a central cleaning unit with a rated load factor of no more than 60 pounds and</p>

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												operated by employees of the establishment; or
												(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment where the total number of units does not exceed 16 and their total aggregate capacity does not exceed 80 cubic feet; or
												(3) The establishment is a combination of

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													the two foregoing types, with a central cleaning unit with a rated load factor of no more than 60 pounds, and no more than eight self-service units the aggregate capacity of which shall not exceed 40 cubic feet.
													P (e) Steam laundry, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any
						P	P	<u>P</u>	<u>P</u>	P und er 2,50 0 gsf			

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												opening, other than fixed windows or exits required by law, within 50 feet of any R District.
												(f) Cleaning or dyeing plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
						P	P	<u>P</u>	<u>P</u>	P und er 2,50 0 gsf	P	

1	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Clubhouse.
2														
3														
4	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Lodge building.
5														
6														
7	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(c) Meeting hall.
8														
9														
10										<i>P if no</i>	<i>P if no</i>	P if no	P if no	(d) Theater, except as specified under Subsection (k), below.
11										<i>more</i>	<i>more</i>	more	more	
12		P	P	P	P	P	P	P	P	<i>than 3</i>	<i>than 3</i>	than 3	than 3	
13										<i>screens</i>	<i>screen</i>	screen	screen	
14										<u>s</u>	<u>s</u>	s	ns	
15														
16														
17	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(e) Recreation building.
18														
19														
20														
21												P	P	(f) Amusement enterprise, including billiard hall, dance hall, nightclub,
22		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	under		
23												5,000		
24												gsf		
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													adequate soundproofing or other device, and (2) that no portion of a building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.
P*	P*			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(g) Private noncommercial recreationa

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												premises are not less than 200 feet from any R District, and (2) the aggregate area in the same or adjoining blocks occupied by existing amusement enterprises is in excess of five acres.
												(i) Commercial open-air sports stadium or arena, if conducted on
					C	P	P	P	<u>C</u>	<u>C</u>		C

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														premises not less than 200 feet from any R District.
														(j) Circus, carnival, or other amusemen t enterprise not conducted within a building, if conducted on premises not less than 200 feet from any R District.
					C	P	P	P	<u>P</u>	<u>P</u>			P	
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>			P	(k) Adult entertainm ent

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												enterprise, so specified in (i), (ii) and (iii) below, provided that the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other adult entertainm ent enterprise:
												(i) Adult bookstore, as defined by Section

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																	Section 1072.1 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code). [See Section 212(a)]
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SEC. 222. HOME AND BUSINESS SERVICES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 222. HOME AND BUSINESS SERVICES.
													The term "shop" as used in this section shall include only the establishments of artisans dealing at retail directly with the consumer

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													and concerned primarily with custom trade.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Household repair shop.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Interior decorating shop.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(c) Upholstering shop.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(d) Sign-painting shop.
P			P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(e) Carpenter shop.
													(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest-control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used. (See also Section 225.)
P			P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(g) Catering establishment

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												unde r 5,00 0 gsf		
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>		P unde r 2,50 0 gsf	P	(h) Printing shop.
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>		P unde r 2,50 0 gsf	P	(i) Newspaper publication.
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>		P unde r 2,50 0 gsf	P	(j) Blueprinting shop.
	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(k) Hardware stores and contractor supply operations</u>

SEC. 223. AUTOMOTIVE.

TABLE INSET:

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C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 223. AUTOMOTIVE.
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Sale or rental of new or used automobiles, when conducted entirely within an enclosed building.
	P			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.
	C*			C	C	P	P	P	<u>P</u>		P	P	(c) Lot for sale or rental of new or used automobiles.
	C*			C	C	P	P	P	<u>P</u>		P	P	(d) Lot for sale or rental of new or used trucks.
	C*			C	C	P	P	P	<u>P</u>		P	P	(e) Sale or rental

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												of new or used automobile trailers.
P*	NA		NA	NA	NA	NA	NA	<u>P</u>	<u>P</u>	P	P	(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:

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											(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;
											(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and generator charging rate;
											(3) Installation of lamp globes, sparkplugs, oil filter or filtering element,

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											windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;
											(4) The servicing and repairing of tires and batteries;
											(5) The installation and servicing of smog control devices; and
											(6) Automobile washing and polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical

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												conveyor blower or steam-cleaning device.
												(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:
	P*			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P
												(1) Tune-up, including the repair or replacement of distributors, sparkplugs and carburetors;
												(2) Brake repair;

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												adjustments;
												(10) Repair or replacement of water pumps;
												(11) Repair or replacement of generators, alternators and voltage regulators;
												(12) Repair or replacement of starters;
												(13) Repair or replacement of fuel pumps;
												(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph

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														8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.
														(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.
	P			P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	under 7,500 gsf	P

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													(1) Body and fender repair limited to replacement of parts and spot paint spraying; and
													(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.
					P	P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(i) Repair garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by	

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												law within 50 feet of any R District:
												(1) Internal engine repair or rebuilding;
												(2) Repair or rebuilding of transmissions, differentials or radiators;
												(3) Reconditioning of badly worn or damaged motor vehicles or trailers;
												(4) Collision service, including body, frame or fender straightening or repair; and
												(5) Full body paint spraying.

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												approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.
					P	P	P	P	<u>P</u>		P	(k) Tire recapping, if conducted on premises not less than 200 feet from any R District.
C*	P*				C	P	P	P	<u>C</u>		C	(l) Parking lot, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.
C	P	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	(m) Storage garage open to the

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													public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.
C*	C*	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	C	(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article

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													1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.
P*	P*	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under

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													other provisions of law.
C	P	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	C	(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.
	C	C	C	C	NA	NA	NA	NA	<u>P</u>	<u>P</u>		P	(q) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely

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													enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.	
					P	P	P	P	<u>P</u>	<u>P</u>		P	(r) Parcel delivery service, not subject to the above limitations.	
	C			C	P	P	P	P	<u>P</u>	<u>P</u>		P	(s) Ambulance service.	
					C	P	P	P	P	<u>P</u>	<u>P</u>		P	(t) Storage garage for commercial passenger vehicles and light delivery trucks.
						C	P	P	P	<u>P</u>	<u>P</u>		P	(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence

														not less than six feet high.
														(v) Truck terminal facility, if located not less than 200 feet from any R District.

9 **SEC. 224. ANIMAL SERVICES.**

10 TABLE INSET:

U-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 224. ANIMAL SERVICES.
	C			C	C	C	P	P	<u>P</u>	<u>P</u>	P	P	(a) Animal hospital or clinic, if conducted entirely within an enclosed building; not including a commercial kennel as specified below.
							P	P	<u>P</u>	<u>P</u>	P	P	(b) Animal hospital or clinic, if conducted on premises not less than 200 feet from any R District.

															(c) Commercial kennel, if conducted on premises not less than 200 feet from any R District. A "commercial kennel" shall mean any commercial or business premises or other premises where dogs are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding or sale of the dogs is the principal means of livelihood of the occupants of the premises.
							P	P	P	<u>P</u>	<u>P</u>				
							P	P	P	<u>P</u>	<u>P</u>				
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(e) <u>Cat boarding</u>	

SEC. 225. WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2		

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																				SEC 225 WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.
	C		C	C	P	P	P	P												(a) Storage building for household goods.
											P under 5,000 gsf	P								(b) Wholesale establishment when conducted entirely within an enclosed building, not including a storage warehouse.
											P under 5,000 gsf	P								(c) Wholesale storage warehouse, except for storage of inflammables.
									P											(d) Bulk storage of inflammable or highly combustible materials, if

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												conducted not less than 500 feet from any R or NC District.
							C				C	(e) Bulk storage of explosives, if conducted not less than 500 feet from any R or NC District.
						P	P	<u>P</u>			P	(f) Cold storage plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
								<u>P</u>			P	(g) Grain elevator.
				C	C	NA	NA	<u>P</u>			P	(h) Dairy products distribution plant,

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												where provision is made for off-street parking of all vehicles used and all operations including loading and unloading are conducted entirely within an enclosed building. (See also Section 226.)
						P	P	P	<u>P</u>		P under 5,000 gsf	P (i) Lot for sale of new or used merchandise, not including any use first specifically listed below.
						P	P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P (j) Service yard for public utility, or public use of a similar character, if conducted entirely within an area completely enclosed by a wall or concealing fence not less than six feet

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												high.
						P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(k) Contractor's storage yard or yard for rental of contractors' equipment if conducted within an area enclosed by a wall or concealing fence not less than six feet high.
						P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(l) Yard for storage or sale of building materials or lumber, livestock feed, or coal, if conducted within an area enclosed by a wall or concealing fence not less than six feet high.
						P	P	<u>P</u>	<u>P</u>		P	(m) Stone or monument yard, if conducted within an area enclosed by a

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											wall or a concealing fence not less than six feet high.
						P	P				(n) Storage within a completely enclosed building of junk, waste, secondhand, discarded or salvaged materials, excluding automobile wrecking operations as defined in this Section 225; and if conducted not less than 200 feet from any R or NC District.
							P				(o) Junkyard, if located not less than 200 feet from any R or NC District. Junkyard shall mean an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including house-wrecking yards, used

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												lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; excluding automobile wrecking operations as defined in this Section 225 yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation in the same premises.
							C	C				(p) Automobile wrecking operation; provided, (1) that there shall be sufficient working space on the

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												<p>automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than 1 1/2 years from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code. The term "automobile wrecking operation" as used herein shall mean the disassembling, dismantling, junking or "wrecking" of motor vehicles of any type, or the storage of such vehicles not in operable condition.</p>
												<p>(q) Hazardous waste facility, when conducted not less than 200 feet from any R or NC District, which</p>

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shall mean all contiguous land and structures, other appurtenances and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off-site

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																facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.
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SEC. 226. MANUFACTURING AND PROCESSING.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 226. MANUFACTURING AND PROCESSING.
		P	P	P	P	P	NA	NA	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(a) Light manufacturing uses, involving only the assembly, packaging,

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												repairing or processing of previously prepared materials, which are conducted within a building but do not occupy the ground story of any building; provided:
												(1) That no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District;
												(2) That the mechanical equipment required for such uses, together with related floor space used primarily by

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													the operators of such equipment, shall not in the aggregate occupy more than 1/4 of the gross floor area of the building in which the uses are located; and
													(3) That no machine shall be used that has more than five horsepower capacity.
					P	P	NA	NA	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(b) Light manufacturing which occupies not more than 1/2 the ground story of the building and involves or requires no machine that has more than five

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												horsepower capacity, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 20 feet of any R District.
					P	P	NA	NA	<u>P</u>	<u>P</u>	P under 5,000 gsf	P (c) Light food-processing for delicatessen, catering or restaurant supply, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits

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													required by law, within 20 feet of any R District.
							P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(d) Light manufacturing, not including any use first specifically listed below.
		P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(e) Industrial or chemical research or testing laboratory, not involving any danger of explosions.
		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<i>(f) Life Science laboratory (as defined in Sections 890.52 and 890.53)</i>
					<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>				<u>P</u>	<i>(f) Experimental laboratory.</i>
						P	P	P				<u>C</u>	(g) Battery manufacture, if

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																					conducted on premises not less than 200 feet from any R District.
																					(h) Any of the following uses, when conducted within a completely enclosed building; provided that no part of the building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District:
																					(1) Automobile assembling.
																					(2) Bottling plant, brewery dairy products plant, malt manufacturing or

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											processing or malt products plant;
											(3) Ice manufacturing plant;
											(4) Concrete mixing, concrete products manufacture;
											(5) Electric foundry or foundry for nonferrous metals;
											(6) Metal working or blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drop hammers.
											(7) Enameling, lacquering, wholesale paint

1													listed below.
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3							P	<u>C</u>	<u>C</u>				(j) Flour mill.
4													
5							P	<u>C</u>	<u>C</u>				(k) Sugar refinery.
6													
7													
8							P	<u>C</u>	<u>C</u>				(l) Wool pulling or scouring.
9													
10													
11							C	<u>C</u>	<u>C</u>				(m) Blast furnace, rolling mill, smelter.
12													
13													
14													(n) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of paris, explosive, fertilizer, glue or gelatine from fish or animal refuse.
15													
16													
17							C						
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19													
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21													
22													
23													(o) Production or refining of petroleum products.
24							C	<u>C</u>					
25													

1												
2											C	(p) Steam power plant.
3						P	P	<u>C</u>				
4												
5							P				C	(q) Shipyard.
6												
7												(r) Live storage, killing or dressing of poultry or rabbits for retail sale on the premises, if conducted on premises not less than 200 feet from any R District.
8												
9												
10						P	P	P			C	
11												
12												
13												
14												
15												(s) Live storage, killing or dressing of poultry or rabbits, if conducted on premises not less than 200 feet from any R District, without limitation as to nature of sale.
16												
17												
18												
19												
20								P			C	
21												
22												
23												
24												
25								C				(t) Stockyard,

1													livestock feed yard, abattoir.
2													
3													(u) Rendering or reduction of fat, bones or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct-flame afterburners or equivalent equipment.
4													
5													
6													
7													
8													
9							C	C	<u>C</u>				C
10													
11													
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14													
15													
16													
17													(v) Incineration of garbage, refuse, dead animals or parts thereof.
18													
19								C					
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21													
22													(w) The following uses, when conducted not less than 500 feet from any R or NC
23								P					C
24													
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											District:
											(1) Manufacture, refining, distillation or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), perfume, plastics, poison,

																		roundhouse	or
																		railroad shop.	

SEC. 227. OTHER USES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 227. OTHER USES:
P*	P*				P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Greenhouse or plant nursery.
P*	P*					P	P	P	<u>P</u>	<u>P</u>	P under 10,000 <i>gsf</i>	P	(b) Truck gardening, horticulture.
	C		C	C	P	P	P		<u>P</u>		P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary

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														goods.
P	P	P	P	P	P	P	P	P	<u>C</u>	<u>C</u>	C	C	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.	
P*	P*	C	C	P	P	P	P	P	<u>P</u>	<u>P</u>	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(t)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.	

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																			shelter or similar ancillary feature of a transit system; and
																			(2) Landing field for aircraft.
																			(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
																			(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic

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																			signals where:
																			(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; and
																			(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic

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													antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)
													(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:
	C	C	C	C	C	C	C	C	C	C	C	C	(1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this

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													defined and regulated by Article 6 of this Code.
P*	P*	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(l) Access driveway to property in any C or M District.
C	C					C	C	C	<u>C#</u>	<u>C#</u>	C#	C#	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
								P					(n) Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.

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SEE SECTIONS 205 THROUGH 205.2	(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (* See Section 121(a).)
<p>P P P P P P P P P</p>	<p>(p) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the unit and that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.</p>
<p>P P P P P P P P P</p>	(q) Subject to Section

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2													
3										<u>P</u>	<u>P</u>	(<u>su</u>) Fringe financial	
4										<u>under</u>	<u>under</u>	services, as defined	
5										<u>2,500</u>	<u>2,500</u>	in Section 249.35,	
6										<u>gsf</u>	<u>gsf</u>	and subject to the	
7										<u>per</u>	<u>per</u>	restrictions set forth	
8	P	P	P	P	P	P	P	P		<u>lot,</u>	<u>lot,</u>	in Section 249.35,	
9										<u>and</u>	<u>and</u>	including, but not	
10										<u>per</u>	<u>per</u>	limited to, that no	
11										<u>subject</u>	<u>subject</u>	new fringe financial	
12										<u>to</u>	<u>to</u>	service shall be	
13										<u>contro</u>	<u>contro</u>	located within a 1/4	
14										<u>ls of</u>	<u>ls of</u>	miles of an existing	
15										<u>Sectio</u>	<u>Sectio</u>	fringe financial	
16										<u>n</u>	<u>n</u>	service.	
17										<u>121.8</u>	<u>121.8</u>		
18													
19	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>			<u>(t) Small Enterprise</u>	
20	<u>A</u>	<u>NA</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	
21												<u>Workspace (S.E.W.).</u>	
22												<u>An S.E.W. is a single</u>	
23												<u>building that is</u>	
24												<u>comprised of discrete</u>	
25												<u>workspace units which</u>	

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										<p><i><u>requirements:</u></i></p> <p><i><u>(A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70);</u></i></p> <p><i><u>(B) Any retail uses are subject to any per- parcel size controls of the subject zoning district;</u></i></p> <p><i><u>(C) No residential uses shall be permitted;</u></i></p> <p><i><u>(D) Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent of the units in the building must contain no more than 2,500 gross square feet each;</u></i></p> <p><i><u>an exception to this rule applies for larger PDR spaces on the</u></i></p>
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										<p><u>ground floor, as described in subsection (E) below and</u> <u>(E) An S.E.W. building may contain units larger than 2,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is one identified in Sec. 220 and 222 through 227 of this Code.</u> <u>(F) After the issuance of any certificate of occupancy or completion for the building, no any merger, subdivision, expansion, or any other change in gross floor area of any unit shall be permitted only</u></p>
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																				<u>230231 limiting demolition of industrial buildings.</u>
<u>N</u>	<u>NA</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P.</u> <u>subject</u>	<u>P.</u> <u>subject</u>					<u>NP</u>	<u>NP</u>			<u>(u) Integrated PDR, as defined in Sec. 890.49.</u>
<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>contr</u>	<u>contro</u>									
										<u>ols in</u>	<u>ls in</u>									
										<u>Sec.</u>	<u>Sec.</u>									
										<u>890.4</u>	<u>890.4</u>									
										<u>2</u>	<u>2</u>									

																		(*See Section 212(a).)
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SEC. 2310. Limited Corner Commercial Uses in RTO Districts.

(a) Purpose. Corner stores enhance and support the character and traditional pattern of RTO districts. These small neighborhood-oriented establishments provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short walking distance of their homes. These uses tend to be small in scale, to serve primarily walk-in trade, and cause minimum interference with nearby streets and properties. These uses are permitted only on the ground floor of corner buildings, and their intensity and operating hours are limited to ensure compatibility with the predominantly residential character of the district. Accessory off-street parking is prohibited for these uses to maintain the local neighborhood walk-in character of the uses.

(b) Location. Uses permitted under this section must be located:

- (1) completely within an RTO district
- (2) on or below the ground floor; and.
- (3) on a corner lot as defined by Section 102.15, with no part of the use

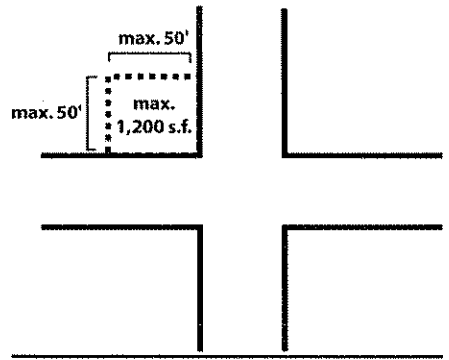
extending more than 50 feet in depth from said corner, as illustrated in Figure 2310.

(c) Permitted Uses. Any use is permitted which complies with the most restrictive use limitations for the first story and below of:

- 1 ~~(1) an NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code;~~
- 2 ~~and~~
- 3 ~~(2) Any Individual Area Neighborhood Commercial District within ¼ mile of the use, as~~
- 4 ~~set forth in Sections 714.10 through 729.95 of this Code; and~~
- 5 ~~(3) Any Restricted Use Subdistrict within ¼ mile of the use, as set forth in Sections 781~~
- 6 ~~through 781.7 of this Code.~~

7 (d) Use Size. No more than 1,200 occupied square feet of commercial area shall
 8 be allowed per corner lot, except those lots which occupy more than one corner on a
 9 given block and which may provide an additional 1,200 occupied square feet of
 10 commercial area per additional corner, so long as the commercial space is distributed
 11 equitably throughout appropriate parts of the parcel or project. There is an aggregate
 12 maximum use size of 1,200 gross square feet per corner lot, as illustrated in Figure 230.

13 (e) Formula Retail Uses. All uses meeting the definition of "formula retail" use
 14 per Section 703.3(b) shall not be permitted except by Conditional Use through the
 15 procedures of Section 303.



23 Figure 2310. Limitations on Corner Retail in RTO Districts

24 (f) Parking. No accessory parking shall be permitted for uses permitted
 25 under this Section.

1 (gf) Operating Hours. The hours during which the use is open to the public
2 shall be limited to the period between 6:00 a.m. and 10:00 p.m.

3 (hg) Conditions. Any uses described above shall meet all of the following
4 conditions:

5 (1) The building shall be maintained in a sound and attractive condition,
6 consistent with the general appearance of the neighborhood.

7 (2) Any signs on the property shall comply with the requirements of Article
8 6 of this Code pertaining to NC-1 districts.

9 (3) Truck loading shall be limited in such a way as to avoid undue
10 interference with sidewalks, or with crosswalks, bus stops, hydrants and other
11 public features

12 (4) Noise, odors and other nuisance factors shall be adequately controlled;
13 and

14 (5) The use shall comply with all other applicable provisions of this Code.

15 **SEC. 233. LIVE/WORK UNITS.**

16 ~~(a) After the effective date of this ordinance, n~~No City official, department, board or
17 commission shall issue or approve a building permit or other land use entitlement
18 authorizing a new live/work unit as defined in Section 102.13 of this Code, except
19 as authorized as an accessory use under Section 204.4. Lawfully approved
20 live/work units ~~existing on the that date shall comply with the Code provisions in effect~~
21 ~~at the time they were authorized, as set forth below and in other sections of this Code~~
22 ~~applicable to live/work units, and shall further be are~~ subject to the nonconforming
23 use provisions of Section 181 of this Code

24 ~~(b) If a live/work unit would occupy any space last used as a dwelling unit or group~~
25 ~~housing, or whose legal use as shown in the permit records of the City is as a dwelling~~

1 ~~unit or group housing, the live/work unit shall not be permitted in any RH or RM District,~~
2 ~~and shall require conditional use approval in any RC, C, M or South of Market District,~~
3 ~~notwithstanding Sections 209.9 or 227 of this Code.~~

4 ~~(e) Live/work units satisfy the conditions of this subsection if:~~

5 ~~(1) They are part of a project which will result in issuance of a certificate or certificates~~
6 ~~of occupancy for 10 or more new or additional live/work units; and~~

7 ~~(2) The project is sponsored by one or more organizations exempt from federal income~~
8 ~~tax under Section 501(c)(3) of the Internal Revenue Code, each of whose articles of~~
9 ~~incorporation state as a principal purpose providing living quarters to artists, and each~~
10 ~~of whose articles of incorporation require that at least 51 percent of the members of the~~
11 ~~board of directors must be artists engaging in one or more arts activities falling within~~
12 ~~the definition of Section 102.2 of this Code; and~~

13 ~~(3) The qualified sponsoring organization or organizations will, until completion of the~~
14 ~~project:~~

15 ~~(A) Own the project,~~

16 ~~(B) Own an interest of 51 percent or more in a joint tenancy or tenancy in common~~
17 ~~which owns the project,~~

18 ~~(C) Have a right to 51 percent or more of the net income and of all distributions,~~
19 ~~including distributions on liquidation, of a partnership or joint venture which owns the~~
20 ~~project, or~~

21 ~~(D) Be the only general partner or only general partners, or only managing general~~
22 ~~partner, in a limited partnership which will qualify the project for complete or partial~~
23 ~~exemption from property tax under California Revenue and Taxation Code Section~~
24 ~~214(g) or a successor provision; and~~

- 1 ~~(4) All permits for the project are issued on the application of, and in the name of, a~~
2 ~~corporation described in Subsection (2) above or a partnership described in Subsection~~
3 ~~(3)(C) or (3)(D); and~~
- 4 ~~(5) The project will, under federal or State law, or local legal authority other than this~~
5 ~~Code, be required to rent, lease or sell at least 20 percent of the live/work units in the~~
6 ~~project at rates or prices affordable to households whose incomes are no greater than 50~~
7 ~~percent of the median income for households in San Francisco as determined under~~
8 ~~California Administrative Code Section 6932, or its successor provision, or,~~
9 ~~alternatively, be so required to rent, lease or sell a minimum of 40 percent of the~~
10 ~~live/work units at rates or prices affordable to households whose incomes are no greater~~
11 ~~than 60 percent of said median income; and~~
- 12 ~~(6) All non arts activity other than residential in the project is otherwise permitted in~~
13 ~~the district, or is otherwise conditional in the district and is approved as a conditional~~
14 ~~use pursuant to this Code; and~~
- 15 ~~(7) The subject live/work units are marketed on a preferential basis for arts activities as~~
16 ~~defined in Section 102.2 of this Code. For the purpose of this subsection, "preferential~~
17 ~~marketing" shall consist of:~~
- 18 ~~(A) Advertising the initial leasing of all newly created units in publications which are~~
19 ~~oriented to audiences engaged in arts activities for a minimum of three months in~~
20 ~~advance of other advertising and, for subsequent vacancies, advertising in similar~~
21 ~~publications promptly after future vacancies are known to the owner or the owner's~~
22 ~~representatives, but in no event less than one month in advance of other advertising, and~~
- 23 ~~(B) Notification of organizations concerned with arts activities a minimum of three~~
24 ~~months in advance of initial leasing activities and, for subsequent vacancies, promptly~~
25

1 ~~after future vacancies are known to the owner or owner's representative, but in no case~~
2 ~~less than one month in advance of other advertising.~~

3 ~~(d) The location of each live/work unit in a multi-unit structure in a C or M District~~
4 ~~shall be marked by a plaque, diagram or other device visible to emergency personnel~~
5 ~~from the exterior building face of the structure containing the unit.~~

6 ~~(e) Each person, other than a person applying as owner of a fee interest, who applies to~~
7 ~~erect or alter a live/work unit, or to change use or occupancy in order to authorize a~~
8 ~~live/work unit, shall submit on a form approved by the Department of Public Health, a~~
9 ~~disclosure signed by a fee owner of the property in question stating what hazardous~~
10 ~~materials, if any, are known to exist in the vicinity of the unit.~~

11 **SEC. 234.2. CONDITIONAL USES, P DISTRICTS.**

12 The following uses shall be subject to approval by the City Planning Commission,
13 as provided in Section 303 of this Code:

14 (a) Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j);
15 209.4(a); 209.5(a), (b); 209.6(b); 209.6(c); 209.9(c); and 234.2(c) and (d) of this
16 Code.

17 (b) With respect to any lot in a P District, which lot is within 1/4 mile of the
18 nearest NC-1 or Individual Area Neighborhood Commercial District as described
19 in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless
20 such use or feature complies with the controls which are applicable in any NC-1
21 or Individual Area Neighborhood Commercial District or Restricted Use
22 Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning
23 category .82, as defined in Section 790.80 of Article 7.

24 (c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of
25 this Code when located within any P district within the Eastern Neighborhoods

1 Mixed Use District, the South of Market Mixed Use Base District, the Market and
2 Octavia Plan Area, and within the right-of-way of any State or federal highway.

3 (d) In any P District which is within the Eastern Neighborhoods Mixed Use
4 District and the South of Market Mixed Use Base District, if the use is located within
5 the right-of-way of any State or federal highway, the following uses:

6 (1) Retail and personal service uses primarily meeting the needs of
7 commuters on nearby streets and highways or persons who work or live nearby,
8 provided that:

9 (A) The space is on the ground floor of a publicly-accessible
10 parking garage;

11 (B) The total gross floor area per establishment does not exceed
12 2,500 square feet;

13 (C) The space fronts on a major thoroughfare; and

14 (D) The building facade incorporates sufficient fenestration and
15 lighting to create an attractive urban design and pedestrian-oriented scale.

16 (2) Open-air sale of new or used merchandise, except vehicles, located
17 within a publicly-accessible parking lot, provided that:

18 (A) The sale of goods and the presence of any booths or other
19 accessory appurtenances are limited to weekend and/or holiday daytime hours;

20 (B) Sufficient numbers of publicly-accessible toilets and trash
21 receptacles are provided on-site and are adequately maintained; and

22 (C) The site and vicinity are maintained free of trash and debris.

23 **SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.**

24 (a) Purpose. The Life Science and Medical Special Use District is intended to
25 support uses that benefit from proximity to the University of California, San Francisco

1 (UCSF) campus at Mission Bay. These uses include medical office and life science
2 (biotechnology) uses.

3 (b) Geography. The boundaries of the Life Science and Medical Special Use
4 District are shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area
5 borders Mariposa St. on the north, 23rd St. on the south, I-280 to the west, and 3rd St. to
6 the east. Within this area, the Dogpatch Historic District is generally excluded.

7 (c) Controls. All provisions of the Planning Code currently applicable shall
8 continue to apply, except as otherwise provided in this Section:

9 (1) Medical Services. Medical services, including medical offices and clinics, as
10 defined in Section 890.114, are a principally permitted use and are exempted from use
11 size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor)
12 zoning controls (Sec. 219.1 and 803.9(h)). For the purposes of this Section, a medical
13 service use may be affiliated with a hospital or medical center as defined in 890.44.

14 (2) Life Science Offices. Office uses that contain Life Science facilities, as defined
15 in Section 890.53, are a principally permitted use and are exempted from use size
16 limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor)
17 zoning controls (Sec. 219.1 and 803.9(h)).

18 (3) Life Science Laboratories. Laboratories that engage in life science research
19 and development, as defined in Section 890.52, are a principally permitted use and are
20 exempted from use size limitation, PDR replacement requirements (Sec. 230), and
21 vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

22 **SEC. 249.37. INNOVATIVE INDUSTRIES SPECIAL USE DISTRICT.**

23 (a) Purpose. The purpose of the Innovative Industries Special Use District is to
24 provide affordable office space to small firms and organizations which are engaged in
25 innovative activities, including incubator businesses and microenterprises.

1 (b) Geography. The boundaries of the Life Science Special Use District are shown
2 on Sectional Map No. 8SU of the Zoning Map.

3 (c) Controls. All provisions of the Planning Code currently applicable shall
4 continue to apply, except that:

5 (1) office uses shall be principally permitted uses on all stories above the ground
6 story.

7 (2) retail uses shall be subject to the size controls applicable in the Urban Mixed
8 Use District, as stated in Sec. 843.45.

9 **SEC. 249.38. TRANSIT-ORIENTED RETAIL SPECIAL USE DISTRICT.**

10 (a) Purpose. The Transit-Oriented Retail Special Use District is intended to
11 support street activity along important transit routes, including 16th Street and 3rd
12 Street.

13 (b) Geography. The boundaries of the Transit-Oriented Retail Special Use
14 District include all parcels in PDR Districts that are along 16th St. from Mission St. to
15 Potrero Avenue I-280, or along 3rd St. from 23rd Street to Cesar Chavez St.

16 (c) Controls. All provisions of the Planning Code currently applicable shall
17 continue to apply, except that the amount and types of retail sales and services allowed
18 on a parcel will be controlled in the same manner as in the UMU District.

19 **SEC. 249.39. RESTRICTED INTEGRATED PDR SPECIAL USE**
20 **DISTRICT.**

21 (a) Purpose. The Restricted Integrated PDR Special Use District is
22 intended to ensure that newly constructed Integrated PDR uses support the
23 intention of the PDR-1-G District in the Central Waterfront.

1 (b) Geography. The boundaries of the Restricted Integrated PDR Special
2 Use District include all parcels designated PDR-1-G east of I-280, south of 20th
3 St., and north of Cesar Chavez St.

4 (c) Controls. All provisions of the Planning Code currently applicable shall
5 continue to apply, except that newly constructed Integrated PDR shall require
6 conditional use authorization pursuant to the provisions of Sec. 303. In addition
7 to the findings normally required under Section 303(c), the Commission shall
8 find the proposed project results in twice as much PDR on the existing site. For
9 purposes of this calculation:

10 ~~(1) Every square foot of Integrated counts as 0.5 square feet of PDR; and~~

11 ~~(2) PDR is defined as that included in Planning Code Section 220 or 222~~
12 ~~through 227, exclusive of subsections 227(r) through (u).~~

13 **SEC. 253.4. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES**
14 **EXCEEDING A HEIGHT OF 65 FEET IN THE MISSION STREET NCT**
15 **DISTRICT.**

16 (a) Applicability. This Section shall apply to parcels which:

17 (1) are located within the 85-X Height and Bulk District;

18 (2) are located within the Mission Street NCT Zoning District; and

19 (3) have any frontage along Mission Street.

20 (b) Controls. Frontages along Mission Street are subject to a 15-foot front
21 setback above a height of 65 feet, measured from the front lot line.

22 (c) Modifications. The Planning Commission may reduce or waive this
23 requirement with Conditional Use Authorization pursuant to Section 303 of this Code.

24 **SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

1 (a) Method of Measurement. The limits upon the height of buildings and
2 structures shall be as specified on the Zoning Map. In the measurement of height
3 for purposes of such limits, the following rules shall be applicable:

4 (1) The point above which such measurements shall be taken shall be as
5 specified in the definition of "height" in this Code.

6 (2) The upper point to which such measurement shall be taken shall be
7 the highest point on the finished roof in the case of a flat roof, and the average
8 height of the rise in the case of a pitched or stepped roof, or similarly sculptured
9 roof form, or any higher point of a feature not exempted under Subsection (b)
10 below.

11 (3) In cases where the height limit is 65 feet or less and a street from
12 which height measurements are made slopes laterally along the lot, or the
13 ground slopes laterally on a lot that also slopes upward from the street, there
14 shall be a maximum width for the portion of the building or structure that may be
15 measured from a single point at curb or ground level, according to the definition
16 of "height," as specified in the following table. These requirements shall not apply
17 to any property to which the bulk limitations in Section 270 of this Code are
18 applicable.

19 **TABLE 260**

20 **HEIGHT MEASUREMENT ON LATERAL SLOPES WHERE HEIGHT LIMIT IS**
21 **65 FEET OR LESS**

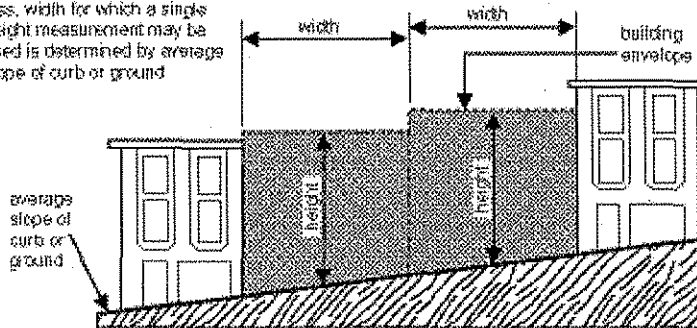
22
23 TABLE INSET:

24
25

Average Slope of	Maximum Width
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Curb or Ground From Which Height is Measured	for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet

when height limit is 65 feet or less, width for which a single height measurement may be used is determined by average slope of curb or ground



(b) Exemptions. In addition to other height exceptions permitted by this Code, the features listed in this Subsection shall be exempt from the height limits established by this Code, in an amount up to but not exceeding that which is specified.

(1) The following features shall be exempt; provided the limitations indicated for each are observed; provided further that the sum of the horizontal areas of all features listed in this Paragraph (b)(1) shall not exceed 20 percent of

1 the horizontal area of the roof above which they are situated, or, in C-3 Districts,
2 and in the Rincon Hill Downtown Residential District, where the top of the
3 building has been separated into a number of stepped elements to reduce the
4 bulk of the upper tower, of the total of all roof areas of the upper towers; and
5 provided further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the
6 horizontal areas of all such features located within the first 10 feet of depth of the
7 building, as measured from the front wall of the building, shall not exceed 20
8 percent of the horizontal area of the roof in such first 10 feet of depth.

9 As an alternative, the sum of the horizontal areas of all features listed in
10 this Paragraph (b)(1) may be equal but not exceed 20 percent of the horizontal
11 area permitted for buildings and structures under any bulk limitations in Section
12 270 of this Code applicable to the subject property.

13 Any such sum of 20 percent heretofore described may be increased to 30
14 percent by unroofed screening designed either to obscure the features listed
15 under (A) and (B) below or to provide a more balanced and graceful silhouette for
16 the top of the building or structure.

17 (A) Mechanical equipment and appurtenances necessary to the
18 operation or maintenance of the building or structure itself, including chimneys,
19 ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices
20 for the collection of solar or wind energy and window-washing equipment,
21 together with visual screening for any such features. This exemption shall be
22 limited to the top 10 feet of such features where the height limit is 65 feet or less,
23 and the top 16 feet of such features where the height limit is more than 65 feet.

24 (B) Elevator, stair and mechanical penthouses, fire towers,
25 skylights and dormer windows. This exemption shall be limited to the top 10 feet

1 of such features where the height limit is 65 feet or less, and the top 16 feet of
2 such features where the height limit is more than 65 feet. However, for elevator
3 penthouses, the exemption shall be limited to the top 16 feet and limited to the
4 footprint of the elevator shaft, regardless of the height limit of the building. The
5 design of all elevator penthouses in Residential Districts shall be consistent with
6 the "Residential Design Guidelines" as adopted and periodically amended for
7 specific areas or conditions by the City Planning Commission.

8 The Zoning Administrator may, after conducting a public hearing, grant a
9 further height exemption for an elevator penthouse for a building with a height
10 limit of more than 65 feet but only to the extent that the Zoning Administrator
11 determines that such an exemption is required to meet state or federal laws or
12 regulations. All requests for height exemptions for elevator penthouses located in
13 Residential or Neighborhood Commercial Districts shall be subject to the
14 neighborhood notification requirements of Sections 311 and 312 of this Code.

15 (C) Stage and scenery lofts.

16 (D) Ornamental and symbolic features of public and religious
17 buildings and structures, including towers, spires, cupolas, belfries and domes,
18 where such features are not used for human occupancy.

19 (E) In any C-3 District, enclosed space related to the recreational
20 use of the roof, not to exceed 16 feet in height.

21 (F) In any C-3, Eastern Neighborhoods Mixed Use Districts, or South
22 of Market Mixed Use District, additional building volume used to enclose or screen
23 from view the features listed under Subsections (b)(1)(A) and (B) above. The
24 rooftop form created by the added volume shall not be subject to the percentage
25 coverage limitations otherwise applicable to this subsection but shall meet the

1 requirements of Section 141 and shall not exceed 20 feet in height, measured as
2 provided in Subsection (a) above, and may not exceed a total volume, including
3 the volume of the features being enclosed, equal to 3/4 of the horizontal area of
4 all upper tower roof areas of the building measured before the addition of any
5 exempt features times 20.

6 (G) In any C-3 District, vertical extensions to buildings, such as
7 spires, which enhance the visual appearance of the structure and are not used
8 for human occupancy may be allowed, pursuant to the provisions of Section 309,
9 up to 75 feet above the height otherwise allowed. The extension shall not be
10 subject to the percentage coverage limitations otherwise applicable to this
11 subsection, provided that the extension is less than 100 square feet in cross-
12 section and 18 feet in diagonal dimension.

13 (H) In the Rincon Hill Downtown Residential District, enclosed
14 space related to the recreational use of the roof, not to exceed 16 feet in height.

15 (I) In the Rincon Hill Downtown Residential District, additional
16 building volume used to enclose or screen from view the features listed under
17 Subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the
18 added volume shall not be subject to the percentage coverage limitations
19 otherwise applicable to this subsection but shall meet the requirements of
20 Section 141, shall not exceed 10 percent of the total height of any building taller
21 than 105 feet, shall have a horizontal area not more than 85 percent of the total
22 area of the highest occupied floor, and shall contain no space for human
23 occupancy. The features described in (b)(1)(B) shall not be limited to 16 feet for
24 buildings taller than 160 feet, but shall be limited by the permissible height of any
25 additional rooftop volume allowed by this Subsection.

1 (J) In the Van Ness Special Use District, additional building
2 volume used to enclose or screen from view the features listed under
3 Subsections (b)(1)(A) and (b)(1)(B) above and to provide additional visual
4 interest to the roof of the structure. The rooftop form created by the added
5 volume shall not be subject to the percentage coverage limitations otherwise
6 applicable to this Subsection, but shall meet the requirements of Section 141 and
7 shall not exceed 10 feet in height where the height limit is 65 feet or less or 16
8 feet where the height limit is more than 65 feet, measured as provided in
9 Subsection (a) above, and may not exceed a total volume, including the volume
10 of the features being enclosed, equal to 3/4 of the horizontal area of all upper
11 tower roof areas of the building measured before the addition of any exempt
12 features times 10 where the height limit is 65 feet or less or times 16 where the
13 height limit is more than 65 feet.

14 (K) In the Northeast China Basin Special Use District, light
15 standards for the purpose of lighting the ballpark.

16 (L) In the Candlestick Point Special Use District, light standards
17 for the purpose of the lighting the stadium, scoreboards associated with the
18 stadium, and flagpoles and other ornamentation associated with the stadium.

19 (2) The following features shall be exempt, without regard to their
20 horizontal area, provided the limitations indicated for each are observed:

21 (A) Railings, parapets and catwalks, with a maximum height of
22 four feet.

23 (B) Open railings, catwalks and fire escapes required by law,
24 wherever situated.

25

1 (C) Unroofed recreation facilities with open fencing, including
2 tennis and basketball courts at roof level, swimming pools with a maximum
3 height of four feet and play equipment with a maximum height of 10 feet.

4 (D) Unenclosed seating areas limited to tables, chairs and
5 benches, and related windscreens, lattices and sunshades with a maximum
6 height of 10 feet.

7 (E) Landscaping, with a maximum height of four feet for all
8 features other than plant materials.

9 (F) Short-term parking of passenger automobiles, without
10 additional structures or equipment other than trellises or similar overhead
11 screening for such automobiles with a maximum height of eight feet.

12 (G) Amusement parks, carnivals and circuses, where otherwise
13 permitted as temporary uses.

14 (H) Flagpoles and flags, clothes poles and clotheslines, and
15 weathervanes.

16 (I) Radio and television antennae where permitted as accessory
17 uses and towers and antennae for transmission, reception, or relay of radio,
18 television or other electronic signals, where permitted as principal or conditional
19 uses, subject to the limitations of Subsections 227(h) and (i) of this Code and
20 limitations imposed by the City Planning Commission.

21 (J) Warning and navigation signals and beacons, light standards
22 and similar devices, not including any sign regulated by this Code.

23 (K) Public monuments owned by government agencies.

24 (L) Cranes, scaffolding and batch plants erected temporarily at
25 active construction sites.

1 (M) Structures and equipment necessary for the operation of
2 industrial plants, transportation facilities, public utilities and government
3 installations, where otherwise permitted by this Code and where such structures
4 and equipment do not contain separate floors, not including towers and antennae
5 for transmission, reception, or relay of radio, television, or other electronic signals
6 where permitted as principal or conditional uses by this Code.

7 (N) Buildings, structures and equipment of the San Francisco Port
8 Commission, where not subject to this Code due to provisions of the San
9 Francisco Charter or State law.

10 (O) Additional building height, up to a height of five feet above the
11 otherwise applicable height limit, where the uppermost floor of the building is to
12 be occupied solely by live/work units located within a South of Market District.

13 (P) Enclosed recreational facilities up to a height of 10 feet above
14 the otherwise applicable height limit when located within *both an SSO District and a*
15 *65-U Height and Bulk District and either an MUO or SSO District, and only then*
16 *when authorized by the City Planning Commission as a conditional use pursuant*
17 *to Sections 303 and 316 of this Code, provided that the project is designed in*
18 *such a way as to reduce the apparent mass of the structure above a base 50 foot*
19 *building height.*

20 (Q) Historic signs within an historic sign district permitted pursuant
21 to Sections 302, 303 and 608.14 of this Code.

22 (R) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility
23 sheds of not more than 100 square feet, exclusively for the storage of landscaping and
24 gardening equipment for adjacent rooftop landscaping, with a maximum height of 8 feet
25 above the otherwise applicable height limit.

1 **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS**
2 **AND ALLEYS IN RTO, AND NCT, DISTRICTS AND EASTERN**
3 **NEIGHBORHOODS MIXED USE DISTRICTS.**

4 (a) Purpose. The intimate character of narrow streets (right-of-ways 40
5 feet in width or narrower) and alleys is an important and unique component of the
6 City and certain neighborhoods in particular. The scale of these streets should be
7 preserved to ensure they do not become overshadowed or overcrowded. Heights
8 along alleys and narrow streets are hereby limited to provide ample sunlight and
9 air, as follows:

10 (b) **Definitions.**

11 (1) "Narrow Street" shall be defined as a public right of way less than or equal to
12 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width
13 created under the requirements of Section 270.2.

14 (2) "Subject Frontage" shall mean any building frontage in an RTO, NCT or
15 Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more
16 than 60 feet from an intersection with a street wider than 40 feet.

17 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those
18 created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true
19 east-west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy,
20 Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and
21 Alert Streets.

22 (c) **Controls.**

23 (1) **General Requirement.** All building frontages Except as described below, all
24 subject frontages shall have upper stories set back at least 10 feet at the property line
25 above a height equivalent to 1.25 times the width of the abutting narrow street.

1 (2) Southern Side of East-West Streets. All subject frontages on the southerly
2 side of an East-West Narrow Street(e) on the southerly-southern side of those right-of
3 ways streets and alleys listed in this subsection (b)(1) and that are greater more than 60
4 feet from an intersection with another street right-of-way wider than 40 feet, shall have
5 upper stories which are be set back at the property line such that they avoid
6 penetration of a sun access plane defined by an angle of 45 degrees extending from
7 the most directly opposite northerly property line 50 degrees from a line 5 feet southerly
8 and of parallel to the northern right-of-way line (as illustrated in Figure 261.1A. For
9 example, for a 35 foot wide right-of-way, this would a 50 degree setback at the property
10 line above a height of approximately 36 feet.) No part or feature of a building,
11 including but not limited to any feature listed in Sections 260(b), may penetrate
12 the required setback plane. ~~(1) Streets and alleys with required sun angle setback on~~
13 ~~south side include: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat,~~
14 ~~Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets, and all streets narrower~~
15 ~~than 40 feet within the Eastern Neighborhoods Mixed Use Districts, RED, or within any~~
16 ~~RTO or NCT district.~~

17 (3) Mid-block Passages. Subject frontages abutting a mid-block passage provided
18 per the requirements of Section 270.2 shall have upper story setbacks as follows:

19 (A) for mid-block passages between 20 and 30 feet in width, a setback of
20 not less than 10 feet above a height of 25 feet.

21 (B) for mid-block passages between 30 and 40 feet in width, a setback of
22 not less than 5 feet above a height of 35 feet.

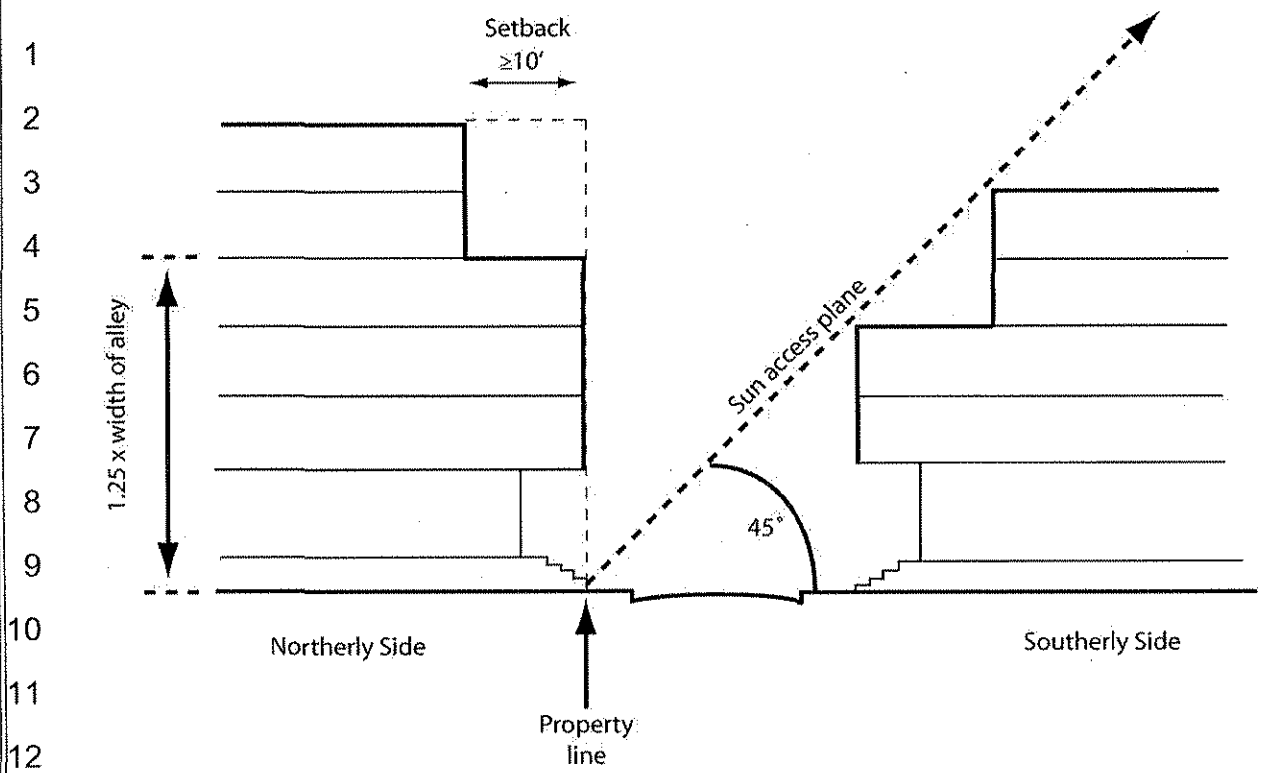


Figure 261.1A

SEC. 263.19. HEIGHT LIMITS: PERMITTED PODIUM AND TOWER HEIGHTS IN THE R BULK DISTRICT.

(a) Intent. As described in Section 827(a), the general development concept for Rincon Hill is of podium buildings up to 85 feet in height, with adequately spaced slender towers up to 550 feet in height rising above the podium buildings. *In South Beach, towers up to 200 feet in height are permitted to rise in limited locations above a podium height that varies from 65 to 105 feet.* This urban form is implemented in the R height and bulk district, mapped in all portions of the Rincon Hill *and South Beach* Downtown Residential Districts where towers are permitted.

(b) Maximum Height Controls for Podiums and Towers. In the R bulk district, as designated on Sectional Map No. 1H of the Zoning Map, maximum

1 permitted building heights for both podiums and towers are expressed as two
2 numbers separated by a slash, including 65/200-R, 105/200-R, 85/150-R, 85/200-
3 R, 85/250-R, 65/400-R, 85/400-R, 45/450-R, and 45/550-R. The number
4 preceding the slash represents the height limit for podium buildings. The number
5 following the slash represents the height limit for towers. No building may exceed
6 the podium height limit except for towers meeting the bulk and tower spacing
7 controls established in Section 270(e).

8 **SEC. 263.21. SPECIAL HEIGHT EXCEPTIONS: VERTICAL NON-**
9 **HABITABLE ARCHITECTURAL ELEMENTS IN THE EASTERN**
10 **NEIGHBORHOODS MIXED USE DISTRICTS.**

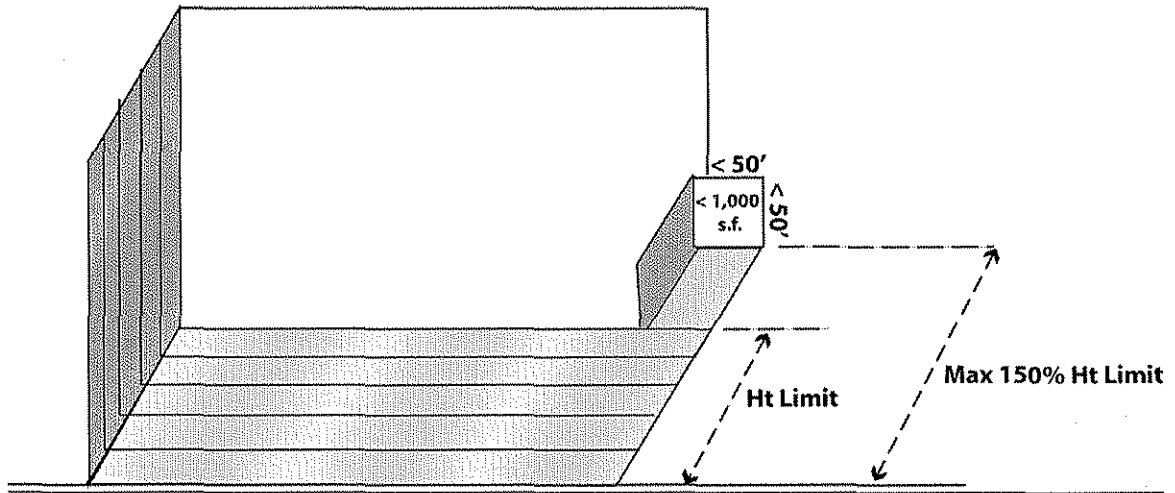
11 (a) Purpose. In order to allow for vertical architectural elements on large lots
12 which will mitigate the effect of long, monotonous individual buildings and create visual
13 focal points that build upon the architectural tradition and character of an area, certain
14 architectural elements may be excepted from otherwise applicable height limits. The
15 mostly topographically flat Eastern Neighborhoods, particularly the South of Market,
16 Showplace, and Mission Districts have a strong tradition of larger and longer buildings
17 incorporating vertical architectural elements above the predominant roofline. These
18 vertical elements are proportioned to the building and are generally not visible on the
19 skyline or distant views.

20 (b) Applicability. This Section shall apply to all projects subject to Section
21 309.2329 in the Eastern Neighborhoods Mixed Use Districts which are also located in
22 Height and Bulk Districts of 85 feet or less.

23 (c) Controls. Additional height for non-habitable architectural building elements,
24 as illustrated in Figure 263.21, may be permitted subject to the 309.2329 procedure for
25 exemptions subject to the following criteria:

- 1 (1) Only one such element shall be permitted per lot;
 2 (2) Such element shall not exceed 1,000 square feet in gross floor area;
 3 (3) Such element shall not have a plan dimension greater than 50 feet;
 4 (4) The height of such element shall not exceed a height equal to 50 percent of the
 5 applicable height limit; and
 6 (5) Such elements shall be consistent with the design, materials and character of
 7 the building.

8
 9 Figure 263.21



19 **SEC. 270. BULK LIMITS: MEASUREMENT.**

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

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TABLE INSET:

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

1	R	This table not applicable. But see Section 270(e).		
2	V		110	140
3	V	* At setback height established pursuant to Section 253.2.		
4	OS	See Section 290.		
5	S	This table not applicable. But see Section 270(d).		
6	T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
7	X	This table not applicable. But see Section 260(a)(3).		
8	TB	This table not applicable. But see Section 263.18.		
9				
10				
11				

12 (b) These limits shall not apply to the buildings, structures and equipment
13 listed in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the
14 limitations expressed therein.

15 (c) Maximum plan lengths and diagonal dimensions do not apply to
16 cornices or other decorative projections.

17 (d) The bulk limits contained in this subsection shall apply in S Bulk
18 Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

19 (1) Base. The base is the lowest portion of the building extending
20 vertically to a streetwall height up to 1.25 times the width of the widest abutting
21 street or 50 feet, whichever is more. There are no length or diagonal dimension
22 limitations applicable to the base. The building base shall be delineated from the
23 lower and upper tower and related to abutting buildings by a setback, cornice line
24 or equivalent projection or other appropriate means.

25 (2) Lower Tower.

1 (A) Dimensions. Bulk controls for the lower tower apply to that
2 portion of the building height above the base as shown on Chart B. For buildings
3 of less than 160 feet in height, the lower tower controls are the only bulk controls
4 above the base of the building. The bulk controls for the lower tower are a
5 maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a
6 maximum diagonal dimension of 190 feet.

7 (B) Additional Bulk for Elevators. Solely in order to accommodate
8 additional elevators required by tall buildings the lower portion (up to the height
9 shown on Chart B) of the lower tower of a building 500 feet tall or taller may be
10 enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of
11 230 feet and a maximum floor size of up to 25,000 square feet without a
12 corresponding reduction in upper floor size.

13 (3) Upper Tower.

14 (A) Dimensions. Upper tower bulk controls apply to buildings taller
15 than 160 feet. They apply to the upper tower portion of a building up to the height
16 shown on Chart B, which height excludes the vertical attachment and other
17 features exempted by Section 260 and excludes the extended upper tower height
18 exceptions provided for in Section 263.7 of this Code. The bulk controls for the
19 upper tower are: a maximum length of 130 feet; a maximum average floor size of
20 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and
21 a maximum average diagonal measure of 160 feet. In determining the average
22 floor size of the upper tower, areas with a cross-sectional area of less than 4,000
23 square feet may not be counted and sculptured architectural forms that contain
24 large volumes of space but no usable floors shall be included in average floor
25 size calculation by computing the cross section at 12.5-foot intervals.

1 (B) Volume Reduction. When the average floor size of the lower
2 tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced
3 to a percentage of the volume that would occur if the average floor size of the
4 lower tower were extended to the proposed building height. The percentage
5 varies with the bulk of the lower tower and with whether or not a height extension
6 is employed pursuant to Section 263.7 and is shown on Chart C. In achieving the
7 required volume reduction, a setback or change in profile at a specific elevation
8 is not required.

9 (C) Extensions. Extension of the upper tower above the otherwise
10 allowable height limits may be permitted as provided in Section 263.9.

11 (D) Termination of the Tower. The top of the tower shall be
12 massed in a manner that will create a visually distinctive roof or other termination
13 of the building facade. Modifications to a proposed project may be required, in
14 the manner provided in Section 309, to achieve this purpose.

15 (e) Rincon Hill and South Beach. In Bulk District R (Rincon Hill and
16 South Beach DTR Districts), bulk limitations are as follows:

17 (1) There are no bulk limits below ~~a height of 85 feet~~ the podium height as
18 described in Section 263.19, except for the lot coverage limitations and setback
19 requirements described in Sections 825 and 827.

20 (2) Tower Bulk and Spacing. All portions of structures above 85 feet in
21 height the podium height as described in Section 263.19 shall meet the following bulk
22 limitations, as illustrated in Chart C:

23 (A) Buildings between ~~85-the podium height limit~~ and 240 feet in
24 height may not exceed a plan length of 90 feet and a diagonal dimension of 120
25

1 feet, and may not exceed a maximum average floor area of 7,500 gross square
2 feet.

3 (B) Buildings between 241 and 300 feet in height may not exceed
4 a plan length of 100 feet and a diagonal dimension of 125 feet, and may not
5 exceed a maximum average floor area of 8,500 gross square feet.

6 (C) Buildings between 301 and 350 feet in height may not exceed
7 a plan length of 115 feet and a diagonal dimension of 145 feet. They may not
8 exceed a maximum average floor area of 9,000 gross square feet.

9 (D) Buildings between 351 and 550 feet in height may not exceed
10 a plan length of 115 feet and a diagonal dimension of 145 feet. They may not
11 exceed a maximum average floor area of 10,000 gross square feet.

12 (E) To allow variety in the articulation of towers, the floor plates of
13 individual floors may exceed the maximums described above by as much as 5
14 percent, provided the maximum average floor plate is met.

15 (F) To encourage tower sculpting, the gross floor area of the top
16 one-third of the tower shall be reduced by 10 percent from the maximum floor
17 plates described in (A)--(D) above, unless the overall tower floor plate is reduced
18 by an equal or greater volume.

19 (G) In order to provide adequate sunlight and air to streets and
20 open spaces, a minimum distance of 115 feet must be preserved between all
21 structures above 110 feet in height at all levels above 110 feet in height. Spacing
22 shall be measured horizontally from the outside surface of the exterior wall of the
23 subject building to the nearest point on the closest structure above 110 feet in
24 height. Any project that is permitted pursuant to the exception described in
25

1 Section 270(e)(3) shall not be considered for the purposes of measuring tower
2 spacing pursuant to this Section.

3 (H) The procedures for granting special exceptions to bulk limits
4 described in Section 271 shall not apply; exceptions may be granted pursuant to
5 Sections 270(e)(3) and 270(e)(4).

6 (I) Additional setback, lot coverage, and design requirements for
7 the *Rincon Hill* DTR Districts are described in Sections 825 and 827.

8 (3) Exceptions to tower spacing and upper tower sculpting requirements
9 in Rincon Hill DTR. An exception to the 115 feet tower spacing requirement and
10 the upper tower sculpting requirement described in (F) and (G) above may be
11 granted to a project only on Block 3747 on a lot formed by the merger of part or
12 all of Lots 001E, 002 and 006, pursuant to the procedures described in 309.1 of
13 this Code provided that projects meet the following criteria:

14 (i) Applications for environmental review and conditional use related to a
15 building above 85 feet in height on the subject lot have been filed with the
16 Department prior to March 1, 2003 and February 1, 2005, respectively;

17 (ii) Given the 115 tower spacing requirement described in (F) above, the
18 existence of an adjacent building greater than 85 feet in height precludes the
19 development of a tower on the subject lot;

20 (iii) The subject lot has a total area of no less than 35,000 square feet;

21 (iv) The proposed project is primarily residential and has an area of no
22 more than 528,000 gross square feet;

23 (v) The proposed project conforms to all other controls described or
24 referenced in Section 827 and any other controls in this Code related to the
25 Rincon Hill DTR District.

1 (vi) For the purposes of subsection (iv) above, the term "gross square
2 feet" shall be the sum of the gross areas of all floors of a building or buildings
3 above street grade measured from the exterior faces of exterior walls or from the
4 center lines of walls separating two buildings, excluding area below street grade.
5 Where columns are outside and separated from an exterior wall (curtain wall)
6 which encloses the building space or are otherwise so arranged that the curtain
7 wall is clearly separated from the structural members, the exterior face of the
8 curtain wall shall be the line of measurement, and the area of the columns
9 themselves at each floor shall also be counted.

10 (4) Allowance for limited reduction in spacing from existing towers *in*
11 Rincon Hill DTR. To allow limited variation in tower placement from towers for
12 which a certificate of occupancy has been issued prior to February 1, 2005, a
13 reduction in tower spacing described in (G) above may be granted pursuant to
14 the procedures described in 309.1 of this Code if all the following criteria are met:

15 (i) For every percent reduction from the maximum average floor area as
16 described in (2) above, an equal percent reduction in tower separation may be
17 granted subject to the following limits:

18 (ii) Up to a height of one-and-one-half times the maximum permitted
19 podium height, tower spacing described in (G) above may be reduced by not
20 more than 15 percent; (iii) up to a height of 180 feet, tower spacing described in
21 (G) above may be reduced by not more than 10 percent; and (iv) all floors above
22 180 feet achieve the full 115-foot minimum tower spacing requirement described
23 in (G) above. A project may average the tower separation of all floors below 180
24 feet so long as the requirements of (iii) and (iv) are satisfied.

1 **SEC. 270.1. SPECIAL BULK LIMITATIONS: HORIZONTAL MASS**
2 **REDUCTIONS IN LARGE LOTS IN THE EASTERN NEIGHBORHOODS MIXED**
3 **USE DISTRICTS.**

4 (a) Purpose. There is a disproportionately high number of large lots in
5 historically industrial and mixed-use areas, particularly in the South of Market,
6 Showplace Square, Mission and Central Waterfront areas, which could be developed
7 with long, monotonous and massive buildings. In recognition of this, special controls to
8 allow for appropriate building articulation and mass reduction are provided in this
9 Section.

10 (b) Applicability. This Section applies to all buildings in the Eastern
11 Neighborhoods Mixed Use Districts with street frontage greater than 200 feet in length,
12 and that receive their first site or building permit after the effective date of this Section.

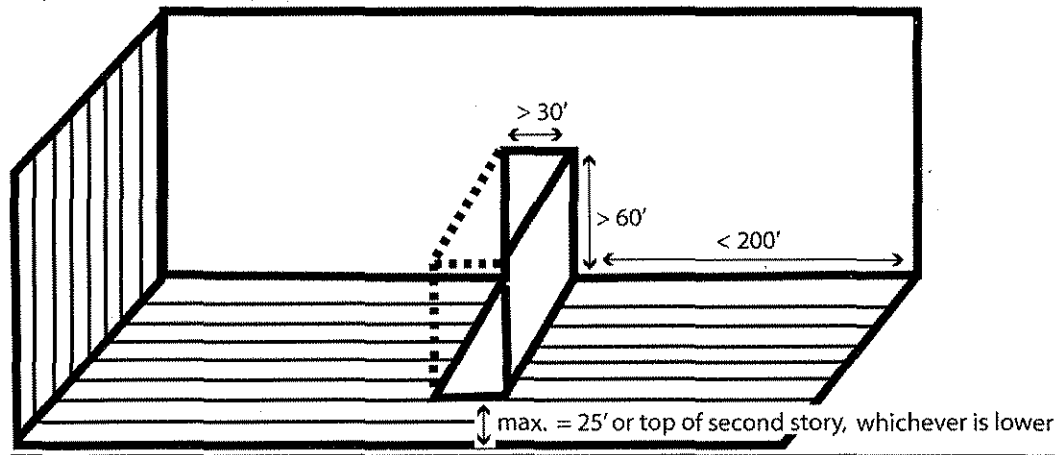
13 (c) Controls. Buildings subject to this Section must incorporate one or more mass
14 reduction breaks in the building that reduce the horizontal scale of the building into
15 discrete sections not more than 200 feet in length. As illustrated in Figure 270.1A, such
16 mass reduction breaks shall:

- 17 (1) be not less than 30 feet in width;
18 (2) be not less than 60 feet in depth from the street-facing building façade;
19 (3) extend up to the sky from a level not higher than 25 feet above grade or the
20 third story, whichever is lower; and
21 (4) result in discrete building sections with a maximum plan length along the street
22 frontage not greater than 200 feet.

23 Bays, balconies or other obstructions permitted over streets and alleys in Section
24 136(c), shall not be considered for the calculation of the above dimensions.

25

1 Figure 270.1.A Required Horizontal Mass Reduction



9
10 (d) Modifications. The Planning Commission may modify or waive this
11 requirement through the process set forth in Section 309.2329. When considering any
12 such application, the Commission shall consider the following criteria:

13 (1) no more than 50% of the required mass is reduced unless special
14 circumstances are evident;

15 (2) the depth of any mass reduction breaks provided is not less than 15 feet from
16 the front façade, unless special circumstances are evident;

17 (3) the proposed building envelope can be demonstrated to achieve a distinctly
18 superior effect of reducing the apparent horizontal dimension of the building; and

19 (4) the proposed building achieves unique and superior architectural design.

20 **SEC 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-**
21 **BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN**
22 **NEIGHBORHOODS MIXED USE AND DTR DISTRICTS.**

23 (a) Findings. The historically industrial parts of the City, including the South of
24 Market, Showplace Square, Central Waterfront, and Mission, typically have very large
25 blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width;

1 in Showplace Square and the Central Waterfront blocks extend up to 800 feet in length
2 and greater; and in the Mission many blocks are over 500 feet in length. In areas of the
3 City historically developed as moderate and high-density residential and commercial
4 environments, the block pattern is much smaller, with many alternate and redundant
5 paths of travels, service alleys, and public mid-block pedestrian walkways and stairways:
6 the typical North of Market block is 275 feet in width and not more than 412.5 feet in
7 length, often with minor alleys bisecting these blocks further into smaller increments.

8 Large blocks inhibit pedestrian movement and convenience by significantly
9 lengthening walking distances between points, thereby reducing the ability and likelihood
10 of people to walk between destinations, including reducing access to and likelihood of
11 using transit. Academic studies have shown that the likelihood of people to walk for trips
12 of all purposes, including walking to transit stops, declines substantially above distances
13 as low as 1/5th of a mile, and that the propensity to walk is very elastic for distances of
14 one mile or less and heavily dependent on distance and route barriers (Berman, Journal
15 of American Planning Literature, May 1996). People are generally willing to walk not
16 more than 1/3-mile to access rail transit, and less to access bus transit. In the Eastern
17 Neighborhoods Mixed Use and DTR Districts, longer walking distances due to large
18 blocks generally lengthens walking distances by up to 1,000 feet or more for even the
19 shortest trips, a major factor in reduced use of transit in these areas. In areas with large
20 blocks, walking distances between destinations can be between 50% and 300% longer
21 than for areas with smaller blocks and more route choices (Hess, Places, Summer 1997).
22 In the South of Market area, for example, the distance between destinations for walking
23 trips can be as much as 2.5 times longer than a trip between destinations similarly
24 situated apart north of Market Street. Given equivalent densities and distributions of
25 development, where walking distances are greater due to longer and larger blocks.

1 residents have access to up to 50% fewer destinations (e.g. shops, services, transit) for
2 equal walking distances (Id.). Greater walking distances and fewer route choices also
3 severely degrade accessibility to transit, services, and shops for people with disabilities
4 and the elderly (Kulash, Development, July/August 1990). Because there are fewer
5 pedestrian route choices and people must walk on fewer, more-highly trafficked and
6 busier streets for longer distances, the quality of the pedestrian experience is severely
7 diminished and there are more conflicts with motor vehicles, with corresponding
8 heightened concerns for pedestrian safety on major streets.

9 Large blocks also increase vehicular and service demand on streets. Where there
10 are no secondary streets or service alleys, all vehicular functions (including service
11 loading as well as private vehicular access to off-street parking) are concentrated onto
12 fewer streets, increasing traffic volumes on these streets and creating significant and
13 frequent conflicts with automobile traffic, transit, bicycles, and pedestrian activity.

14 Where industrial uses with low densities of workers and residents remain in
15 place, the condition of large blocks is not a problem. However, where land use changes
16 occur with new development and the intensity and density of residential and employment
17 population are increased by new development, there is thus a significant new need
18 created to improve pedestrian and vehicular circulation by mitigating the size the blocks,
19 providing alternate and redundant paths of travel, and creating a more pedestrian-
20 accessible environment.

21 (b) Purpose. The mid-block alley requirements of this Section are intended to
22 ameliorate the conditions and impacts described in the Findings of subsection (a) above
23 and make the subject areas appropriate for a higher density of activity and population in
24 areas being targeted for more intense development.

1 (c) Applicability. This Section applies to all new construction on parcels that have
2 one or more street frontage of over 200 linear feet on a block face longer than 400 feet
3 between intersections, and are in the Eastern Neighborhoods Mixed Use Districts or
4 DTR Districts, except for parcels in the RH DTR District, which are subject to Section
5 827.

6 (d) Requirements.

7 (1) New construction on lots with greater than 300 linear feet of street frontage
8 shall provide a publicly-accessible mid-block alley for the entire depth of the property,
9 generally located toward the middle of the subject block face, perpendicular to the
10 subject frontage and connecting to any existing streets and alleys. For development lots
11 with frontage on more than one street that exceeds the above dimensions, one such mid-
12 block alley will be required per frontage.

13 (2) For new construction on lots with frontage greater than 200 linear feet but
14 less than 300 feet the project shall provide a publicly-accessible mid-block alley for the
15 entire depth of the property where any of the following criteria are met:

16 (A) There is an opportunity to establish a through-block connection
17 between two existing alleys or streets, or

18 (B) A portion of the subject frontage extends over the central half of the
19 block face, or

20 (C) Where it is deemed necessary by the Planning Department and
21 Commission to introduce alleys to reduce the scale of large development, particularly in
22 areas with a surrounding pattern of alleys.

23 (e) Design and Performance Standards. The alleys provided per subsections (a)
24 and (b) above shall meet the following standards:

25

1 (1) Generally be located as close to the middle portion of the subject block face as
2 possible, perpendicular to the subject frontage and connect to existing adjacent streets
3 and alleys;

4 (2) Provide pedestrian access;

5 (3) Provide no, limited or full vehicular access, as specific conditions warrant;

6 (4) Have a minimum width of 20 feet from building face to building face,
7 exclusive of those obstructions allowed pursuant to Section 136, and a minimum
8 clearance height from grade of 15 feet at all points;

9 (5) Have a minimum clear walking width of 10 feet free of any obstructions in the
10 case of a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in
11 width with not less than 4 feet minimum clear walking width in the case of an alley with
12 vehicular access;

13 (6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to
14 the sky, including those encroachments permitted in front setbacks by Section 136 of this
15 Code;

16 (7) Provide such ingress and egress as will make the area easily accessible to the
17 general public;

18 (8) Be protected from uncomfortable wind, as called for elsewhere in this Code;

19 (9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere in
20 this Section;

21 (10) Be provided with appropriate paving, furniture, and other amenities that
22 encourage pedestrian use, and be landscaped to greatest extent feasible;

23 (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and
24 safety;

25

1 (12) Be free of any changes in grade or steps not required by the underlying
2 natural topography and average grade; and

3 (13) Be fronted by active ground floor uses, as defined in Section 145.1, to the
4 extent feasible.

5 (14) New buildings abutting mid-block alleys provided pursuant to this Section
6 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.

7 (f) Maintenance. Mid-block paths and alleys required under this Section shall be
8 maintained at no public expense. The owner of the property on which the alley is located
9 shall maintain it by keeping the area clean and free of litter and by keeping it in an
10 acceptable state of repair. Conditions intended to assure continued maintenance of the
11 right-of-way for the actual lifetime of the building giving rise to the open space
12 requirement may be imposed in accordance with the provisions of Section 309.1 for DTR
13 or 309.2329 for Eastern Neighborhoods Mixed Use Districts.

14 (g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque
15 shall be placed in a publicly conspicuous location for pedestrian viewing. The plaque
16 shall state the right of the public to pass through the alley and stating the name and
17 address of the owner or owner's agent responsible for maintenance. The plaque shall be
18 of no less than 24 inches by 36 inches in size.

19 (h) Property owners providing a pathway or alley under this section will hold
20 harmless the City and County of San Francisco, its officers, agents and employees, from
21 any damage or injury caused by the design, construction or maintenance of the right-of-
22 way, and are solely liable for any damage or loss occasioned by any act or neglect in
23 respect to the design, construction or maintenance of the right-of-way.

24 (i) Any non-vehicular portions of such a pathway or alley, including sidewalks or
25 other walking areas, seating areas, or landscaping, may count toward any open space

1 requirements of this Code which permit publicly-accessible open space, provided that
2 such space meets the standards of Section 135.

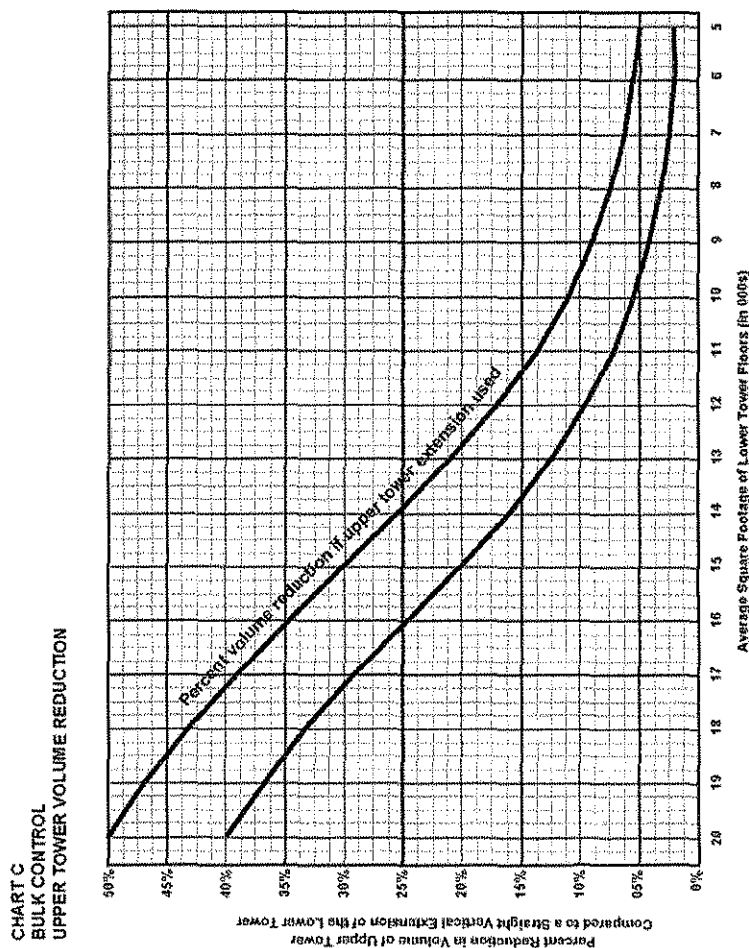
3 **SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS, IN DISTRICTS**
4 **OTHER THAN C-3.**

5 (a) General. The bulk limits prescribed by Section 270 have been
6 carefully considered in relation to objectives and policies for conservation and
7 change in districts other than C-3. There may be some exceptional cases in
8 which these limits may properly be permitted to be exceeded to a certain degree;
9 however, following public review and exploration of alternatives, provided there
10 are adequate compensating factors. Such deviation might occur, when the
11 criteria of this Section are met, for one or both of the following positive reasons:

12 (1) Achievement of a distinctly better design, in both a public and a
13 private sense, than would be possible with strict adherence to the bulk limits,
14 avoiding an unnecessary prescription of building form while carrying out the
15 intent of the bulk limits and the principles and policies of the Master Plan.

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(2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

(b) Procedures. Deviations from the bulk limits under this section shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code, or for the procedures for design review in Section 309.2329 of this Code for subject projects in the Eastern Neighborhoods Mixed Use Districts.

1 (c) Criteria. In acting upon any application for a conditional use or
2 modification to permit the bulk limits to be exceeded under this section, the City
3 Planning Commission shall consider the following standards and criteria in
4 addition to those stated in Sections 303(c) and 309.2329 of this Code:

5 (1) The appearance of bulk in the building, structure or development shall
6 be reduced by means of at least one and preferably a combination of the
7 following factors, so as to produce the impression of an aggregate of parts rather
8 than a single building mass:

9 (A) Major variations in the planes of wall surfaces, in either depth
10 or direction, that significantly alter the mass;

11 (B) Significant differences in the heights of various portions of the
12 building, structure or development that divide the mass into distinct elements;

13 (C) Differences in materials, colors or scales of the facades that
14 produce separate major elements;

15 (D) Compensation for those portions of the building, structure or
16 development that may exceed the bulk limits by corresponding reduction of other
17 portions below the maximum bulk permitted; and

18 (E) In cases where two or more buildings, structures or towers are
19 contained within a single development, a wide separation between such
20 buildings, structures or towers.

21 (2) In every case the building, structure or development shall be made
22 compatible with the character and development of the surrounding area by
23 means of all of the following factors:

24 (A) A silhouette harmonious with natural land-forms and building
25 patterns, including the patterns produced by height limits;

1 (B) Either maintenance of an overall height similar to that of
2 surrounding development or a sensitive transition, where appropriate, to
3 development of a dissimilar character;

4 (C) Use of materials, colors and scales either similar to or
5 harmonizing with those of nearby development; and

6 (D) Preservation or enhancement of the pedestrian environment
7 by maintenance of pleasant scale and visual interest.

8 (3) While the above factors must be present to a considerable degree for
9 any bulk limit to be exceeded, these factors must be present to a greater degree
10 where both the maximum length and the maximum diagonal dimension are to be
11 exceeded than where only one maximum dimension is to be exceeded.

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

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

24 (a) Objectives. The procedures for Planned Unit Developments are
25 intended for projects on sites of considerable size, developed as integrated units

1 and designed to produce an environment of stable and desirable character which
2 will benefit the occupants, the neighborhood and the City as a whole. In cases of
3 outstanding overall design, complementary to the design and values of the
4 surrounding area, such a project may merit a well reasoned modification of
5 certain of the provisions contained elsewhere in this Code.

6 (b) Nature of Site. The tract or parcel of land involved must be either in
7 one ownership, or the subject of an application filed jointly by the owners of all
8 the property included or by the Redevelopment Agency of the City. It must
9 constitute all or part of a Redevelopment Project Area, or if not must include an
10 area of not less than 1/2 acre, exclusive of streets, alleys and other public
11 property that will remain undeveloped.

12 (c) Application and Plans. The application must describe the proposed
13 development in detail, and must be accompanied by an overall development plan
14 showing, among other things, the use or uses, dimensions and locations of
15 structures, parking spaces, and areas, if any, to be reserved for streets, open
16 spaces and other public purposes. The application must include such pertinent
17 information as may be necessary to a determination that the objectives of this
18 Section are met, and that the proposed development warrants the modification of
19 provisions otherwise applicable under this Code.

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

- 23 (1) Affirmatively promote applicable objectives and policies of the *Master*
24 General Plan;
25 (2) Provide off-street parking adequate for the occupancy proposed;

1 (3) Provide open space usable by the occupants and, where appropriate,
2 by the general public, at least equal to the open spaces required by this Code;

3 (4) Be limited in dwelling unit density to less than the density that would
4 be allowed by Article 2 of this Code for a district permitting a greater density, so
5 that the Planned Unit Development will not be substantially equivalent to a
6 reclassification of property;

7 (5) In R Districts, include commercial uses only to the extent that such
8 uses are necessary to serve residents of the immediate vicinity, subject to the
9 limitations for NC-1 Districts under this Code, and in RTO Districts include
10 commercial uses only according to the provisions of Section 231~~0~~ of this Code;

11 (6) Under no circumstances be excepted from any height limit
12 established by Article 2.5 of this Code, unless such exception is explicitly
13 authorized by the terms of this Code. In the absence of such an explicit
14 authorization, exceptions from the provisions of this Code with respect to height
15 shall be confined to minor deviations from the provisions for measurement of
16 height in Sections 260 and 261 of this Code, and no such deviation shall depart
17 from the purposes or intent of those sections;

18 (7) In NC Districts, be limited in gross floor area to that allowed under the
19 floor area ratio limit permitted for the district in Section 124 and Article 7 of this
20 Code; and

21 (8) In NC Districts, not violate the use limitations by story set forth in Article 7
22 of this Code.

23 (9) In RTO and NCT Districts, include the extension of adjacent alleys or
24 streets onto or through the site, and/or the creation of new publicly-accessible
25 streets or alleys through the site as appropriate, in order to break down the scale

1 of the site, continue the surrounding existing pattern of block size, streets and
2 alleys, and foster beneficial pedestrian and vehicular circulation.

3 **SEC. 305. VARIANCES.**

4 (a) General. The Zoning Administrator shall hear and make
5 determinations regarding applications for variances from the strict application of
6 quantitative standards in this Code. He shall have power to grant only such
7 variances as may be in harmony with the general purpose and intent of this Code
8 and in accordance with the general and specific rules contained herein, and he
9 shall have power to grant such variances only to the extent necessary to
10 overcome such practical difficulty or unnecessary hardship as may be
11 established in accordance with the provisions of this Section. No variance shall
12 be granted in whole or in part which would have an effect substantially equivalent
13 to a reclassification of property; or which would permit any use, any height or
14 bulk of a building or structure, or any type or size or height of sign not expressly
15 permitted by the provisions of this Code for the district or districts in which the
16 property in question is located; or which would grant a privilege for which a
17 conditional use procedure is provided by this Code; or which would change a
18 definition in this Code; or which would waive, reduce or adjust the inclusionary
19 housing requirements of Sections 315 through 315.9; or which would reduce or
20 wave any portion of the usable open space fees applicable under certain circumstances
21 in the Eastern Neighborhoods Mixed Use Districts pursuant to Section 135(j) and
22 135.3(d) . The procedures for variances shall be as specified in this Section and
23 in Sections 306 through 306.5.

1 (b) Initiation. A variance action may be initiated by application of the
2 owner, or authorized agent for the owner, of the property for which the variance
3 is sought.

4 (c) Determination. The Zoning Administrator shall hold a hearing on the
5 application, provided, however, that if the variance requested involves a deviation
6 of less than 10 percent from the Code requirement, the Zoning Administrator may
7 at his option either hold or not hold such a hearing. No variance shall be granted
8 in whole or in part unless there exist, and the Zoning Administrator specifies in
9 his findings as part of a written decision, facts sufficient to establish:

10 (1) That there are exceptional or extraordinary circumstances applying to
11 the property involved or to the intended use of the property that do not apply
12 generally to other property or uses in the same class of district;

13 (2) That owing to such exceptional or extraordinary circumstances the
14 literal enforcement of specified provisions of this Code would result in practical
15 difficulty or unnecessary hardship not created by or attributable to the applicant
16 or the owner of the property;

17 (3) That such variance is necessary for the preservation and enjoyment
18 of a substantial property right of the subject property, possessed by other
19 property in the same class of district;

20 (4) That the granting of such variance will not be materially detrimental to
21 the public welfare or materially injurious to the property or improvements in the
22 vicinity; and

23 (5) That the granting of such variance will be in harmony with the general
24 purpose and intent of this Code and will not adversely affect the Master Plan.

25

1 Upon issuing his written decision either granting or denying the variance in whole
2 or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the
3 applicant. The action of the Zoning Administrator shall be final and shall become
4 effective 10 days after the date of his written decision except upon the filing of a
5 valid appeal to the Board of Permit Appeals as provided in Section 308.2.

6 (d) Conditions. When considering an application for a variance as
7 provided herein with respect to applications for development of "dwellings" as
8 defined in Chapter 87 of the San Francisco Administrative Code, the Zoning
9 Administrator, or the Board of Appeals on appeal, shall comply with that Chapter
10 which requires, among other things, that the Zoning Administrator and the Board
11 of Appeals not base any decision regarding the development of "dwellings" in
12 which "protected class" members are likely to reside on information which may
13 be discriminatory to any member of a "protected class" (as all such terms are
14 defined in Chapter 87 of the San Francisco Administrative Code). In addition, in
15 granting any variance as provided herein, the Zoning Administrator, or the Board
16 of Permit Appeals on appeal, shall specify the character and extent thereof, and
17 shall also prescribe such conditions as are necessary to secure the objectives of
18 this Code. Once any portion of the granted variance is utilized, all such
19 specifications and conditions pertaining to such authorization shall become
20 immediately operative. The violation of any specification or condition so imposed
21 shall constitute a violation of this Code and may constitute grounds for revocation
22 of the variance. Such conditions may include time limits for exercise of the
23 granted variance; otherwise, any exercise of such variance must commence
24 within a reasonable time.

25 **SEC. 306.2. SCHEDULING OF HEARINGS.**

1 When an action for an amendment to the Planning Code, conditional use
2 or variance has been initiated by application or otherwise, except as provided by
3 Sections 316.2 through 316.5, the Zoning Administrator shall set a time and
4 place for a hearing thereon within a reasonable period. In the case of an
5 application for a variance, such period shall not exceed 30 days from the date
6 upon which the application is accepted for filing. The procedures for scheduling
7 of hearings and determinations on conditional use applications where such
8 authorization is required in any South of Market *or Eastern Neighborhoods Mixed*
9 *Use* District, or pursuant to zoning categories .10, .11, .21, .24 through .27, .38
10 through .90, and .95 of Sections 710 through 729 for each Neighborhood
11 Commercial District, are set forth in Sections 316.2 through 316.8 of this Code.
12 When an action for an amendment to the General Plan has been initiated by the
13 Planning Commission, the Planning Department shall set a time and place for a
14 hearing thereon within a reasonable period.

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

17 In addition to those specified in Sections 302 through 306, and Sections
18 316 through 316.8 of this Code, the Zoning Administrator shall have the following
19 powers and duties in administration and enforcement of this Code. The duties
20 described in this Section shall be performed under the general supervision of the
21 Planning Director, who shall be kept informed of the actions of the Zoning
22 Administrator.

23 (a) Rules, Regulations and Interpretations. The Zoning Administrator
24 shall, consistent with the expressed standards, purposes and intent of this Code
25 and pursuant to its objectives, issue and adopt such rules, regulations and

1 interpretations as are in the Zoning Administrator's opinion necessary to
2 administer and enforce the provisions of this Code. Such rules and regulations,
3 and any such interpretations that will be of general application in future cases,
4 shall be made a part of the permanent public records of the Department of City
5 Planning. The Zoning Administrator shall respond to all written requests for
6 determinations regarding the classification of uses and the interpretation and
7 applicability of the provisions of this Code.

8 (b) Compliance with This Code. The Zoning Administrator shall have
9 authority to take appropriate actions to secure compliance with this Code,
10 through review of permit applications, surveys and record-keeping, enforcement
11 against violations as described in Section 176, and other means.

12 (c) Inspection of Premises. In the performance of any prescribed duties,
13 the Zoning Administrator and employees of the Department of City Planning
14 authorized to represent the Zoning Administrator shall have the right to enter any
15 building or premises for the purposes of investigation and inspection; provided,
16 that such right of entry shall be exercised only at reasonable hours, and that in
17 no case shall entry be made to any building in the absence of the owner or
18 tenant thereof without the written order of a court of competent jurisdiction.

19 (d) Code Maintenance. The Zoning Administrator shall periodically
20 review and study the effectiveness and appropriateness of the provisions of this
21 Code, for the purpose of recommending necessary changes to the Planning
22 Director and the City Planning Commission.

23 (e) Exercise of Powers and Duties by Others. In cases where absence,
24 incapacity, vacancy of the office, conflict of interest or other sufficient reasons
25 prevent action by the Zoning Administrator, the Planning Director may designate

1 any officer or employee of the Department to carry out any function of the Zoning
2 Administrator so affected.

3 (f) Cooperation With Other Departments. The Zoning Administrator shall
4 furnish to the various departments, officers and employees of the City vested
5 with the duty or authority to issue permits or licenses (including but not limited to
6 the Department of Public Works, Department of Public Health, Police Department
7 and Fire Department) such information as will insure the proper administration of
8 this Code and of all the rules, regulations, interpretations and other
9 determinations of the Department of City Planning relative thereto. It shall be the
10 duty of said departments, officers and employees to cooperate with the Zoning
11 Administrator in the performance of the Zoning Administrator's duties, and to
12 assist in the enforcement of the provisions of this Code.

13 (g) Exceptions from Certain Specific Code Standards through
14 Administrative Review. ~~In the Chinatown Mixed Use Districts and the South of~~
15 ~~Market Mixed Use Districts,~~ The Zoning Administrator may allow complete or
16 partial relief from parking, rear yard, open space and wind and shadow standards
17 as authorized in the applicable sections of this Code, when modification of the
18 standard would result in a project better fulfilling the criteria set forth in the
19 applicable section. The procedures and fee for such review shall be the same as
20 those which are applicable to variances, as set forth in Sections 306.1 through
21 306.5 and 308.2.

22 (h) Exceptions from Certain Specific Code Standards through Administrative
23 Review in the Eastern Neighborhoods Mixed Use Districts. In the Eastern
24 Neighborhoods Mixed Use Districts, the Zoning Administrator may allow complete or
25 partial relief from certain standards specifically identified below and elsewhere in this

1 Code when modification of the standard would result in a project fulfilling the criteria set
2 forth below and in the applicable section.

3 (1) Applicability. For projects not subject to Section 309.2329, relief may be
4 provided for the following requirements: rear yard; non-residential open space; off-street
5 loading requirements; and off-street parking limits up to the maximum quantities
6 described in Section 151.1. Relief may also be provided for dwelling unit exposure
7 requirements for buildings which are designated landmark buildings or contributory
8 buildings within designated historic districts per Article 10 of the Planning Code, and/or
9 buildings recorded with the State Historic Preservation Office as eligible for the
10 California Register, when the following criteria are met: (i) literal enforcement of
11 Section 140 would result in the material impairment of the historic resource; and (ii) the
12 project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001))
13 and/or Section 1006 and any related Article 10 appendices of this Code.

14 (2) Procedures. The review of a modification requested under this Section shall
15 be conducted as part of, and incorporated into, a related building permit application or
16 other required project authorizations; no additional fee shall be required. Under no
17 circumstance shall such modification provide relief from any fee, including those related
18 to usable open space pursuant to Sections 135(j) and 135.3(d). The provisions of this
19 Subsection (h) shall not preclude such additional conditions as may be deemed necessary
20 by the Zoning Administrator to further the purposes of this Section or other Sections of
21 this Code.

22 **SEC. 309.1. PERMIT REVIEW IN DOWNTOWN RESIDENTIAL**
23 **DISTRICTS.**

24 The provisions and procedures set forth in this Section shall govern the review of
25 project authorization and building and site permit applications for the construction

1 or substantial alteration of structures in Downtown Residential districts, the
2 granting of exceptions to requirements of this Code, and the imposition of
3 modifications necessary to achieve the objectives and policies of the General
4 Plan and the purposes of this Code as provided for in Sections 825, 827 and
5 elsewhere. When any action authorized by this Section is taken, any
6 determination with respect to the proposed project required or authorized
7 pursuant to CEQA may also be considered.

8 (a) Design Review.

9 (1) In addition to the standard permit review process, the design of
10 projects greater than 50,000 gross square feet or 85 feet in height shall be
11 subject to design review and approval by Department staff. A detailed design
12 review will be initiated by Department staff working with the project sponsor, at
13 the time an application for 309.1 review or building permit is filed, and may take
14 place in advance of filing a building permit application. This comprehensive
15 review shall resolve issues related to the project's design, including the following:

16 (A) Overall building massing and scale;

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

18 (C) The design of lower floors, including building setback areas,
19 townhouses, entries and parking and loading access;

20 (D) On sloping sites, parking provided above ground pursuant to Section
21 ~~827(7)(A)~~ 825(b)(6);

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

23 (F) Streetscape and other public improvements, including tree
24 planting, street furniture, and lighting;

1 (G) Circulation, including streets, alleys and mid-block pedestrian
2 pathways

3 (H) Other changes necessary to bring a project into conformance
4 with the Rincon Hill Plan and other elements and area plans of the General Plan.

5 (2) If the project sponsor opposes project modifications and conditions
6 recommended by the Planning Director pursuant to the design review, the
7 Director shall prepare a report of recommended modifications which shall be
8 presented to the Planning Commission for a hearing pursuant to Subsection (e)
9 and which shall be available to the public upon mail notification of said hearing.

10 (b) Exceptions.

11 (1) Exceptions to the following provisions of this Code may be granted as
12 provided for below:

13 (A) Exceptions to the tower separation requirements of Section
14 270(e), pursuant to the criteria described in Section 270(e)(3) and 270(e)(4).

15 (B) Provision for exceeding *an accessory residential parking ratio of*
16 *0.5 off-street car parking spaces per dwelling unit, up to a maximum of one car parking*
17 *space per dwelling unit, pursuant to the criteria described in Section 151.1. the*
18 *principally permitted accessory residential parking ratio described in Section 151.1 and*
19 *pursuant to the criteria therein.*

20 (C) Exceptions to the lot coverage requirements of Section
21 827(e)(2)(a)(4) for conversions of existing non-residential structures to residential
22 use.

23 (D) Reductions in the dwelling unit exposure requirements of
24 Section 140.

25

1 (E) Allowing parking access from Folsom Street, pursuant to
2 ~~827(d)(7)(a)(8)~~ and 155(r).

3 (F) Reduction of required on-site residential open space of 36
4 square feet per unit described in Section ~~827(e)(2)(A)~~ 825(b)(5) to create
5 additional off-site publicly-accessible open space and superior building design.

6 (G) Design, location, and size of publicly-accessible open space
7 as allowed by Section 827(e) and equivalence of proposed publicly-accessible
8 open space in size and quality with required on-site open space.

9 (H) Modifications to the required upper story setback above a
10 height of 45 feet on the north side of mid-block pedestrian pathways as allowed
11 in Section ~~827(d)(4)(C)(i)~~ 827(a)(5).

12 (c) Hearing and Determination on Design Modifications and Applications
13 for Exceptions.

14 (1) Hearing. The Planning Commission shall hold a public hearing for all
15 projects greater than 50,000 gross square feet, for all projects 85 feet in height or
16 greater, and for applications that require exceptions as provided in Subsection
17 (b).

18 (2) Notice of Hearing. Notice of such hearing shall be mailed not less
19 than 10 days prior to the date of the hearing to the project applicant, to property
20 owners within 300 feet of the project that is the subject of the application, using
21 for this purpose the names and addresses as shown on the citywide Assessment
22 Roll in the Assessor's Office, and to any person who has requested such notice.
23 Such notice shall also be published at least once in an official newspaper of
24 general circulation at least 10 days prior to the date of the hearing. The notice
25 shall state that the written recommendation of the Planning Director regarding

1 design modifications to the project and regarding any requests for exceptions is
2 available for public review at the office of the Planning Department.

3 (3) Director's Recommendations on Modifications and Exceptions. At the
4 hearing, the Planning Director shall review for the Commission key urban design
5 issues related to the project based on the design review pursuant to Subsection
6 (a) and recommend to the Commission modifications to the project and
7 conditions for approval as necessary. The Director shall also make
8 recommendations to the Commission on any proposed exceptions pursuant to
9 Subsection (b).

10 (4) Decision and Imposition of Conditions. The Commission may, after
11 public hearing and, after making appropriate findings, approve, disapprove or
12 approve subject to conditions, the project and any applications for exception. In
13 addition to the requirements set forth in this Code, additional requirements,
14 modifications, and limitations may be imposed on a proposed project, through the
15 imposition of conditions, in order to achieve the objectives and policies of the
16 General Plan or the purposes of this Code, including any modifications
17 recommended by the Planning Director arising from design review. If pursuant to
18 the provisions of this Section, the Planning Commission determines that
19 conditions should be imposed on the approval of a building or site permit
20 application or an application for exceptions to conform the building to the
21 standards and intent of the Rincon Hill Plan and other elements of the General
22 Plan and the applicant agrees to comply, the Commission may approve the
23 application subject to those conditions.

24 (5) Appeal. The decision of the Planning Commission on the granting of
25 any exceptions pursuant to Subsection (b) may be appealed to the Board of

1 Appeals by any person aggrieved within 15 days after the date of the decision by
2 filing a written notice of appeal with that body, setting forth wherein it is alleged
3 that there was an error in the interpretation of the provisions of this Code or
4 abuse of discretion on the part of the Planning Commission.

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

13 (7) Discretionary Review. No requests for discretionary review, other
14 than through the procedures set forth in this Subsection, shall be accepted by the
15 Planning Department or heard by the Planning Commission for permits in a DTR
16 district.

17 (d) Change of Conditions. Authorization of a change in any condition
18 previously imposed pursuant to this Section shall require an application for a
19 change in conditions, which application shall be subject to the procedures set
20 forth in this Section.

21 (e) Unbuilt Tower Projects; Progress Requirement and Approval
22 Revocation.

23 (1) Construction of any development in an "R" bulk district containing a
24 building taller than 110 feet (herein referred to as a "tower project") shall
25 commence within 24 months of the date the tower project is first approved by the

1 Planning Commission or Board of Appeals pursuant to the provisions of this
2 Section. For tower projects that contain more than one tower structure, each
3 tower structure shall be considered as a separate phase of development, with a
4 requirement for commencement of construction for each subsequent tower
5 phase of 18 months beginning after the Certificate of Final Completion and
6 Occupancy is issued on the previous tower phase. Failure to begin construction
7 work within that period, or thereafter to carry the development diligently to
8 completion, shall be grounds for the Planning Commission to revoke approval of
9 the tower project or phase. Neither the Department of Public Works nor the
10 Board of Permit Appeals shall grant any extension of time inconsistent with the
11 requirements of this Subsection (e)(1). For the purposes of this Subsection,
12 "carry the development diligently to completion" shall mean continuous
13 construction work without significant stoppage toward the completion of a tower
14 structure beyond any site clearance, grading, excavation, or demolition of
15 existing buildings on the project site.

16 (2) The Department of Building Inspection shall notify the Planning
17 Department in writing of its approval for issuance and issuance of a site or
18 building permit for any tower project and of the revocation, cancellation, or
19 expiration of any such permit.

20 (3) At the first regularly scheduled Planning Commission meeting after
21 the time period described in Subsection (e)(1) or this Subsection (e)(3) has
22 elapsed for any tower project or tower phase, the Planning Commission shall
23 hold a hearing requiring the tower project sponsor to report on the construction
24 progress of the subject tower project or phase. If the Commission finds that the
25 tower project or phase does not meet the progress requirement of Subsection

1 (e)(1), the Commission may revoke or extend, up to a maximum of 12 months for
2 each extension, the approvals for the tower project or phase.

3 (4) Appeals of Planning Commission decisions pursuant to this
4 Subsection (e) shall be conducted pursuant to the procedures of Subsections
5 (c)(5) and (c)(6).

6 ~~SEC. 309.2. LARGE PROJECT AUTHORIZATION IN EASTERN~~
7 ~~NEIGHBORHOODS MIXED USE DISTRICTS.~~

8 ~~(a) Purpose. The purpose of this Section is to ensure that all large projects~~
9 ~~proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the~~
10 ~~Planning Commission, in an effort to achieve the objectives and policies of the~~
11 ~~General Plan, the Eastern Neighborhoods Design Guidelines, and the purposes~~
12 ~~of this Code.~~

13 ~~(b) Applicability. This Section applies to all new construction and proposed~~
14 ~~alterations of existing buildings in the Eastern Neighborhoods Mixed Use~~
15 ~~Buildings that meet at least one of the following criteria:~~

16 ~~(1) The project includes the construction of a new building greater than 75 feet in~~
17 ~~height (excluding any exceptions permitted per Section 260(b)), or includes a~~
18 ~~vertical addition to an existing building resulting in a total building height greater~~
19 ~~than 75 feet; or~~

20 ~~(2) The project involves a net addition or new construction of more than 25,000~~
21 ~~gross square feet; or~~

22 ~~(3) The project has 200 or more linear feet of contiguous street frontage on any~~
23 ~~public right of way; or~~

24 ~~(c) Planning Commission Design Review: As set forth in Subsection (e), below,~~
25 ~~the Planning Commission shall review and evaluate all physical aspects of a~~

1 proposed project at a public hearing. At such hearing, the Director of Planning
2 shall present any recommended project modifications or conditions to the
3 Planning Commission, including those which may be in response to any unique
4 or unusual locational, environmental, topographical or other relevant factors. The
5 Commission may subsequently require these or other modifications or
6 conditions, or disapprove a project, in order to achieve the objectives and policies
7 of the General Plan or the purposes of this Code. This review shall address
8 physical design issues including but not limited to the following:

9 (1) Overall building massing and scale;

10 (2) Architectural treatments, facade design and building materials;

11 (3) The design of lower floors, including building setback areas, commercial
12 space, townhouses, entries, utilities, and the design and siting of rear yards,
13 parking and loading access;

14 (4) The provision of required open space, both on and off site. In the case of
15 off-site publicly accessible open space, the design, location, access, size, and
16 equivalence in quality with that otherwise required on-site;

17 (5) The provision of mid-block alleys and pathways on frontages between 200
18 and 300 linear feet per the criteria of Section 270, and the design of mid-block
19 alleys and pathways as required by and pursuant to the criteria set forth in
20 Section 270.2

21 (6) Streetscape and other public improvements, including tree planting, street
22 furniture, and lighting;

23 (7) Circulation, including streets, alleys and mid-block pedestrian pathways;

24 (8) Bulk limits;

25

- 1 ~~(9) Other changes necessary to bring a project into conformance with any~~
2 ~~relevant design guidelines, Area Plan or Element of the General Plan.~~
- 3 ~~(d) Exceptions. As a component of the review process under this Section 309.2,~~
4 ~~projects may seek specific exceptions to the provisions of this Code as provided~~
5 ~~for below:~~
- 6 ~~(1) Exceeding the principally permitted accessory residential parking ratio~~
7 ~~described in Section 151.1 and pursuant to the criteria therein;~~
- 8 ~~(2) Exception from residential usable open space requirements. In~~
9 ~~circumstances where such exception is granted, a fee shall be required pursuant~~
10 ~~to the standards in Sections 135(j), pursuant to the criteria of Section 305(e).~~
- 11 ~~(3) Modification of the horizontal massing breaks required by Section 270.1 in~~
12 ~~light of any equivalent reduction of horizontal scale, equivalent volume of~~
13 ~~reduction, and unique and superior architectural design, pursuant to the criteria~~
14 ~~of Section 270.1(d).~~
- 15 ~~(4) Exception from satisfaction of loading requirements per Section 152.1~~
16 ~~pursuant to the criteria contained therein.~~
- 17 ~~(5) Exception to height limits for vertical non-habitable architectural elements~~
18 ~~described in Section 263.21 and pursuant to the criteria therein;~~
- 19 ~~(6) Provision of the required minimum dwelling unit mix, as set forth in Section~~
20 ~~207.6, pursuant to the criteria of Section 305(c);~~
- 21 ~~(7) Exception for rear yards, pursuant to the requirements of Section 134(f);~~
- 22 ~~(8) The number of Designated Office Stories for projects which are subject to~~
23 ~~vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one~~
24 ~~building on the project site, so long as~~

25

1 ~~(A) an increase in the number of Designated Office Stories would result in a total~~
2 ~~square footage of office space no greater than that which would otherwise be~~
3 ~~permitted by the project;~~

4 ~~(B) office uses are consolidated within a lesser number of buildings than would~~
5 ~~otherwise be the case, and~~

6 ~~(C) the resulting location and mix of uses increases the project's consistency with~~
7 ~~nearby land uses;~~

8 ~~(9) Where not specified elsewhere in this Subsection (d), modification of other~~
9 ~~Code requirements which could otherwise be modified as a Planned Unit~~
10 ~~Development (as set forth in Section 304), irrespective of the zoning district in~~
11 ~~which the property is located.~~

12 ~~(e) Hearing and Decision.~~

13 ~~(1) Hearing. The Planning Commission shall hold a public hearing for all~~
14 ~~projects that are subject to this Section.~~

15 ~~(2) Notice of Hearing. Notice of such hearing shall be provided pursuant to the~~
16 ~~same requirements for Conditional Use requests, as set forth in Section 306.3~~
17 ~~and 306.8.~~

18 ~~(3) Director's Recommendations on Modifications and Exceptions. At the~~
19 ~~hearing, the Planning Director shall review for the Commission key issues related~~
20 ~~to the project based on the review of the project pursuant to Subsection (c) and~~
21 ~~recommend to the Commission modifications, if any, to the project and conditions~~
22 ~~for approval as necessary. The Director shall also make recommendations to the~~
23 ~~Commission on any proposed exceptions pursuant to Subsection (d).~~

24 ~~(4) Decision and Imposition of Conditions. The Commission, after public hearing~~
25 ~~and, after making appropriate findings, may approve, disapprove or approve~~

1 subject to conditions, the project and any associated requests for exception. As
2 part of its review and decision, the Planning Commission may impose additional
3 conditions, requirements, modifications, and limitations on a proposed project in
4 order to achieve the objectives, policies, and intent of the General Plan or of this
5 Code.

6 ~~(5) Appeal. The decision of the Planning Commission may be appealed to the~~
7 ~~Board of Appeals by any person aggrieved within 15 days after the date of the~~
8 ~~decision by filing a written notice of appeal with that body, setting forth wherein it~~
9 ~~is alleged that there was an error in the interpretation of the provisions of this~~
10 ~~Code or abuse of discretion on the part of the Planning Commission.~~

11 ~~(6) Discretionary Review. No requests for discretionary review shall be~~
12 ~~accepted by the Planning Department or heard by the Planning Commission for~~
13 ~~projects subject to this Section.~~

14 ~~(7) Change of Conditions. Once a project is approved, authorization of a~~
15 ~~change in any condition previously imposed by the Planning Commission shall~~
16 ~~require approval by the Planning Commission subject to the procedures set forth~~
17 ~~in this Section.~~

18 **SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH,**
19 **RM AND RTO DISTRICTS.**

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

1 (b) Applicability. Except as indicated herein, all building permit
2 applications for demolition and/or new construction, and/or alteration of
3 residential buildings in RH, RM, and RTO districts shall be subject to the
4 notification and review procedures required by this Section. Subsection 311(e)
5 regarding demolition permits and approval of replacement structures shall apply
6 to all R Districts.

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

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

20 (c) Building Permit Application Review for Compliance and Notification.
21 Upon acceptance of any application subject to this Section, the Planning
22 Department shall review the proposed project for compliance with the Planning
23 Code and any applicable design guidelines approved by the Planning
24 Commission. Applications determined not to be in compliance with the standards
25 of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential Design

1 Guidelines, including design guidelines for specific areas adopted by the
2 Planning Commission, or with any applicable conditions of previous approvals
3 regarding the project, shall be held until either the application is determined to be
4 in compliance, is disapproved or a recommendation for cancellation is sent to the
5 Department of Building Inspection.

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

19 (2) Notification. Upon determination that an application is in compliance
20 with the development standards of the Planning Code, the Planning Department
21 shall cause a notice to be posted on the site pursuant to rules established by the
22 Zoning Administrator and shall cause a written notice describing the proposed
23 project to be sent in the manner described below. This notice shall be in addition
24 to any notices required by the Building Code and shall have a format and content
25 determined by the Zoning Administrator. It shall include a description of the

1 proposal compared to any existing improvements on the site with dimensions of
2 the basic features, elevations and site plan of the proposed project including the
3 position of any adjacent buildings, exterior dimensions and finishes, and a
4 graphic reference scale. The notice shall describe the project review process and
5 shall set forth the mailing date of the notice and the expiration date of the
6 notification period.

7 Written notice shall be mailed to the notification group which shall include
8 the project sponsor, relevant neighborhood organizations as described in
9 Subparagraph 311(c)(2)(C) below, all individuals having made a written request
10 for notification for a specific parcel or parcels pursuant to Planning Code Section
11 351 and all owners and, to the extent practical, occupants, of properties in the
12 notification area.

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

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

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

25

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

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

11 (5) Notification Package. The notification package for a project subject to
12 notice under this Section 311 shall include:

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

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

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

22 (D) 11 by 17 drawings at a measurable scale with all dimensions
23 legible that shows (i) both existing and proposed floor plans, (ii) specific
24 dimensional changes to the building, including parapets, penthouses, and other
25

1 proposed building extensions and (iii) the location and amount of removal of
2 exterior walls.

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

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

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

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

17 The project sponsor of a building permit application may request
18 discretionary review by the Planning Commission to resolve conflicts between
19 the Planning Director and the project sponsor concerning requested
20 modifications to comply with the Residential Design Guidelines.

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

24 (2) Notice. Mailed notice of the discretionary review hearing by the
25 Planning Commission shall be given not less than 10 days prior to the date of the

1 hearing to the notification group as described in Paragraph 311(c)(2) above.
2 Posted notice of the hearing shall be made as provided under Planning Code
3 Section 306.8.

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

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

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

25

1 **SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW**
2 **PROCEDURES FOR ALL NC AND EASTERN NEIGHBORHOODS MIXED USE**
3 **DISTRICTS.**

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

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

20 (c) Changes of Use. In NC Districts, All building permit applications for a
21 change of use to a bar, as defined in Section 790.22, a liquor store, as defined in
22 Section 790.55, a walkup facility, as defined in Section 790.140, other large
23 institutions, as defined in Section 790.50, other small institutions, as defined in
24 Section 790.51, a full-service restaurant, as defined in Section 790.92, a large
25 fast food restaurant, as defined in Section 790.90, a small self-service restaurant,

1 as defined in Section 790.91, a massage establishment, as defined in Section
2 790.60, an outdoor activity, as defined in Section 790.70, an adult or other
3 entertainment use, as defined in Sections 790.36 and 790.38, or a fringe financial
4 service use, as defined in Section 790.111, shall be subject to the provisions of
5 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building
6 permit applications for a change of use from any one land use category to another land
7 use category shall be subject to the provisions of Subsection 312(d). For the purposes of
8 this Subsection, 'land use category' shall mean those categories used to organize the
9 individual land uses which appear in the use tables in Article 8, immediately preceding a
10 group of individual land uses, and include the following: residential use, institutional
11 use, retail sales and service use, assembly, recreation and entertainment use, office use,
12 motor vehicle services use, industrial home and business service use, or other use.

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

23 (1) Neighborhood Commercial Design Guidelines. The construction of
24 new buildings and alteration of existing buildings in NC Districts shall be
25 consistent with the design policies and guidelines of the General Plan as adopted

1 and periodically amended for specific areas or conditions by the Planning
2 Commission. The Director of Planning may require modifications to the exterior
3 of a proposed new building or proposed alteration of an existing building in order
4 to bring it into conformity with the General Plan. These modifications may
5 include, but are not limited to, changes in siting, building envelope, scale texture
6 and detailing, openings, and landscaping.

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

21 Written notice shall be mailed to the notification group which shall include the
22 project sponsor, relevant neighborhood organizations as described in
23 Subparagraph 312(d)(2)(C) below, all individuals having made a written request
24 for notification for a specific parcel or parcels pursuant to Planning Code Section
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1 351 and all owners and, to the extent practical, occupants, of properties in the
2 notification area.

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

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

10 (C) The Planning Department shall maintain a list, updated every
11 six months with current contact information, available for public review, and kept
12 at the Planning Department's Planning Information Counter, and reception desk,
13 as well as the Department of Building Inspection's Building Permit Counter, of
14 neighborhood organizations which have indicated an interest in specific
15 properties or areas. The organizations having indicated an interest in the subject
16 lot or its area shall be included in the notification group for the proposed project.
17 Notice to these groups shall be verified by a declaration of mailing signed under
18 penalty of perjury. In the event that such an organization is not included in the
19 notification group for a proposed project as required under this subsection, the
20 proposed project must be re-noticed.

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

25

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

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

14 The project sponsor of a building permit application may request discretionary
15 review by the Planning Commission to resolve conflicts between the Director of
16 Planning and the project sponsor concerning requested modifications to comply
17 with relevant design guidelines of the General Plan.

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

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

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

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

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

24 **SEC. 313.6. COMPLIANCE THROUGH PAYMENT OF IN-LIEU FEE.**

25

1 (a) Commencing on March 11, 1999, the amount of the fee which may be
 2 paid by the sponsor of a development project subject to this ordinance in lieu of
 3 developing and providing the housing required by Section 313.5 shall be
 4 determined by the following formulas for each type of space proposed as part of
 5 the development project and subject to this ordinance.

7 Net Addition Gross Sq. Ft. Entertainment Space	×	\$10.57 = Total Fee
8 Net Addition Gross Sq. Ft. Hotel Space	×	\$8.50 = Total Fee
9 Net Addition Gross Sq. Ft. Office Space	×	\$11.34 = Total Fee
10 Net Addition Gross Sq. Ft. Research and Development	×	\$7.55 = Total Fee
11 Net Addition Gross Sq. Ft. Retail Space	×	\$10.57 = Total Fee

14
 15 (b) (1) Commencing on January 1, 2002, the amount of the fee which
 16 may be paid by the sponsor of a development project subject to this ordinance in
 17 lieu of developing and providing the housing required by Section 313.5 shall be
 18 determined by the following formulas for each type of space proposed as part of
 19 the development project and subject to this ordinance:
 20

21 Net Addition Gross Sq. Ft. Entertainment Space	×	\$13.95 = Total Fee
22 Net Addition Gross Sq. Ft. Hotel Space	×	\$11.21 = Total Fee
23 Net Addition Gross Sq. Ft. Office Space	×	\$14.96 = Total Fee
24 Net Addition Gross Sq. Ft. R & D Space	×	\$9.97 = Total Fee
25 Net Addition Gross Sq. Ft. Retail Space	×	\$13.95 = Total Fee

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(2) Commencing on January 1, 2009, the amount of the fee which may be paid by the sponsor of a development project subject to this ordinance in lieu of developing and providing the housing required by Section 313.5 shall be determined by the following formulas for each type of space proposed as part of the development project and subject to this ordinance:

<u>Net Addition Gross Sq. Ft. IPDR or S.E.W. Space</u>	<u>x</u>	<u>\$15.69 = Total Fee</u>
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(1) Integrated PDR or IPDR, is defined in Section 890.49 of the Planning Code. (2) Small Enterprise Workspaces or S.E.W., is defined in Section 227(t) of the Planning Code.

(c) No later than July 1 of each year, the Mayor's Office of Housing shall adjust the in lieu fee payment option and provide a report on its adjustment to the Board of Supervisors. The Mayor's Office of Housing shall provide notice of any fee adjustment on its website at least 30 days prior to the adjustment taking effect. The Mayor's Office of Housing is authorized to develop an appropriate methodology for indexing the fee, based on adjustments in the costs of constructing housing and in the price of housing in San Francisco consistent with the indexing for the Residential Inclusionary Affordable Housing Program in lieu fee set out in Planning Code Section 315.6. The method of indexing shall be published in the Procedures Manual for the Residential Inclusionary Affordable Housing Program. In making a determination as to the amount of the fee to be paid, the Planning Department shall credit to the sponsor any excess Interim Guideline credits or excess credits which the sponsor elects to apply against its housing requirement.

1 (c) Prior to the issuance by DBI of the first site or building permit for a
2 development project subject to this ordinance, the sponsor must notify the
3 Planning Department and MHO in writing that it has either (i) satisfied the
4 conditions of Section 313.5(e) ~~or~~ (ii) paid in full the sum required by this Section
5 to the Treasurer, or (iii) satisfied the conditions of Section 328. If the sponsor fails
6 by the applicable date to demonstrate to the Planning Department that the
7 sponsor has satisfied the conditions of Section 313.5(e) or paid the applicable
8 sum in full to the Treasurer, DBI shall deny any and all site or building permits or
9 certificates of occupancy for the development project until the Treasurer notifies
10 DBI and MOH that such payment has been made, and the Treasurer shall
11 immediately initiate lien proceedings against the sponsor's property pursuant to
12 Section 313.9 to recover the fee.

13 (d) Upon payment of the fee in full to the Treasurer and upon request of
14 the sponsor, the Treasurer shall issue a certification that the fee has been paid.
15 The sponsor shall present such certification to the Planning Department, DBI and
16 MOH prior to the issuance by DBI of the first site or building permit or certificate
17 of occupancy for the development project. DBI shall not issue the site or building
18 permit or certificate of occupancy without proof of payment of the fee from the
19 Treasurer. Any failure of the Treasurer, DBI or the Planning Department to give
20 any notice under this Section shall not relieve a sponsor from compliance with
21 this Section. Where DBI inadvertently issues a site or building permit without
22 payment of the fee, DBI shall not issue any certificate of occupancy for the
23 project without notification from the Treasurer that the fee required by this
24 Section has been paid. The procedure set forth in this Subsection is not intended
25 to preclude enforcement of the provisions of this Section pursuant to any other

1 section of this Code, or other authority under the laws of the State of California.
2 An exception to this process exists for Integrated PDR projects that are subject to
3 Section 328 of the Planning Code, for which only 50% of the fees must be paid
4 before the issuance of the final certificate of occupancy.

5 **SEC. 315.1. DEFINITIONS.**

6 The following definitions shall govern interpretation of this ordinance:

7 (1) "Affordable housing project" shall mean a housing project containing units
8 constructed to satisfy the requirements of Sections 315.4 or 315.5.

9 (2) "Affordable to a household" shall mean a purchase price that a household
10 can afford to pay based on an annual payment for all housing costs, as defined in
11 California Code of Regulations ("CCR") Title 25, Section 6920, as amended from
12 time to time, of 33 percent of the combined household annual gross income,
13 assuming a down payment recommended by the Mayor's Office of Housing in the
14 Procedures Manual, and available financing, or a rent that does not exceed 30
15 percent of a household's combined annual gross income. Where applicable, the
16 purchase price or rent may be adjusted to reflect the absence or existence of a
17 parking space(s), subject to the Department's policy on unbundled parking for
18 affordable housing units as specified in the Procedures Manual and amended
19 from time to time.

20 (3) "Affordable to qualifying households" shall mean:

21 (A) With respect to owned units, the average purchase price on the initial
22 sale of all affordable owned units in an affordable housing project shall not
23 exceed the allowable average purchase price and all units must be sold only to
24 households with annual gross incomes up to and including 120 percent of
25

1 median income for the City and County of San Francisco. In addition, each unit
2 shall be sold:

3 (i) Only to households with an annual gross income equal to or less than
4 the qualifying limits for a household of moderate income, adjusted for household
5 size;

6 (ii) On the initial sale, at or below the maximum purchase price; and

7 (iii) On subsequent sales at or below the prices to be determined by the
8 Director Mayor's Office of Housing in the Conditions of Approval or Notice of
9 Special Restrictions according to the formula specified in the Procedures Manual,
10 as amended from time to time, such that the units remain affordable to qualifying
11 households. The formula in the Procedures Manual may permit the seller to
12 include certain allowable capital improvements in the sales price.

13 (B) With respect to rental units in an affordable housing project, the
14 average annual rent, including the cost utilities paid by the tenant according to
15 HUD utility allowance established by the San Francisco Housing Authority, shall
16 not exceed the allowable average annual rent. Each unit shall be rented:

17 (i) Only to households with an annual gross income equal to or less than
18 the qualifying limits for a household of low income as defined in this Section;

19 (ii) At or less than the maximum annual rent.

20 (4) "Allowable average purchase price" shall mean a price for all affordable
21 owned units of the size indicated below that are affordable to a household of
22 median income as defined in this Section, adjusted for the household size
23 indicated below as of the date of the close of escrow, and, where applicable,
24 adjusted to reflect the Department's policy on unbundled parking for affordable
25

1 housing units as specified in the Procedures Manual and amended from time to
2 time:

3 TABLE INSET:

4

5 Number of Bedrooms (or, for live/work units square 6 foot equivalency)	7 Number of Persons in 8 Household
9 0 (Less than 600 square feet)	10 1
11 1 (601 to 850 square feet)	12 2
13 2 (851 to 1,100 square feet)	14 3
15 3 (1,101 to 1,300 square feet)	16 4
17 4 (More than 1,300 square feet)	18 5

19 (5) "Allowable average annual rent" shall mean annual rent for an affordable
20 rental unit of the size indicated below that is 30 percent of the annual gross
21 income of a household of median income as defined in this Section, adjusted for
22 the household size indicated below, and, where applicable, adjusted to reflect the
23 Department's policy on unbundled parking for affordable housing units as
24 specified in the Procedures Manual and amended from time to time:

25 TABLE INSET:

20 Number of Bedrooms 21 (or, for live/work units 22 square foot equivalency)	23 Number of 24 Persons in 25 Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2

1	2 (851 to 1,100 square feet)	3
2	3 (1,101 to 1,300 square feet)	4
3	4 (More than 1,300 square feet)	5

4 (6) "Annual gross income" shall mean gross income as defined in CCR Title 25,
5 Section 6914, as amended from time to time, except that the Mayor's Office of
6 Housing may, in order to promote consistency with the procedures of the San
7 Francisco Redevelopment Agency, develop an asset test that differs from the
8 State definition if it publishes that test in the Procedures Manual.

9 (7) "Average annual rent" shall mean the total annual rent for the calendar year
10 charged by a housing project for all affordable rental units in the project of an
11 equal number of bedrooms divided by the total number of affordable units in the
12 project with that number of bedrooms.

13 (8) "Average purchase price" shall mean the purchase price for all affordable
14 owned units in an affordable housing project of an equal number of bedrooms
15 divided by the total number of affordable units in the project with that number of
16 bedrooms.

17 (9) "Community apartment" shall be as defined in San Francisco Subdivision
18 Code Section 1308(b).

19 (9a) "Conditional use" for purposes of this Ordinance means a conditional use
20 authorization which, pursuant to the Planning Code, is required for the residential
21 component of a project.

22 (10) "Conditions of approval" shall be a set of written conditions imposed by the
23 Planning Commission or another permit-issuing City agency or appellate body to
24 which a project applicant agrees to adhere and fulfill when it receives a
25

1 conditional use or planned unit development permit for the construction of a
2 principal project or other housing project subject to this Program.

3 (11) "Condominium" shall be as defined in California Civil Code Section 783.

4 (12) "Director" shall mean the Director of City Planning or his or her designee,
5 including other City agencies or departments.

6 (13) "First certificate of occupancy" shall mean either a temporary certificate of
7 occupancy or a Certificate of Final Completion and Occupancy as defined in San
8 Francisco Building Code Section 109, whichever is issued first.

9 (14) Intentionally Left Blank.

10 (15) "Household" shall mean any person or persons who reside or intend to
11 reside in the same housing unit.

12 (16) "Household of low income" shall mean a household whose combined
13 annual gross income for all members does not exceed 60 percent of median
14 income for the City and County of San Francisco, as calculated by the Mayor's
15 Office of Housing using data from the United States Department of Housing and
16 Urban Development (HUD) and adjusted for household size or, if data from HUD
17 is unavailable, calculated by the Mayor's Office of Housing using other publicly
18 available and credible data and adjusted for household size.

19 (17) "Household of median income" shall mean a household whose combined
20 annual gross income for all members does not exceed 100 percent of the median
21 income for the City and County of San Francisco, as calculated by the Mayor's
22 Office of Housing using data from the United States Department of Housing and
23 Urban Development (HUD) and adjusted for household size or, if data from HUD
24 is unavailable, calculated by the Mayor's Office of Housing using other publicly
25 available and credible data and adjusted for household size.

1 (17A) "Household of moderate income" shall mean a household whose
2 combined annual gross income for all members does not exceed 120 percent of
3 the median income for the City and County of San Francisco, as calculated by
4 the Mayor's Office of Housing using data from the United States Department of
5 Housing and Urban Development (HUD) and adjusted for household size or, if
6 data from HUD is unavailable, calculated by the Mayor's Office of Housing using
7 other publicly available and credible data and adjusted for household size.

8 (18) "Housing project" shall mean any development which has residential units
9 as defined in the Planning Code, including but not limited to dwellings, group
10 housing, independent living units, and other forms of development which are
11 intended to provide long-term housing to individuals and households. "Housing
12 project" shall not include that portion of a development that qualifies as an
13 Institutional Use under the Planning Code. "Housing project" for purposes of this
14 Program shall also include the development of live/work units as defined by
15 Planning Code Section 102.13. Housing project for purposes of this Program
16 shall mean all phases or elements of a multi-phase or multiple lot residential
17 development.

18 (19) "Housing unit" or "unit" shall mean a dwelling unit as defined in San
19 Francisco Housing Code Section 401.

20 (20) "Live/work unit" shall be as defined in San Francisco Planning Code
21 Section 102.13.

22 (21) "Live/work project" shall mean a housing project containing more than one
23 live/work unit.

24 (22) "Long term housing" shall mean housing intended for occupancy by a
25 person or persons for 32 consecutive days or longer.

1 (23) "Market rate housing" shall mean housing constructed in the principal
2 project that is not subject to sales or rental restrictions.

3 (24) "Maximum annual rent" shall mean the maximum rent that a housing
4 developer may charge any tenant occupying an affordable unit for the calendar
5 year. The maximum annual rent for an affordable housing unit of the size
6 indicated below shall be no more than 30 percent of the annual gross income for
7 a household of low income as defined in this Section, as adjusted for the
8 household size indicated below as of the first date of the tenancy:

9 TABLE INSET:

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11 Number of Bedrooms (or, for live/work units square 12 foot equivalency)	Number of Persons in Household
13 0 (Less than 600 square feet)	1
14 1 (601 to 850 square feet)	2
15 2 (851 to 1100 square feet)	3
16 3 (1101 to 1300 square feet)	4
17 4 (More than 1300 square feet)	5

18

19 (25) "Maximum purchase price" shall mean the maximum purchase price for an
20 affordable owned unit of the size indicated below that is affordable to a
21 household of moderate income, adjusted for the household size indicated below,
22 assuming an annual payment for all housing costs of 33 percent of the combined
23 household annual gross income, a down payment recommended by MOH and
24 set forth in the Procedures Manual, and available financing:

25 TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1100 square feet)	3
3 (1101 to 1300 square feet)	4
4 (More than 1300 square feet)	5

(25A) "Mayor's Office of Housing" shall mean the Mayor's Office of Housing or its successor.

(26) "Notice of Special Restrictions" shall mean a document recorded with the San Francisco Recorder's Office for any unit subject to this Program detailing the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal project relating to the unit.

(27) "Off-site unit" shall mean a unit affordable to qualifying households constructed pursuant to this Ordinance on a site other than the site of the principal project.

(28) "On-site unit" shall mean a unit affordable to qualifying households constructed pursuant to this Ordinance on the site of the principal project.

(29) "Ordinance" shall mean Planning Code Sections 315.1 through 315.9.

(30) "Owned unit" shall mean a unit affordable to qualifying households which is a condominium, stock cooperative, community apartment, or detached single-

1 family home. The owner or owners of an owned unit must occupy the unit as their
2 primary residence.

3 (31) "Owner" shall mean the record owner of the fee or a vendee in possession.

4 (32) "Principal project" shall mean a housing development on which a
5 requirement to provide affordable housing units is imposed.

6 (33) "Procedures Manual" shall mean the City and County of San Francisco
7 Affordable Housing Monitoring Procedures Manual issued by the San Francisco
8 Department of City Planning, as amended.

9 (34) "Program" shall mean the Residential Inclusionary Affordable Housing
10 Program.

11 (35) "Project applicant" shall mean an applicant for a building permit or a site
12 permit or an applicant for a conditional use permit or planned unit development
13 permit, seeking approval from the Planning Commission or Planning Department
14 for construction of a housing project subject to this Section, such applicant's
15 successors and assigns.

16 (36) "Rent" or "rental" shall mean the total charges for rent, utilities, and related
17 housing services to each household occupying an affordable unit.

18 (37) "Rental unit" shall mean a unit affordable to qualifying households which is
19 not a condominium, stock cooperative, or community apartment.

20 (38) "Student housing" shall mean a building where 100 percent of the residential uses
21 are affiliated with and operated by an accredited post-secondary educational institution.

22 Typically, student housing is for rent, not for sale. This housing shall providing
23 provide lodging or both meals and lodging, by prearrangement for one week or more at
24 a time. This definition only applies in the Eastern Neighborhoods Mixed Use Districts
25 and the PDR-1-D District.

1 **SEC. 315.3. APPLICATION.**

2 (a) This Ordinance shall apply to any housing project that consists of five
3 or more units where an individual project or a phased project is to be undertaken
4 and where the total undertaking comprises a project with five or more units, even
5 if the development is on separate but adjacent lots; and

6 (1) Does not require Planning Commission approval as a conditional use
7 or planned unit development;

8 (2) Requires Planning Commission approval as a conditional use or
9 planned unit development;

10 (3) Consists of live/work units as defined by Planning Code Section
11 102.13; or

12 (4) Requires Planning Commission approval of replacement housing
13 destroyed by earthquake, fire or natural disaster only where the destroyed
14 housing included units restricted under the Residential Inclusionary Housing
15 Program or the City's predecessor inclusionary housing policy, condominium
16 conversion requirements, or other affordable housing program.

17 (b) This Ordinance shall apply to all housing projects that have not
18 received a first site or building permit on or before the effective date of this
19 ordinance with the following exceptions. Until these application dates take effect
20 as described below, the provisions of the Ordinance as it exists on July 18, 2006
21 shall govern.

22 (1) The amendments to the off-site requirements in Section 315.5(c) and
23 (d) relating to location and type of off-site housing, and Section 315.4(e) relating
24 to when a developer shall declare whether it will choose an alternative to the on-
25 site requirement shall apply only to projects that receive their Planning

1 Commission or Department approval on or after the effective date of this
2 legislation.

3 (2) The amendments to the percentage-requirements of this Ordinance
4 that govern the number of affordable units a housing project is required to
5 provide in Section 315.4(a) and 315.5(a) apply only to housing projects that
6 submit their first application, including an environmental evaluation application or
7 any other Planning Department or Building Department application, on or after
8 July 18, 2006. Notwithstanding the foregoing, the amendments to the
9 percentage-requirements of this Ordinance also apply to any project that has not
10 received its final Planning Commission or Department approvals before July 18,
11 2006 for housing projects that receive a Zoning Map amendment or Planning
12 Code text amendment related to their project approvals that (A) results in a net
13 increase in the number of permissible residential units, or (B) results in a material
14 increase in the net permissible residential square footage. For purposes of
15 subsection B above a material increase shall mean an increase of 5 percent or
16 more, or an increase in 10,000 square feet or more, whichever is less.

17 (3) The amendments in Section 315.1 to the way median income is
18 calculated apply to any housing project that has not received a first site or
19 building permit by the effective date of this Ordinance. (4) This Ordinance shall
20 apply to all housing projects of 5 to 9 units that filed their first application,
21 including an environmental evaluation application or any other Planning
22 Department application on or after July 18, 2006.

23 (c) This Ordinance shall not apply to:

24 (1) That portion of a housing project located on property owned by the
25 United States or any of its agencies or leased by the United States or any of its

1 agencies for a period in excess of 50 years, with the exception of such property
2 not used exclusively for a governmental purpose;

3 (2) That portion of a housing project located on property owned by the
4 State of California or any of its agencies, with the exception of such property not
5 used exclusively for a governmental or educational purpose; ~~or~~

6 (3) That portion of a housing project located on property under the
7 jurisdiction of the San Francisco Redevelopment Agency or the Port of San
8 Francisco where the application of this Ordinance is prohibited by California or
9 local law;

10 (4) That portion of a housing project for which a project applicant can
11 demonstrate that an impact fee under the Jobs-Housing Linkage Program,
12 commencing with Planning Code Section 313, has been paid; or

13 ~~(5) Student housing, as defined in Section 315.1.38. However, any change of use
14 from student housing to another kind of dwelling unit will require full compliance
15 with the inclusionary housing requirements of Section 315.~~

16 (d) Waiver or Reduction:

17 (1) A project applicant of any project subject to the requirements in this
18 Program may appeal to the Board of Supervisors for a reduction, adjustment, or
19 waiver of the requirements based upon the absence of any reasonable
20 relationship or nexus between the impact of development and either the amount
21 of the fee charged or the inclusionary requirement.

22 (2) A project applicant subject to the requirements of this Program who
23 has received an approved building permit, conditional use permit or similar
24 discretionary approval and who submits a new or revised building permit,
25 conditional use permit or similar discretionary approval for the same property

1 may appeal for a reduction, adjustment or waiver of the requirements with
2 respect to the number of lots or square footage of construction previously
3 approved.

4 (3) Any such appeal shall be made in writing and filed with the Clerk of
5 the Board no later than 15 days after the date the Planning Department sends
6 notice to the project applicant of the number of affordable units required as
7 provided in Section 315.4(a) and 315.5(a). The appeal shall set forth in detail the
8 factual and legal basis for the claim of waiver, reduction, or adjustment. The
9 Board of Supervisors shall consider the appeal at the hearing within 60 days after
10 the filing of the appeal. The appellant shall bear the burden of presenting
11 substantial evidence to support the appeal, including comparable technical
12 information to support appellant's position. The decision of the Board shall be by
13 a simple majority vote and shall be final. If a reduction, adjustment, or waiver is
14 granted, any change in use within the project shall invalidate the waiver,
15 adjustment, or reduction of the fee or inclusionary requirement. If the Board
16 grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly
17 transmit the nature and extent of the reduction, adjustment or waiver to the
18 Treasurer.

19 (e) For projects that have received a first site or building permit prior to
20 the effective date of this legislation, the requirements in effect prior to the
21 effective date of this Ordinance shall apply.

22 **SEC. 315.4. ON-SITE HOUSING REQUIREMENT AND BENEFITS.**
23
24
25

1 Except as provided in Section 315.4(e), all housing projects subject to this
2 Program through the application of Section 315.3 shall be required to construct
3 on-site units subject to the following requirements:

4

5 (a) *Number of Units:*

6 (1) (A) For any housing development of any height that is located in an
7 area with a specific inclusionary housing requirement, the more specific
8 inclusionary housing requirement shall apply. In addition, the following provisions
9 shall apply only to the following Area Plans as provided below:

10

11 (i) Market and Octavia Area Plan: The requirements of Sections 315
12 through 315.9 shall apply in the Plan Area subject to the following:

13 An additional affordable housing requirement shall apply in the Market and
14 Octavia Plan Area as follows:

15 Definitions. The definitions in Section 326.2 and 318.2 shall apply.

16 Amount of fee: All projects that have not received Planning Department or
17 Commission approval as of the effective date of this legislation and that are
18 subject to the Residential Inclusionary Affordable Housing Program shall pay an
19 additional affordable housing fee per square foot of Residential Space Subject to
20 the Community Improvements Impact Fee as follows; \$8.00 in the Van Ness
21 Market Special Use District; \$4.00 in the NCT District; and \$0.00 in the RTO
22 District. A project applicant shall not pay a fee for any square foot of space
23 designated as a below market rate unit under this inclusionary affordable housing
24 program or any other unit that is designated as an affordable housing unit under

25

1 a Federal, State, or local restriction in a manner that maintains affordability for a
2 term no less than 50 years.

3 Timing of payment: The fee shall be paid before the City issues a first
4 certificate of occupancy for the project.

5 Use of Fee: The additional affordable housing requirement specified in this
6 Section for the Market and Octavia Plan Area shall be paid into the Citywide
7 Affordable Housing Fund, but the funds shall be separately accounted for. MOH
8 shall expend the funds according to the following priorities: First, to increase the
9 supply of housing affordable to qualifying households in the Market and Octavia
10 Plan Area; second, to increase the supply of housing affordable to qualifying
11 households within 1 mile of the boundaries of the Plan Area; third, to increase the
12 supply of housing affordable to qualifying households in the City and County of
13 San Francisco. The funds may also be used for monitoring and administrative
14 expenses subject to the process described in Section 315.6(e).

15 Other fee provisions: This additional affordable housing fee shall be
16 subject to the following provisions of Sections 326 et seq.; the inflation
17 adjustment provisions of Section 326.3(d); the waiver and reduction provisions of
18 Section 326.3(h); the lien proceedings in Section 326.4; and the refund
19 provisions of Section 326.5. This additional affordable housing fee may not be
20 met through the in-kind provision of community improvements or Community
21 Facilities (Mello Roos) financing options of Sections 326.3(e) and (f).

22 Findings: The Board of Supervisors hereby finds that the additional
23 affordable housing requirements of this Section are supported by the Nexus
24 Study performed by Keyser Marston and Associates referenced in Section
25 315.2(12) and found in Board File No. 081152. The Board of Supervisors has

1 reviewed the study and staff analysis and report of the study and, on that basis
2 finds that the study supports the current inclusionary housing requirements
3 combined with the additional affordable housing fee. Specifically, the Board finds
4 that the study: identifies the purpose of the additional fee to mitigate impacts on
5 the demand for affordable housing in the City; identifies the use to which the
6 additional fee is to be put as being to increase the City's affordable housing
7 supply; and establishes a reasonable relationship between the use of the
8 additional fee for affordable housing and the need for affordable housing and the
9 construction of new market rate housing. Moreover, the Board finds that the
10 current inclusionary requirements combined with the additional fee are less than
11 the cost of mitigation and do not include the costs of remedying any existing
12 deficiencies. The Board also finds that the study establishes that the current
13 inclusionary requirements and additional fee do not duplicate other City
14 requirements or fees.

15 Furthermore, the Board finds that generally an account has been
16 established, funds appropriated, and a construction schedule adopted for
17 affordable housing projects funded through the Inclusionary Housing program
18 and the additional fee or that the in lieu fees and the additional fee will reimburse
19 the City for expenditures on affordable housing that have already been made.

20 Furthermore, the Board finds that a major Market and Octavia Area Plan
21 objective is to direct new market rate housing development to the area. That new
22 market rate development will greatly out number both the number of units and
23 potential new sites within the plan area for permanently affordable housing
24 opportunities. The City and County of San Francisco has adopted a policy in its
25 General Plan to meet the affordable housing needs of its general population and

1 to require new housing development to produce sufficient affordable housing
2 opportunities for all income groups, both of which will not be met by the projected
3 housing development in the plan area. In addition, the "Draft Residential Nexus
4 Analysis City and County of San Francisco" of December 2006 indicates that
5 market rate housing itself generates additional lower income affordable housing
6 needs for the workforce needed to serve the residents of the new market rate
7 housing proposed for the plan area. In order to meet the demand created for
8 affordable housing by the specific policies of the Plan and to be consistent with
9 the policy of the City and County of San Francisco it is found that an additional
10 affordable housing fee need be included on all market rate housing development
11 in the Plan Area with priority for its use being given to the Plan area.

12 (ii) Eastern Neighborhoods Project Area: The requirements of Sections 315
13 through 315.9 and 319 shall apply in the Eastern Neighborhoods Plan Area subject to
14 the following and subject to any stated exceptions elsewhere in this Code, including the
15 specific provisions in Section 319:

16 Definitions:

17 "Gross square footage" shall have the meaning set forth in Section 102.9.

18 "Development Application" shall have the meaning set forth in Section 175.6.

19 "Eastern Neighborhood Controls" shall have the meaning set forth in Section 175.6.

20 Application. The option described in this subsection (ii) shall only be provided to
21 development projects that are subject to the Eastern Neighborhood Controls as defined in
22 Section 175.6 (e), and consist of 20 units or less or less than 25,000 gross square feet.

23 Amount of Fee. All projects subject to this subsection may choose to pay a square foot in
24 lieu fee instead of the in lieu fee provided for in Section 315.6 as follows. If this option is
25 selected, the project applicant shall pay \$40.00 per gross square foot of net new

1 residential development. The calculation of gross square feet shall not include
2 nonresidential uses, including any retail, commercial, or PDR uses, and all other space
3 used only for storage and services necessary to the operation or maintenance of the
4 building itself.

5 Timing of Payment. The project applicant shall pay the fee prior to issuance by DBI of
6 the first site or building permit for the project. At the project applicant's option, it may
7 choose to pay only 50% of the fee prior to issuance by DBI of the first site or building
8 permit and, prior to issuance of the first site or building permit, the City shall impose a
9 lien on the property for the remaining 50% of the fee through the procedures set forth in
10 Section 315.6(f) except that no interest will accrue for the first twelve months from the
11 issuance of the first site or building permit for the project. The project applicant shall pay
12 the remaining 50% of the fee prior to issuance by DBI of a first certificate of occupancy.
13 When 100% of the fee is paid, including interest if applicable, the City shall remove the
14 lien.

15 Use of Fee. The fee shall be paid into the Citywide Affordable Housing Fund, but the
16 funds shall be separately accounted for. MOH shall expend the funds according to the
17 following priorities: First, to increase the supply of housing affordable to qualifying
18 households in the Eastern Neighborhoods Project Areas; second, to increase the supply
19 of housing affordable to qualifying households within 1 mile of the boundaries of the
20 Eastern Neighborhoods Project Areas; third, to increase the supply of housing affordable
21 to qualifying households in the City and County of San Francisco. The funds may also be
22 used for monitoring and administrative expenses subject to the process described in
23 Section 315.6(e).

24 Findings. The Board of Supervisors hereby finds that the fee provisions of this Section
25 are equivalent to or less than the fees for developments of over 20 units previously

1 adopted by the Board in Ordinance No. 051685 and 060529 and are also supported by
2 the Nexus Study performed by Keyser Marston and Associates referenced in Section
3 315.2(12) and found in Board File No. 081152 . The Board of Supervisors has
4 reviewed the study and staff analysis prepared by the Mayor's Office of Housing dated ---
5 July 24, 2008 in Board File No. 081152 and on that basis finds that the study supports
6 the current proposed changes to the inclusionary housing requirements for projects of 20
7 units or less in the Eastern Neighborhood Area Plan. Specifically, the Board finds that
8 the study and staff memo: identifies the purpose of the additional fee to mitigate impacts
9 on the demand for affordable housing in the City; identifies the use to which the
10 additional fee is to be put as being to increase the City's affordable housing supply; and
11 establishes a reasonable relationship between the use of the additional fee for affordable
12 housing and the need for affordable housing and the construction of new market rate
13 housing. Moreover, the Board finds that the new inclusionary requirements are less than
14 the cost of mitigation and do not include the costs of remedying any existing deficiencies.
15 The Board also finds that the study establishes that the inclusionary requirements do not
16 duplicate other City requirements or fees.
17 Furthermore, the Board finds that generally an account has been established, funds
18 appropriated, and a construction schedule adopted for affordable housing projects
19 funded through the Inclusionary Housing program and the in lieu fees will reimburse the
20 City for expenditures on affordable housing that have already been made.
21 Furthermore, the Board finds that small scale development faces a number of challenges
22 in the current development climate, including limited access to credit and often, a higher
23 land cost per unit for the small sites on which they develop. Because of these and other
24 variations from larger-scale development, they operate under a somewhat unique
25 development model which cannot be fully encapsulated within the constraints of the

1 Eastern Neighborhoods Financial Analysis, prepared to assess the financial feasibility of
2 increasing housing requirements and impact fees in the Plan Areas. To address these
3 challenges, the Board finds that a number of slight modifications to the affordable
4 housing requirements of the Eastern Neighborhoods, to apply to small projects (defined
5 as 20 units or fewer, or less than 25,000 gross square feet) are appropriate.

6 **SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION**
7 **IN NEIGHBORHOOD COMMERCIAL, EASTERN NEIGHBORHOODS MIXED**
8 **USE DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS AND**
9 **FOR LIVE/WORK UNITS IN RH AND RM DISTRICTS.**

10 In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this
11 Code, the following procedures set forth in this and the following sections shall
12 govern applications for conditional use authorization where this authorization is
13 required pursuant to Sections 178, 179, 181(f) or (g), 209.9(f), 209.9(h),
14 260(b)(2)(P) or 263.11 of this Code; zoning categories .10, .11, .21, .24 through
15 .27, .38 through .90, and .95 of Sections 710 through 729 of this Code for each
16 Neighborhood Commercial District; ~~or~~ Sections 813 through 818 for the South of
17 Market Mixed Use Districts; or Section 840 through 843 for the Eastern
18 Neighborhoods Mixed Use Districts. The criteria for determinations on such
19 applications are set forth in Section 303(c) of this Code. Additional criteria for
20 determinations on applications pursuant to zoning categories .10, .11, and .21 of
21 Article 7 are set forth in the Section of this Code containing the control. Additional
22 criteria for determinations on certain applications within Mixed Use South of Market
23 Districts are set forth in Sections 263.11 and 803.5 through 803.9 of this Code.

24 **SEC. 319. HOUSING REQUIREMENTS FOR RESIDENTIAL**
25 **DEVELOPMENT PROJECTS IN THE UMU ZONING DISTRICTS OF THE**

1 **EASTERN NEIGHBORHOODS AND THE LAND DEDICATION ALTERNATIVE**
2 **IN THE MISSION NCT DISTRICT.**

3 **SEC. 319.1. FINDINGS.**

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

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

21 (b) Target Area For New Housing. San Francisco's Housing Element
22 establishes the Eastern Neighborhoods as a target area for development of new housing
23 to meet San Francisco's identified housing targets. The release of some of the area's
24 formerly industrial lands, no longer needed to meet current industrial or PDR needs,
25 offers an opportunity to achieve higher affordability, and meet a greater range of need.

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

6 New affordable units are currently funded through a variety of sources, including
7 inclusionary housing and in lieu fees leveraged by new market rate residential
8 development pursuant to Sections 313 and 315; as well as City, State, and federal
9 funding. Using these existing sources, the Planning Department projects that
10 approximately 1,000 to 1,500 new units of affordable housing will be developed in the
11 Eastern Neighborhoods.

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

17 (c) Requirements for New Development To Contribute Towards Housing Objectives.
18 A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount
19 of new housing affordable to low, moderate and middle income families and individuals,
20 along with “complete neighborhoods” that provide appropriate amenities for these new
21 residents. The Plans obligate all new development within the Eastern Neighborhoods to
22 contribute towards these goals, by providing a contribution towards affordable housing
23 needs and by paying for a reasonable share of their impact on the neighborhood’s
24 infrastructure. They further require new development in transitioning formerly industrial

1 areas to contribute a higher share towards the City's exponentially high affordability
2 needs.

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

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

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

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

25

1 The Eastern Neighborhoods Plans structure requirements and fees by tiers to
2 ensure feasibility. This feasibility amount remains below the nexus established in the
3 Residential Nexus Analysis, April 2007, on file with the Planning Department. The
4 following housing requirement tiers are created in the UMU Zoning Districts of the
5 Eastern Neighborhoods, and included as a notation on each parcel in the Planning
6 Department's Parcel Information System:

- 7 • Tier A. Sites within the UMU which do not receive zoning changes that
8 increase heights, as compared to allowable height prior to the rezoning (May
9 2008).
- 10 • Tier B. Sites within the UMU which receive zoning changes that increase
11 heights by one to two stories.
- 12 • Tier C. Sites within the UMU which receive zoning changes that increase
13 heights by three or more stories.

14 Within these districts, new development of market-rate housing will be required to meet
15 affordable housing requirements above the City's ordinary affordable housing
16 requirements for Residential And Live/Work Development Projects (Section 315), as
17 described in Sections 319.2-319.4. These housing requirements may be met through
18 increased inclusionary requirements under the City's traditional Inclusionary Program,
19 or through alternative methods contained herein.

20 **SEC. 319.2. DEFINITIONS.**

21 The following definitions shall supplement the definitions contained within Section 315.1,
22 and shall govern interpretation of this ordinance:

23 (a) "Middle Income Household" shall mean a household whose combined annual
24 gross income for all members is between 120 percent and 150 percent of the local
25 median income for the City and County of San Francisco, as calculated by the Mayor's

1 Office of Housing using data from the United States Department of Housing and Urban
2 Development (HUD) and adjusted for household size or, if data from HUD is
3 unavailable, as calculated by the Mayor's Office of Housing using other publicly
4 available and credible data and adjusted for household size.

5 (b) "Total developable site area" shall mean that part of the site that can be
6 feasibly developed as residential development, excluding land already substantially
7 developed, parks, required open spaces, streets, alleys, walkways or other public
8 infrastructure.

9 (c) "Dedicated" shall mean legally transferred to the City and County of San
10 Francisco, including all relevant legal documentation, at no cost to the City.

11 (d) "Dedicated site" shall mean the portion of site proposed to be legally
12 transferred at no cost to the City and County of San Francisco under the requirements of
13 this section.

14 (e) "Principal site" shall mean the total site proposed for development, including
15 the portion of site proposed to be legally transferred to the City and County of San
16 Francisco under the requirements of this section.

17 (f) "Affordable to qualifying middle income households" shall mean:

18 (1) With respect to owned units, the average purchase price on the initial sale of
19 all qualifying middle income units shall not exceed the allowable average purchase price
20 deemed acceptable for households with an annual gross income equal to or less than the
21 qualifying limits for a household of middle income, adjusted for household size. This
22 purchase price shall be based on household spending of 35% of income for housing, and
23 shall only apply to initial sale, and not for the life of the unit.

24 (2) With respect to rental units, the average annual rent-- including the cost of
25 utilities paid by the tenant according to the HUD utility allowance established by the San

1 Francisco Housing Authority -- for qualifying middle income units shall not exceed the
2 allowable average purchase price deemed acceptable for households with an annual
3 gross income equal to or less than the qualifying limits for a household of middle income,
4 adjusted for household size. This price restriction shall exist for the life of the unit.

5 (g) "Rental Housing Project" shall mean a project consisting solely of
6 rental housing units, as defined in Section 315.1(37) that meets the following
7 requirements:

8 (1) The units shall be rental housing for not less than 30 years from the
9 issuance of the certificate of occupancy pursuant to an agreement between the
10 developer and the City. This agreement shall be in accordance with California
11 Government Code Section 66452.50 applicable State law governing rental
12 housing:

13 (2) A Notice of Special Restrictions (NSR), with the City as a third party
14 beneficiary and subject to written approval of the Director, shall be recorded on
15 the title of the property prior to final map approval containing the terms of the
16 agreement described above in subsection (1). Once the agreement is recorded
17 against the property, the NSR shall terminate.

18 **SEC. 319.3. APPLICATION.**

19 Section 319.3 of this Ordinance shall apply to any housing project located in the
20 UMU Zoning District of the Eastern Neighborhoods, that is subject to the requirements
21 of Section 315 et seq.

22 **SEC. 319.4. HOUSING REQUIREMENTS FOR UMU DISTRICTS.**

23 (a) Requirements for the Inclusionary Housing Component. The requirements
24 of Sections 315 through 315.9 shall apply subject to the following exceptions:

25

1 (1) For all project sites designated as Tier A, a minimum of 18 percent of the total
2 units constructed shall be affordable to and occupied by qualifying persons and families
3 as defined elsewhere in this Code, so that a project applicant must construct .18 times the
4 total number of units produced in the principal project beginning with the construction of
5 the fifth unit. If the total number of units is not a whole number, the project applicant
6 shall round up to the nearest whole number for any portion of .5 or above.

7 (A) If the project applicant elects pursuant to Section 315.4(e), to build
8 off-site units to satisfy the requirements of this program, the project applicant shall
9 construct 23 percent so that a project applicant must construct .23 times the total number
10 of units produced in the principal project beginning with the construction of the fifth unit.
11 If the total number of units is not a whole number, the project applicant shall round up to
12 the nearest whole number for any portion of .5 or above.

13 (B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay
14 an in lieu fee to satisfy the requirements of this program, the applicant shall meet the
15 requirements of Section 315 according to the number of units required above if the
16 project applicant were to elect to meet the requirements of this section by off-site housing
17 development. For the purposes of this section, the City shall calculate the fee using the
18 direct fractional result of the total number of units multiplied by the percentage of off-site
19 housing required, rather than rounding up the resulting figure as required by Section
20 315.5(a).

21 (2) For all project sites designated Tier B, a minimum of 20 percent of the total
22 units constructed shall be affordable to and occupied by qualifying persons and families
23 as defined elsewhere in this Code, so that a project applicant must construct .20 times the
24 total number of units produced in the principal project beginning with the construction of
25

1 the fifth unit. If the total number of units is not a whole number, the project applicant
2 shall round up to the nearest whole number for any portion of .5 or above.

3 (A) If the project applicant elects pursuant to Section 315.4(e), to build
4 off-site units to satisfy the requirements of this program, the project applicant shall
5 construct 25 percent so that a project applicant must construct .25 times the total number
6 of units produced in the principal project beginning with the construction of the fifth unit.
7 If the total number of units is not a whole number, the project applicant shall round up to
8 the nearest whole number for any portion of .5 or above.

9 (B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay
10 an in lieu fee to satisfy the requirements of this program, the project applicant shall meet
11 the requirements of Section 315 according to the number of units required above if the
12 project applicant were to elect to meet the requirements of this section by off-site housing
13 development. For the purposes of this section, the City shall calculate the fee using the
14 direct fractional result of the total number of units multiplied by the percentage of off-site
15 housing required, rather than rounding up the resulting figure as required by Section
16 315.5(a).

17 (3) For all project sites designated Tier C, a minimum of 22 percent of the total
18 units constructed shall be affordable to and occupied by qualifying persons and families
19 as defined elsewhere in this Code, so that a project applicant must construct .22 times the
20 total number of units produced in the principal project beginning with the construction of
21 the fifth unit. If the total number of units is not a whole number, the project applicant
22 shall round up to the nearest whole number for any portion of .5 or above.

23 (A) If the project applicant elects pursuant to Section 315.4(e), to build
24 off-site units to satisfy the requirements of this program, the project applicant shall
25 construct 27 percent so that a project applicant must construct .27 times the total number

1 of units produced in the principal project beginning with the construction of the fifth unit.
2 If the total number of units is not a whole number, the project applicant shall round up to
3 the nearest whole number for any portion of .5 or above.

4 (B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay
5 an in lieu fee to satisfy the requirements of this program, the project applicant shall meet
6 the requirements of Section 315 according to the number of units required above if the
7 project applicant were to elect to meet the requirements of this section by off-site housing
8 development. For the purposes of this section, the City shall calculate the fee using the
9 direct fractional result of the total number of units multiplied by the percentage of off-site
10 housing required, rather than rounding up the resulting figure as required by Section
11 315.5(a).

12 (b) Alternatives to the Inclusionary Housing Component. In addition to the
13 alternatives specified in Section 315.4 (e), (and further described above and in Section
14 315.5. Compliance Through Off-Site Housing Development, and Section 315.6.
15 Compliance Through In-Lieu Fee), and described further above, the project sponsor may
16 elect to satisfy the requirements of Section 315.4 by one of the alternatives specified in
17 this Section. The project sponsor has the choice between the alternatives and the
18 Planning Commission may not require a specific alternative. The project sponsor must
19 elect an alternative before it receives project approvals from the Planning Commission
20 or Planning Department and that alternative will be a condition of project approval. The
21 alternatives are as follows:

22 (1) Middle Income Alternative. On sites with less than 50,000 square feet of total
23 developable area, applicants may provide units as affordable to qualifying "middle
24 income" households as follows:

1 (A) A minimum percent of the total units constructed shall be affordable to
2 and occupied affordable to qualifying "middle income" households upon initial sale,
3 according the schedule in Table 319.4. If the total number of units is not a whole number,
4 the project applicant shall round up to the nearest whole number for any portion of .5 or
5 above. Units shall be affordable to households between 120 percent and 150 percent of
6 the San Francisco Area Median Income, with an average affordability level of 135
7 percent for all units provided through this alternative.

8 (B) Where market rate sales prices exceed restricted sales prices, the
9 difference between the market rate sales prices and the restricted sales prices shall be
10 held by the Mayor's Office of Housing as a silent second mortgage according to the
11 Procedures Manual. The City shall hold a deed of trust and promissory note for the
12 second mortgage. The Mayor's Office of Housing shall hold this mortgage shall release
13 it when the original note and proportional share of the appreciation are paid in full to the
14 City.

15 (C) Units shall initially be sold at or below prices to be determined by the
16 Mayor's Office of Housing in the Conditions of Approval or Notice of Special
17 Restrictions according to the formula specified in the Procedures Manual to make them
18 affordable to middle income households. Upon resale, the seller shall be permitted to
19 sell the units at their market price. The City will waive its right of first refusal to the
20 seller when the promissory note and deed of trust are paid, along with the City's share of
21 the appreciation of the unit. The promissory note shall accrue no interest and shall
22 require no monthly payments.

23 (D) Upon first resale, the seller shall have a right to keep a percentage of
24 the total appreciation of the unit proportional to every year the original seller owns the
25 unit as an owner occupant. The remainder of the proceeds of the sale, after the 1st

1 mortgage, the second mortgage, and any other subordinate financing is paid off, shall be
2 repaid to the Mayor's Office of Housing. Detailed resale procedures shall be specified in
3 the Middle Income Housing Procedures Manual published by the Mayor's Office of
4 Housing and approved by the Planning Commission. The Director of the Mayor's Office
5 of Housing shall amend the Procedures Manual as needed with the Planning
6 Commission's approval.

7 (E) The City shall monitor units provided under this option during the 2
8 and 5-year Monitoring Report specified in Planning Code Section 342 and in separate
9 resolution. Should this monitoring report indicate that units constructed under this
10 program do not meet the programs stated goals of providing affordable housing to
11 Middle Income Households, the Planning Department and Mayor's Office of Housing
12 shall consider changes to this program, including, but not limited to, legislative changes.

13 (F) If the project sponsor elects to satisfy the requirements of Section
14 315.4 and of this Section by the alternative specified above, the requirement that 40
15 percent of the total number of proposed dwelling units shall contain at least two
16 bedrooms may be waived provided the minimum percent of total units affordable to
17 qualifying "middle income" as required by Table 319.4 is increased by 10%.

18 (2) Land Dedication Alternative. Applicants may dedicate a portion of the total
19 developable area of the principal site to the City and County of San Francisco for the
20 purpose of constructing units affordable to qualifying households. A minimum percentage
21 of developable area, representing an equivalent percent of total potential units to be
22 constructed, shall be dedicated to the City according the schedule in Table 319.4. To
23 meet the requirements of this alternative, the developer must convey title to land in fee
24 simple absolute to the Mayor's Office of Housing according to the Procedures Manual,
25

1 provided the dedicated site is deemed of equivalent or greater value to the principal site
2 per those procedures and is in line with the following requirements:

3 (A) The dedicated site will result in a total amount of inclusionary units
4 not less than forty (40) units. The Mayor's Office of Housing may conditionally approve
5 and accept dedicated sites which result in no less than twenty five (25) units at its
6 discretion.

7 (B) The dedicated site will result in a total amount of inclusionary units
8 that is equivalent or greater than the minimum percentage of the units that will be
9 provided on the principal site, as required by Table 319.4. The Mayor's Office of
10 Housing may also accept dedicated sites that represent the equivalent of or greater than
11 the required percentage of units for all units be provided on a collective of sites within a
12 one-mile radius, provided the total amount of inclusionary units provided on the
13 dedicated site is equivalent to or greater than the total requirements for all principal sites
14 participating in the collective, according to the requirements of Table 319.4.

15 (C) The dedicated site is suitable from the perspective of size,
16 configuration, physical characteristics, physical and environmental constraints, access,
17 location, adjacent use, and other relevant planning criteria. The site must allow
18 development of affordable housing that is sound, safe and acceptable.

19 (D) The dedicated site includes infrastructure necessary to serve the
20 inclusionary units, including sewer, utilities, water, light, street access and sidewalks.

21 (E) The developer must submit full environmental clearance for the dedicated site
22 before the land can be considered for conveyance, and before a first site or building
23 permit may be conferred upon the principal project.

24
25

1 (F) The City may accept dedicated sites that vary from the minimum
2 threshold provided such a dedication is deemed generally equivalent to the original
3 requirement by the Mayor's Office of Housing.

4 (G) The City may accept dedicated sites that meet the above requirements
5 in accordance with the Procedures Manual, in combination with in-lieu fees or on-site
6 units, provided such a combination is deemed generally equivalent by the Mayor's Office
7 of Housing to the original requirement.

8 (H) The project applicant has a letter from the Mayor's Office of Housing
9 verifying acceptance of site before it receives project approvals from the Planning
10 Commission or Planning Department, which shall be used to verify dedication as a
11 condition of approval.

12 (I) If the project sponsor elects to satisfy the requirements of Section 315.4
13 and of this Section by the alternative specified above, the requirement that 40 percent of
14 the total number of proposed dwelling units shall contain at least two bedrooms may be
15 waived.

16 (J) The Land Dedication Alternative may be satisfied through the
17 dedication to the City of air space above or adjacent to the project, upon the
18 approval of the Mayor's Office of Housing, or a successor entity, and provided
19 the other requirements of subsection (b)(2)(A)-(I) are otherwise satisfied.

20 TABLE 319.4

21 HOUSING REQUIREMENTS FOR THE UMU DISTRICT

22

	<u>On-Site</u>	<u>Off-Site/ In-</u>	<u>Middle</u>	<u>Land</u>	<u>Land</u>
	<u>Housing</u>	<u>Lieu</u>	<u>Income</u>	<u>Dedication</u>	<u>Dedication</u>
	<u>Requirement</u>	<u>Requirement</u>	<u>Alternative*</u>	<u>Alternative for</u>	<u>Alternative for</u>
<u>Tier</u>	<u>Requirement</u>	<u>Requirement</u>	<u>Alternative*</u>	<u>sites that</u>	<u>sites that</u>

23
24
25

				<u>have less than 30,000 square feet of developable area</u>	<u>have at least 30,000 square feet of developable area</u>
1					
2					
3					
4					
5	<u>A</u>	<u>18%</u>	<u>23%</u>	<u>30%</u>	<u>35%</u>
6	<u>B</u>	<u>20%</u>	<u>25%</u>	<u>35%</u>	<u>40%</u>
7	<u>C</u>	<u>22%</u>	<u>27%</u>	<u>40%</u>	<u>45%</u>

8 **Requirement increases by 5% if two-bedroom requirement is waived.*

9 (c) Rental Incentive. Qualified rental housing projects, as defined in
 10 Section 319.2(g), are allowed a reduction in their inclusionary housing
 11 requirements as follows:

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

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

20 (3) In addition, a rental housing project shall receive a fee waiver from the
 21 Eastern Neighborhood Public Benefit Fee as set forth in Section 327.3 in the
 22 amount of \$1.00 per gross square foot.

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

1 (e) Adjustments to Requirements for the Inclusionary Housing Component.

2 This Section is intended to incorporate, rather than supersede, any changes made to
3 Planning Code Sections 315. In the instance that the base requirements of Section 315
4 are amended, the above-noted requirements shall be reviewed, and if appropriate,
5 amended and/or increased accordingly.

6 **SEC. 319.5. LAND DEDICATION ALTERNATIVE IN THE MISSION NCT**
7 **DISTRICT.**

8 The Land Dedication alternative is available for any project within the
9 Mission NCT District under the same terms and conditions as provided for in
10 Section 319.4(b)(2)(A) – (J).

11 **SEC. 327. EASTERN NEIGHBORHOODS PUBLIC BENEFIT FUND.**

12 Sections 327.1 to 327.6 set forth the requirements and procedures for the Eastern
13 Neighborhoods Public Benefit Fund.

14 **SEC. 327.1. FINDINGS.**

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

24 The Association of Bay Area Governments' (ABAG) Regional Housing Needs
25 Determination (RHND) forecasts that San Francisco must produce over 31,000 new units

1 in the next five years, or over 6,000 new units of housing annually, to meet projected
2 needs. At least 60%, or over 18,000, of these new units should be available to
3 households of very low, low, and moderate incomes. With land in short supply in the City,
4 it is increasingly clear that the City's formerly industrial areas offer a critical source of
5 land where this great need for housing, particularly affordable housing, can be partially
6 addressed.

7 San Francisco's Housing Element establishes the Eastern Neighborhoods as a
8 target area for development of new housing to meet San Francisco's identified housing
9 targets. The release of some of the area's formerly industrial lands, no longer needed to
10 meet current industrial or PDR needs, offer an opportunity to achieve higher
11 affordability, and meet a greater range of need. The Mission, Showplace Square –
12 Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan
13 (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended
14 specifically to meet San Francisco's housing needs, through higher affordability
15 requirements and through greater flexibility in the way those requirements can be met, as
16 described in Section 319. To support this new housing, other land uses, including PDR
17 businesses, retail, office and other workplace uses will also grow in the Eastern
18 Neighborhoods.

19 (b) Need for Public Improvements to Accompany New Uses. The amendments
20 to the General Plan, Planning Code, and Zoning Maps that correspond to this ordinance
21 will permit an increased amount of new housing and other uses, as noted above. The
22 Planning Department anticipates an increase of at least 7,365 new housing units within
23 the next 20 years, and over 13,000 new jobs, as estimated under Option B of the Eastern
24 Neighborhoods Draft Environmental Impact Report. This new development will have an
25 extraordinary impact on the Plan Area's already deficient neighborhood infrastructure.

1 New development will generate needs for a significant amount of public open space and
2 recreational facilities; transit and transportation, including streetscape and public realm
3 improvements; community facilities and services, including library materials and child
4 care; and other amenities, as described in the Eastern Neighborhoods Public Benefits
5 Program, on file with the Clerk of the Board in File No. 081155.

6 The Eastern Neighborhoods Area Plans addresses existing deficiencies and new
7 impacts, through a comprehensive package of public benefits described in the Eastern
8 Neighborhoods Public Benefits Program. This Program will enable the City and County
9 of San Francisco to provide necessary public infrastructure to new residents while
10 increasing neighborhood livability and investment in the district.

11 (c) Requirements for New Development To Contribute Towards Plan
12 Objectives. A key policy goal of the Eastern Neighborhoods Plans is to provide a
13 significant amount of new housing affordable to low, moderate and middle income
14 families and individuals, along with "complete neighborhoods" that provide appropriate
15 amenities for these new residents. The Plans obligate all new development within the
16 Eastern Neighborhoods to contribute towards these goals, by providing a contribution
17 towards affordable housing needs and by paying an Eastern Neighborhoods Impact Fee.

18 However, due to the high cost of land within the City, it has been determined that
19 the imposition of requirements and fees based on the full impact of new development
20 would be overly burdensome to new development, and hinder the City's policy goal of
21 providing a significant amount of new housing. Therefore, fee rates have been set at a
22 level that will not hinder this policy goal overall. The Plans structure requirements and
23 fees by tiers to ensure feasibility. The following fee tiers are created in the Eastern
24 Neighborhoods Plan Areas, and included as a notation on each parcel in the Planning
25 Department/s Parcel Information System:

- 1 1. Tier 1. Sites which do not receive zoning changes that increase heights, as
2 compared to allowable height prior to the rezoning (May 2008), all 100%
3 affordable housing projects, and all housing projects within the Urban Mixed Use
4 (UMU) district.
- 5 2. Tier 2. All other sites which receive zoning changes that increase heights by one
6 to two stories.
- 7 3. Tier 3. All other sites which receive zoning changes that increase heights by three
8 or more stories, and designated affordable housing zones (e.g. the Mission
9 NCT and in the Mixed Use Residential Districts).

10 (d) Programmed Improvements. General public improvements and amenities
11 needed to meet the needs of both existing residents, as well as those needs generated by
12 new development, have been identified through the community planning processes of the
13 Area Plans, based on the standards-based analysis contained in the Eastern
14 Neighborhoods Needs Assessment, San Francisco Planning Department, Case No.
15 2004.016000 on file with the Clerk of the Board in File No. 081155, and on
16 community input during the Plan adoption process. The Planning Department developed
17 generalized cost estimates, based on similar project types implemented by the City in the
18 relevant time period, to provide reasonable approximates for the eventual cost of
19 providing necessary Public Benefits in the Plan Areas (information on these cost
20 estimates is located in the Eastern Neighborhoods Public Benefits Program Document).
21 However specific public improvements are still under development and will be further
22 clarified through interdepartmental efforts with input from the Interagency Plan
23 Implementation Committee, the Citizens Advisory Committee, and other stakeholders.
24 Specific project identification, design work, engineering, and environmental review will
25

1 still be required and may alter the nature of the improvements, as well as the sum total of
2 the cost for these improvements.

3 (e) Eastern Neighborhoods Impact Fee. Development impact fees are an
4 effective approach to mitigate impacts associated with growth in population. The
5 proposed Eastern Neighborhoods Eastern Neighborhoods Impact Fee would be
6 dedicated to infrastructure improvements in the Plan Area, directing benefits of the fund
7 clearly to those who pay into the fund, by providing necessary infrastructure
8 improvements and housing needed to serve new development. The net increases in
9 individual property values in these areas due to the enhanced neighborhood amenities
10 financed with the proceeds of the fee are expected to exceed the payments of fees by
11 project sponsors.

12 The fee rate has been calculated by the Planning Department based on accepted
13 professional methods for the calculation of such fees, and described fully in the Eastern
14 Neighborhoods Nexus Studies, San Francisco Planning Department, Case No.
15 2004.0160UU on file with the Clerk of the Board in File No. 081155. The Eastern
16 Neighborhoods Public Benefits Program Document contains a full discussion of impact
17 fee rationale.

18 The proposed fee would cover less than the full nexus as calculated by the Eastern
19 Neighborhoods Nexus Studies. The proposed fees only cover impacts caused by new
20 development and are not intended to remedy existing deficiencies. Those costs will be
21 paid for by public, community, and other private sources as described in the Eastern
22 Neighborhoods Public Benefits Program. Residential and non-residential impact fees are
23 only one of many revenue sources necessary to create the "complete neighborhoods"
24 that will provide appropriate amenities for residents of the Eastern Neighborhoods.

25 **SEC. 327.2. DEFINITIONS.**

1 The following definitions shall govern this ordinance:

2 (a) Definitions from section 318.2 shall apply unless otherwise noted in this
3 Section.

4 (b) "Designated affordable housing zones", for the purposes of this section, shall
5 mean the Mission NCT defined in Section 736 and the Mixed Use Residential District
6 defined in Section 841.

7 (c) "Community facilities" shall mean all uses as defined under Section 209.4(a)
8 and 209.3(d) of this Code.

9 (d) "Eastern Neighborhoods Impact Fee" shall refer to the fee collected by the
10 City to mitigate impacts of new development as described in Findings, above.

11 (e) "Eastern Neighborhoods Public Benefit Fund" shall refer to the fund into
12 which all fee revenue collected by the City from the Eastern Neighborhoods Impact Fee.

13 (f) "In-kind Agreement" shall mean an agreement acceptable in form and
14 substance to the City Attorney and the Planning Director between a project sponsor and
15 the Planning Department subject to the approval of the Planning Commission in its sole
16 discretion to provide a specific set of public benefits, at a specific phase of construction,
17 in lieu of monetary contribution to the Eastern Neighborhoods Public Benefit Fund.

18 (g) "Net addition of gross square feet of non-residential space" shall mean gross
19 floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily
20 servicing, any non-residential use, less the gross floor area in any structure demolished or
21 rehabilitated as part of the proposed development project space used primarily and
22 continuously for the same non-residential use within the same economic activity
23 category; and not accessory to any use other than that same non-residential use for five
24 years prior to Planning Commission approval of the development project subject to this
25 Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

1 (h) "Net addition of gross square feet of residential space" shall mean gross floor
2 area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving,
3 residential use, less the gross floor area in any structure demolished or rehabilitated as
4 part of the proposed residential development project space used primarily and
5 continuously for residential use and not accessory to any use other than residential use
6 for five years prior to Planning Commission approval of the development project subject
7 to this Section, or for the life of the structure demolished or rehabilitated, whichever is
8 shorter.

9 (i) "Non-residential use" shall mean any structure or portion thereof intended for
10 occupancy by retail, office, commercial or other nonresidential uses defined in Section
11 217, 218, 219 and 221, and also in 209.3 and 209.8 of the Planning Code; including
12 uses referenced in the Eastern Neighborhoods Nexus Study. For the purposes of this
13 section it shall not include industrial uses, including those contained in Sections 220,
14 222, 223, 224, 225, and 226 of the Planning Code, or uses that qualify as an accessory
15 use, as defined and regulated in Sections 204 through 204.5. Non-residential uses shall
16 include the economic activity categories of Cultural/ Institution/ Education;
17 Management, Information & Professional Service; Medical & Health Service; Retail/
18 Entertainment; and Visitor Services.

19 (j) "Non-residential development project" shall mean any new construction,
20 addition, extension, conversion or enlargement, or combination thereof, of an existing
21 structure which includes any occupied floor area of non-residential use; provided,
22 however, that for projects that solely comprise an addition to an existing structure which
23 would add occupied floor area in an amount less than 20 percent of the occupied floor
24 area of the existing structure, the provisions of this Section shall only apply to the new
25 occupied square footage.

1 (k) "Non-residential Space Subject to the Eastern Neighborhoods Impact Fee"
2 means each net addition of net square feet within the Project Area which contributes to a
3 20 percent increase in non-residential capacity of an existing structure.

4 (l) "Project Area" shall mean the Eastern Neighborhoods Plan Area in Map 1
5 (Land Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco General
6 Plan.

7 (m) "Residential" shall mean any type of use containing dwellings as defined in
8 Section 209.1, 790.88, and 890.88 of the Planning Code as relevant for the subject
9 zoning district or containing group housing as defined in Section 209.2(a)– (c) of the
10 Planning Code.

11 (n) "Residential Space Subject to the Eastern Neighborhoods Impact Fee" means
12 each net addition of net square feet within the Project Area which results in a net new
13 residential unit.

14 (o) "Waiver Agreement" means an agreement acceptable in form and substance to
15 the Planning Department and the City Attorney, under which the City agrees to waive all
16 or a portion of the Eastern Neighborhoods Impact Fee, provided the sponsor has
17 demonstrated a hardship in achieving those objectives as well as all the requirements of
18 the Plan. Such a waiver may also be granted as a part of a signed covenant to make a
19 good faith effort to secure the formation of a Community Facilities (Mello-Roos) District.

20 **SEC. 327.3. APPLICATION.**

21 (a) Project Area. The Eastern Neighborhoods Public Benefits Fund is hereby
22 established. It shall be implemented in part through district-specific Eastern
23 Neighborhoods Impact Fee which applies to the Project Area and includes properties
24 identified as part of the Eastern Neighborhoods Plan Areas in Map 1 (Land Use Plan) of
25 the San Francisco General Plan. Fees shall be charged on net additions of gross square

1 feet which result in a net new residential unit, or contribute to a 20 percent increase of
 2 non-residential space in an existing structure, or create non-residential space in a
 3 new structure. Fees shall be assessed on residential use, and on non-residential use
 4 within each use category of Cultural/ Institution/ Education; Management, Information
 5 & Professional Service; Medical & Health Service; Retail/ Entertainment; and Visitor
 6 Services; with no substitutions across uses. Fees shall not be required for uses contained
 7 in Sections 220, 222, 223, 224, 225, and 226 of the Planning Code. Fees shall be
 8 assessed on mixed use projects according to the gross square feet of each use in the
 9 project.

10 (b) Prior to the issuance by the Department of Building Inspection (DBI) of
 11 the first site or building permit for a residential development project, or residential
 12 component of a mixed use project within the Project Area, the sponsor of any project
 13 containing residential space subject to the Eastern Neighborhoods Impact Fee shall pay
 14 to the Treasurer according to the schedule in Table 327.3.

15 (c) Prior to the issuance by DBI of the first site or building permit for a non-
 16 residential development project, or non-residential component of a mixed use project
 17 within the Project Area, the sponsor of any project containing non-residential space
 18 subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to
 19 the schedule in Table 327.3.

20 TABLE 327.3

21 FEE SCHEDULE FOR EASTERN NEIGHBORHOODS PLAN AREAS

<u>Tier</u>	<u>Residential</u>	<u>Non-residential</u>
<u>1</u>	<u>\$8/gsf</u>	<u>*\$466/gsf</u>

1	<u>2</u>	<u>\$12/gsf</u>	<u>\$2010/gsf</u>
2	<u>3</u>	<u>\$16/gsf</u>	<u>\$2414/gsf</u>

3 *Please note that nonresidential uses are subject to the Transit Impact
4 Development Fee, Administrative Code Chapter 38, and therefore eligible for a
5 waiver or reduction. See Section 327.3(g)(2)(B) (i) below)

6 (d) Upon request of the sponsor and upon payment of the Eastern
7 Neighborhoods Impact Fee in full to the Treasurer, the execution of a Waiver Agreement
8 or In-Kind agreement approved as described herein, the Treasurer shall issue a
9 certification that the obligations of this section of the Planning Code have been met. The
10 sponsor shall present such certification to the Planning Department and DBI prior to the
11 issuance by DBI of the first site or building permit for the development project. DBI shall
12 not issue the site or building permit without the Treasurer's certification that the fees
13 required by this Section have been paid or otherwise satisfied. Any failure of the
14 Treasurer, DBI, or the Planning Department to give notice of requirements under this
15 Section shall not relieve a sponsor from compliance with this Section. Where DBI
16 inadvertently issues a site or building permit without payment of the fee, Planning and
17 DBI shall not issue any further permits or a certificate of occupancy for the project
18 without certification from the Treasurer. The procedure set forth in this Subsection is not
19 intended to preclude enforcement of the provisions of this Section under any other section
20 of this Code, or other authority under the laws of the City or State of California.

21 (e) Fee Adjustments. In conjunction with the five-year Monitoring Program
22 required by the Administrative Code Section (note: section number to be determined),
23 the City may review the amount of the Eastern Neighborhoods Impact Fee, should such
24 an increase in fees be warranted according to an increase in construction costs
25 according to changes published in the Construction Cost Index published by the

1 Engineering News Record, or according to another similar cost index should there be
2 one more appropriate. The City may also adjust fees based on changes in estimated costs
3 of the underlying improvements to be funded through the Eastern Neighborhoods Impact
4 Fee as listed in the Eastern Neighborhoods Program. Revision of the fee should be done
5 in coordination with revision to other like fees whenever possible. The Planning
6 Department shall provide notice of any fee adjustment including the formula used to
7 calculate the adjustment on its website and to any interested party who has requested
8 such notice at least 30 days prior to the adjustment taking effect.

9 (f) Option for In-Kind Provision of Public Benefits. The Planning
10 Commission may reduce the Eastern Neighborhoods Impact Fee described in (b) above
11 for specific development proposals in cases where the Planning Director recommends
12 such an In-kind provision, and the project sponsor has entered into an In-Kind
13 Agreement with the City. In-kind improvements may only be recommended where said
14 improvements have been prioritized in the plan, where they meet an identified community
15 need as analyzed in the Eastern Neighborhoods Needs Assessment, and where they
16 substitute for improvements to be provided by fee revenue such as public open spaces and
17 recreational facilities, transportation and transit service, streetscapes or the public
18 realm, and community facility space. No proposal for In-kind improvements shall be
19 accepted if it is not recommended by the Planning Director according to the criteria
20 above. Project sponsors that pursue an in-kind waiver are responsible for all additional
21 administrative costs.

22 (1) The value of the improvements provided through the In-kind agreement shall
23 be equivalent to the portion of the Eastern Neighborhoods Impact Fee that is waived. For
24 the purposes of calculating the total value, the project sponsor shall provide the Planning
25 Department with a cost estimate for the proposed in-kind Public Benefits from two

1 independent sources or, if relevant, real estate appraisers. If the City has completed a
2 detailed site-specific cost estimate for a planned improvement this may serve as one of
3 the cost estimates provided it is indexed to current cost of construction. Based on these
4 estimates, the Planning Director shall determine their appropriate value and the
5 Planning Commission may reduce the Eastern Neighborhoods Impact Fee assessed to
6 that project proportionally. Open space or streetscape improvements proposed to satisfy
7 the usable open space requirements of Section 135 are not eligible for credit toward the
8 contribution as In-Kind improvements. No credit toward the contribution may be made
9 for land value unless ownership of the land is transferred to the City or a permanent
10 public easement is granted, the acceptance of which is at the sole discretion of the City.

11 (2) The agreement shall also mandate a covenant of the project sponsor to
12 reimburse all city agencies for their administrative and staff costs in negotiating,
13 drafting, and monitoring compliance with the In-Kind agreement. The City also shall
14 require the project sponsor to provide a letter of credit or other instrument, acceptable in
15 form and substance to the Planning Department and the City Attorney, to secure the
16 City's right to receive improvements as described above.

17 (g) Waiver or Reduction.

18 (1) Waiver or Reduction Based on Hardship or Absence of Reasonable
19 Relationship

20 (A) A project applicant of any project subject to the requirements in this
21 Section may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of
22 the requirements based upon the absence of any reasonable relationship or nexus
23 between the impact of development and the amount of the fee charged or for the reasons
24 set forth in subsection (2) below, a project applicant may request a waiver from the
25 Board of Supervisors.

1 (B) Any appeal of waiver requests under this clause shall be made in
2 writing and filed with the Clerk of the Board no later than 15 days after the date the
3 sponsor is required to pay and has paid to the Treasurer the fee as required in Section
4 327.3(b). The appeal shall set forth in detail the factual and legal basis for the claim of
5 waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal at
6 the hearing within 60 days after the filing of the appeal. The appellant shall bear the
7 burden of presenting substantial evidence to support the appeal, including comparable
8 technical information to support appellant's position. If a reduction, adjustment, or
9 waiver is granted, any change of use or scope of the project shall invalidate the waiver,
10 adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or
11 waiver, the Clerk of the Board shall promptly transmit the nature and extent of the
12 reduction, adjustment or waiver to the Treasurer and Planning Department.

13 (2) Waiver or Reduction Based on Duplication of Fees. This Section details
14 waivers and reductions available by right for project sponsors that fulfill the
15 requirements below.

16 (A) A project applicant subject to the requirements of this Section who has
17 received an approved building permit, conditional use permit or similar discretionary
18 approval and who submits a new or revised building permit, conditional use permit or
19 similar discretionary approval for the same property shall be granted a reduction,
20 adjustment or waiver of the requirements of Section 327 of the Planning Code with
21 respect to the square footage of construction previously approved.

22 (B) The City shall not to assess duplicative fees on new development. In
23 general project sponsors are only eligible for fee waivers under this clause if a
24 contribution to another fee program would result in a duplication of charges for a
25 particular type of community infrastructure. Therefore applicants may only receive a

1 waiver for the portion of the Eastern Neighborhoods Public Benefits Fund that addresses
2 that infrastructure type. Requirements under Section 135 do not qualify for waiver or
3 reductions. Should future fees pose a duplicative charge, the same methodology shall
4 apply and the Planning Department shall update the schedule of waivers or reductions
5 accordingly.

6 (i) Applicants that are subject to the Transit Impact Development Fee
7 (TIDF), Administrative Code Chapter 38, can reduce their contribution to the
8 Eastern Neighborhoods Public Benefits Fund by one dollar for every dollar that
9 they contribute to the TIDF. Reductions shall be made according to economic
10 activity categories as defined in the Administrative Code Chapter 38, and based
11 on the gross square footage (gsf) of new development for each economic activity
12 category.

13 (i) Applicants with a development project located within an applicable San
14 Francisco Redevelopment Project Area may reduce their required contribution to
15 the Eastern Neighborhoods Public Benefits Fund by half of any total sum that
16 they would otherwise be required to pay under this Section, if the applicant:

17 (A) Has filed its first application, including an environmental evaluation
18 application or any other Planning Department or Building Department application
19 before the effective date of this Ordinance and

20 (B) Provides the Zoning Administrator with written evidence, supported in
21 writing by the San Francisco Redevelopment Agency, that demonstrates the
22 annual tax increment which could be generated by the proposed project would
23 support a minimum future bonding capacity equal to \$10,000,000 or greater.

24 **SEC. 327.4. LIEN PROCEEDINGS.**

1 (a) A sponsor's failure to comply with the requirements of Sections 327.3,
2 shall constitute cause for the City to record a lien against the development project in the
3 sum of the fees required under this ordinance. The fee required by Section 327.3(b) of
4 this ordinance is due and payable to the Treasurer prior to issuance of the first building
5 or site permit for the development project unless a Waiver Agreement has been executed.
6 If, for any reason, the fee remains unpaid following issuance of the permit and no Waiver
7 Agreement has been executed, any amount due shall accrue interest at the rate of one and
8 one-half percent per month, or fraction thereof, from the date of issuance of the permit
9 until the date of final payment.

10 (b) If, for any reason, the fee imposed pursuant to this ordinance remains
11 unpaid following issuance of the permit, the Treasurer shall initiate proceedings in
12 accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to
13 make the entire unpaid balance of the fee, including interest, a lien against all parcels
14 used for the development project and shall send all notices required by that Article to the
15 owner of the property as well as the sponsor. The Treasurer shall also prepare a
16 preliminary report notifying the sponsor of a hearing to confirm such report by the Board
17 of Supervisors at least 10 days before the date of the hearing. The report to the sponsor
18 shall contain the sponsor's name, a description of the sponsor's development project, a
19 description of the parcels of real property to be encumbered as set forth in the Assessor's
20 Map Books for the current year, a description of the alleged violation of this ordinance,
21 and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to
22 be mailed to the sponsor and each owner of record of the parcels of real property subject
23 to lien. Except for the release of lien recording fees authorized by Administrative Code
24 Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall

25

1 be held in trust by the Treasurer and deposited in the Eastern Neighborhoods Public
2 Benefits Fund established in Section 327.6.

3 (c) Any notice required to be given to a sponsor or owner shall be sufficiently
4 given or served upon the sponsor or owner for all purposes hereunder if personally
5 served upon the sponsor or owner or if deposited, postage prepaid, in a post office
6 letterbox addressed in the name of the sponsor or owner at the official address of the
7 sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no
8 such address is available, to the sponsor at the address of the development project, and
9 to the applicant for the site or building permit at the address on the permit application.

10 **SEC. 327.5. EASTERN NEIGHBORHOODS IMPACT FEE REFUND**
11 **WHEN BUILDING PERMIT IS MODIFIED OR EXPIRES PRIOR TO**
12 **COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.**

13 In the event a building permit is modified to expand or reduce project size, the
14 obligation to comply with this ordinance shall be modified accordingly. In the event a
15 building expires prior to completion of the work on and commencement of occupancy of a
16 residential or non-residential development project so that it will be necessary to obtain a
17 new permit to carry out any development, the obligation to comply with this ordinance
18 shall be cancelled, and any Eastern Neighborhoods Impact Fee previously paid to the
19 Treasurer shall be refunded. If and when the sponsor applies for a new permit, the
20 procedures set forth in this ordinance regarding payment of the Eastern Neighborhoods
21 Impact Fee shall be followed.

22 **SEC. 327.6. FUND.**

23 (a) There is hereby established a separate fund set aside for a special purpose
24 entitled the Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected
25 by the Treasurer pursuant to Section 327.3(b) shall be deposited in a special fund

1 maintained by the Controller. The receipts in the Fund to be used solely to fund Public
2 Benefits subject to the conditions of this Section.

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

5 (1) All monies deposited in the Fund shall be used to design, engineer,
6 acquire, and develop and improve public open space and recreational facilities; transit,
7 streetscape and public realm improvements; and community facilities including child
8 care and library materials, as defined in the Eastern Neighborhoods Nexus Studies; or
9 housing preservation and development within the Eastern Neighborhoods Plan Area.
10 Funds may be used for childcare facilities that are not publicly owned or "publicly-
11 accessible". Funds generated for 'library resources' should be used for materials in
12 branches that directly service Eastern Neighborhoods residents. Monies from the Fund
13 may be used by the Planning Commission to commission economic analyses for the
14 purpose of revising the fee pursuant to Section 327.3(d) above, to complete an updated
15 nexus study to demonstrate the relationship between development and the need for public
16 facilities if this is deemed necessary.

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

25

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

6 (1) Funds collected from all zoning districts in the Project Area, excluding
7 Designated Affordable Housing Zones shall be allocated to accounts by
8 improvement type according to in Table 327.6.

9 (2) Funds collected in except for designated affordable housing zones
10 (Mission NCT and MUR (as defined in 327.2(b)), shall be allocated to accounts by
11 improvement type as which are described in Table 327.6A. The revenue devoted to
12 affordable housing preservation and development shall be deposited into a
13 specific amount to be held by the Mayor's Office of Housing.

14 A. All funds collected from projects in the Mission NCT that are
15 earmarked for affordable housing preservation and development shall be
16 expended on housing programs and projects within the Mission Area Plan
17 boundaries.

18 B. All funds collected from projects in the MUR that are earmarked
19 for affordable housing preservation and development shall be expended on
20 housing programs and projects shall be expended within the boundaries of 5th to
21 10th Streets/ Howard to Harrison Streets.

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

25

1 (3) All funds~~These fund~~ are supported by the Eastern Neighborhoods Nexus
 2 Studies, San Francisco Planning Department, Case No. 2004.016000, and monitored
 3 according to the Eastern Neighborhoods Area Plans Monitoring Program required by
 4 the Administrative Code Section (note: section number to be determined) and detailed by
 5 separate resolution.

6 TABLE 327.6
 7 BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY
 8 IMPROVEMENT TYPE*

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

18 *Does not apply to Designated Affordable Housing Zones, which are addressed in Table 327.6A.

19 TABLE 327.6A
 20 BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY
 21 IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

<u>Improvement Type</u>	<u>Residential</u>	<u>Non-residential</u>

1	<u>Affordable Hhousing</u>	<u>5075%</u>	<u>n/a</u>
2	<u>preservation and</u>		
3	<u>development</u>		
4	<u>Open space and</u>	<u>2513%</u>	<u>7%</u>
5	<u>recreational facilities</u>		
6	<u>Transit, streetscape and</u>	<u>2410%</u>	<u>90%</u>
7	<u>public realm</u>		
8	<u>improvements</u>		
9	<u>Community facilities</u>	<u>4%2%</u>	<u>3%</u>
10	<u>(child care and library</u>		
11	<u>materials)</u>		

11 (d) With full participation by the Planning Department and related implementing
12 agencies, the Controller's Office shall file a report with the Board of Supervisors
13 beginning 180 days after the last day of the fiscal year of the effective date of this
14 ordinance that shall include the following elements: (1) a description of the type of fee in
15 each account or fund; (2) amount of fee collected; (3) beginning and ending balance of
16 the accounts or funds including any bond funds held by an outside trustee; (4) amount of
17 fees collected and interest earned; (5) identification of each public improvement on
18 which fees or bond funds were expended and amount of each expenditure; (6) an
19 identification of the approximate date by which the construction of public improvements
20 will commence; (7) a description of any inter-fund transfer or loan and the public
21 improvement on which the transferred funds will be expended; and (8) amount of refunds
22 made and any allocations of unexpended fees that are not refunded.

23 (e) Approximately every fifth fiscal year following the first deposit into the
24 account, as coordinated with other planning efforts monitoring activity, the following
25

1 account reporting shall be made by the Controller's office in coordination with the
2 Planning Department: (1) purpose to which the fee is to be put; (2) demonstrate a
3 reasonable relationship between the fee and the purpose for which it is charged; (3)
4 identify all sources and amounts of funding anticipated to complete financing in
5 incomplete improvements identified in this ordinance and subsequent reporting; and (4)
6 designate the approximate dates on which the sources and amounts of funding is
7 expected to be deposited into the appropriate account or fund. The reporting
8 requirements detailed in this section refer to the current requirements under State law,
9 Government Code 66000, and are detailed here to insure that this fund fulfills all legal
10 obligations as detailed by the State of California. Any applicable amendments to State
11 law, Government Code 66000, automatically apply to the reporting requirements of this
12 ordinance and the ordinance should be amended accordingly.

13 (f) A public hearing shall be held by the Recreation and Parks Commissions to
14 elicit public comment on proposals for the acquisition of property using monies in the
15 Fund that will ultimately be maintained by the Department of Recreation and Parks.
16 Notice of public hearings shall be published in an official newspaper at least 20 days
17 prior to the date of the hearing, which notice shall set forth the time, place, and purpose
18 of the hearing. The Parks Commissions may vote to recommend to the Board of
19 Supervisors that it appropriate money from the Fund for acquisition and development of
20 property acquired for park use.

21 (g) The Planning Commission shall work with other City agencies and
22 commissions, specifically the Department of Recreation and Parks, Department of Public
23 Works, and the Municipal Transportation Authority, to develop agreements related to the
24 administration of the improvements to existing public facilities and development of new
25 public facilities within public rights-of-way or on any acquired public property, using

1 such monies as have been allocated for that purpose at a hearing of the Board of
2 Supervisors.

3 (h) The Planning Commission, based on findings from the Interagency Planning
4 & Implementation Committee (IPIC), shall make recommendations to the Board
5 regarding allocation of funds.

6 (i) Upon receipt of Within 60 days of receiving the Eastern Neighborhoods
7 Capital Expenditure Evaluation Report as specified in Administrative Code
8 Section 10E.7, the Board of Supervisors Office of the Controller shall assess
9 whether funds collected from the Eastern Neighborhoods Impact Fee are being
10 effectively utilized for capital projects serving the Eastern Neighborhoods, and
11 whether such projects are successfully advancing towards implementation, as
12 set forth in the abovementioned Section. Based on this assessment, the following
13 shall occur:

14 (A) Should the Board of Supervisors determine that these fees are being If
15 the Controller determines that the funds have been effectively utilized as set forth
16 in Section 10E.7 of the Administrative Code, the Board Controller, by motion and
17 within 120 days of receiving the Capital Expenditure Evaluation, shall make shall
18 issue an affirmative finding to the Board of Supervisors and the Planning
19 Commission certifying that the intention of this aforementioned Section is being
20 met. No further Board of Supervisor Controller action is necessary for purposes
21 of this Subsection.

22 (B) Should the Board of Supervisors determine that the fees are not being
23 effectively utilized, or fail to make the motion referred to in Subsection (A) above,
24 within 120 days of receiving the Capital Expenditure Evaluation, then the
25 following projects shall require a conditional use authorization, If the Controller

1 fails to issue the certification described in Subsection (i)(A) above or if the
2 Controller determines that the fees are not being effectively utilized as set forth in
3 Administrative Code Section 10E.7 and notifies the Board of Supervisors and
4 Planning Commission of this determination, then the following shall occur:

5 (i) Any project specified below within the Eastern
6 Neighborhoods Area Plan that has not already received final and effective
7 approvals from the Planning Department, Zoning Administrator, and/or the
8 Planning Commission, shall require a conditional use authorization, in addition to
9 any other approvals necessary under the Planning Code:

10 (aa) Residential projects containing more than 10 new units
11 that have not received issuance of their first site or building permit; or

12 (bb) Non-residential projects containing a net new addition or
13 new construction of 10,000 square feet or more that have not received issuance
14 of their first site or building permit.

15 (C) Elimination of interim conditional use requirement. (i)
16 At any time after the Controller has determined that Eastern Neighborhood
17 impact fees are not being effectively utilized as set forth in Section 327.6(i)(B)
18 above, or fails to certify that they are being effectively utilized as set forth in
19 Section 327.6(i)(A), the Planning Department may provide the Controller with a
20 newly updated or revised Eastern Neighborhoods Capital Expenditure Evaluation
21 Report.

22 (ii) Within 60 days of receiving an updated or revised Report, the
23 Office of the Controller shall determine whether funds collected from the Eastern
24 Neighborhoods Public Benefit Fee are being effectively utilized for capital
25

1 projects serving the Eastern Neighborhoods consistent with the intent of the
2 Section 10E.7 of the Administrative Code.

3 (iii) If, on the basis of a new, updated or revised Eastern
4 Neighborhoods Capital Expenditure Evaluation Report, the Controller determines
5 that the development impact fees collected to date are being effectively utilized
6 as set forth in Section 327.6(i)(A) above, any projects within the Eastern
7 Neighborhoods Plan Area that required a conditional use authorization on an
8 interim basis as set forth in Section 327.6(i)(B) shall no longer require such
9 conditional use authorization unless the underlying use requires conditional use
10 authorization independent of the requirements set forth in Section 327.6(i)(B).

11 ~~SEC. 327.7 EASTERN NEIGHBORHOODS CITIZENS ADVISORY~~
12 ~~COMMITTEE~~

13 ~~(a) Within 6 months of adoption of the Eastern Neighborhoods Area Plan~~
14 ~~and related planning code changes, the Board of Supervisors shall establish a~~
15 ~~Citizens Advisory Committee (CAC) for the purposes of providing input on the~~
16 ~~prioritization of Public Benefits, updating the Public Benefits program, and~~
17 ~~providing input to plan area monitoring efforts as appropriate. The CAC shall be~~
18 ~~advisory, as appropriate, to the Planning Department, the Interagency Planning &~~
19 ~~Implementation Committee (IPIC), the Planning Commission and the Board of~~
20 ~~Supervisors. The CAC may perform the following functions as needed:~~

21 ~~(1) Collaborate with the Planning Department and the Interagency Plan~~
22 ~~Implementation~~

23 ~~Committee on prioritizing the community improvement projects and~~
24 ~~identifying implementation details as part of annual expenditure program that is~~
25 ~~adopted by the Board of Supervisors;~~

1 (2) Provide an advisory a role in a report-back process from the Planning
2 Department on enforcement of individual projects' compliance with the Area
3 Plans standards and on specific conditions of project approvals so that these
4 agreements will be more effectively implemented;

5 (3) Collaborate with the Planning Department and relevant city agencies in
6 the monitoring of the Plans' implementation program at approximately every fifth
7 year, in coordination with the Monitoring Program required by the Administrative
8 Code Section 10.E; and provide input to Plan area monitoring efforts for required
9 time-series reporting.

10 (b) Representation: The Board of Supervisors shall appoint 2/3 of the
11 committee members and the Mayor shall appoint 1/3 of the committee members
12 of the CAC, making appointments that represent the diversity of the plan area.. It
13 shall include, at a minimum, two representatives from each of these four
14 geographic areas of the Plan Area (the neighborhoods of Eastern SoMa, Central
15 Waterfront, Mission and Showplace Square Potrero Hill); and other members
16 shall represent citywide interests, including residential and business
17 perspectives. The Citizens Advisory Committee shall be comprised of 9-12
18 community members from varying geographic, socio-economic, ethnic, racial,
19 gender, and sexual orientations living or working within the plan area.. The CAC
20 should adequately represent key stakeholders including resident renters, resident
21 homeowners, low-income residents, local merchants, established neighborhood
22 groups within the plan area, and other groups identified through refinement of the
23 CAC process. Each member shall be appointed by the Board and will serve for
24 two-year terms, but those terms shall be staggered such that, of the initial
25 membership, some members will be randomly selected to serve four year terms

1 and some will serve two year terms. The Board of Supervisors may renew a
2 member's term.

3 ~~(c) Staffing for Eastern Neighborhoods Citizens Advisory Committee: The~~
4 ~~Planning Department or Interagency Plan Implementation Committee shall~~
5 ~~designate necessary staffing from relevant agencies to the CAC, as needed to~~
6 ~~complete the CAC's responsibilities functions of the CAC described in this code.~~
7 ~~To the extent permitted by law, staffing and administrative costs for the CAC~~
8 ~~shall be funded through the Eastern Neighborhoods Public Benefits Fund. Staff~~
9 ~~shall participate in the Interagency Planning and Implementation Committee as~~
10 ~~set forth in Administrative Code Section 36.~~

11 **SEC. 328 – INTEGRATED PDR FEE DISCOUNT PROGRAM**

12 (a) Purpose. The purpose of the Integrated PDR Fee Discount Program is
13 to encourage the hiring of disadvantaged workers by existing or future business
14 tenants and/or occupants in newly permitted Integrated PDR space. Owners of
15 buildings with Integrated PDR space are given the option of deferring up to fifty
16 percent of development impact fees that would otherwise be owed, to encourage
17 their Integrated PDR tenants and/or occupants to register their respective
18 business with the Office of Economic and Workforce Development's (OEWD)
19 Integrated PDR Program. At the end of a five-year period commencing upon
20 issuance of the first site or building permit, owners of Integrated PDR buildings
21 will be responsible for payment of the full deferred amount unless they can
22 demonstrate to the Planning Department, based on registration records
23 submitted to OEWD, that a certain percentage of the employees occupying
24 Integrated PDR space qualify as "disadvantaged workers." The greater the
25 percentage of disadvantaged workers, the higher the fee waiver.

1 **(b) Definitions.**

2 (1) Applicant. For purposes of this section, the owner of a building that
3 contains permitted Integrated PDR space.

4 (2) Integrated PDR. This is defined in Section 890.49.

5 (3) Disadvantaged worker. Any employee who qualifies for the California
6 State

7 (4) Enterprise Zone hiring credit for the San Francisco Enterprise Zone.

8 (5) Discount-eligible worker. a disadvantaged worker who lives within the
9 City and County of San Francisco

10 (6) Discount-program fees. The fees that are subject to this discount
11 program are the Eastern Neighborhoods Fees (per Sec. 327), the Transit Impact
12 Development Fee (TIDF) (per Chapter 38 of the Administrative Code), and the
13 Jobs-Housing Linkage Fee (per Section 313).

14 (7) Integrated PDR Registration Record. A dated receipt acknowledging
15 that the subject Integrated PDR business has newly registered or updated their
16 existing registration with the Office of Economic and Workforce Development
17 (OEWD).

18 (8) Outstanding Discount-Program fees. The 50% of Discount-program
19 fees that are not paid at the issuance of the first site or building permit.

20 **(c) Controls.**

21 (1) Any project involving the establishment of net new Integrated PDR
22 space may choose to avail itself of the fee discounts described below in this
23 Subsection.

24 (2) Initial fee reduction and payment:
25

1 (A) At the issuance of the first site or building permit, the Applicant
2 will pay 50% of discount-program fees.

3 (B) An Integrated PDR Notice of Special Restrictions (NSR) will be
4 placed on the property stating the following:

5 (i) The amount of Outstanding Discount-Program fees.

6 (ii) That the Outstanding Discount-Program fees, adjusted for the
7 cost of living as defined by the Controller's Office, will be paid within 30 days of
8 notification of the applicant by the Planning Department of the amount of
9 payment due. A reduction or waiver of these outstanding fees is available only if
10 the conditions of subsection (c)(3) of this Section are met.

11 (3) Outstanding Discount-Program fee determination and payment:

12 (A) After five years from the issuance of the first site or building
13 permit for any Integrated PDR space, the Applicant must pay the Outstanding
14 Discount-Program fees.

15 (B) An Applicant may seek to waive or reduce any Outstanding
16 Discount-Program fees by providing sufficient evidence in the form of Integrated
17 PDR Registration Records to demonstrate to the Planning Department that they
18 have satisfied the workforce goals of the Integrated PDR program as of the date
19 of the filing of an application for such a waiver.

20 (C) Outstanding Discount-Program fees may be waived or forgiven
21 under the following circumstances:

22 (i) If 10% to 14.9% of the total workforce currently employed in
23 space that is permitted as Integrated PDR is discount-eligible workers, then 50%
24 of the outstanding fees will be waived.

25

1 (ii) If 15% to 19.9% of the total workforce currently employed in
2 space that is permitted as Integrated PDR is discount-eligible workers, then 60%
3 of the outstanding fees will be waived.

4 (iii) If 20% to 24.9% of the total workforce currently employed in
5 space that is permitted as Integrated PDR is discount-eligible workers, then 70%
6 of the outstanding fees will be waived.

7 (iv) If 25% to 29.9% of the total workforce currently employed in
8 space that is permitted as Integrated PDR is discount-eligible workers, then 80%
9 of the outstanding fees will be waived.

10 (v) If 30% to 34.9% of the total workforce currently employed in
11 space that is permitted as Integrated PDR is discount-eligible workers, then 90%
12 of the outstanding fees will be waived.

13 (vi) If 35% or more of the total workforce currently employed in
14 space that is permitted as Integrated PDR is discount-eligible workers, then
15 100% of the outstanding fees will be waived.

16 (D) Applicants who cannot provide sufficient evidence in the form
17 of Integrated PDR Registration records to demonstrate to the Planning
18 Department that tenants and/or occupants of any Integrated PDR space have
19 satisfied the annual reporting requirements of the Office of Economic and
20 Workforce Development (OEWD), or its successor, will not be eligible for any
21 waivers or reductions of Outstanding Discount-Program Fees, and will owe the
22 full amount of any Outstanding Discount-Program Fees five years after the
23 issuance of the first site or building permit. These annual reporting requirements
24 are stated contained in the City's Administrative Code Sec. 10E.7.

25

1 (E) Applicants must apply to the Planning Department for
2 Outstanding Discount-Program Fee reduction or waiver. This application must be
3 submitted within three months before or after the five-year anniversary of the
4 issuance of the first site or building permit. The Planning Department shall
5 transmit the application to the Office of Economic and Workforce Development
6 (OEWD), or its successor, for verification of relevant employment statistics, and
7 the Director of OEWD shall subsequently submit its findings to the Planning
8 Department.

9 (F) Payment of outstanding fees is due within 30 days of
10 notification of the applicant by the Planning Department of the amount of
11 payment due.

12 (G) Failure to pay shall be deemed a violation of the Planning
13 Code and result in an enforcement action by the Department, which may include,
14 referral to the Bureau of Delinquent Revenue and a lien on the subject property.
15 Any enforcement action also may result in additional charges or penalties to
16 cover the City's costs in the enforcement action, including, but not limited to City
17 Attorney's fees.

18 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN**
19 **NEIGHBORHOODS MIXED USE DISTRICTS.**

20 (a) Purpose. The purpose of this Section is to ensure that all large projects
21 proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the
22 Planning Commission, in an effort to achieve the objectives and policies of the
23 General Plan, the applicable Design Guidelines, and the purposes of this Code.

24
25

1 (b) Applicability. This Section applies to all new construction and proposed
2 alterations of existing buildings in the Eastern Neighborhoods Mixed Use
3 Buildings that meet at least one of the following criteria:

4 (1) The project includes the construction of a new building greater than 75
5 feet in height (excluding any exceptions permitted per Section 260(b)), or
6 includes a vertical addition to an existing building resulting in a total building
7 height greater than 75 feet; or

8 (2) The project involves a net addition or new construction of more than
9 25,000 gross square feet; or

10 (3) The project has 200 or more linear feet of contiguous street frontage
11 on any public right of way.

12 (c) Planning Commission Design Review: As set forth in Subsection (e),
13 below, the Planning Commission shall review and evaluate all physical aspects
14 of a proposed project at a public hearing. At such hearing, the Director of
15 Planning shall present any recommended project modifications or conditions to
16 the Planning Commission, including those which may be in response to any
17 unique or unusual locational, environmental, topographical or other relevant
18 factors. The Commission may subsequently require these or other modifications
19 or conditions, or disapprove a project, in order to achieve the objectives and
20 policies of the General Plan or the purposes of this Code. This review shall
21 address physical design issues including but not limited to the following:

22 (1) Overall building massing and scale;

23 (2) Architectural treatments, facade design and building materials;

24
25

1 (3) The design of lower floors, including building setback areas,
2 commercial space, townhouses, entries, utilities, and the design and siting of
3 rear yards, parking and loading access;

4 (4) The provision of required open space, both on- and off-site. In the
5 case of off-site publicly accessible open space, the design, location, access, size,
6 and equivalence in quality with that otherwise required on-site;

7 (5) The provision of mid-block alleys and pathways on frontages between
8 200 and 300 linear feet per the criteria of Section 270, and the design of mid-
9 block alleys and pathways as required by and pursuant to the criteria set forth in
10 Section 270.2;

11 (6) Streetscape and other public improvements, including tree planting,
12 street furniture, and lighting;

13 (7) Circulation, including streets, alleys and mid-block pedestrian
14 pathways;

15 (8) Bulk limits;

16 (9) Other changes necessary to bring a project into conformance with
17 any relevant design guidelines, Area Plan or Element of the General Plan.

18 (d) Exceptions. As a component of the review process under this Section
19 329, projects may seek specific exceptions to the provisions of this Code as
20 provided for below:

21 (1) Exceeding the principally permitted accessory residential parking ratio
22 described in Section 151.1 and pursuant to the criteria therein;

23 (2) Exception from residential usable open space requirements. In
24 circumstances where such exception is granted, a fee shall be required pursuant
25 to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).

1 (3) Modification of the horizontal massing breaks required by Section
2 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of
3 reduction, and unique and superior architectural design, pursuant to the criteria
4 of Section 270.1(d).

5 (4) Exception from satisfaction of loading requirements per Section 152.1
6 pursuant to the criteria contained therein.

7 (5) Exception to height limits for vertical non-habitable architectural
8 elements described in Section 263.21 and pursuant to the criteria therein;

9 (6) Provision of the required minimum dwelling unit mix, as set forth in
10 Section 207.6, pursuant to the criteria of Section 305(c);

11 (7) Exception for rear yards, pursuant to the requirements of Section
12 134(f);

13 (8) The number of Designated Office Stories for projects which are subject
14 to vertical office controls pursuant to 219.1 or 803.9(h) and contain more than
15 one building on the project site, so long as

16 _____ (A) an increase in the number of Designated Office Stories would
17 result in a total square footage of office space no greater than that which would
18 otherwise be permitted by the project.

19 _____ (B) office uses are consolidated within a lesser number of buildings
20 than would otherwise be the case, and

21 _____ (C) the resulting location and mix of uses increases the project's
22 consistency with nearby land uses;

23 (9) Where not specified elsewhere in this Subsection (d), modification of
24 other Code requirements which could otherwise be modified as a Planned Unit
25

1 Development (as set forth in Section 304), irrespective of the zoning district in
2 which the property is located.

3 (e) Hearing and Decision.

4 (1) Hearing. The Planning Commission shall hold a public hearing for all
5 projects that are subject to this Section.

6 (2) Notice of Hearing. Notice of such hearing shall be provided pursuant
7 to the same requirements for Conditional Use requests, as set forth in Section
8 306.3 and 306.8.

9 (3) Director's Recommendations on Modifications and Exceptions. At the
10 hearing, the Planning Director shall review for the Commission key issues related
11 to the project based on the review of the project pursuant to Subsection (c) and
12 recommend to the Commission modifications, if any, to the project and conditions
13 for approval as necessary. The Director shall also make recommendations to the
14 Commission on any proposed exceptions pursuant to Subsection (d).

15 (4) Decision and Imposition of Conditions. The Commission, after public
16 hearing and, after making appropriate findings, may approve, disapprove or
17 approve subject to conditions, the project and any associated requests for
18 exception. As part of its review and decision, the Planning Commission may
19 impose additional conditions, requirements, modifications, and limitations on a
20 proposed project in order to achieve the objectives, policies, and intent of the
21 General Plan or of this Code.

22 (5) Appeal. The decision of the Planning Commission may be appealed
23 to the Board of Appeals by any person aggrieved within 15 days after the date of
24 the decision by filing a written notice of appeal with that body, setting forth
25

1 wherein it is alleged that there was an error in the interpretation of the provisions
2 of this Code or abuse of discretion on the part of the Planning Commission.

3 (6) Discretionary Review. No requests for discretionary review shall be
4 accepted by the Planning Department or heard by the Planning Commission for
5 projects subject to this Section.

6 (7) Change of Conditions. Once a project is approved, authorization of a
7 change in any condition previously imposed by the Planning Commission shall
8 require approval by the Planning Commission subject to the procedures set forth
9 in this Section.

10 **SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING**
11 **APPLICATIONS.**

12 (a) Conditional Use (Section 303), Planned Unit Development (Section
13 304), and Eastern Neighborhoods Commission Review (Section 329).

14 **TABLE INSET:**

Estimated Construction Cost	Initial Fee
No construction cost, excluding extension of hours	\$700.00
No construction cost, extension of hours	\$1,075.00
Estimated Construction Cost	Initial Fee
\$1.00 to \$9,999.00	\$1,075.00
\$10,000.00 to \$999,999.00	\$1,075.00 plus .497% of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$5,995.00 plus .593% of cost

	over \$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$29,715.00 plus .497% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$54,565.00 plus .259% of cost over \$10,000,000.00
\$20,000,000.00 or more	\$80,465.00

(b) Variance (Section 305)

TABLE INSET:

Estimated Construction Cost	Initial Fee
\$0.00--\$9,999.00	\$680.00
\$10,000.00--\$19,999.00	\$1,515.00
\$20,000.00 and greater	\$3,025.00

Variance fees are subject to additional time and material charges, as set forth in Section 350c.

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications Commission Hearing Fee Schedule:

TABLE INSET:

Estimated Construction Cost	Initial Fee
\$0.00 to \$9,999.00	\$217.00
\$10,000.00 to \$999,999.00	\$217.00 plus .0994% of cost over

1		\$10,000.00
2	\$1,000,000.00 to	\$1,201.00 plus .119% of cost over
3	\$4,999,999.00	\$1,000,000.00
4	\$5,000,000.00 to	\$5,961.00 plus .099% of cost over
5	\$9,999,999.00	\$5,000,000.00
6	\$10,000,000.00 to	\$10,911.00 plus .052% of cost over
7	\$19,999,999.00	\$10,000,000.00
8		
9	\$20,000,000.00 or more	\$16,111.00

10 (1) Applications with Verified Violations of this Code: The Planning
11 Department shall charge \$170.00 as an initial fee, plus time and materials as set
12 forth in Section 350(c).

13 (2) Where an applicant requests two or more approvals involving a
14 conditional use, planned unit development, variance, Downtown (C-3) District
15 Section 309 review, certificate of appropriateness, permit to alter a significant or
16 contributory building both within and outside of Conservation Districts, or a
17 coastal zone permit review, the amount of the second and each subsequent
18 initial fees of lesser value shall be reduced to 50 percent.

19 (3) Minor project modifications requiring a public hearing to amend
20 conditions of approval of a previously authorized project, not requiring a
21 substantial reevaluation of the prior authorization: \$800.00

22 (4) The applicant shall be charged for any time and materials beyond the
23 initial fee in Section 352(a), as set forth in Section 350(c).

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1 (5) An applicant proposing significant revisions to a project for which an
2 application is on file with the Planning Department shall be charged time and
3 materials to cover the full costs in excess of the initial fee.

4 (6) For agencies or departments of the City and County of San
5 Francisco, the initial fee for applications shall be based upon the construction
6 cost as set forth above.

7 (d) Discretionary Review Request: \$300.00; provided, however, that the
8 fee shall be waived if the discretionary review request is filed by a neighborhood
9 organization that: (1) has been in existence for 24 months prior to the filing date
10 of the request, (2) is on the Planning Department's neighborhood organization
11 notification list, and (3) can demonstrate to the Planning Director or his/her
12 designee that the organization is affected by the proposed project. Such fee shall
13 be refunded to the individual or entity that requested discretionary review in the
14 event the Planning Commission denies the Planning Department's approval or
15 authorization upon which the discretionary review was requested. Mandatory
16 discretionary reviews: \$2,805.00.

17 (e) Institutional Master Plan (Section 304.5).

18 (1) Full Institutional Master Plan or Substantial Revision: \$10,000.00 plus
19 time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

20 (2) Abbreviated Institutional Master Plan: \$1,830.00 plus time and
21 materials if the cost exceeds the initial fee as set forth in Section 350(c).

22 (f) Land Use Amendments and Related Plans and Diagrams of the San
23 Francisco General Plan: Fee based on the Department's estimated actual costs
24 for time and materials required to review and implement the requested
25

1 amendment, according to a budget prepared by the Director of Planning, in
2 consultation with the sponsor of the request.

3 (g) General Plan Referrals: \$2,700.00 plus time and materials if the cost
4 exceeds the initial fee as set forth in Section 350(c).

5 (h) Redevelopment Plan Review: The Director of Planning shall prepare
6 a budget to cover actual time and materials expected to be incurred, in
7 consultation with the Redevelopment Agency. A sum equal to 1/2 the expected
8 cost will be submitted to the Department, prior to the commencement of the
9 review. The remainder of the costs will be due at the time the initial payment is
10 depleted.

11 (i) Reclassify Property or Impose Interim Zoning Controls: \$6,115.00.

12 (1) The applicant shall be charged for any time and materials as set forth
13 in Section 350(c).

14 (2) Applications with Verified Violations of this Code: The Planning
15 Department shall charge time and materials as set forth in Section 350(c).

16 (j) Setback Line, Establish, Modify or Abolish: \$2,325.00.

17 (k) Temporary Use Fees \$340.00 as an initial fee, plus time and
18 materials if the cost exceeds the initial fee, as set forth in Section 350(c).

19 (l) Amendments to Text of the Planning Code: \$11,495.00 as an initial
20 fee, plus time and materials if the cost exceeds the initial fee as set forth in
21 Section 350(c).

22 (m) Zoning Administrator Conversion Determinations Related to Service
23 Station Conversions: \$2,270.00 as an initial fee, plus time and materials if the
24 cost exceeds the initial fee. (Section 228.4):

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

1 (1) \$400.00 for the appellant of a conditional use authorization decision
2 to the Board of Supervisors; provided, however, that the fee shall be waived if the
3 appeal is filed by a neighborhood organization that: (1) has been in existence for
4 24 months prior to the appeal filing date, (2) is on the Planning Department's
5 neighborhood organization notification list, and (3) can demonstrate to the
6 Planning Director or his/her designee that the organization is substantially
7 affected by the proposed project.

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

12 **SEC. 603. EXEMPTED SIGNS.**

13 Nothing in this Article 6 shall apply to any of the following signs:

14 (a) Official public notices, and notices posted by public officers in
15 performance of their duties;

16 (b) Governmental signs for control of traffic and other regulatory
17 purposes, street signs, danger signs, railroad crossing signs, and signs of public
18 service companies indicating danger and aids to service or safety;

19 (c) Temporary display posters, without independent structural support, in
20 connection with political campaigns and with civic noncommercial health, safety
21 and welfare campaigns, provided that in R districts such posters shall be
22 removed within 60 days following the conclusion of the campaign;

23 (d) Flags, emblems, insignia and posters of any nation or political
24 subdivision, and temporary displays of a patriotic, religious, charitable or other
25 civic character;

1 (e) House numbers, whether illuminated or not, "no trespassing," "no
2 parking," and other warning signs;

3 (f) Commemorative plaques placed by recognized historical agencies;

4 (g) Signs within a stadium, open-air theater or arena which are designed
5 primarily to be viewed by patrons within such stadium, open-air theater or arena;

6 (h) Religious symbols attached to buildings if not projecting beyond any
7 street property line or building setback line;

8 (i) Flags indicating weather conditions, and single flags which are
9 emblems of business firms, enterprises and other organizations;

10 (j) Two general advertising signs each not exceeding 24 square feet in
11 area on either a transit shelter or associated advertising kiosk furnished by
12 contract with the Municipal Transportation Agency or predecessor agency for the
13 Municipal Railway in RTO, RTO-M, RM-2, RM-3, RM-4, RC, NC, C, M, PDR,
14 Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use
15 Districts, and in those P Districts where such signs would not adversely affect the
16 character, harmony or visual integrity of the district as determined by the City
17 Planning Commission; eight general advertising signs each not exceeding 24
18 square feet in area on transit shelters located on publicly owned property on a
19 high level Municipal Railway boarding platform in an RH-1D District adjacent to a
20 C-2 District, provided that such advertising signs solely face the C-2 District; up
21 to three double-sided general advertising signs each not exceeding 24 square
22 feet in area on or adjacent to transit shelters on publicly owned high level
23 Municipal Railway boarding platforms along The Embarcadero south of the Ferry
24 Building, up to six double-sided panels at 2nd and King Streets, and up to four
25 double-sided panels at 4th and King Streets; up to two double-sided panels not

1 exceeding 24 square feet in area on each low-level boarding platform at the
2 following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and
3 The Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of
4 71 double-sided general advertising signs each not exceeding 24 square feet in
5 area on or adjacent to transit shelters on 28 publicly owned high level Municipal
6 Railway boarding platforms serving the Third Street Light Rail Line. Each
7 advertising sign on a low-level or high level boarding platform shall be designed
8 and sited in such a manner as to minimize obstruction of public views from
9 pedestrian walkways and/or public open space.

10 Notwithstanding the above, no sign shall be placed on any transit shelter
11 or associated advertising kiosk located on any sidewalk which shares a common
12 boundary with any property under the jurisdiction of the Recreation and Park
13 Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo
14 Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on
15 John Muir Drive between Skyline Boulevard and Lake Merced Boulevard; or on
16 Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on
17 any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced
18 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center
19 Special Sign Districts as established in Section 608.3 of this Code;

20 The provisions of this subsection shall be subject to the authority of the
21 San Francisco Port Commission under Sections 4.114 and B3.581 of the City
22 Charter and under State law.

23 (k) Information plaques or signs which identify to the public open space
24 resources, architectural features, creators of artwork, or otherwise provide
25 information required by this Code or by other City agencies, or an identifying sign

1 which directs the general public and/or patrons of a particular establishment to
2 open space or parking resources, provided that such sign shall not project more
3 than three inches from the wall and that its dimensions shall be no greater than
4 one by two feet;

5 (l) Nonilluminated art murals within the South of Market Mixed Use Base
6 District and Eastern Neighborhoods Mixed Use Districts, with the exception of the UMU
7 District, if they project no more than 18 inches from the pre-existing surface of a
8 structure;

9 (m) Two general advertising signs each not exceeding 52 square feet in
10 area on a public service kiosk furnished by contract with the Department of
11 Public Works which contract also provides for the installation and maintenance of
12 automatic public toilets. Each such public service kiosk shall be divided into three
13 sections, one of which shall provide a public service, such as a newsstand,
14 newsrack, map, public telephone, vending machine, display of public service
15 information, or interactive video terminal;

16 (n) Advertising placed on fixed pedestal newsrack units in accordance
17 with Section 184.12 of the Public Works Code.

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

19 Signs in C₁-~~and~~ M₁ and PDR Districts, other than those signs exempted by
20 Section 603 of this Code, shall conform to the following provisions:

21 (a) General Advertising Signs. No general advertising sign shall be
22 permitted in any C-1 District or within 200 feet of the park known as Union
23 Square and visible from said park, except that a replacement sign of the same
24 size or smaller, of the same type as defined in this Code or as interpreted by the
25 Zoning Administrator, and at the same approximate location as an existing sign

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

8 (b) Roof Signs. Roof signs shall be permitted in all C₂, and M, and PDR
9 Districts other than C-1 only if Subsections (1) through (3) below are satisfied;
10 except that a roof sign that is designated historic pursuant to Sections 303 and
11 608.14 of this Code may be permitted without regard to Subsections (1) through
12 (3) below:

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

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

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

20 (c) Wind Signs. No wind sign shall be permitted in any C or M District.

21 (d) Moving Parts. No sign shall have or consist of any moving, rotating,
22 or otherwise physically animated part (as distinguished from lights that give the
23 appearance of animation by flashing, blinking or fluctuating), except as follows:
24
25

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

4 (2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, ~~and~~
5 M-2, and PDR Districts, except for signs located within 200 feet of the park known
6 as Union Square and visible from said park and signs located so as to be
7 primarily viewed by persons traveling on any portion of a freeway, moving or
8 otherwise physically animated parts may be used if such parts do not exceed a
9 velocity of one complete cycle in a four-second period where such parts
10 constitute less than 30 percent of the area of the sign or if, where such parts
11 constitute a greater area of the sign, they do not exceed a velocity of one
12 complete cycle in a four-second period and are stationary at least half of each
13 eight-second period; except that signs designated historic pursuant to Sections
14 303 and 608.14 of this Code may have such moving features otherwise
15 prohibited for signs located so as to be primarily viewed by persons traveling on
16 any portion of a freeway.

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

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

21 (e) Illumination. Any sign may be nonilluminated or indirectly or directly
22 illuminated. Signs in PDR, C-3, C-M, M-1 and M-2 Districts shall not be limited in
23 any manner as to type of illumination, but no sign in a C-1 or C-2 District shall
24 have or consist of any flashing, blinking, fluctuating or otherwise animated light
25 except in each of the following special sign districts, all as specifically designated

1 as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning
2 Map of the City and County of San Francisco, described in Section 608 of this
3 Code:

4 (1) In the C-2 area consisting of five blocks in the vicinity of Fisherman's
5 Wharf;

6 (2) In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate
7 Avenue and Eddy Street to Sacramento Street, and Polk Street from Eddy Street
8 to Geary Street, also known as the Automotive Special Use District;

9 (3) In the C-2 area in the vicinity of Stockton, Washington and Kearny
10 Streets and Broadway, also known as Washington-Broadway Special Use
11 District Number 1.

12 (4) Notwithstanding the type of signs permissible under subparagraph
13 (e), a video sign is prohibited in the districts described in subparagraphs (1)--(3).

14 (f) Projection. No sign shall project more than 75 percent of the horizontal
15 distance from the street property line to the curblin and in no case shall a sign
16 project more than 10 feet beyond the street property line or building setback line
17 in C-1 Districts, or 12 feet beyond the street property line or building setback line
18 in any other ~~C~~, ~~M~~, and PDR District.

19 (g) Height and Extension Above Roofline.

20 (1) Signs Attached to Buildings. Except as provided in Section 260 for
21 historic signs in historic districts, no sign attached to a building shall extend or be
22 located above the roofline of the building to which it is attached; except that up to
23 1/2 the area of a business sign attached to the street wall of a building may
24 extend above the roofline, up to the maximum height permitted for freestanding
25 signs in the same district or 10 feet above the roofline, whichever is the lesser. In

1 addition, no sign attached to a building shall under any circumstances exceed the
2 following maximum heights:

3 In C-1: 40 feet;

4 In C-3: 100 feet;

5 In all other C and M Districts: 60 feet.

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

12 (2) Freestanding Signs. The maximum height for freestanding signs shall
13 be as follows:

14 In C-1: 24 feet;

15 In C-2: 36 feet;

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

17 (h) Special Standards for Automobile Service Stations. For automobile
18 service stations, only the following signs are permitted, subject to the standards
19 in this Subsection (h) and to all other standards in this Section 607.

20 (1) A maximum of two oil company signs, which shall not extend more
21 than 10 feet above the roofline if attached to a building, or exceed the maximum
22 height permitted for freestanding signs in the same district if freestanding. The
23 area of any such sign shall not exceed 180 square feet, and along each street
24 frontage all parts of such a sign or signs that are within 10 feet of the street
25 property line shall not exceed 80 square feet in area. No such sign shall project

1 more than five feet beyond any street property line or building setback line. The
2 areas of other permanent and temporary signs as covered in Paragraph
3 607(h)(2) below shall not be included in the calculation of the areas specified in
4 this paragraph.

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

10 (3) General advertising signs meeting the provisions of this Section 607.

11 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.**

12 Signs located in Neighborhood Commercial Districts shall be regulated as
13 provided herein, except for those signs which are exempted by Section 603 of
14 this Code. In the event of conflict between the provisions of Section 607.1 and
15 other provisions of Article 6, the provisions of Section 607.1 shall prevail in
16 Neighborhood Commercial Districts, provided that with respect to properties also
17 located in the Upper Market Special Sign District, the provisions of Section
18 608.10 of this Code shall prevail.

19 (a) Purposes and Findings. In addition to the purposes stated in Sections
20 101 and 601 of this Code, the following purposes apply to Neighborhood
21 Commercial Districts. These purposes constitute findings that form a basis for
22 regulations and provide guidance for their application.

23 (1) As Neighborhood Commercial Districts change, they need to maintain
24 their attractiveness to customers and potential new businesses alike. Physical
25

1 amenities and a pleasant appearance will profit both existing and new
2 enterprises.

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

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

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

19 (b) Signs or Sign Features Not Permitted in NC Districts. Roof signs as
20 defined in Section 602.16 of this Code, wind signs as defined in Section 602.22
21 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code,
22 are not permitted in NC Districts. No sign shall have or consist of any moving,
23 rotating, or otherwise physically animated part, or lights that give the appearance
24 of animation by flashing, blinking, or fluctuating, except as permitted by Section
25

1 607.1(i) of this Code. In additional signs or sign features not otherwise
2 specifically regulated in this Section 607.1 shall be prohibited.

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

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

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

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

24 (e) General Advertising Signs. General advertising signs, as defined in
25 Section 602.7, shall be permitted in Neighborhood Commercial Districts, except

1 in the Inner Sunset Neighborhood Commercial District where they are not
2 permitted, as provided for below. In NC Districts where such signs are permitted,
3 general advertising signs may be either a wall sign or freestanding, provided that
4 the surface of any freestanding sign shall be parallel to and within three feet of an
5 adjacent building wall. In either case, the building wall shall form a complete
6 backdrop for the sign, as the sign is viewed from all points from a street or alley
7 from which it is legible. No general advertising sign shall be permitted to cover
8 part or all of any windows. Any extension of the copy beyond the rectangular
9 perimeter of the sign shall be included in the calculation of the sign, as defined in
10 Section 602.1(a) of this Code.

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

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

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

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

4 (1) NC-1 Districts.

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

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

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

24 (D) Signs on Awnings. Sign copy may be located on permitted
25 awnings in lieu of wall signs and projecting signs. The area of such sign copy as

1 defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may
2 be nonilluminated or indirectly illuminated.

3 (2) NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street,
4 Outer Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-
5 Gough, Upper Market Street, North Beach, Polk Street, Sacramento Street,
6 SoMa, Union Street, Valencia Street, 24th Street-Mission, 24th Street--Noe
7 Valley, and West Portal Avenue Neighborhood Commercial Districts.

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

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

19 (C) Projecting Signs. The number of projecting signs shall not
20 exceed one per business. The area of such sign, as defined in Section 602.1(a),
21 shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet,
22 or the height of the wall to which it is attached, or the height of the lowest of any
23 residential windowsill on the wall to which the sign is attached, whichever is
24 lower. No part of the sign shall project more than 75 percent of the horizontal
25 distance from the street property line to the curblin, or six feet six inches,

1 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or
2 during business hours, may be directly illuminated.

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

9 (E) Freestanding Signs and Sign Towers. With the exception of
10 automotive gas and service stations, which are regulated under Paragraph
11 607.1(f)(4), one freestanding sign or sign tower per lot shall be permitted in lieu
12 of a projecting sign, if the building or buildings are recessed from the street
13 property line. The existence of a freestanding business sign shall preclude the
14 erection of a freestanding identifying sign on the same lot. The area of such
15 freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed
16 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign
17 shall project more than 75 percent of the horizontal distance from the street
18 property line to the curblineline, or six feet, whichever is less. Such signs may be
19 nonilluminated or indirectly illuminated; or during business hours, may be directly
20 illuminated.

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

23 (A) Window Signs. The total area of all window signs, as defined in
24 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the
25

1 signs are located. Such signs may be nonilluminated, indirectly illuminated, or
2 directly illuminated.

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

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

19 (D) Sign Copy on Awnings and Marquees. Sign copy may be located on
20 permitted awnings or marquees in lieu of projecting signs. The area of such sign
21 copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign
22 copy may be nonilluminated or indirectly illuminated; except that sign copy on
23 marquees for movie theaters or places of entertainment may be directly
24 illuminated during business hours.

25

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

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

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

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

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

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

20 (i) Restrictions on Illumination. Signs in Neighborhood Commercial
21 Districts shall not have nor consist of any flashing, blinking, fluctuating or
22 otherwise animated light except those moving or rotating or otherwise physically
23 animated parts used for rotation of barber poles and the indication of time of day
24 and temperature, and in the following special districts, all specifically designated
25

1 as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning
2 Map of the City and County of San Francisco.

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

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

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

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

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

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

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

25

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

3 **SEC. 607.2. MIXED USE DISTRICTS.**

4 Signs located in Mixed Use Districts shall be regulated as provided herein,
5 except for those signs which are exempted by Section 603. Signs not specifically
6 regulated in this Section 607.2 shall be prohibited. In the event of conflict
7 between the provisions of Section 607.2 and other provisions of Article 6, the
8 provisions of Section 607.2 shall prevail in Mixed Use Districts.

9 (a) Purposes and Findings. In addition to the purposes stated in Sections
10 101 and 601 of this Code, the following purposes apply to Mixed Use Districts.
11 These purposes constitute findings that form a basis for regulations and provide
12 guidance for their application.

13 (1) As Mixed Use Districts change, they need to maintain their
14 attractiveness to customers and potential new businesses alike. Physical
15 amenities and a pleasant appearance will profit both existing and new
16 enterprises.

17 (2) The character of signs and other features projecting from buildings is
18 an important part of the visual appeal of a street and the general quality and
19 economic stability of the area. Opportunities exist to relate these signs and
20 projections more effectively to street design and building design. These
21 regulations establish a framework that will contribute toward a coherent
22 appearance of Mixed Use Districts.

23 (3) Mixed Use Districts are typically mixed use areas with commercial
24 units on the ground or lower stories and residential uses on upper stories or have
25 housing and commercial and industrial activities interspersed. Although signs

1 and other advertising devices are essential to a vital commercial district, they
2 should not be allowed to interfere with or diminish the livability of residential units
3 within a Mixed Use District or in adjacent residential districts.

4 (4) The scale of most Mixed Use Districts as characterized by building
5 height, bulk, and appearance, and the width of streets and sidewalks differs from
6 that of other commercial and industrial districts. Sign sizes should relate and be
7 compatible with the surrounding district scale.

8 (b) Signs or Sign Features Not Permitted in Mixed Use Districts. General
9 advertising signs are not permitted in the Eastern Neighborhoods and South of
10 Market Mixed Use districts, except in the South of Market General Advertising
11 Special Sign District. Roof signs as defined in Section 602.16 of this Code, wind
12 signs as defined in Section 602.21 of this Code, and signs on canopies, as
13 defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts.
14 No sign shall have or consist of any moving, rotating, or otherwise physically
15 animated part, or lights that give the appearance of animation by flashing,
16 blinking, or fluctuating. In addition, all signs or sign features not otherwise
17 specifically regulated in this Section 607.2 shall be prohibited.

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

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

1 height. Such sign may be nonilluminated, indirectly illuminated, or directly
2 illuminated.

3 (2) One sign identifying a shopping center or shopping mall shall be
4 permitted subject to the conditions in Paragraph (1), but shall not exceed 30
5 square feet in area. Such signs may be nonilluminated, indirectly illuminated, or
6 directly illuminated during the hours of operation of the businesses in the
7 shopping center or shopping mall.

8 (d) Nameplate. One nameplate, as defined in Section 602.12 of this
9 Code, not exceeding an area of two square feet, shall be permitted for each
10 noncommercial use in Mixed Use Districts.

11 (e) General Advertising Signs. General advertising signs, as defined in
12 Section 602.7, shall be permitted in Mixed Use Districts as provided for below.
13 General advertising signs are not allowed in the Eastern Neighborhoods and South
14 of Market Mixed Use Districts, except in the South of Market General Advertising
15 Special Sign District or where a permit was approved by the City prior to January
16 1, 2001. In Mixed Use Districts where such signs are permitted, general
17 advertising signs may be either a wall sign or freestanding, provided that the
18 surface of any freestanding sign shall be parallel to and within three feet of an
19 adjacent building wall. In either case, the building wall shall form a complete
20 backdrop for the sign, as the sign is viewed from all points from a street or alley
21 from which it is legible. No general advertising sign shall be permitted to cover
22 part or all of any windows. Any extension of the copy beyond the rectangular
23 perimeter of the sign shall be included in the calculation of the sign area, as
24 defined in Section 602.1(a) of this Code.

25

1 (1) Chinatown Residential Neighborhood Commercial District. No more
2 than one general advertising sign shall be permitted per lot. Such sign shall not
3 exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be
4 either nonilluminated or indirectly illuminated.

5 (2) Chinatown Visitor Retail and Chinatown Community Business
6 Districts. No more than one general advertising sign not exceeding 300 square
7 feet in area or two general advertising signs of 72 square feet each shall be
8 permitted per lot. The height of any such wall sign shall not exceed 24 feet, or the
9 height of the wall to which it is attached, or the height of the lowest of any
10 residential windowsills on the wall to which it is attached, whichever is lower. If
11 the advertising sign is a freestanding sign, the height shall not exceed 24 feet or
12 the height of the adjacent wall, whichever is lower.

13 (A) Signs may be either nonilluminated or indirectly or directly
14 illuminated.

15 (3) South of Market General Advertising Special Sign District. Within the
16 area designated as a South of Market General Advertising Special Sign District,
17 as described in Section 821 of this Code and shown on Sectional Map SSD of
18 the Zoning Map, the following provisions shall apply to general advertising signs:

19 (1) No more than two general advertising signs not to exceed 300 square feet in
20 area or one general advertising sign not to exceed 672 square feet in area shall
21 be permitted per lot; (2) No more than one double-sided or multiple-sided sign
22 shall be permitted per lot; and (3) Roof signs shall be permitted and shall not
23 exceed the standards established by Section 607(b) of this Code for roof signs
24 lying within M Districts.

25

1 (f) Business Signs. Business signs, as defined in Section 602.3 shall be
2 permitted in all Mixed Use Districts subject to the limits set forth below.

3 (1) Chinatown Residential Neighborhood Commercial District.

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

8 (B) Wall Signs. The area of all wall signs shall not exceed one square
9 foot per foot of street frontage occupied by the business measured along the wall
10 to which the signs are attached, or 50 square feet for each street frontage,
11 whichever is less; provided, however, that in no case shall the wall sign or
12 combination of wall signs cover more than 75 percent of the surface of any wall,
13 excluding openings. The height of any wall sign shall not exceed 15 feet or the
14 height of the wall to which it is attached. Such signs may be nonilluminated or
15 indirectly illuminated; or during business hours, may be directly illuminated.

16 (C) Projecting Signs. The number of projecting signs shall not exceed
17 one per business. The area of such sign or signs combined when there are
18 multiple signs, as defined in Section 602.1(a), shall not exceed 24 square feet.
19 The height of such sign shall not exceed 15 feet or the height of the wall to which
20 it is attached. No part of the sign shall project more than 75 percent of the
21 horizontal distance from the street property line to the curbline, or six feet six
22 inches, whichever is less. The sign may be nonilluminated or indirectly
23 illuminated, or during business hours, may be directly illuminated.

24 (D) Signs on Awnings. Sign copy may be located on permitted awnings
25 in lieu of wall signs and projecting signs. The area of such sign copy as defined

1 in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be
2 nonilluminated or indirectly illuminated.

3 (2) Chinatown Visitor Retail District.

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

8 (B) Wall Signs. The area of all wall signs shall not exceed two square
9 feet per foot of street frontage occupied by the use measured along the wall to
10 which the signs are attached, or 100 square feet for each street frontage,
11 whichever is less. The height of any wall sign shall not exceed 24 feet, or the
12 height of the wall to which it is attached, or the height of the lowest of any
13 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
16 one per business. The area of such sign, as defined in Section 602.1(a), shall not
17 exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the
18 height of the wall to which it is attached, or the height of the lowest of any
19 residential windowsill on the wall to which the sign is attached, whichever is
20 lower. No part of the sign shall project more than 75 percent of the horizontal
21 distance from the street property line to the curblin, or six feet six inches,
22 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or
23 during business hours, may be directly illuminated.

24 (D) Signs on Awnings and Marquees. Sign copy may be located on
25 permitted awnings or marquees in lieu of projecting signs. The area of such sign

1 copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign
2 copy may be nonilluminated or indirectly illuminated, except that sign copy on
3 marquees for movie theaters or places of entertainment may be directly
4 illuminated during business hours.

5 (E) Freestanding Signs and Sign Towers. One freestanding sign or sign
6 tower per lot shall be permitted in lieu of a projecting sign, if the building or
7 buildings are recessed from the street property line. The existence of a
8 freestanding business sign shall preclude the erection of a freestanding
9 identifying sign on the same lot. The area of such freestanding sign or sign tower,
10 as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the
11 height of the sign exceed 24 feet. No part of the sign shall project more than 75
12 percent of the horizontal distance from the street property line to the curblin, or
13 six feet, whichever is less. Such signs may be nonilluminated or indirectly
14 illuminated; or during business hours, may be directly illuminated.

15 (3) Chinatown Community Business District, Eastern Neighborhoods and
16 South of Market Mixed Use Mixed Use Districts.

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

21 (B) Wall Signs. The area of all wall signs shall not exceed three square
22 feet per foot of street frontage occupied by the use measured along the wall to
23 which the signs are attached, or 150 square feet for each street frontage,
24 whichever is less; provided, however, that in no case shall the wall sign or
25 combination of wall signs cover more than 75 percent of the surface of any wall,

1 excluding openings. The height of any wall sign shall not exceed 24 feet, or the
2 height of the wall to which it is attached, or the height of the lowest of any
3 residential windowsill on the wall to which the sign is attached, whichever is
4 lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

5 (C) Projecting Signs. The number of projecting signs shall not exceed
6 one per business. The area of such sign or signs combined when there are
7 multiple signs, as defined in Section 602.1(a), shall not exceed 32 square feet.
8 The height of the sign shall not exceed 24 feet, or the height of the wall to which
9 it is attached, or the height of the lowest of any residential windowsill on the wall
10 to which the sign is attached, whichever is lower. No part of the sign shall project
11 more than 75 percent of the horizontal distance from the street property line to
12 the curblineline, or six feet six inches, whichever is less. Such signs may be
13 nonilluminated, indirectly, or directly illuminated.

14 (D) Sign Copy on Awnings and Marquees. Sign copy may be located on
15 permitted awnings or marquees in lieu of projecting signs. The area of such sign
16 copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign
17 copy may be nonilluminated or indirectly illuminated; except that sign copy on
18 marquees for movie theaters or places of entertainment may be directly
19 illuminated during business hours.

20 (E) Freestanding Signs and Sign Towers. One freestanding sign or sign
21 tower per lot shall be permitted in lieu of a projecting sign if the building or
22 buildings are recessed from the street property line. The existence of a
23 freestanding business sign shall preclude the erection of a freestanding
24 identifying sign on the same lot. The area of such freestanding sign or sign tower,
25 as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the

1 height of the sign exceed 24 feet. No part of the sign shall project more than 75
2 percent of the horizontal distance from the street property line to the curbline, or
3 six feet, whichever is less. Such signs may be nonilluminated or indirectly
4 illuminated, or during business hours, may be directly illuminated.

5 (g) Special Sign Districts. Additional controls apply within certain Mixed
6 Use Districts that are designated as Special Sign Districts. The designations,
7 locations, and boundaries of these Special Sign Districts are provided on
8 Sectional Map SSD of the Zoning Map of the City and County of San Francisco,
9 and are described within Sections 608.1 through 608.10 of this Code.

10 (h) Special Districts for Sign Illumination. Signs in Mixed Use Districts
11 shall not have nor consist of any flashing, blinking, fluctuating or otherwise
12 animated light except in the following special districts, all specifically designated
13 as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning
14 Map of the City and County of San Francisco, and described in Section 607(e) of
15 this Code.

16 (1) Broadway District. Along the main commercial frontage of Broadway
17 between Wayne and Osgood.

18 (i) Other Sign Requirements. Within Mixed Use Districts, the following
19 additional requirements shall apply:

20 (1) Public Areas. No sign shall be placed upon any public street, alley,
21 sidewalk, public plaza or right-of-way, or in any portion of a transit system, except
22 such projecting signs as are otherwise permitted by this Code and signs,
23 structures, and features as are specifically approved by the appropriate public
24 authorities under applicable laws and regulations not inconsistent with this Code
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1 and under such conditions as may be imposed by such authorities or posted
2 pursuant to the Police Code.

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

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

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

12 **SEC. 608.1. NEAR R DISTRICTS.**

13 No general advertising sign, and no other sign exceeding 100 square feet
14 in area, shall be located in an NC, C, M, PDR, Eastern Neighborhoods Mixed Use
15 District or South of Market Mixed Use District within 100 feet of any R District in
16 such a manner as to be primarily viewed from residentially zoned property or
17 from any street or alley within an R District; any sign of which the face is located
18 parallel to a street property line and lies for its entire width opposite an NC, C, M,
19 PDR, MUR, or South of Market SLR District shall be deemed prima facie not to be
20 primarily so viewed. No sign of any size within 100 feet of any R District shall
21 project beyond the street property line or building setback line of any street or
22 alley leading off the main commercial frontage into the R District.

23 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

24 (a) The following districts are established for the purpose of
25 implementing the Commerce and Industry element and other elements of the

1 ~~Master-General~~ Plan, according to the objective and policies stated therein.
 2 Description and Purpose Statements outline the main functions of each
 3 Neighborhood Commercial (NC) District in the Zoning Plan for San Francisco,
 4 supplementing the statements of purpose contained in Section 101 of this Code.

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

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Neighborhood Commercial General Area Districts	Section Number
NC-1 -- Neighborhood Commercial Cluster District	§ 710
NC-2 -- Small-Scale Neighborhood Commercial District	§ 711
NC-3 -- Moderate-Scale Neighborhood Commercial District	§ 712
NC-S -- Neighborhood Commercial Shopping Center District	§ 713
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<i>§ 734</i>
NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731

Neighborhood Commercial Section	
Individual Area Districts Number	
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717

1	Upper Fillmore Street Neighborhood Commercial District	§ 718
2	Haight Street Neighborhood Commercial District	§ 719
3	Hayes-Gough Neighborhood Commercial Transit District	§ 720
4	Upper Market Street Neighborhood Commercial District	§ 721
5	North Beach Neighborhood Commercial District	§ 722
6	Polk Street Neighborhood Commercial District	§ 723
7	Sacramento Street Neighborhood Commercial District	§ 724
8	Union Street Neighborhood Commercial District	§ 725
9	Valencia Street Neighborhood Commercial <i>Transit</i> District	§ 726
10	24th Street-Mission Neighborhood Commercial <i>Transit</i> District	§ 727
11	24th Street-Noe Valley Neighborhood Commercial District	§ 728
12	West Portal Avenue Neighborhood Commercial District	§ 729
13	Inner Sunset Neighborhood Commercial District	§ 730
14	Upper Market Street Neighborhood Commercial Transit District	§ 732
15	<i>SoMa Neighborhood Commercial Transit District</i>	<i>§ 735</i>
16		
17	<i>Mission Street Neighborhood Commercial Transit District</i>	<i>§ 736</i>

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

23	Neighborhood Commercial Transit Districts	Section Number
24		
25	Hayes-Gough Neighborhood Commercial Transit District	§ 720

1	<u>Valencia Street Neighborhood Commercial Transit District</u>	<u>§ 726</u>
2	<u>24th Street – Mission Neighborhood Commercial Transit District</u>	<u>§ 727</u>
3	NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731
4	Upper Market Street Neighborhood Commercial Transit District	§ 732
5	<u>NCT-2 Small Scale Neighborhood Commercial Transit District</u>	<u>§ 734</u>
6		
7	<u>SoMa Neighborhood Commercial Transit District</u>	<u>§ 735</u>
8	<u>Mission Street Neighborhood Commercial Transit District</u>	<u>§ 736</u>

9

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11 NCT districts are transit-oriented moderate- to high-density mixed-use

12 neighborhoods of varying scale concentrated near transit services. The NCT

13 districts are mixed use districts that support neighborhood-serving commercial

14 uses on lower floors and housing above. These districts are well-served by

15 public transit and aim to maximize residential and commercial opportunities on or

16 near major transit services. The district's form can be either linear along transit-

17 priority corridors, concentric around transit stations, or broader areas where

18 transit services criss-cross the neighborhood. Housing density is limited not by lot

19 area, but by the regulations on the built envelope of buildings, including height,

20 bulk, setbacks, and lot coverage, and standards for residential uses, including

21 open space and exposure, and urban design guidelines. Residential parking is

22 not required and generally limited. Commercial establishments are discouraged

23 or prohibited from building accessory off-street parking in order to preserve the

24 pedestrian-oriented character of the district and prevent attracting auto traffic.

25 There are prohibitions on access (i.e. driveways, garage entries) to off-street

1 parking and loading on critical stretches of commercial and transit streets to
2 preserve and enhance the pedestrian-oriented character and transit function.

3 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL**
4 **DISTRICTS.**

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

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

13 TABLE INSET:

	Section	
	Zoning Control	Number
	Categories of Use	
No.	for Uses	Definition
19 .24	Outdoor Activity Area	§ 790.70
20 .25	Drive-Up Facility	§ 790.30
21 .26	Walk-Up Facility	§ 790.140
22 .27	Hours of Operation	§ 790.48
23 .38	Residential Conversion	§ 790.84
24 .39	Residential Demolition	§ 790.86

1	.40	Other Retail Sales and Services	§ 790.102
2	.41	Bar	§ 790.22
3	.42	Full-Service Restaurant	§ 790.92
4	.43	Large Fast-Food Restaurant	§ 790.90
5	.44	Small Self-Service Restaurant	§ 790.91
6	.45	Liquor Store	§ 790.55
7	.46	Movie Theater	§ 790.64
8	.47	Adult Entertainment	§ 790.36
9	.48	Other Entertainment	§ 790.38
10	.49	Financial Service	§ 790.110
11	.50	Limited Financial Service	§ 790.112
12	.51	Medical Service	§ 790.114
13	.52	Personal Service	§ 790.116
14	.53	Business or Professional Service	§ 790.108
15	.54	Massage Establishment	§ 790.60
16	.55	Tourist Hotel	§ 790.46
17	.56	Automobile Parking	§ 790.8
18	.57	Automotive Gas Station	§ 790.14
19	.58	Automotive Service Station	§ 790.17
20	.59	Automotive Repair	§ 790.15
21	.60	Automotive Wash	§ 790.18

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1	.61	Automobile Sale or Rental	§ 790.12
2	.62	Animal Hospital	§ 790.6
3	.63	Ambulance Service	§ 790.2
4	.64	Mortuary	§ 790.62
5	.65	Trade Shop	§ 790.124
6	.66	Storage	§ 790.117
7	.67	Video Store	§ 790.135
8	.68	Fringe Financial Service	§ 790.111
9	.70	Administrative Service	§ 790.106
10	.80	Hospital or Medical Center	§ 790.44
11	.81	Other Institutions, Large	§ 790.50
12	.82	Other Institutions, Small	§ 790.51
13	.83	Public Use	§ 790.80
14	.90	Residential Use	§ 790.88
15	.95	Community Residential Parking	§ 790.10

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

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

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

7 TABLE INSET:

8

No.	Zoning Control Category
9 .56	Automobile Parking
10 .57	Automotive Gas Station
11 .58	Automotive Service Station
12 .60	Automotive Wash
13 .61	Automobile Sale or Rental
14 .81	Other Institutions, Large (selected)
15 .83	Public Use (selected)
16 .95	Community Residential Parking

17

18

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

22 (A) Principal Uses. Principal uses are permitted as of right in a
23 Neighborhood Commercial District, when so indicated in Sections 710.1 through
24 729.95 of this Code for each district class.

25

1 (B) Conditional Uses. Conditional uses are permitted in a
2 Neighborhood Commercial District when authorized by the Planning
3 Commission; whether a use is conditional in a given district is indicated in
4 Sections 710.10 through 729.95. Conditional uses are subject to the provisions
5 set forth in Sections 178, 179, 303, and 316 through 316.8 of this Code.

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

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

12 (iii) Notwithstanding any other provision of this Article, a change in
13 use or demolition of a general grocery store use, as defined in Section
14 790.102(a), shall require conditional use authorization. This Subsection shall not
15 authorize a change in use if the new use or uses are otherwise prohibited.

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

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

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

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

8 (iii) Any take-out food use, as defined in Section 790.122, except
9 for a take-out food use which occupies 100 square feet or less (including the
10 area devoted to food preparation and service and excluding storage and waiting
11 areas) in a general grocery or specialty grocery store;

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

15 (v) The wholesaling, manufacturing or processing of foods, goods, or
16 commodities on the premises of an establishment which does not also use or
17 provide for primarily retail sale of such foods, goods or commodities at the same
18 location where such wholesaling, manufacturing or processing takes place.

19 Except in the SoMa NCT, where these uses are permitted accessory uses.

20 **SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL**
21 **TRANSIT DISTRICT.**

22 The Valencia Street Commercial Transit District is located near the center
23 of San Francisco in the Mission District. It lies along Valencia Street between
24 14th and Cesar Chavez (Army) Street, and includes a portion of 16th Street
25 extending west towards Dolores Street. The commercial area provides a limited

1 selection of convenience goods for the residents of sections of the Mission and
2 Dolores Heights. Valencia Street also serves a wider trade area with its retail and
3 wholesale home furnishings and appliance outlets. The commercial district also
4 has several automobile-related businesses ~~and large light manufacturing~~
5 ~~operations~~. Eating and drinking establishments contribute to the street's mixed-
6 use character and activity in the evening hours. A number of upper-story
7 professional and business offices are located in the district, some in converted
8 residential units.

9 The Valencia Street District has a pattern of large lots and businesses, as
10 well as a sizable number of upper-story residential units. Controls are designed
11 to permit moderate-scale buildings and uses, protecting rear yards above the
12 ground story and at residential levels. New neighborhood-serving commercial
13 development is encouraged mainly at the ground story. While offices and general
14 retail sales uses may locate at the second story of new buildings under certain
15 circumstances, most commercial uses are prohibited above the second story. In
16 order to protect the balance and variety of retail uses and the livability of adjacent
17 uses and areas, most eating and drinking and entertainment uses at the ground
18 story are limited. Continuous retail frontage is promoted by prohibiting drive-up
19 facilities, some automobile uses, and new nonretail commercial uses. Parking is
20 not required, and any new parking is required to be set back or below ground. Active,
21 pedestrian-oriented ground floor uses are required.

22 Housing development in new buildings is encouraged above the ground
23 story. Housing density is not controlled by the size of the lot but by requirements to
24 supply a high percentage of larger units and by physical envelope controls. Existing
25 residential units are protected by prohibitions on upper-story conversions and

1 limitations on demolitions, mergers, and subdivisions. Given the area's central location
 2 and accessibility to the City's transit network, accessory parking for residential uses is
 3 not required.

4
 5 SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 6 ZONING CONTROL TABLE

			Valencia Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, <u>263.18</u> , 270, 271	40-X, 50-X. See Zoning Map. <u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X</u>
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)
726.13 <i>a</i>	Street Frontage, <u>Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	Required § 145.1 <u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>

1	<u>726.13b</u>	<u>Street Frontage, Required</u> <u>Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Requirements apply. See</u> <u>§ 145.4</u>
2				
3	<u>726.13c</u>	<u>Street Frontage, Parking and</u> <u>Loading access restrictions</u>	<u>§ 155(r)</u>	<u>Requirements apply. See</u> <u>§ 155(r)</u>
4				
5	726.14	Awning	§ 790.20	P§ 136.1(a)
6	726.15	Canopy	§ 790.26	P § 136.1(b)
7	726.16	Marquee	§ 790.58	P § 136.1(c)
8	726.17	Street Trees		Required § 143
9	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
10				
11	726.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
12				
13	726.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
14				
15				
16				<i>Generally, none required</i> <i>if occupied floor area is</i> <i>less than 5,000 sq. ft.</i>
17	726.22	Off-Street Parking, Commercial/Institutional	§§ 150, <u>151.1</u> , 153--157, 159-- 160, <u>166</u> , 204.5	<i>None required. Limits set</i> <i>forth in Section 151.1</i>
18				
19				§§ 151, 161(g)
20				
21				
22				
23	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)
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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.
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)

TABLE INSET:

No.	Zoning Category	§ References	Valencia Street		
			Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
726.378	Residential Conversion	§§ 790.84, 207.7	PC		
726.389	Residential Demolition	§§ 790.86, 207.7	PC	C	C

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<u>726.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales and Services					
726.40	Other Retail Sales and Services [Not Listed Below]	§ 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	§ 790.112	P		

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	Service				
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 Health Code	C		
726.55	Tourist Hotel	§ 790.46	C	C	
726.56	Automobile Parking	§§ 790.8, <u>158.1</u> , 160, <u>166</u> ,	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			

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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	§ 790.111	#	#	#
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

1	726.84	Medical Cannabis Dispensary	§ 790.141	P		
2	RESIDENTIAL STANDARDS AND USES					
3	726.90	Residential Use	§§ <u>145.4</u> , 790.88	<i>P, except NP for frontages listed in <u>145.4</u></i>	P	P
4	726.91	Residential Density, Dwelling Units	§§ 207, 207.1, <u>207.4</u> , <u>207.6</u> , 790.88(a)	<i>Generally, 1 unit per 400 sq. ft. lot area §207.4 No density limit.</i>		
5	726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 140 sq. ft. lot area §208 No density limit.</i>		
6	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)		
7	726.94	Off-Street Parking, Residential	§§ <u>145.1</u> , 150, <u>151.1</u> , 153--157, 159--160, <u>166</u> , <u>167</u> 204.5	<i>Generally, 1 space for each dwelling unit 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</i>		
8	726.95	Community Residential Parking	§§ <u>145.1</u> , <u>151.1(f)</u> , <u>155(r)</u> , <u>166</u> , 790.10	C	C	C

24 **SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT**

25 TABLE INSET:

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Article 7 Code Section	Other Code Section	Zoning Controls
§ 726.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial <i>Transit</i> 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. 727.1. 24TH STREET -- MISSION NEIGHBORHOOD
COMMERCIAL *TRANSIT* DISTRICT.**

The 24th Street -- Mission Neighborhood Commercial *Transit* District is situated in the Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This mixed-use district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services to a wider trade area. The street has a great number of Latin American restaurants, grocery stores, and bakeries as well as other gift and secondhand stores. Most commercial businesses are open during the day while the district's bars *and* restaurants, ~~and movie theater~~ are also active in the evening. Dwelling units are frequently located above the ground-story commercial uses.

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			24th Street -- Mission
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. <u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X.</u>
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)
727.13a	Street Frontage, <u>Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	Required <u>§ 145.1</u> <u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>
<u>727.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Requirements apply. See § 145.4</u>
<u>727.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>Requirements apply. See § 155(r)</u>
727.14	Awning	§ 790.20	P § 136.1(a)

1	727.15	Canopy	§ 790.26	P § 136.1(b)
2	727.16	Marquee	§ 790.58	P § 136.1(c)
3	727.17	Street Trees		Required § 143
4	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
5				
6	727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
7				
8	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
9				
10				
11				
12	727.22	Off-Street Parking, Commercial/Institutional	§§ 150, <u>151.1</u> , 153--157, 159-- 160, <u>166</u> , 204.5	<i>Generally, none required if occupied floor area is less than 5,000 sq. ft. None required. Limits set forth in Section 151.1 §§ 151, 161(g)</i>
13				
14				
15				
16				
17	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)
18				
19				
20	727.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
21				
22				
23	727.25	Drive-Up Facility	§ 790.30	
24	727.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2
25				

			(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)

TABLE INSET:

No.	Zoning Category	§ References	24th Street-- Mission		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
727.378	Residential Conversion	§§ 790.84, <u>207.7</u>	<u>PC</u>		
727.389	Residential Demolition	§§ 790.86, <u>207.7</u>	<u>PC</u>	C	C
<u>726.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales and Services					
727.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P		

1	727.41	Bar	§ 790.22			
2						
3	727.42	Full-Service Restaurant	§ 790.92	C		
4						
5	727.43	Large Fast Food Restaurant	§ 790.90			
6						
7	727.44	Small Self-Service Restaurant	§ 790.91	C		
8						
9	727.45	Liquor Store	§ 790.55			
10						
11	727.46	Movie Theater	§ 790.64	P		
12						
13	727.47	Adult Entertainment	§ 790.36			
14						
15	727.48	Other Entertainment	§ 790.38	C		
16						
17	727.49	Financial Service	§ 790.110	P		
18						
19	727.50	Limited Financial Service	§ 790.112	P		
20						
21	727.51	Medical Service	§ 790.114	P	C	
22						
23	727.52	Personal Service	§ 790.116	P	C	
24						
25	727.53	Business or	§ 790.108	P	C	

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	Professional Service				
727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
727.55	Tourist Hotel	§ 790.46	C	C	
727.56	Automobile Parking	§§ 790.8, <u>158.1</u> , 160, 166,	C	C	C
727.57	Automotive Gas Station	§ 790.14			
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			

1	727.65	Trade Shop	§ 790.124	P		
2						
3	727.66	Storage	§ 790.117			
4						
5	727.67	Video Store	§ 790.135	C		
6						
7	727.68	Fringe Financial Service	§ 790.111	#	#	#
8						
9	Institutions and Non-Retail Sales and Services					
10	727.70	Administrative Service	§ 790.106			
11						
12	727.80	Hospital or Medical Center	§ 790.44			
13						
14	727.81	Other Institutions, Large	§ 790.50	P	C	C
15						
16	727.82	Other Institutions, Small	§ 790.51	P	P	P
17						
18	727.83	Public Use	§ 790.80	C	C	C
19						
20	727.84	Medical Cannabis Dispensary	§ 790.141	P		
21						
22	RESIDENTIAL STANDARDS AND USES					
23						
24	727.90	Residential Use	§§ 145.4, 790.88	<i>P, except NP for frontages listed in §145.4</i>	P	P
25						

1	727.91	Residential Density, Dwelling Units	§§ 207, 207.1, <u>207.4, 207.6,</u> 790.88(a)	<i>Generally, 1 unit per 600 sq. ft. lot area §207.4 <u>No density limit.</u></i>		
2	727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 210 sq. ft. lot area §208 <u>No density limit.</u></i>		
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	<i>Generally, 1 space for each dwelling unit <u>None required. P up to 0.5</u> <u>parking spaces per unit; C up to 0.75</u> <u>parking spaces per unit.</u> §§ 151, 161(a) (g), <u>166, 167, 145.1</u></i>		
5	727.95	Community Residential Parking	§§ <u>145.1,</u> <u>151.1(f), 155(r),</u> <u>166, 790.10</u>	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 727.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)Boundaries: The FFSRUD and its

		<p>1/4 mile buffer includes, but is not limited to, the 24th Street-Mission Neighborhood Commercial <i>Transit</i> District.</p> <p>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35.</p> <p>Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
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SEC. 734.1. NCT-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 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 is generally linear along transit-priority corridors, though may be concentric around transit stations or in broader areas where multiple 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. There are prohibitions on access (e.g., driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit street frontages to preserve and enhance the pedestrian-oriented character and transit function. Residential parking is not required and generally limited. Commercial establishments are

1 discouraged from building excessive accessory off-street parking in order to preserve the
2 pedestrian-oriented character of the district and prevent attracting auto traffic.

3 NCT-2 Districts are intended to provide convenience goods and services to the
4 surrounding neighborhoods as well as limited comparison shopping goods for a wider
5 market. The range of comparison goods and services offered is varied and often includes
6 specialty retail stores, restaurants, and neighborhood-serving offices. The small-scale
7 district controls provide for mixed-use buildings, which approximate or slightly exceed
8 the standard development pattern. Rear yard requirements above the ground story and at
9 residential levels preserve open space corridors of interior blocks.

10 Most new commercial development is permitted at the ground and second stories.
11 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
12 entertainment uses, however, are confined to the ground story. The second story may be
13 used by some retail stores, personal services, and medical, business and professional
14 offices. Parking and hotels are monitored at all stories. Limits on late-night activity,
15 drive-up facilities, and other automobile uses protect the livability within and around the
16 district, and promote continuous retail frontage.

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

20 **SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2**
21 **ZONING CONTROL TABLE**

22

			<u>NCT-2</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			

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<u>734.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250--252, 260, 263.18, 270, 271</u>	<u>See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X</u>
<u>734.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1</u>
<u>734.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story and above and at all residential levels § 134(a)(e)</u>
<u>734.13</u>	<u>Street Frontage</u>	<u>§§ 145.1, 145.4</u>	<u>Required §§ 145.1, 145.4</u>
<u>734.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	<u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>
<u>734.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Requirements apply</u>
<u>734.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>Requirements apply</u>
<u>734.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P § 136.1(a)</u>
<u>734.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<u>P § 136.1(b)</u>
<u>734.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<u>P § 136.1(c)</u>

1	<u>734.17</u>	<u>Street Trees</u>	—	<u>Required § 143</u>
2	-			
3	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
4	<u>734.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11,</u>	<u>2.5 to 1 § 124(a) and (b)</u>
5	-		<u>123</u>	
6	<u>734.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 3,999 sq. ft.; C</u>
7	-			<u>4,000 sq. ft. & above §</u>
8				<u>121.2</u>
9	<u>734.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 151.1,</u>	<u>None required. Limits set</u>
10	-	<u>Commercial/Institutional</u>	<u>153-157, 159-</u>	<u>forth in Section 151.1.</u>
11			<u>160, 204.5</u>	
12	<u>734.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153--155,</u>	<u>Generally, none required if</u>
13	-		<u>204.5</u>	<u>gross floor area is less than</u>
14				<u>10,000 sq. ft. §§ 152,</u>
15	<u>734.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>161(b)</u>
16	-			<u>P if located in front; C if</u>
17				<u>located elsewhere §</u>
18	<u>734.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	<u>145.2(a)</u>
19	-			
20	<u>734.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not</u>
21	-			<u>recessed § 145.2(b)</u>
22	<u>734.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--2 a.m.; C 2 a.m.--</u>
23	-			<u>6 a.m.</u>
24	<u>734.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602--604,</u>	<u>NP § 607.1(e)(1)</u>
25	-		<u>608, 609</u>	
	<u>734.31</u>	<u>Business Sign</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(f)(2)</u>

1	-		<u>608, 609</u>	
2	<u>734.32</u>	<u>Other Signs</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(c),(d),(g)</u>
3	-		<u>608, 609</u>	

5	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>NCT-2</u>		
				<u>Controls by Story</u>		
6	-	-	-	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
7	-		<u>§ 790.118</u>			
8	<u>734.37</u>	<u>Residential</u>	<u>§§ 790.84,</u>	<u>C</u>	<u>C</u>	-
9	-	<u>Conversion</u>	<u>207.7</u>			
10	<u>734.38</u>	<u>Residential</u>	<u>§§ 790.86,</u>	<u>C</u>	<u>C</u>	<u>C</u>
11	-	<u>Demolition</u>	<u>207.7</u>			
12	<u>731.39</u>	<u>Residential</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
13		<u>Division</u>				
14	<u>Retail Sales and Services</u>					
15	<u>734.40</u>	<u>Other Retail</u>				
16	-	<u>Sales and</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	-
17		<u>Services [Not</u>				
18	<u>734.41</u>	<u>Listed Below]</u>				
19	-	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	-	-
20	<u>734.42</u>	<u>Full-Service</u>	<u>§ 790.92</u>	<u>P</u>	-	-
21	-	<u>Restaurant</u>				
22	<u>734.43</u>	<u>Large Fast Food</u>	<u>§ 790.90</u>	<u>C</u>	-	-
23	-	<u>Restaurant</u>				
24	<u>734.44</u>	<u>Small Self-</u>	<u>§ 790.91</u>	<u>P</u>	-	-
25	-	<u>Service</u>				

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	<u>Restaurant</u>				
<u>734.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>P</u>	<u>-</u>	<u>-</u>
-					
<u>734.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>-</u>	<u>-</u>
-					
<u>734.47</u>	<u>Adult</u>	<u>§ 790.36</u>	<u>-</u>	<u>-</u>	<u>-</u>
-	<u>Entertainment</u>				
<u>734.48</u>	<u>Other</u>	<u>§ 790.38</u>	<u>P</u>	<u>-</u>	<u>-</u>
-	<u>Entertainment</u>				
<u>734.49</u>	<u>Financial</u>	<u>§ 790.110</u>	<u>P</u>	<u>C</u>	<u>-</u>
-	<u>Service</u>				
<u>734.50</u>	<u>Limited Financial</u>	<u>§ 790.112</u>	<u>P</u>	<u>-</u>	<u>-</u>
-	<u>Service</u>				
<u>734.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>-</u>
-					
<u>734.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>-</u>
-	-				
<u>734.53</u>	<u>Business or</u>				
-	<u>Professional</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>-</u>
-	<u>Service</u>				
<u>734.54</u>	<u>Massage</u>	<u>§ 790.60, §</u>			
-	<u>Establishment</u>	<u>1900 Health</u>	<u>C</u>	<u>-</u>	<u>-</u>
-		<u>Code</u>			
<u>734.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
-					
<u>734.56</u>	<u>Automobile</u>	<u>§§ 790.8,</u>			
-	<u>Parking</u>	<u>156, 160</u>	<u>C</u>	<u>C</u>	<u>C</u>

1	<u>734.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
2	-					
3	<u>734.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
4	-					
5	<u>734.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-
6	-					
7	<u>734.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
8	-					
9	<u>734.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	-	-	-
10	-					
11	<u>734.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
12	-					
13	<u>734.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
14	-					
15	<u>734.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
16	-					
17	<u>734.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-
18	-					
19	<u>734.66</u>	<u>Storage</u>	<u>§ 790.117</u>	-	-	-
20	-					
21	<u>734.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	-
22	-					
<u>Institutions and Non-Retail Sales and Services</u>						
23	<u>734.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	-	-	-
24	-					
25	<u>734.80</u>	<u>Hospital or</u>	<u>§ 790.44</u>	-	-	-

1	-	<u>Medical Center</u>				
2	<u>734.81</u>	<u>Other</u>				
3	-	<u>Institutions,</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
4		<u>Large</u>				
5	<u>734.82</u>	<u>Other</u>				
6	-	<u>Institutions,</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
7		<u>Small</u>				
8	<u>734.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
9						
10	<u>734.84</u>	<u>Medical</u>				
11	-	<u>Cannabis</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
12		<u>Dispensary</u>				
13	<u>RESIDENTIAL STANDARDS AND USES</u>					
14	<u>734.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages</u>	<u>P</u>	<u>P</u>
15	-			<u>listed in 145.4</u>		
16						
17	<u>734.91</u>	<u>Residential</u>	<u>§§ 207,</u>	<u>No residential density limit by lot area.</u>		
18	-	<u>Density, Dwelling</u>	<u>207.1,</u>	<u>Density restricted by physical envelope</u>		
19		<u>Units</u>	<u>790.88(a)</u>	<u>controls of height, bulk, setbacks, open space,</u>		
20				<u>exposure and other applicable controls of this</u>		
21				<u>and other Codes, as well as by applicable</u>		
22				<u>design guidelines, applicable elements and</u>		
23	<u>734.92</u>	<u>Residential</u>	<u>§§ 207.1,</u>	<u>area plans of the General Plan, and design</u>		
24	-	<u>Density, Group</u>	<u>790.88(b)</u>	<u>review by the Planning Department.</u>		
25		<u>Housing</u>		<u>§§ 207.4, 207.6</u>		
				<u>No group housing density limit by lot area.</u>		
				<u>Density restricted by physical envelope</u>		
				<u>controls of height, bulk, setbacks, open space,</u>		

			<u>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.</u>		
			<u>§ 208</u>		
734.93	<u>Usable Open Space [Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)</u>		
734.94	<u>Off-Street Parking, Residential</u>	<u>§§ 150, 153-157, 159-160, 204.5</u>	<u>None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit..</u> <u>§§ 151.1, 166, 167, 145.1</u>		
734.95	<u>Community Residential Parking</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	<u>C</u>

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

TABLE INSET:

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§§ 734.84, 790.141</u>	<u>Health Code § 3308</u>	<u>Medical cannabis dispensaries in NCT-2 District may only operate between the hours of 8 a.m. and 10 p.m.</u>

SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

1 The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located
2 along the 6th Street and Folsom Street corridors in the South of Market. The commercial
3 area provides a limited selection of convenience goods for the residents of the South of
4 Market. Eating and drinking establishments contribute to the street's mixed-use character
5 and activity in the evening hours. A number of upper-story professional and business
6 offices are located in the district, some in converted residential units.

7 The SoMa NCT has a pattern of ground floor commercial and upper story
8 residential units. Controls are designed to permit moderate-scale buildings and uses,
9 protecting rear yards above the ground story and at residential levels. Active,
10 neighborhood-serving commercial development is required at the ground story, curb cuts
11 are prohibited and ground floor transparency and fenestration adds to the activation of
12 the ground story. While offices and general retail sales uses may locate on the second
13 story or above of new buildings, most commercial uses are prohibited above the second
14 story. In order to protect the balance and variety of retail use, bars and liquor stores are
15 allowed with a conditional use. Continuous retail frontage is promoted by prohibiting
16 drive-up facilities, some automobile uses, and new non-retail commercial uses. Above-
17 ground parking is required to be setback or below ground. Active, pedestrian-oriented
18 ground floor uses are required.

19 Housing development in new buildings is encouraged above the ground story.
20 Housing density is not controlled by the size of the lot or by density controls, but by
21 bedroom counts. Given the area's central location and accessibility to the City's transit
22 network, parking for residential and commercial uses is not required.

23 **SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
24 **ZONING CONTROL TABLE**
25

1	—			<u>SOMA</u>
2	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
3	<u>BUILDING STANDARDS</u>			
4	<u>735.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105,</u>	
5	-		<u>106, 250--252,</u>	<u>See Zoning Map.</u>
6	-		<u>260, 270, 271</u>	
7	<u>735.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.; C</u>
8	-		-	<u>10,000 sq. ft. & above §</u>
9	-		-	<u>121.1</u>
10	<u>735.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second</u>
11	-		-	<u>story and above and at all</u>
12	-		-	<u>residential levels §</u>
13	<u>735.13</u>	<u>Street Frontage</u>	<u>§§ 145.1, 145.4</u>	<u>Required §§ 145.1, 145.4</u>
14	-		-	-
15	<u>735.13a</u>	<u>Street Frontage, Above-Grade</u>		<u>Minimum 25 feet on</u>
16		<u>Parking Setback and Active</u>		<u>ground floor, 15 feet on</u>
17		<u>Uses</u>		<u>floors above</u>
18				<u>§ 145.1</u>
19	<u>735.13b</u>	<u>Street Frontage, Required</u>	<u>§ 145.4</u>	<u>Requirements apply</u>
20		<u>Ground Floor Commercial</u>		
21	<u>735.13c</u>	<u>Street Frontage, Parking and</u>	<u>§ 155(r)</u>	<u>Requirements apply</u>
22		<u>Loading access restrictions</u>		
23	<u>735.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P § 136.1(a)</u>
24	-			
25	<u>735.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<u>P § 136.1(b)</u>
	-			

1	<u>735.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<u>P § 136.1(c)</u>
2	-			
3	<u>735.17</u>	<u>Street Trees</u>	<u>—</u>	<u>Required § 143</u>
4	-			
5	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
6	<u>735.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11,</u> <u>123</u>	<u>2.5 to 1 § 124(a), (b)</u>
7	-			
8	<u>735.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 3,999 sq. ft.; C</u> <u>4,000 sq. ft. & above §</u> <u>121.2</u>
9	-			
10	<u>735.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 153-157,</u>	<u>None required. Limits set</u>
11	-	<u>Commercial/Institutional</u>	<u>159-160, 204.5</u>	<u>forth in Section 151.1.</u>
12				
13	<u>735.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153--155,</u> <u>204.5</u>	<u>Generally, none required</u> <u>if gross floor area is less</u> <u>than 10,000 sq. ft. §§ 152,</u> <u>161(b)</u>
14	-			
15				
16	<u>735.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if</u> <u>located elsewhere §</u> <u>145.2(a)</u>
17	-			
18				
19	<u>735.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	<u>—</u>
20	-			
21	<u>735.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not</u> <u>recessed § 145.2(b)</u>
22	-			
23	<u>735.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--2 a.m.; C 2</u> <u>a.m.--6 a.m.</u>
24	-			
25	<u>735.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602--604,</u> <u>608, 609</u>	<u>NP § 607.1(e)(1)</u>

1	<u>735.31</u>	<u>Business Sign</u>	<u>§§ 262, 602--604,</u> <u>608, 609</u>	<u>P § 607.1(f)(2)</u>
2	-			
3	<u>735.32</u>	<u>Other Signs</u>	<u>§§ 262, 602--604,</u> <u>608, 609</u>	<u>P § 607.1(c), (d), (g)</u>
4	-			

6	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>SoMa</u>		
				<u>Controls by Story</u>		
8			<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
9					-	
10	<u>735.37</u>	<u>Residential Conversion</u>	<u>§§ 790.84,</u> <u>207.7</u>	<u>C</u>	<u>C</u>	-
11	-	-				
12	<u>735.38</u>	<u>Residential Demolition</u>	<u>§§ 790.86,</u> <u>207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
13	-	-				
13	<u>731.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
14	<u>Retail Sales and Services</u>					
15						
16	<u>735.40</u>	<u>Other Retail Sales and</u> <u>Services [Not Listed</u> <u>Below]</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	-
17	-					
18	<u>735.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>C</u>	-	-
19	-					
20	<u>735.42</u>	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	-	-
21	-					
22	<u>735.43</u>	<u>Large Fast Food</u> <u>Restaurant</u>	<u>§ 790.90</u>	<u>C</u>	-	-
23	-					
24	<u>735.44</u>	<u>Small Self-Service</u> <u>Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	-	-
25	-					

1	<u>735.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>	-	-
2	-					
3	<u>735.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	-	-
4	-					
5	<u>735.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	-	-	-
6	-					
7	<u>735.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>NP</u>	-	-
8	-					
9	<u>735.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>C</u>	-
10	-					
11	<u>735.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	-	-
12	-					
13	<u>735.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	-
14	-					
15	<u>735.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	-
16	-					
17	<u>735.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	-
18	-					
19	<u>735.54</u>	<u>Massage Establishment</u>	<u>§ 790.60, § 1900 Health Code</u>	<u>C</u>	-	-
20	-					
21	<u>735.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
22	-					
23	<u>735.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 160</u>	<u>C</u>	<u>C</u>	<u>C</u>
24	-					
25	<u>735.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
-	-					

1	<u>735.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
2	-					
3	<u>735.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-
4	-					
5	<u>735.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
6	-					
7	<u>735.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	-	-	-
8	-					
9	<u>735.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
10	-					
11	<u>735.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
12	-					
13	<u>735.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
14	-					
15	<u>735.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-
16	-					
17	<u>735.66</u>	<u>Storage</u>	<u>§ 790.117</u>	-	-	-
18	-					
19	<u>735.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>P</u>	<u>P</u>	-
20	-					
21	<u>Institutions and Non-Retail Sales and Services</u>					
22	<u>735.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	-	-	-
23	-					
24	<u>735.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	-	-	-
25	-					
	<u>735.81</u>	<u>Assembly and Social</u>	<u>§ 790.50(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>

1		<u>Service</u>			
2	<u>735.82</u>	<u>Other Institutions,</u>	<u>§ 790.50(b) –</u>		
3	-	<u>Large, except Assembly</u>	<u>(e)</u>	<u>C</u>	<u>C</u>
4		<u>and Social Service</u>			
5	<u>735.83</u>	<u>Other Institutions,</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>
6	-	<u>Small</u>			
7	<u>735.84</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>P</u>	<u>P</u>
8	-				
9	<u>735.85</u>	<u>Medical Cannabis</u>	<u>§ 790.141</u>	<u>P #</u>	-
10	-	<u>Dispensary</u>			
11	<u>RESIDENTIAL STANDARDS AND USES</u>				
12	<u>735.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for</u>	
13	-			<u>frontages listed in</u>	<u>P</u>
14				<u>145.4</u>	<u>P</u>
15	<u>735.90A</u>	<u>Single-Room</u>	<u>§ 890.88</u>		
16	-	<u>Occupancy (SRO) Unit</u>		<u>P</u>	<u>P</u>
17	<u>735.91</u>	<u>Residential Density,</u>	<u>§§ 207, 207.1,</u>	<u>No density limit.</u>	
18	-	<u>Dwelling Units</u>	<u>790.88(a)</u>		
19	<u>735.92</u>	<u>Residential Density,</u>	<u>§§ 207.1,</u>	<u>No density limit</u>	
20	-	<u>Group Housing</u>	<u>790.88(b)</u>		
21	<u>735.93</u>	<u>Usable Open Space</u>		<u>Generally, either 80 sq. ft. if</u>	
22	-	<u>[Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>private, or 100 sq. ft. if common §</u>	
23				<u>135(d)</u>	
24	<u>735.94</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 153--</u>	<u>None required. P up to 0.5 parking</u>	
25	-	<u>Residential</u>	<u>157, 159--160,</u>	<u>spaces per unit; C up to 0.75</u>	
			<u>204.5</u>	<u>parking spaces per unit.</u>	
				<u>§§ 151.1, 166, 167, 145.1</u>	

1	<u>735.95</u>	<u>Community Residential</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	<u>C</u>
2	-	<u>Parking</u>				

3 SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

4 TABLE INSET:

6	<u>Article 7</u>	<u>Other Code</u>	<u>Zoning Controls</u>
7	<u>Code Section</u>	<u>Section</u>	
8	<u>§§ 735.84,</u>	<u>Health Code</u>	<u>Medical cannabis dispensaries in the SoMa NCT District</u>
9	<u>790.141</u>	<u>§ 3308</u>	<u>may only operate between the hours of 8 a.m. and 10</u>
10			<u>p.m.</u>

11

12 SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL

13 TRANSIT DISTRICT.

14 The Mission Street Commercial Transit District is located near the center of San
 15 Francisco in the Mission District. It lies along Mission Street between 15th and Cesar
 16 Chavez (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd
 17 Street, and Cesar Chavez Street. The commercial area of this District provides a
 18 selection of goods serving the day-to-day needs of the residents of the Mission District.
 19 Additionally, this District serves a wider trade area with its specialized retail outlets.
 20 Eating and drinking establishments contribute to the street's mixed-use character and
 21 activity in the evening hours.

22 The District is extremely well-served by transit, including regional-serving BART stations
 23 at 16th Street and 24th Street, major buses running along Mission Street, and both cross-
 24 town and local-serving buses intersecting Mission along the length of this district. Given
 25 the area's central location and accessibility to the City's transit network, accessory

1 parking for residential uses is not required. Any new parking is required to be set back or
 2 be below ground.

3 This District has a mixed pattern of larger and smaller lots and businesses, as well as a
 4 sizable number of upper-story residential units. Controls are designed to permit
 5 moderate-scale buildings and uses, protecting rear yards above the ground story and at
 6 residential levels. New neighborhood-serving commercial development is encouraged
 7 mainly at the ground story. While offices and general retail sales uses may locate at the
 8 second story of new buildings under certain circumstances, most commercial uses are
 9 prohibited above the second story. Continuous retail frontage is promoted by requiring
 10 ground floor commercial uses in new developments and prohibiting curb cuts.

11 Housing development in new buildings is encouraged above the ground story. Housing
 12 density is not controlled by the size of the lot but by requirements to supply a high
 13 percentage of larger units and by physical envelope controls. Existing residential units
 14 are protected by prohibitions on upper-story conversions and limitations on demolitions,
 15 mergers, and subdivisions.

16
 17 **SEC. 736 MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 18 **ZONING CONTROL TABLE**

			<u>Mission Street</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>736.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105,</u> <u>106, 250-252, 260,</u> <u>261.1, 263.18, 270,</u> <u>271</u>	<u>Varies</u> <u>See Zoning Map</u> <u>Height Sculpting on</u>

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			<u>Alleys; § 261.1</u>
			<u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18</u>
<u>736.11</u>	<u>Lot Size [Per Development]</u>	<u>§§790.56, 121.1</u>	<u>P up to 9,999 sq. ft.;</u> <u>C 10,000 sq. ft. & above</u> <u>§121.1</u>
-	-	-	-
<u>736.12</u>	<u>Rear Yard</u>	<u>§§130, 134, 136</u>	<u>Required at residential levels only</u> <u>§134(a)(e)</u>
-	-	-	-
<u>736.13</u>	<u>Street Frontage</u>	-	<u>Required</u> <u>§ 145.1</u>
-	-	-	-
<u>736.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>		<u>Minimum 25 feet on ground floor, 15 feet on floors above</u> <u>§ 145.1(c), (e)</u>
<u>736.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>		<u>Required along Mission St. § 145.1(d)</u>
<u>736.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>		<u>NP along Mission St.</u> <u>§ 155(r)</u>
<u>736.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P</u> <u>§ 136.1(a)</u>
-	-	-	-
<u>736.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<u>P</u> <u>§ 136.1(b)</u>
-	-	-	-

1	<u>736.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<u>P</u>
2	-			<u>§ 136.1(c)</u>
3	<u>736.17</u>	<u>Street Trees</u>	-	<u>Required</u>
4	-			<u>§ 143</u>
5	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
6	<u>736.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11,</u>	<u>3.6 to 1</u>
7	-		<u>123</u>	<u>§ 124(a) (b)</u>
8	<u>736.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 5,999 sq. ft.;</u>
9	-			<u>C 6,000 sq. ft. & above</u>
10				<u>§ 121.2</u>
11	<u>736.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 151.1, 153-</u>	<u>None required. Limits set</u>
12	-	<u>Commercial/Institutional</u>	<u>157, 159-160, 204.5</u>	<u>forth in Section 151.1</u>
13				<u>§§ 151.1, 166, 145.1</u>
14				
15	<u>736.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155,</u>	<u>Generally, none required</u>
16	-		<u>204.5</u>	<u>if gross floor area is less</u>
17				<u>than 10,000 sq. ft.</u>
18				<u>§§ 152, 161(b)</u>
19	<u>736.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front;</u>
20	-			<u>C if located elsewhere</u>
21				<u>§ 145.2(a)</u>
22	<u>736.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	<u>NP</u>
23	-			
24	<u>736.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.;</u>
25	-			<u>C if not recessed</u>
				<u>§ 145.2(b)</u>

1	<u>736.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>No Limit</u>
2	-			
3	<u>736.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602-604,</u> <u>608, 609</u>	<u>P</u> <u>§ 607.1(e)2</u>
4	-			
5	<u>736.31</u>	<u>Business Sign</u>	<u>§§ 262, 602-604,</u> <u>608, 609</u>	<u>P</u> <u>§ 607.1(f)3</u>
6	-			
7	<u>736.32</u>	<u>Other Signs</u>	<u>§§ 262, 602-604,</u> <u>608, 609</u>	<u>P</u> <u>§ 607.1(c),(d),(g)</u>
8	-			

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Mission Street</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>736.37</u>	<u>Residential</u> <u>Conversion</u>	<u>§§ 790.84,</u> <u>207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.38</u>	<u>Residential</u> <u>Demolition</u>	<u>§§ 790.86,</u> <u>207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.39</u>	<u>Residential</u> <u>Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales and Services</u>					
<u>736.40</u>	<u>Other Retail</u> <u>Sales and</u> <u>Services [Not</u> <u>Listed Below]</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>736.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	-
<u>736.42</u>	<u>Full-Service</u> <u>Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	<u>P</u>	-

1	<u>736.43</u>	<u>Large Fast Food</u> <u>Restaurant</u>	<u>§ 790.90</u>	=	=	-
2						
3	<u>736.44</u>	<u>Small Self-</u> <u>Service</u> <u>Restaurant</u>	<u>§ 790.91</u>	<u>C</u>	=	-
4						
5	<u>736.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	-	-	-
6	<u>736.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	-
7						
8	<u>736.47</u>	<u>Adult</u> <u>Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	-
9						
10	<u>736.48</u>	<u>Other</u> <u>Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	-
11						
12	<u>736.49</u>	<u>Financial</u> <u>Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	-
13						
14	<u>736.50</u>	<u>Limited</u> <u>Financial</u> <u>Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	-
15						
16	<u>736.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
17		-				
18	<u>736.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
19		-				
20	<u>736.53</u>	<u>Business or</u> <u>Professional</u> <u>Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
21						
22						
23	<u>736.54</u>	<u>Massage</u> <u>Establishment</u>	<u>§ 790.60,</u> <u>§ 2700</u> <u>Police Code</u>	<u>C</u>	<u>C</u>	-
24						
25	<u>736.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>

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<u>736.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 158.1, 160</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>736.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
<u>736.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
<u>736.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	-
<u>736.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>	-	-
<u>736.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>	-	-
<u>736.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	-
<u>736.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>	-	-
<u>736.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>736.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>736.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>
736.68	<u>Fringe Financial</u>	<u>§ 790.111</u>	<u>#</u>	<u>#</u>	<u>#</u>
<u>Institutions and Non-Retail Sales and Services</u>					
<u>736.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.80</u>	<u>Hospital or</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>

1		<u>Medical Center</u>			
2	<u>736.81</u>	<u>Other</u> <u>Institutions,</u> <u>Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>
3					
4					
5	<u>736.82</u>	<u>Other</u> <u>Institutions,</u> <u>Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>
6					
7	<u>736.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>
8					
9	<u>736.84</u>	<u>Medical</u> <u>Cannabis</u> <u>Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	-
10					
11	<u>RESIDENTIAL STANDARDS AND USES</u>				
12	<u>736.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for</u> <u>frontages listed in 145.4</u>	<u>P</u>
13					
14	<u>736.90A</u>	<u>Single-Room</u> <u>Occupancy</u> <u>(SRO) Unit</u>	<u>§ 890.88</u>	<u>P</u>	<u>P</u>
15					
16					
17	<u>736.91</u>	<u>Residential</u> <u>Density,</u> <u>Dwelling Units</u>	<u>§§ 207,</u> <u>207.1,</u> <u>790.88(a)</u>	<u>No residential density limit by lot area.</u> <u>Density restricted by physical envelope</u> <u>controls of height, bulk, setbacks, open</u> <u>space, exposure and other applicable</u> <u>controls of this and other Codes, as well as</u> <u>by applicable design guidelines, applicable</u> <u>elements and area plans of the General</u> <u>Plan, and design review by the Planning</u> <u>Department.</u> <u>§ 207.4, 207.6</u>	
18					
19					
20					
21					
22					
23					
24					
25					

1 2 3 4 5 6 7 8 9	<u>736.92</u>	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 790.88(b)</u>	<u>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</u>		
10 11 12	<u>736.93</u>	<u>Usable Open Space [Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)</u>		
13 14 15 16	<u>736.94</u>	<u>Off-Street Parking, Residential</u>	<u>§§ 150, 151.1, 153- 157, 159- 160, 204.5</u>	<u>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</u>		
17 18 19	<u>736.95</u>	<u>Community Residential Parking</u>	<u>§ 790.10, 145.1, 166</u>	<u>C</u>	<u>C</u>	<u>C</u>

20
21 SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 72636.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED</u>

		<p><u>USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Mission Street Neighborhood Commercial Transit 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>
<p><u>§ 736.84</u> <u>§ 790.141</u></p>	<p><u>Health Code § 3308</u></p>	<p><u>Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.</u></p>

SEC. 801.1. PURPOSE OF ARTICLE 8.

This Article is intended to provide a comprehensive and flexible zoning system for Mixed Use Districts which is consistent with the objectives and policies set forth in the San Francisco ~~Master~~ General Plan. More specifically, the purposes of this Article are:

(a) To provide in one article a complete listing of or cross-reference to all of the zoning categories, definitions, control provisions, and review procedures which are applicable to properties or uses in Mixed Use Districts ~~in the vicinity of Downtown;~~

(b) To establish a zoning system which will accommodate all classes of Mixed Use Districts including individual districts which are tailored to the unique characteristics of specific areas;

1 (c) To provide zoning control categories which embrace the full range of land
2 use issues in mixed-use neighborhoods ~~in the vicinity of Downtown~~, in order that
3 controls can be applied individually to each district to address particular land use
4 concerns in that district.

5 **SEC. 802.1. MIXED USE DISTRICTS.**

6 The following districts are established for the purpose of implementing the
7 Residence Element, the Commerce and Industry Element, the Downtown Plan,
8 the Chinatown Plan, the Rincon Hill Plan, ~~and~~ the South of Market Plan, the East
9 SoMa Plan, the Mission Plan, the Showplace Square/Potrero Hill Plan, and the Central
10 Waterfront Plan, all of which are parts of the ~~Master-General~~ Plan. Description and
11 Purpose Statements outline the main functions of each Mixed Use District in this
12 Article, supplementing the statements of purpose contained in Section 101 of this
13 Code.

14 Description and purpose statements applicable to each district are set
15 forth in Sections 810 through ~~843 820~~ of this Code. The boundaries of the various
16 Mixed Use Districts are shown on the Zoning Map referred to in Section 105 of
17 this Code, subject to the provisions of that Section. The following Districts are
18 hereby established as Mixed Use Districts.

19

Districts	Section Number
Chinatown -- Community Business District	§ 810
Chinatown -- Visitor Retail District	§ 811
Chinatown -- Residential Neighborhood Commercial	§ 812

1	District	
2	RED -- Residential Enclave District	§ 813
3	SPD -- South Park District	§ 814
4	RSD -- Residential/Service District	§ 815
5	SLR -- Service/Light Industrial/ Residential District	§ 816
6	SLI -- Service/Light Industrial District	§ 817
7	SSO -- Service/Secondary Office District	§ 818
8		
9		
10	RH-DTR -- Rincon Hill Downtown Residential District	§ 827
11	<u>SB-DTR -- South Beach Downtown Residential District</u>	<u>§ 829</u>
12		
13	<u>MUG -- Mixed Use-General District</u>	<u>§ 840</u>
14	<u>MUR -- Mixed Use-Residential District</u>	<u>§ 841</u>
15	<u>MUO -- Mixed Use-Office District</u>	<u>§ 842</u>
16		
17	<u>UMU -- Urban Mixed Use District</u>	<u>§ 843</u>

18 **SEC. 802.3. CHINATOWN MIXED USE DISTRICTS.**

19 Throughout the Planning Code, the term "Chinatown Mixed Use Districts" refers
20 to the following districts: Chinatown Community Business (CCB), Chinatown Visitor
21 Retail (CVR), and Chinatown Residential/Neighborhood Commercial (CNRC).

22 **SEC. 802.4. EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

23 Throughout the Planning Code, the term "Eastern Neighborhoods Mixed Use
24 Districts" refers to the following districts: Mixed Use – General (MUG), Mixed Use –
25

1 Office (MUO), Mixed Use – Residential (MUR), South Park District (SPD), and Urban
2 Mixed Use (UMU).

3 **SEC. 802.5. SOUTH OF MARKET MIXED USE DISTRICTS.**

4 Throughout the Planning Code, the term “South of Market Mixed Use Districts”
5 refers to the following districts: Residential Enclave District (RED), Residential/Service
6 District (RSD), Service/Light Industrial (SLI), Service/Light Industrial/Residential (SLR),
7 and Service/Secondary Office (SSO).

8 **SEC. 802.6. DOWNTOWN RESIDENTIAL DISTRICTS**

9 Throughout the Planning Code, the term “Downtown Residential Districts” or
10 “DTR Districts” refers to the following districts: Rincon Hill Downtown Residential
11 District (RH-DTR) and South Beach Downtown Residential District (SB-DTR).

12 **SEC. 803. MIXED USE DISTRICT REQUIREMENTS.**

13 The Mixed Use District zoning control categories are listed in Sections
14 803.2, 803.3 and 825.1 of this Code. Related building standards and permitted
15 uses are generally stated, summarized or cross-referenced in those Sections or
16 Sections 810.1 through 819 and 827 through 843 of this Code, for each of the
17 district classes listed in Section 802.1, or referenced in Section 899 of this Code.

18 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS**

19 **MIXED USE DISTRICTS AND SOUTH OF MARKET USE MIXED USE**

20 **DISTRICTS.**

21 (a) **Use Categories.** A use is the specified purpose for which a property
22 or building is used, occupied, maintained, or leased. Whether or not a use is
23 permitted in a specific Eastern Neighborhood Mixed Use District and South of
24 Market Mixed Use District is generally set forth, summarized or cross-referenced

1 in Sections 813.3 through 818 and 840 through 843 of this Code for each district
2 class.

3 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and
4 South of Market Mixed Use Districts are either permitted, conditional, accessory,
5 temporary or are not permitted.

6 (1) **Permitted Uses.** If there are two or more uses in a structure, any use
7 not classified below under Section 803.3(b)(1)(C) of this Code as accessory will
8 be considered separately as an independent permitted, conditional, temporary or
9 not permitted use.

10 (A) **Principal Uses.** Principal uses are permitted as of right in an
11 Eastern Neighborhood Mixed Use District and South of Market Mixed Use District,
12 when so indicated in Sections 813 through 818 and 840 through 843 of this Code
13 for the district. Additional requirements and conditions may be placed on
14 particular uses as provided pursuant to Section 803.5 through 803.9 and other
15 applicable provisions of this Code.

16 (B) **Conditional Uses.** Conditional uses are permitted in an
17 Eastern Neighborhoods Mixed Use District and South of Market Mixed Use District,
18 when authorized by the Planning Commission; whether a use is conditional in a
19 given district is generally indicated in Sections 813 through 818 and 840 through
20 843 of this Code. Conditional uses are subject to the applicable provisions set
21 forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through 803.9 of this
22 Code.

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

25

1 (ii) Notwithstanding any other provision of this Article, a change in
2 use or demolition of a movie theater use, as set forth in Section 890.64, shall
3 require conditional use authorization. This Section shall not authorize a change in
4 use if the new use or uses are otherwise prohibited.

5 (iii) Notwithstanding any other provision of this Article, a change in
6 use or demolition of a general grocery store use, as set forth in Section
7 890.102(a) and as further defined in Section 790.102(a), shall require conditional
8 use authorization. This Subsection shall not authorize a change in use if the new
9 use or uses are otherwise prohibited.

10 (C) **Accessory Uses.** Subject to the limitations set forth below
11 and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts),
12 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts), 204.4
13 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as
14 Accessory Uses) of this Code, an accessory use is a related minor use which is
15 either necessary to the operation or enjoyment of a lawful principal use or
16 conditional use, or is appropriate, incidental and subordinate to any such use,
17 and shall be permitted as an accessory use in *an Eastern Neighborhoods Mixed Use*
18 *District and South of Market Mixed Use dDistrict*. In order to accommodate a
19 principal use which is carried out by one business in multiple locations within the
20 same general area, such accessory use need not be located in the same
21 structure or lot as its principal use provided that (1) the accessory use is located
22 within 1,000 feet of the principal use; *and* (2) the multiple locations existed on
23 April 6, 1990 (the effective date of this amendment); ~~and (3) the existence of the~~
24 ~~multiple locations is acknowledged in writing by the Zoning Administrator within 60 days~~
25 ~~after the effective date of this amendment.~~ Accessory uses to non-office uses (as defined

1 in Section 890.70) may occupy space which is non-contiguous or on a different story as
2 the principal use so long as the accessory use is located in the same building as the
3 principal use and complies with all other restrictions applicable to such accessory uses.

4 Any use which does not qualify as an accessory use shall be classified as a
5 principal use.

6 No use will be considered accessory to a principal use which involves or
7 requires any of the following:

8 (i) The use of more than one-third of the total occupied floor area
9 which is occupied by both the accessory use and principal use to which it is
10 accessory, combined, except in the case of accessory off-street parking or
11 loading which shall be subject to the provisions of Sections 151, 156 and 157 of
12 this Code;

13 (ii) A hotel, motel, inn, hostel, nighttime entertainment, adult
14 entertainment, massage establishment, large fast food restaurant, or movie
15 theater use in a RED, SPD, RSD, SLR, SLI, ~~or~~ SSO, DTR, MUG, MUR, MUO, or
16 UMU District;

17 (iii) Any take-out food use, except for a take-out food use which
18 occupies 100 square feet or less (including the area devoted to food preparation
19 and service and excluding storage and waiting areas) in a restaurant, bar,
20 catering establishment, bakery, retail grocery or specialty food store.

21 (iv) Any sign not conforming to the limitations of Section
22 607.2(f)(3).

23 (D) **Temporary Uses.** Temporary uses not otherwise permitted are
24 permitted in Eastern Neighborhoods Mixed Use Districts and South of Market
25

1 Mixed Use Districts to the extent authorized by Sections 205 through 205.3 of
2 this Code.

3 **SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET AND**
4 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

5 (a) Uses which are not specifically listed in this Article or Article 6 are not
6 permitted in South of Market Mixed Use Districts unless they qualify as a
7 nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
8 determined by the Zoning Administrator to be permitted uses in accordance with
9 Section 307(a) of this Code. Uses not permitted in any South of Market District
10 include, but are not limited to, the following: Adult entertainment, bookstore or
11 theater; amusement game arcade or similar enterprise; shooting gallery; general
12 advertising signs, except in the South of Market General Advertising Special Sign
13 District; animal kennel, riding academy or livery stable; automobile, truck, van,
14 recreational vehicle/trailer or camper sales, lease or rental; auto tow of
15 inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as
16 permitted as a conditional use as provided in Planning Code Section 818,
17 Service/Secondary Office District), motel, hostel, inn, or bed and breakfast
18 establishment; heavy industry subject to Section 226(e) through (w) of this Code;
19 junkyard; landing field for aircraft; massage establishment subject to Section
20 218.1 of this Code; mortuary; movie theater and sports stadium or arena.

21 (b) No use, even though listed as a permitted use or otherwise allowed,
22 shall be permitted in a South of Market District or Eastern Neighborhood Mixed Use
23 District which, by reason of its nature or manner of operation, creates conditions
24 that are hazardous, noxious, or offensive through the emission of odor, fumes,
25

1 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
4 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be
5 governed by Section 229.

6 **SEC. 803.5. GOOD NEIGHBOR POLICIES ADDITIONAL PROVISIONS**
7 **GOVERNING USES IN MIXED USE DISTRICTS.**

8 (a) **Bars and Restaurants in the Eastern Neighborhoods Mixed Use**
9 **Districts and South of Market Mixed Use Districts.** Within the Eastern
10 Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts, bars
11 and restaurants, permitted pursuant to ~~zoning categories .32, .33 and .35~~ of Sections
12 813 through 818, and 840 through 843 of this Code, shall not be allowed except on
13 conditions which, in the judgment of the City agency, board or commission which
14 last exercises jurisdiction to apply this Code to a proposed such use, are
15 reasonably calculated to insure that: (1) the quiet, safety and cleanliness of the
16 premises and its adjacent area are maintained; (2) adequate off-street parking is
17 provided, for which purpose the agency, board or commission may require
18 parking in excess of that required under the provisions of Section 150(c) of this
19 Code and may include participation in a South of Market Parking Management
20 Program if and when such a program exists (3) proper and adequate storage and
21 disposal of debris and garbage is provided; (4) noise and odors are contained
22 within the premises so as not to be a nuisance to neighbors; and (5) sufficient
23 toilet facilities are made accessible to patrons, including persons waiting to enter
24 the establishment.

25

1 ~~(b) Demolition or Conversion of Group Housing or Dwelling Units in South of~~
2 ~~Market Districts. Demolition, or conversion to any other use, of a group housing unit or~~
3 ~~dwelling unit or any portion thereof, in any South of Market District shall be allowed~~
4 ~~only subject to Section 233(a) and only if approved as a conditional use pursuant to~~
5 ~~Sections 303 and 316 of this Code, notwithstanding any other provision of this Code.~~
6 ~~This provision shall extend to any premises whose current use is, or last use prior to a~~
7 ~~proposed conversion or demolition was, in fact as a group housing unit or dwelling unit~~
8 ~~as well as any premises whose legal use as shown in the records of the Bureau of~~
9 ~~Building Inspection is that of a group housing or dwelling unit.~~

10 ~~(c) Preservation of Landmark Buildings, Significant or Contributory Buildings~~
11 ~~Within the Extended Preservation District and/or Contributory Buildings Within~~
12 ~~Designated Historic Districts within the South of Market Base District. Within the South~~
13 ~~of Market Base District, any use which is permitted as a principal or conditional use~~
14 ~~within the SSO District, excluding nighttime entertainment use, may be permitted as a~~
15 ~~conditional use in (a) a landmark building located outside a designated historic district,~~
16 ~~(b) a contributory building which is proposed for conversion to office use of an aggregate~~
17 ~~gross square footage of 25,000 or more per building and which is located outside the~~
18 ~~SSO District yet within a designated historic district, or (c) a building designated as~~
19 ~~significant or contributory pursuant to Article 11 of this Code and located within the~~
20 ~~Extended Preservation District. For all such buildings the following conditions shall~~
21 ~~apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in~~
22 ~~addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through~~
23 ~~316.8, it must be determined that allowing the use will enhance the feasibility of~~
24 ~~preserving the landmark, significant or contributory building; and (3) the landmark,~~
25 ~~significant or contributory building will be made to conform with the San Francisco~~

1 ~~Building Code standards for seismic loads and forces which are in effect at the time of~~
2 ~~the application for conversion of use.~~

3 ~~A contributory building which is in a designated historic district outside the SSO~~
4 ~~District may be converted to any use which is a principal use within the SSO District~~
5 ~~provided that: (1) such use does not exceed an aggregate square footage of 25,000 per~~
6 ~~building; and (2) prior to the issuance of any necessary permits the Zoning Administrator~~
7 ~~(a) determines that allowing the use will enhance the feasibility of preserving the~~
8 ~~contributory building; and (b) the contributory building will be made to conform with the~~
9 ~~San Francisco Building Code standards for seismic loads and forces which are in effect~~
10 ~~at the time of the application for conversion of use.~~

11 ~~(d) Automated Bank Teller Machines Within South of Market Districts. All~~
12 ~~automated bank teller machines (ATMs), whether freestanding structures or walk-up~~
13 ~~facilities associated with retail banking operations, shall have adequate lighting, waste~~
14 ~~collection facilities and parking resources and shall be set back three feet from the front~~
15 ~~property line.~~

16 ~~(e) Open Air Sales. Flea markets, farmers markets, crafts fairs and all other~~
17 ~~open air sales of new or used merchandise except vehicles, within South of Market~~
18 ~~Districts, where permitted, shall be subject to the following requirements: (1) the sale of~~
19 ~~goods and the presence of booths or other accessory appurtenances shall be limited to~~
20 ~~weekend and/or holiday daytime hours; (2) sufficient numbers of publicly accessible~~
21 ~~toilets and trash receptacles shall be provided on-site and adequately maintained; and~~
22 ~~(3) the site and vicinity shall be maintained free of trash and debris.~~

23 ~~(f) Low Income Affordable Housing Within the Service/Light Industrial District.~~
24 ~~Dwelling units may be authorized in the SLI District as a conditional use pursuant to~~
25 ~~Sections 303, 316 and 817.14 of this Code provided that such dwellings units shall be~~

1 ~~rented, leased or sold at rates or prices affordable to a household whose income is no~~
2 ~~greater than 80 percent of the median income for households in San Francisco ("lower~~
3 ~~income household"), as determined by Title 25 of the California Code of Regulations~~
4 ~~Section 6932 and implemented by the Mayor's Office of Housing.~~

5 ~~(1) "Affordable to a household" shall mean a purchase price that a lower income~~
6 ~~household can afford to pay based on an annual payment for all housing costs of 33~~
7 ~~percent of the combined household annual net income, a 10 percent down payment, and~~
8 ~~available financing, or a rent that a household can afford to pay, based on an annual~~
9 ~~payment for all housing costs of 30 percent of the combined annual net income.~~

10 ~~(2) The size of the dwelling unit shall determine the size of the household in~~
11 ~~order to calculate purchase price or rent affordable to a household, as follows:~~

12 ~~(A) For a one bedroom unit, a household of two persons;~~

13 ~~(B) For a two bedroom unit, a household of three persons;~~

14 ~~(C) For a three bedroom unit, a household of four persons;~~

15 ~~(D) For a four bedroom unit, a household of five persons.~~

16 ~~(3) No conditional use permit will be approved pursuant to this Subsection~~
17 ~~803.5(f) unless the applicant and City have agreed upon enforcement mechanisms for the~~
18 ~~provisions of this Subsection which are acceptable to the City Attorney. Such~~
19 ~~enforcement mechanisms may include, but not be limited to, a right of first refusal in~~
20 ~~favor of the City, or a promissory note and deed of trust.~~

21 ~~(4) The owner(s) of dwelling units authorized pursuant to this Subsection shall~~
22 ~~submit an annual enforcement report to the City, along with a fee whose amount shall be~~
23 ~~determined periodically by the City Planning Commission to pay for the cost of~~
24 ~~enforcement of this Subsection. The fee shall not exceed the amount of such costs. The~~
25 ~~annual report shall provide information regarding rents, mortgage payments, sales price~~

1 ~~and other housing costs, annual household income, size of household in each dwelling~~
2 ~~unit, and any other information the City may require to fulfill the intent of this~~
3 ~~Subsection.~~

4 (bg) **Good Neighbor Policies for Nighttime Entertainment Activities**
5 **in Eastern Neighborhoods Mixed Use Districts, South of Market Mixed Use Districts**
6 **and Downtown Residential Districts.** Within Eastern Neighborhoods Mixed Use
7 Districts, South of Market Mixed Use Districts, and Downtown Residential Districts
8 where nighttime entertainment activities, as defined by Section 102.17 of this
9 Code, are permitted as a principal or conditional use shall not be allowed except
10 on conditions which, in the judgment of the Zoning Administrator or City Planning
11 Commission, as applicable, are reasonably calculated to insure that the quiet,
12 safety and cleanliness of the premises and vicinity are maintained. Such
13 conditions shall include, but not be limited to, the following:

14 (1) Notices shall be well-lit and prominently displayed at all entrances to
15 and exits from the establishment urging patrons to leave the establishment and
16 neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or
17 block driveways in the neighborhood; and

18 (2) Employees of the establishment shall be posted at all the entrances
19 and exits to the establishment during the period from 10:00 p.m. to such time
20 past closing that all patrons have left the premises. These employees shall insure
21 that patrons waiting to enter the establishment and those existing in the premises
22 are urged to respect the quiet and cleanliness of the neighborhood as they walk
23 to their parked vehicle or otherwise leave the area; and

24 (3) Employees of the establishment shall walk a 100-foot radius from the
25 premises some time between 30 minutes after closing time and 8:00 a.m. the

1 following morning, and shall pick up and dispose of any discarded beverage
2 containers and other trash left by area nighttime entertainment patrons; and

3 (4) Sufficient toilet facilities shall be made accessible to patrons within
4 the premises, and toilet facilities shall be made accessible to prospective patrons
5 who may be lined up waiting to enter the establishment; and

6 (5) The establishment shall provide outside lighting in a manner than
7 would illuminate outside street and sidewalk areas and adjacent parking, as
8 appropriate; and

9 (6) The establishment shall provide adequate parking for patrons free of
10 charge or at a rate or manner that would encourage use of parking by
11 establishment patrons. Adequate signage shall be well-lit and prominently
12 displayed to advertise the availability and location of such parking resources for
13 establishment patrons; and

14 (7) The establishment shall provide adequate ventilation within the
15 structures such that doors and/or windows are not left open for such purposes
16 resulting in noise emission from the premises; and

17 (8) Any indoor and/or outdoor activity allowed as a principal or
18 conditional use and located within 100 feet of a residential or live/work unit shall,
19 during the period from 10:00 p.m. to 6:00 a.m., insure that sound levels
20 emanating from such activities do not exceed the acceptable noise levels
21 established for residential uses by the San Francisco Noise Ordinance; and

22 (9) The establishment shall implement other conditions and/or
23 management practices, including the prohibition of dancing to recorded music
24 (disco dancing), as determined by the Zoning Administrator, in consultation with
25 Police Department and other appropriate public agencies, to be necessary to

1 insure that management and/or patrons of the establishments maintain the quiet,
2 safety, and cleanliness of the premises and the vicinity of the use, and do not
3 block driveways of neighboring residents or businesses.

4 (c~~h~~) **Good Neighbor Policies for Programs Serving Indigent**
5 **Transient and Homeless Populations Within the Eastern Neighborhoods Mixed**
6 **Use Districts and South of Market Mixed Use Base-Districts**. Within the Eastern
7 Neighborhoods Mixed Use Districts and South of Market Mixed Use Base- dDistricts
8 where social service and shelter/housing programs serving indigent transient
9 and/or homeless populations are allowed as a Conditional Use pursuant to
10 Sections 813.15 through ~~816.15~~ 843.15 (Group Housing) and Sections 813.21
11 through ~~818.21~~ 843.21 (Social Services), some or all of the following conditions
12 shall, when appropriate for specific cases, be placed upon any applicable City
13 permits for the proposed establishment:

14 (1) Service providers shall maintain sufficient monetary resources to
15 enable them to satisfy the following "good neighbor" conditions and shall
16 demonstrate to the Department prior to approval of the conditional use
17 application that such funds shall be available for use upon first occupancy of the
18 proposed project and shall be available for the life of the project; and

19 (2) Representatives of the Southern, Mission, and Bayview Stations of the
20 San Francisco Police Department shall be apprised of the proposed project in a
21 timely fashion so that the Department may respond to any concerns they may
22 have regarding the proposed project, including the effect the project may have on
23 Department resources; and

1 (3) Service providers shall provide adequate waiting areas within the
2 premises for clients and prospective clients such that sidewalks are not used as
3 queuing or waiting areas; and

4 (4) Service providers shall provide sufficient numbers of male and female
5 toilets/restrooms for clients and prospective clients to have access to use on a
6 24-hour basis. For group housing and other similar shelter programs, adequate
7 private male and female showers shall be provided along with lockers for clients
8 to temporarily store their belongings; and

9 (5) Service providers shall maintain up-to-date information and referral
10 sheets to give clients and other persons who, for any reason, cannot be served
11 by the establishment; and

12 (6) Service providers shall continuously monitor waiting areas to inform
13 prospective clients whether they can be served within a reasonable time. If they
14 cannot be served by the provider because of time or resource constraints, the
15 monitor shall inform the client of alternative programs and locations where s/he
16 may seek similar services; and

17 (7) Service providers shall maintain the side-walks in the vicinity in a
18 clean and sanitary condition and, when necessary, shall steam clean the
19 sidewalks within the vicinity of the project. Employees or volunteers of the project
20 shall walk a 100-foot radius from the premises each morning or evening and shall
21 pick up and properly dispose of any discarded beverage and/or food containers,
22 clothing, and any other trash which may have been left by clients; and

23 (8) Notices shall be well-lit and prominently displayed at all entrances to
24 and exits from the establishment urging clients leaving the premises and
25

1 neighborhood to do so in a quiet, peaceful and orderly fashion and to please not
2 loiter or litter; and

3 (9) Service providers shall provide and maintain adequate parking and
4 freight loading facilities for employees, clients and other visitors who drive to the
5 premises; and

6 (10) The establishment shall implement other conditions and/or
7 measures as determined by the Zoning Administrator, in consultation with other
8 City agencies and neighborhood groups, to be necessary to insure that
9 management and/or clients of the establishment maintain the quiet, safety and
10 cleanliness of the premises and the vicinity of the use.

11 ~~(i) Housing Requirement in the Residential/Service District.~~

12 ~~(1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28,~~
13 ~~815.30, 815.31 through 815.47, and 815.59 through 815.65 of this Code shall be~~
14 ~~permitted in new construction in the Residential/Service District only if the ratio between~~
15 ~~the amount of occupied floor area for residential use to the amount of occupied floor~~
16 ~~area of the above-referenced nonresidential use is three to one or greater.~~

17 ~~(2) Means of Satisfying the Housing Requirement. (A) Live/work units may~~
18 ~~satisfy the residential requirement pursuant to this Subsection and, when applicable,~~
19 ~~shall be subject to Sections 124(j) and/or 263.11(e)(3) of this Code; or (B) The~~
20 ~~residential space required pursuant to this Subsection may be satisfied by payment of a~~
21 ~~one-time in-lieu fee equal to \$30 per square foot of residential space required by this~~
22 ~~Subsection and not provided on-site payable to the City's Affordable Housing Fund~~
23 ~~administered by the Mayor's Office of Housing; or (C) The residential space requirement~~
24 ~~may be satisfied by providing the required residential space elsewhere within the South~~
25

1 of Market Base District where housing is permitted or conditional and is approved as a
2 conditional use.

3 ~~(j) Legal and Government Office Uses in the Vicinity of the Hall of Justice.~~

4 ~~Within an approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of~~
5 ~~Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the~~
6 ~~Zoning Map, the offices of attorneys, bail and services, government agencies, union halls,~~
7 ~~and other criminal justice activities and services directly related to the criminal justice~~
8 ~~functions of the Hall of Justice shall be permitted as a principal use. There shall be a~~
9 ~~Notice of Special Restriction placed on the property limiting office activities to uses~~
10 ~~permitted by this Subsection.~~

11 ~~(k) Work Space of Design Professionals. The work space of design professionals,~~
12 ~~as defined in Section 890.28 of this Code, shall be permitted as a principal use within the~~
13 ~~SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary~~
14 ~~permits, the owner(s) of the building shall agree to comply with the following provisions:~~
15 ~~(1) The occupied floor area devoted to this use per building is limited to the third story or~~
16 ~~above; (2) The gross floor area devoted to this use per building does not exceed 3,000~~
17 ~~square feet per design professional establishment; (3) The space within the building~~
18 ~~subject to this provision has not been in residential use within a legal dwelling unit at any~~
19 ~~time within a five-year period prior to application for conversion under this Subsection;~~
20 ~~and (4) The owner(s) of the building comply with the following enforcement and~~
21 ~~monitoring procedures: (i) The owner(s) of any building with work space devoted to~~
22 ~~design professional use as authorized pursuant to this Subsection shall submit an annual~~
23 ~~enforcement report to the Department of City Planning with a fee in an amount to be~~
24 ~~determined periodically by the City Planning Commission to pay for the cost of~~
25 ~~enforcement of this Subsection. The fee shall not exceed the amount of such costs. The~~

1 ~~report shall provide information regarding occupants of such space, the amount of~~
2 ~~square footage of the space used by each design professional establishment, amount of~~
3 ~~vacant space, compliance with all relevant City codes, and any other information the~~
4 ~~Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s)~~
5 ~~of any building containing work space of design professionals authorized pursuant to this~~
6 ~~Subsection shall permit inspection of the premises by an authorized City official to~~
7 ~~determine compliance with the limitations of this Subsection. The City shall provide~~
8 ~~reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any~~
9 ~~building containing work space of design professionals authorized pursuant to this~~
10 ~~Subsection shall record a Notice of Special Restriction, approved by the City Planning~~
11 ~~Department prior to recordation, on the property setting forth the limitations required by~~
12 ~~this Subsection. The Department of City Planning shall keep a record available for public~~
13 ~~review of all space for design professionals authorized by this Subsection.~~

14 **SEC. 803.6. FORMULA RETAIL USES IN THE MUG DISTRICT, UMU**
15 **DISTRICT, AND THE WESTERN SOMA PLANNING AREA SPECIAL USE**
16 **DISTRICT.**

17 **(a) Findings.**

18 (1) San Francisco is a City of diverse and distinct neighborhoods
19 identified in large part by the character of their commercial areas.

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

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

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

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

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

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

19 (8) Notwithstanding the marketability of a retailer's goods or services or
20 the visual attractiveness of the storefront, the standardized architecture, color
21 schemes, decor and signage of many formula retail businesses can detract from
22 the distinctive character of certain neighborhood commercial districts.

23 (9) The increase of formula retail businesses in the City's neighborhood
24 commercial areas, if not monitored and regulated, will hamper the City's goal of a
25 diverse retail base with distinct neighborhood retailing personalities comprised of

1 a mix of businesses. Specifically, the unregulated and unmonitored
2 establishment of additional formula retail uses may unduly limit or eliminate
3 business establishment opportunities for smaller or medium-sized businesses,
4 many of which tend to be non-traditional or unique, and unduly skew the mix of
5 businesses towards national retailers in lieu of local or regional retailers, thereby
6 decreasing the diversity of merchandise available to residents and visitors and
7 the diversity of purveyors of merchandise.

8 (b) **Formula Retail Uses; Permitted as a Conditional Use.** Formula
9 retail uses are permitted in the MUG, UMU, and the Western SoMa Planning Area
10 Special Use District only as a conditional use.

11 (c) **Formula Retail Use Defined.** Formula retail use is hereby defined as
12 a type of retail sales activity or retail sales establishment which, along with
13 eleven or more other retail sales establishments located in the United States,
14 maintains two or more of the following features: a standardized array of
15 merchandise, a standardized facade, a standardized decor and color scheme, a
16 uniform apparel, standardized signage, a trademark or a servicemark.

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

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

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

25

1 (4) Decor shall be defined as the style of interior finishings, which may
2 include but is not limited to, style of furniture, wallcoverings or permanent
3 fixtures.

4 (5) Color Scheme shall be defined as selection of colors used
5 throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or
6 as used on the facade.

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

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

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

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

21 (d) **Determination of Formula Retail Use.** If the City determines that a
22 building permit application or building permit subject to this section of the Code is
23 for a "formula retail use," the building permit applicant or holder bears the burden
24 of proving to the City that the proposed or existing use is not a "formula retail
25 use."

1 (e) **Permit Application Processing.** After the effective date of this
2 Ordinance, any building permit application determined by the City to be for a
3 "formula retail use" that does not identify the use as a "formula retail use" is
4 incomplete and cannot be processed until the omission is corrected.

5 **SEC. 803.8 HOUSING IN MIXED USE DISTRICTS.**

6 **(a) Demolition or Conversion of Group Housing or Dwelling Units in South of**
7 **Market Mixed Use Districts.** *Demolition, or conversion to any other use, of a group*
8 *housing unit or dwelling unit or any portion thereof, in any South of Market Mixed Use*
9 *District shall be allowed only subject to Section 233(a) and only if approved as a*
10 *conditional use pursuant to Sections 303 and 316 of this Code, notwithstanding any other*
11 *provision of this Code. This provision shall extend to any premises whose current use is,*
12 *or last use prior to a proposed conversion or demolition was, in fact as a group housing*
13 *unit or dwelling unit as well as any premises whose legal use as shown in the records of*
14 *the Bureau of Building Inspection is that of a group housing or dwelling unit.*

15 **(b) Low-Income Affordable Housing Within the Service/Light Industrial**
16 **District.** *Dwelling units and SRO units may be authorized in the SLI District as a*
17 *conditional use pursuant to Sections 303, 316, 817.14, and 817.16 of this Code provided*
18 *that such dwellings units shall be rented, leased or sold at rates or prices affordable to a*
19 *household whose income is no greater than 80 percent of the median income for*
20 *households in San Francisco ("lower income household"), as determined by Title 25 of*
21 *the California Code of Regulations Section 6932 and implemented by the Mayor's Office*
22 *of Housing.*

23 **(1) "Affordable to a household" shall mean a purchase price that a lower income**
24 **household can afford to pay based on an annual payment for all housing costs of 33**
25 **percent of the combined household annual net income, a 10-percent down payment, and**

1 available financing, or a rent that a household can afford to pay, based on an annual
2 payment for all housing costs of 30 percent of the combined annual net income.

3 (2) The size of the dwelling unit shall determine the size of the household in
4 order to calculate purchase price or rent affordable to a household, as follows:

5 (A) For a one-bedroom unit, a household of two persons;

6 (B) For a two-bedroom unit, a household of three persons;

7 (C) For a three-bedroom unit, a household of four persons;

8 (D) For a four-bedroom unit, a household of five persons.

9 (3) No conditional use permit will be approved pursuant to this Subsection
10 803.8(b) unless the applicant and City have agreed upon enforcement mechanisms for the
11 provisions of this Subsection which are acceptable to the City Attorney. Such
12 enforcement mechanisms may include, but not be limited to, a right of first refusal in
13 favor of the City, or a promissory note and deed of trust.

14 (4) The owner(s) of dwelling units authorized pursuant to this Subsection shall
15 submit an annual enforcement report to the City, along with a fee whose amount shall be
16 determined periodically by the City Planning Commission to pay for the cost of
17 enforcement of this Subsection. The fee shall not exceed the amount of such costs. The
18 annual report shall provide information regarding rents, mortgage payments, sales price
19 and other housing costs, annual household income, size of household in each dwelling
20 unit, and any other information the City may require to fulfill the intent of this
21 Subsection.

22 **(c) Housing Requirement in the Residential/Service District.**

23 (1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28,
24 815.30, 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be
25 permitted in new construction in the Residential/Service District only if the ratio between

1 the amount of occupied floor area for residential use to the amount of occupied floor
2 area of the above-referenced nonresidential use is three to one or greater.

3 (2) Means of Satisfying the Housing Requirement. (A) Live/work units may
4 satisfy the residential requirement pursuant to this Subsection and, when applicable,
5 shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The
6 residential space required pursuant to this Subsection may be satisfied by payment of a
7 one-time in-lieu fee equal to \$30 per square foot of residential space required by this
8 Subsection and not provided on-site payable to the City's Affordable Housing Fund
9 administered by the Mayor's Office of Housing; or (C) The residential space requirement
10 may be satisfied by providing the required residential space elsewhere within the South
11 of Market Mixed Use District where housing is permitted or conditional and is approved
12 as a conditional use.

13 (d) Housing Requirement in the Mixed Use – Residential (MUR) District.
14 In the MUR District, three square feet of gross floor area for residential use is required
15 for every one gross square foot of permitted nonresidential use, subject to Section 841 of
16 this Code.

17 **SEC. 803.9 COMMERCIAL USES IN MIXED USE DISTRICTS.**

18 (a) Preservation of Landmark Buildings, Significant or Contributory
19 Buildings Within the Extended Preservation District and/or Contributory Buildings
20 Within Designated Historic Districts within the South of Market Mixed Use Districts.
21 Within the South of Market Mixed Use District, any use which is permitted as a principal
22 or conditional use within the SSO District, excluding nighttime entertainment use, may be
23 permitted as a conditional use in (a) a landmark building located outside a designated
24 historic district, (b) a contributory building which is proposed for conversion to office
25 use of an aggregate gross square footage of 25,000 or more per building and which is

1 located outside the SSO District yet within a designated historic district, or (c) a building
2 designated as significant or contributory pursuant to Article 11 of this Code and located
3 within the Extended Preservation District. For all such buildings the following conditions
4 shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2)
5 in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through
6 316.8, it must be determined that allowing the use will enhance the feasibility of
7 preserving the landmark, significant or contributory building; and (3) the landmark,
8 significant or contributory building will be made to conform with the San Francisco
9 Building Code standards for seismic loads and forces which are in effect at the time of
10 the application for conversion of use.

11 A contributory building which is in a designated historic district outside the SSO District
12 may be converted to any use which is a principal use within the SSO District provided
13 that: (1) such use does not exceed an aggregate square footage of 25,000 per building;
14 and (2) prior to the issuance of any necessary permits the Zoning Administrator (a)
15 determines that allowing the use will enhance the feasibility of preserving the
16 contributory building; and (b) the contributory building will be made to conform with the
17 San Francisco Building Code standards for seismic loads and forces which are in effect
18 at the time of the application for conversion of use.

19 (b) **Preservation of Historic Buildings within the MUG, MUO, and MUR**
20 **Districts.** The following controls are intended to support the economic viability of
21 buildings of historic importance within the MUG, MUO, and MUR Districts.

22 (1) This subsection applies only to buildings that are a designated landmark
23 building or a contributory building within a designated historic district per Article 10 of
24 the Planning Code, or a building listed on or determined eligible for the California
25 Register of Historical Resources by the State Office of Historic Preservation.

1 (2) All uses are permitted as of right, provided that:

2 (A) The project does not contain office uses of 25,000 square foot or more
3 per lot, or nighttime entertainment.

4 (B) Prior to the issuance of any necessary permits, the Zoning
5 Administrator, with the advice of the Landmarks Preservation Advisory Board,
6 determines that allowing the use will enhance the feasibility of preserving the building.

7 (C) Residential uses meet the affordability requirements of the Residential
8 Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

9 (3) Projects containing office use of 25,000 square foot or more per lot may be
10 permitted as a conditional use. In addition to the conditional use criteria set forth in
11 Section 303, and with the advice of the Landmarks Preservation Advisory Board, the
12 Planning Commission must find that allowing the use will enhance the feasibility of
13 preserving the building.

14 (4) The Landmarks Preservation Advisory Board shall review the proposed
15 project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7
16 (2001)) and any applicable provisions of the Planning Code.

17 (c) **Preservation of Historic Buildings within and UMU Districts.** The
18 following rules are intended to support the economic viability of buildings of historic
19 importance within the UMU District.

20 (1) This subsection applies only to buildings that are a designated landmark
21 building, or a building listed on or determined eligible for the California Register of
22 Historical Resources by the State Office of Historic Preservation.

23 (2) All uses are permitted as of right, provided that:

24 (A) The project does not contain office uses of 25,000 square foot or more
25 per lot, or nighttime entertainment.

1 (B) Prior to the issuance of any necessary permits, the Zoning
2 Administrator, with the advice of the Landmarks Preservation Advisory Board,
3 determines that allowing the use will enhance the feasibility of preserving the building.

4 (C) Residential uses meet the affordability requirements of the Residential
5 Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

6 (3) Projects containing office use of 25,000 square foot or more per lot may be
7 permitted as a conditional use. In addition to the conditional use criteria set forth in
8 Section 303, with the advice of the Landmarks Preservation Advisory Board, the
9 Planning Commission must find that allowing the use will enhance the feasibility of
10 preserving the building.

11 (4) The Landmarks Preservation Advisory Board shall review the proposed
12 project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7
13 (2001)) and any applicable provisions of the Planning Code.

14 (d) Automated Bank Teller Machines Within South of Market Districts. All
15 automated bank teller machines (ATMs), whether freestanding structures or walk-up
16 facilities associated with retail banking operations, shall have adequate lighting, waste
17 collection facilities and parking resources and shall be set back three feet from the front
18 property line.

19 (e) Open Air Sales. Flea markets, farmers markets, crafts fairs and all other
20 open air sales of new or used merchandise except vehicles, within South of Market Mixed
21 Use and Eastern Neighborhoods Mixed Use Districts, where permitted, shall be subject
22 to the following requirements: (1) the sale of goods and the presence of booths or other
23 accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2)
24 sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided

25

1 on-site and adequately maintained; and (3) the site and vicinity shall be maintained free
2 of trash and debris.

3 (f) Legal and Government Office Uses in the Vicinity of the Hall of Justice. Within an
4 approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and
5 Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the
6 offices of attorneys, bail and services, government agencies, union halls, and other criminal
7 justice activities and services directly related to the criminal justice functions of the Hall of
8 Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed
9 on the property limiting office activities to uses permitted by this Subsection.

10 (g) Work Space of Design Professionals. The work space of design
11 professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal
12 use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of
13 any necessary permits, the owner(s) of the building shall agree to comply with the
14 following provisions: (1) The occupied floor area devoted to this use per building is
15 limited to the third story or above; (2) The gross floor area devoted to this use per
16 building does not exceed 3,000 square feet per design professional establishment; (3) The
17 space within the building subject to this provision has not been in residential use within a
18 legal dwelling unit at any time within a five-year period prior to application for
19 conversion under this Subsection; and (4) The owner(s) of the building comply with the
20 following enforcement and monitoring procedures: (i) The owner(s) of any building with
21 work space devoted to design professional use as authorized pursuant to this Subsection
22 shall submit an annual enforcement report to the Department of City Planning with a fee
23 in an amount to be determined periodically by the City Planning Commission to pay for
24 the cost of enforcement of this Subsection. The fee shall not exceed the amount of such
25 costs. The report shall provide information regarding occupants of such space, the

1 amount of square footage of the space used by each design professional establishment,
2 amount of vacant space, compliance with all relevant City codes, and any other
3 information the Zoning Administrator may require to fulfill the intent of this Subsection;
4 (ii) The owner(s) of any building containing work space of design professionals
5 authorized pursuant to this Subsection shall permit inspection of the premises by an
6 authorized City official to determine compliance with the limitations of this Subsection.
7 The City shall provide reasonable notice to owners prior to inspecting the premises; (iii)
8 The owner(s) of any building containing work space of design professionals authorized
9 pursuant to this Subsection shall record a Notice of Special Restriction, approved by the
10 City Planning Department prior to recordation, on the property setting forth the
11 limitations required by this Subsection. The Department of City Planning shall keep a
12 record available for public review of all space for design professionals authorized by this
13 Subsection.

14 **(h) Vertical Controls for Office Uses.**

15 (1) **Purpose.** In order to preserve ground floor space for production,
16 distribution, and repair uses and to allow the preservation and enhancement of a diverse
17 mix of land uses, including limited amounts of office space on upper stories, additional
18 vertical zoning controls shall govern office uses as set forth in this Section.

19 (2) **Applicability.** This Section shall apply to all office uses in the MUG and
20 UMU Districts, where permitted.

21 (3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

22 (4) **Controls.**

23 (A) **Designated Office Story or Stories.** Office uses are not permitted
24 on the ground floor. Office uses may be permitted on stories above the ground floor if
25 they are designated as office stories. On any designated office story, office uses are

1 permitted, subject to any applicable use size limitations. On any story not designated as
2 an office story, office uses are not permitted.

3 (B) Timing of designation. In the case of new construction, any
4 designated office story or stories shall be established prior to the issuance of a first
5 building permit or along with any associated Planning Commission action, whichever
6 occurs first. In the case of buildings that were constructed prior to the effective date of
7 this Section, any such story or stories shall be designated prior to the issuance of any
8 building permit for new or expanded office uses or along with any associated Planning
9 Commission action, whichever occurs first.

10 (C) Recordation of designation. Notice of the designation of office
11 stories shall be recorded as a restriction on the deed of the property along with plans
12 clearly depicting the designated story or stories in relation to the balance of the building.
13 A designated office story may only be re-allocated when the designated office story is
14 first returned to a permitted non-office use and associated building modifications to the
15 designated office story are verified by the Zoning Administrator.

16 (D) Maximum Number of Designated Stories. The maximum number of
17 designated office stories shall correspond to the total number of stories in a given
18 building, as set forth in the table below. The designation of a particular story shall apply
19 to the total floor area of that story and no partial designation, split designation, or other
20 such subdivision of designated floors shall be permitted. For the purposes of the
21 following table, the total number of stories in a given building shall be counted from
22 grade level at curb and shall exclude any basements or below-grade stories.

23 Table 803.9(h)

<u>Total Number of Stories</u>	<u>Maximum Number of Designated Office</u> <u>Stories</u>
--------------------------------	--

1	<u>1-story</u>	<u>0 stories (office use NP)</u>
2	<u>2-4 stories</u>	<u>1-story</u>
3	<u>5-7 stories</u>	<u>2-stories</u>
4	<u>8 or more stories</u>	<u>3-stories</u>

5 (E) For projects with multiple buildings, consolidation of permitted office
6 stories may be permitted, pursuant to the controls set forth in 309.2329(d)(8).

7 (i) Retail Controls in the MUG, MUO, and UMU Districts. In the MUG, MUO,
8 and UMU District, up to 25,000 gross square feet of retail use (as defined in Section
9 890.114 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross
10 square feet of other uses permitted in that District are required for every one gross
11 square foot of retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt
12 from this requirement.

13 **SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT**
14 **ZONING CONTROLS.**

15 Mixed Use District controls are set forth in the Zoning Control Tables in
16 Sections 810 through 818, and in Sections 825, 827 through 843 or referenced in
17 Section 899 of this Code.

18 (a) The first column in the Zoning Control Table, titled "No." provides a
19 category number for each zoning control category.

20 (b) The second column in the table, titled "Zoning Control Category," lists
21 zoning control categories for the district in question.

22 (c) The third column, titled "§ References," contains numbers of other
23 sections in the Planning Code and other City Codes, in which additional relevant
24 provisions are contained.

25 (d) In the fourth column, the controls applicable to the various Mixed Use
Districts are indicated either directly or by reference to other Code Sections
which contain the controls.

The following symbols are used in this table:

P --	Permitted as a principal use.
C --	Permitted as a conditional use, subject to the provisions set forth in this Code.
--	A blank space on the tables in Sections 810 through 812 indicates that the use or feature is not permitted within the Chinatown Mixed Use Districts. Unless a use or feature is permitted or required in the Chinatown Mixed Use Districts as set forth in the Zoning Control Tables or in those sections referenced in Section 899 of this Code, such use or feature is prohibited, unless determined by the Zoning Administrator to be a permitted use.
NP --	Not Permitted. Section 803.4 lists certain uses not permitted in any South of Market District. NP in the Article 8 control column of Tables 813 through 818 and also indicates that the use or feature is not permitted in the applicable South of Market District
# --	See specific provisions listed by section and zoning category number at the end of the table.
1st --	1st story and below, where applicable.
2nd - -	2nd story, where applicable.
3rd+ --	3rd story and above, where applicable.

SEC. 813. RED -- RESIDENTIAL ENCLAVE DISTRICT.

1 Residential Enclave Districts (RED) encompass the clusters of low-scale,
 2 medium density, predominantly residential neighborhoods located along the
 3 narrow side streets of the *South-of-Market* SLR and MUR *d*Districts. Within these
 4 predominantly residential enclaves lie a number of vacant parcels, parking lots
 5 and other properties in open storage use. These properties are undeveloped or
 6 underdeveloped and are viewed as opportunity sites for new, moderate-income,
 7 in-fill housing.

8 The zoning controls for this district are tailored to the design needs and
 9 neighborhood characteristics of these enclaves and are intended to encourage
 10 and facilitate the development of attractive, compatible and economically feasible
 11 in-fill housing while providing adequate residential amenities to the site and
 12 neighborhood.

13 Dwelling units are permitted as a principal use. Social services and
 14 institutional uses are permitted as conditional uses. Group housing, retail,
 15 entertainment, general commercial and services light industrial uses are not
 16 permitted. Existing commercial activities in nonresidential structures may
 17 continue as nonconforming uses subject to the termination requirements of
 18 Sections 185 and 186. Live/work units limited to arts activities are permitted
 19 within the district as a principal use. Existing live/work units with other
 20 nonresidential uses may continue as nonconforming uses.

21 **Table 813**

22 **RED -- RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

			Residential Enclave
No.	Zoning Category	§ References	Controls

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BUILDING STANDARDS			
813.01	Height	See Zoning Map	Generally 40 feet See Sectional Zoning Maps 1 and 7
813.02	Bulk	§ 270	See Sectional Zoning Maps 1 and 7
USE STANDARDS			
813.03	Residential Density	§§ 124(b), 207.5,208	1:400 for dwelling units; 1 bedroom for each 140 sq. ft. of lot area for group housing
813.04	Non-Residential Density	§§ 102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
813.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit, if private, 80 sq. ft. if common
813.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
813.07	Usable Open Space for Other Uses	§ 135.3	Varies by use

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813.09	Outdoor Activity Area	§ 890.71	P
813.10	Walk-up Facility, except Automated Bank Teller Machine	§ 890.140	P
813.11	Automated Bank Teller Machine	§ 803.95(d)	NP
813.12	Residential Conversion	§ 803.8(a)5(b)	C
813.13	Residential Demolition	§ 803.8(a)5(b)	C
USES			
Residential Use			
813.14	Dwelling Units	§ 102.7	P
813.15	Group Housing	§ 890.88(b)	NP
813.16	SRO Units	§ 890.88(c)	P
Institutions			
813.17	Hospital, Medical Centers	§ 890.44	NP
813.18	Residential Care	§ 890.50(e)	C

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813.19	Educational Services	§ 890.50(c)	C
813.20	Religious Facility	§ 890.50(d)	C
813.21	Assembly and Social Service, except Open Recreation or Horticulture	§ 890.50(a)	C
813.22	Child Care	§ 890.50(b)	P
813.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
813.25	Automobile Parking Lot, Community Residential	§ 890.7	P
813.26	Automobile Parking Garage, Community Residential	§ 890.8	C
813.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
813.28	Automobile Parking Garage, Community Commercial	§ 890.10	C
813.29	Automobile Parking Lot, Public	§ 890.11	P

1	813.30	Automobile Parking Garage, Public	§ 890.12	C
2	Retail Sales and Service			
3	813.31	All Retail Sales and Service except per § 813.32	§ 890.104	NP
4	813.32	Retail Sales and Service Use in a Landmark Building or a Contributory Building in an Historic District	§ 803. 9(e)5(e)	C
5	Assembly, Recreation, Arts and Entertainment			
6	813.37	Nighttime Entertainment	§ 102.17, <u>803.5(b)</u>	NP
7	813.38	Meeting Hall, not within § 813.21	§ 221(c)	NP
8	813.39	Recreation Building, not within § 813.21	§ 221(e)	NP
9	813.40	Pool Hall, Card Club, not within § 813.21	§§ 221(f), 803.4	NP
10	813.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	NP
11	Home and Business Service			
12	813.42	Trade Shop	§ 890.124	NP
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813.43	Catering Services	§ 890.25	NP
813.45	Business Goods and Equipment Repair Service	§ 890.23	NP
813.46	Arts Activities, except within a Live/Work Unit	§ 102.2	NP
813.47	Business Services	§ 890.111	NP
Office			
813.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <u>9(a)5(e)</u>	C
813.53	All Other Office Uses	§ 890.70	NP
Live/Work Units			
813.54	Live/Work Unit where the Work Activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P
813.55	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <u>9(a)5(e)</u>	C
813.56	All Other Live/Work Units	§§ 102.13, 233	NP

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Automotive Services			
813.57	Vehicle Storage--Open Lot	§ 890.131	NP
813.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
813.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	NP
813.60	Motor Vehicle Repair	§ 890.15	NP
813.61	Motor Vehicle Tow Service	§ 890.19	NP
813.62	Non-Auto Vehicle Sales or Rental	§ 890.69	NP
813.63	Public Transportation Facility	§ 890.80	NP
Industrial			
813.64	Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, Manufacturing and Processing	§§ 225, 890.54	NP
Other Uses			

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813.65	Animal Service	§ 224	NP
813.66	Open Air Sales	§§ 890.38, 803. 9(c)5(e)	NP
813.67	Ambulance Service	§ 890.2	NP
813.68	Open Recreation and Horticulture	§ 209.5	P
813.69	Public Use, except Public Transportation Facility	§ 890.80	C
813.70	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
813.71	Greenhouse or Plant Nursery	§ 227(a)	NP
813.72	Mortuary Establishment	§ 227(c)	NP
813.73	General Advertising Sign	§ 607.2(b) & (e)	NP

SPECIFIC PROVISIONS FOR RED DISTRICTS

Article	Other	Zoning Controls
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1	Code	Code	
2	Section	Section	
3			-- 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 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, may apply for a medical cannabis dispensary permit in an RED District.
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6	§ 813.23		
7	§ 890.133		
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SEC. 814. SPD -- SOUTH PARK DISTRICT.

South Park is an attractive affordable mixed-use neighborhood. The South Park District (SPD) is intended to preserve the scale, density and mix of commercial and residential activities within this unique neighborhood. The district is characterized by small-scale, continuous-frontage warehouse, retail and residential structures built in a ring around an oval-shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix of uses, family-sized housing units, and in-fill development which contributes positively to the neighborhood scale and use mix.

Most retail, general commercial, office, service/light industrial, arts, live/work and residential activities are permitted. Group housing, social services, and other institutional uses are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime entertainment are not permitted.

Table 814

SPD -- SOUTH PARK DISTRICT ZONING CONTROL TABLE

			South Park District
No.	Zoning Category	§ References	Controls
814.01	Height	<u>§§ 260 - 263</u> -	See Sectional Zoning Map 1
814.02	Bulk	<u>§§ 270 - 272</u>	See Sectional Zoning Map 1
814.03	<u>Dwelling Unit Residential</u> Density Limit	§§ 124, 207.5, 208	1:600 for dwelling units; 1 bedroom for each 210 sq. ft. of lot area for group housing <u>No density limit</u>
814.04	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or

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			<p>(b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.</p> <p><u>At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.</u></p>
814.05	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally 1.8 to 1 floor area ratio
814.06 5	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit, <i>if private, 106 sq. ft. if common, 54 sq. ft. per unit if publicly accessible</i>
814.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or	§ 135.2	36 sq. ft. per unit

1		Additions	
2	814.07	Usable Open Space for Other Uses	§ 135.3
3			<i>Varies by use - Required;</i>
4			<i>amount varies based on use;</i>
5			<i>may also pay in-lieu fee</i>
6	<u>814.08</u>	<u>Setbacks</u>	<u>§§ 136, 136.2,</u> <u>144, 145.1</u>
7			<u>Generally required</u>
8	814.09	Outdoor Activity Area	§ 890.71
9		Walk Up Facility, except	
10	814.10	Automated Bank Teller	§ 890.140
11		Machine	P
12	814.11	Automated Bank Teller	§ 803.9(b)5(d)
13		Machine	NP
14	<u>814.10</u>	<u>Off-Street Parking,</u> <u>Residential</u>	<u>§ 151.1</u>
15			<u>None required. Limits set forth</u> <u>in Section 151.1</u>
16	<u>814.11</u>	<u>Off-Street Parking, Non-</u> <u>Residential</u>	<u>150, 151,</u> <u>151.1, 153-</u> <u>157, 204.5</u>
17			<u>None required. Limits set forth</u> <u>in Section 151.1</u>
18			
19	814.12	Residential Conversion	§ 803.8(a)5(b)
20			C
21	814.13	Residential Demolition	§ 803. 8(a)5(b)
22			C
23	Residential Use		
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814.14	Dwelling Units	§ 102.7	P
814.15	Group Housing	§ 890.88(b)	C
814.16	SRO Units	§ 890.88(c)	P
<i>814.16(a)</i>	<i>Student Housing</i>	<i>§ 315.1(38)</i>	<i>C</i>
Institutions			
814.17	Hospital, Medical Centers	§ 890.44	NP
814.18	Residential Care	§ 890.50(e)	C
814.19	Educational Services	§ 890.50(c)	NP
<i>Institutions—</i>			
814.20	Religious Facility	§ 890.50(d)	C
814.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
814.22	Child Care	§ 890.50(b)	P
814.23	Medical Cannabis Dispensary	§ 890.133	P #
Vehicle Parking			
814.25	Automobile Parking Lot, Community Residential	§ 890.7	P <u>NP</u>
814.26	Automobile Parking	§ 890.8	C <u>NP</u>

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	Garage, Community Residential		
814.27	Automobile Parking Lot, Community Commercial	§ 890.9	P - <u>NP</u>
814.28	Automobile Parking Garage, Community Commercial	§ 890.10	C - <u>NP</u>
814.29	Automobile Parking Lot, Public	§ 890.11	P - <u>NP</u>
814.30	Automobile Parking Garage, Public	§ 890.12	C - <u>NP</u>
Retail Sales and Services			
814.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services- All Retail, Except for Bars and Liquor Stores-	§ 890.104	<u>P up to 5,000 sf per lot</u>
<u>814.32</u>	<u>Bars</u>	<u>§ 890.22</u>	<u>C up to 5,000 sf per lot</u>
<u>814.33</u>	<u>Liquor Stores</u>	<u>§ 790.55</u>	<u>C up to 5,000 sf per lot</u>

1	Assembly, Recreation, Arts and Entertainment			
2	814.37	Nighttime Entertainment	§ 102.17, 803.5(b)	NP
3				
4	814.38	Meeting Hall, <i>not falling</i> <i>within Category 814.21</i>	§ 221(c)	C
5				
6	814.39	Recreation Building, not falling within Category 814.21	§ 221(e)	C
7				
8	814.40	Pool Hall, Card Club, not falling within Category 890.50(a)-814.21	§§ 221(f); 803.4-	NP
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13		Theater, falling within §		
14	814.41-	221(d), except Movie Theater	§§ 221(d); 890.64-	NP-
15				
16	Home and Business Service			
17	814.42	Trade Shop	§ 890.124	P
18	814.43	Catering Services	§ 890.25	P
19				
20	814.45	Business Goods and Equipment Repair Service	§ 890.23	P
21				
22				
23	814.46	Arts Activities, other than Theaters	§ 102.2	P
24				
25	814.47	Business Services	§ 890.111	P

1	Office		
2	814.49	Work Space of Design	§ 890.28
3		Professionals	P
4	<u>814.49</u>	<u>Offices in historic buildings</u>	<u>§ 803.9(a)</u>
5			<u>P</u>
6	814.50	All Other Office Uses	§§ 890.70, <u>890.118</u>
7			<u>NP-P</u>
8	Live/Work Units		
9	814.55	All types of Live/Work Units	§§ 102.2, 102.13, 209.9(f), (g)
10			<u>P NP</u>
11			
12	Automotive		
13	814.57	Vehicle Storage--Open Lot	§ 890.131
14			NP
15	814.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132
16			NP
17	814.59	Motor Vehicle Service Station, Automotive Washing	§§ 890.18, 890.20
18			NP
19	814.60	Motor Vehicle Repair	§ 890.15
20			NP
21	814.61	Motor Vehicle Tow Service	§ 890.19
22			NP
23	814.62	Non-Auto Vehicle Sales or Rental	§ 890.69
24			P
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814.63	Public Transportation Facilities	§ 890.80	NP
Industrial			
814.64	Wholesale Sales	§ 890.54(b)	P
814.65	Light Manufacturing	§ 890.54(a)	P
814.66	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, and Manufacturing and Processing Uses	§§ 225, 226	NP
814.67	Storage	§ 890.54(c)	<i>P NP</i>
<i>814.67(a)</i>	<i>Laboratory</i>	<i>§ 890.52</i>	<i>NP</i>
Other Uses			
814.68	Animal Services	§ 224	NP
814.69	Open Air Sales	§§ 803. <i>9(e)5(f),</i> 890.38	P
814.70	Ambulance Service	§ 890.2	NP
814.71	Open Recreation and Horticulture	§ 209.5	P
814.72	Public Use, except Public Transportation Facility	§ 890.80	C

1		Commercial Wireless		
2	814.73	Transmitting, Receiving or	§ 227(h)	C
3		Relay Facility		
4	814.74	Greenhouse or Plant	§ 227(a)	NP
5		Nursery		
6	814.75	Mortuary Establishment	§ 227(c)	NP
7	814.76	General Advertising Sign	§ 607.2(b) &	NP
8			(e) <u>and 611</u>	
9		<u>Walk-Up Facility, except</u>		
10	<u>814.78</u>	<u>Automated Bank Teller</u>	<u>§ 890.140</u>	<u>P</u>
11		<u>Machine</u>		
12				
13	<u>814.79</u>	<u>Automated Bank Teller</u>	<u>§ 803.9(d)</u>	<u>NP</u>
14		<u>Machine</u>		
15	<u>814.80</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>

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17 **SPECIFIC PROVISIONS FOR SPD DISTRICTS**

18

19 Article	Other	Zoning Controls
20 Code	Code	
21 Section	Section	
22 § 814.23	§	-- 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
23 890.133		

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		<p>continuous operation 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, may apply for a medical cannabis dispensary permit in <u>the</u> a South Park District.</p>
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SEC. 815. RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT.

The Residential/Service Mixed Use District (RSD) runs along Harrison St. between 4th St. and 5th St. serves as a buffer between the higher density, predominantly commercial area of Yerba Buena Center to the east and the low scale, predominantly service/industrial area west of Sixth Street. The RSD serves as a *major* housing opportunity area within the South of Market Mixed Use Districts. The district controls are intended to facilitate the development of high-density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts activities.

Residential hotels are subject to flexible standards for parking, rear yard/open space and density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.

General office, hotels, nighttime entertainment, adult entertainment, massage establishment, movie theaters and heavy industrial uses are not permitted.

Table 815

1 **RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL**

2 **TABLE**

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1
815.02	Bulk	§ 270	See Sectional Zoning Map 1
815.03	Residential Density Limit	§§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1 bedroom for each 70 sq. ft. of lot area for group housing
815.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803.8.c5(f)
815.05	Usable Open Space for Dwelling Units and Group	§ 135	36 sq. ft. per unit if private, 48 sq. ft. if common

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	Housing		
815.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
815.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
815.09	Outdoor Activity Area	§ 890.71	P
815.10	Walk-Up Facility, except Automated Bank Teller Machine	§ 890.140	P
815.11	Automated Bank Teller Machine	§ 803.9(b)5(d)	P
815.12	Residential Conversion	§ 803.8(a)5(b)	C
815.13	Residential Demolition	§ 803.8(a)5(b)	C
Residential Use			
815.14	Dwelling Units	§ 102.7	P
815.15	Group Housing	§ 890.88(b)	C

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815.16	SRO Units	§ 890.88(c)	P
Institutions			
815.17	Hospital, Medical Centers	§ 890.44	NP
815.18	Residential Care	§ 890.50(e)	C
815.19	Educational Services	§ 890.50(c)	P
815.20	Religious Facility	§ 890.50(d)	C
815.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
815.22	Child Care	§ 890.50(b)	P
815.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
815.25	Automobile Parking Lot, Community Residential	§ 890.7	P
815.26	Automobile Parking	§ 890.8	C, pursuant to § 803. 8(c)5(i)

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	Garage, Community Residential		
815.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
815.28	Automobile Parking Garage, Community Commercial	§ 890.10	C, pursuant to § 803. <u>8(c)5(i)</u>
815.29	Automobile Parking Lot, Public	§ 890.11	P
815.30	Automobile Parking Garage, Public	§ 890.12	C, pursuant to § 803. <u>8(c)5(i)</u>
Retail Sales and Services			
815.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4; including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P, pursuant to § 803. <u>8(c)5(i)</u>
Assembly, Recreation, Arts and Entertainment			
815.37	Nighttime Entertainment	§§ 102.17,	NP

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		181(f), <u>803.5(b)</u>	
815.38	Meeting Hall, not falling within Category 815.21	§ 221(c)	C, pursuant to § 803. <u>8(c)5(f)</u>
815.39	Recreation Building, not falling within Category 815.21	§ 221(e)	C, pursuant to § 803. <u>8(c)5(f)</u>
815.40	Pool Hall, Card Club, not falling within Category 815.21	§§ 221(f), 803.4	P, pursuant to § 803. <u>8(c)5(f)</u>
815.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P, pursuant to § 803. <u>8(c)5(f)</u>
Home and Business Service			
815.42	Trade Shop	§ 890.124	P, pursuant to § 803. <u>8(c)5(f)</u>
815.43	Catering Services	§ 890.25	P, pursuant to § 803. <u>8(c)5(f)</u>
815.45	Business Goods and Equipment Repair Service	§ 890.23	P, pursuant to § 803. <u>8(c)5(f)</u>
815.46	Arts Activities, other than Theaters	§ 102.2	P, pursuant to § 803. <u>8(c)5(f)</u>

1	815.47	Business Services	§ 890.111	P, pursuant to § 803. 8(c)5(t)
2				
3	Office			
4	815.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. 9(a)5(e)	C
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8	815.49	Work Space of Design Professionals	§§ 890.28, 803. 9(g)5(t)	P, subject to § 803. 9(g)5(t)
9				
10				
11	815.50	All Other Office Uses	§ 890.70	NP
12				
13	Live/Work Units			
14	815.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
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18	815.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
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22	815.53	Live/Work Units where the work activity is otherwise permitted as a	§ 233	C
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1		Conditional Use		
2		Live/Work Units in		
3	815.54	Landmark Buildings or	§ 803.	C
4		Contributory Buildings in	<u>9(a)5(e)</u>	
5		Historic Districts		
6	815.55	All other Live/Work Units		NP
7				
8	Motor Vehicle Services			
9				
10	815.57	Vehicle Storage--Open	§ 890.131	NP
11		Lot		
12	815.58	Vehicle Storage--	§ 890.132	P
13		Enclosed Lot or		
14		Structure		
15	815.59	Motor Vehicle Service	§§ 890.18, 890.20	P, pursuant to § 803. <u>8(c)5(i)</u>
16		Station, Automotive		
17		Wash		
18	815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803. <u>8(c)5(i)</u>
19				
20	815.61	Motor Vehicle Tow	§ 890.19	C, § 803. <u>8(c)5(i)</u>
21		Service		
22	815.62	Non-Auto Vehicle Sales	§ 890.69	P, § 803. <u>8(c)5(i)</u>
23		or Rental		
24				
25	815.63	Public Transportation	§ 890.80	C, pursuant to § 803. <u>8(c)5(i)</u>

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	Facilities		
Industrial			
815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803. 8(c)5(f)
815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803. 8(c)5(f)
815.66	Storage	§ 890.54(c)	P
815.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
Other Uses			
815.68	Animal Services	§ 224	NP
815.69	Open Air Sales	§§ 803. 95 (e), 890.38	P
815.70	Ambulance Service	§ 890.2	NP
815.71	Open Recreation and Horticulture	§ 209.5	P
815.72	Public Use, except	§ 890.80	C

1		Public Transportation Facility		
2				
3	815.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
4				
5				
6	815.74	Greenhouse or Plant Nursery	§ 227(a)	NP
7				
8	815.75	Mortuary Establishment	§ 227(c)	NP
9				
10	815.76	General Advertising Sign	§ 607.2(b) & (e)	NP
11				
12				

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14 **SPECIFIC PROVISIONS FOR RSD DISTRICTS**

15

16	Article Code Section	Other Code Section	Zoning Controls
17			
18			
19	§ 815.23	§ 890.133	-- 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 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
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		violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.
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SEC. 816. SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT.

The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to maintain and facilitate the growth and expansion of small-scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, live/work use, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing and live/work space at a scale and density compatible with the existing neighborhood.

Housing and live/work units are encouraged over ground floor commercial/service/light industrial activity. New residential or mixed use developments are encouraged to provide as much mixed-income rental housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review.

General office, hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.

Table 816

SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT ZONING CONTROL TABLE

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No.	Zoning Category	§ References	Controls
816.01	Height Limit Designation	See Zoning Map	Residential Mixed Use District As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 40 to 65 feet
816.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
816.03	Residential Density Limit	§§ 124, 207.5, 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
816.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
816.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit if private, 80 sq. ft. if common
816.06	Usable Open Space for	§ 135.2	36 sq. ft. per unit

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	Live/Work Units in Newly Constructed Buildings or Additions		
816.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
816.09	Outdoor Activity Area	§ 890.71	P
816.10	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803. 95 (d)	P
816.12	Residential Conversion	§ 803. 8(a)5(b)	C
816.13	Residential Demolition	§ 803. 8(a)5(b)	C
Residential Use			
816.14	Dwelling Units	§ 102.7	P
816.15	Group Housing	§ 890.88(b)	C
816.16	SRO Units	§ 890.88(c)	P
Institutions			
816.17	Hospital, Medical Centers	§ 890.44	NP

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816.18	Residential Care	§ 890.50(e)	C
816.19	Educational Services	§ 890.50(c)	P
816.20	Religious Facility	§ 890.50(d)	P
816.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
816.22	Child Care	§ 890.50(b)	P
816.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
816.25	Automobile Parking Lot, Community Residential	§ 890.7	P
816.26	Automobile Parking Garage, Community Residential	§ 890.8	P
816.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
816.28	Automobile Parking Garage, Community Commercial	§ 890.10	P

1	816.29	Automobile Parking Lot, Public	§ 890.11	P
2				
3	816.30	Automobile Parking Garage,	§ 890.12	C
4		Public		
5	Retail Sales and Services			
6				
7	816.31	All Retail Sales and Services		
8		which are not Office Uses or		
9		prohibited by § 803.4, including		
10		Bars, Full Service and Fast Food	§ 890.104	P
11		Restaurants, Take Out Food		
12		Services, and Personal		
13		Services		
14	Assembly, Recreation, Arts and Entertainment			
15	816.36	Arts Activity, other than Theater	§ 102.2	P
16				
17	816.37	Nighttime Entertainment	§§ 102.17,	
18			181(f),	NP
19			<u>803.5(b)</u>	
20	816.38	Meeting Hall, not falling within	§ 221(c)	C
21		Category 816.21		
22	816.39	Recreation Building, not falling	§ 221(e)	C
23		within Category 816.21		
24	816.40	Pool Hall, Card Club, not falling	§§ 221(f),	P
25				

1		within Category 816.21	803.4	
2	816.41	Theater, falling within § 221(d),	§§ 221(d),	P
3		except Movie Theater	890.64	
4	Home and Business Service			
5	816.42	Trade Shop	§ 890.124	P
6				
7	816.43	Catering Service	§ 890.25	P
8				
9	816.45	Business Goods and Equipment	§ 890.23	P
10		Repair Service		
11				
12	816.47	Business Service	§ 890.111	P
13				
14	Office			
15	816.48	Office Uses in Landmark	§ 803. 9(a)5(e)	C
16		Buildings or Contributory		
17		Buildings in Historic Districts		
18	816.49	Work Space of Design	§§ 890.28, 803. 9.(g)5(f)	P, subject to § 803. 9.(g)5(f)
19		Professionals		
20				
21	816.50	All Other Office Uses	§ 890.70	NP
22				
23	Live/Work Units			
24	816.51	Live/Work Units where the work	§§ 102.2, 102.13,	P
25		activity is an Arts Activity		

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		209.9(f) and (g), 233	
816.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
816.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
816.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. 9(a)5(e)	C
816.55	All Other Live/Work Units		NP
Motor Vehicle Services			
816.57	Vehicle Storage--Open Lot	§ 890.131	NP
816.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
816.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
816.60	Motor Vehicle Repair	§ 890.15	P
816.61	Automobile Tow Service	§ 890.19	C

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816.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
816.63	Public Transportation Facilities	§ 890.80	P
Industrial			
816.64	Wholesale Sales	§ 890.54(b)	P
816.65	Light Manufacturing	§ 890.54(a)	P
816.66	Storage	§ 890.54(c)	P
816.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
816.68	Animal Services	§ 224	NP
816.69	Open Air Sales	§§ 803. <u>25(e)</u> , 890.38	P
816.70	Ambulance Service	§ 890.2	NP

1	816.71	Open Recreation and Horticulture	§ 209.5	P
2				
3	816.72	Public Use, except Public Transportation Facility	§ 890.80	C
4				
5	816.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
6				
7				
8	816.74	Greenhouse or Plant Nursery	§ 227(a)	NP
9				
10	816.75	Mortuary Establishment	§ 227(c)	NP
11				
12				
13	816.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP
14				
15				
16				

17 **SPECIFIC PROVISIONS FOR SLR DISTRICTS**

18			
19	Article	Other	Zoning Controls
20	Code	Code	
21	Section	Section	
22	§ 816.23	§	-- 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 or that were not in continuous
23	890.133		
24			
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		<p>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, may apply for a medical cannabis dispensary permit in an SLR District.</p>
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SEC. 817. SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT.

The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted.

Table 817

SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

			Service/Light Industrial District
No.	Zoning Category	§ References	Controls
817.01	Height		As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65

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			feet; See Zoning Sectional Maps 1 and 7
817.02	Bulk	§ 270	See Zoning Sectional Maps 1 and 7
817.03	Residential Density Limit	§ 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
817.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
817.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
817.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
817.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
817.09	Outdoor Activity Area	§ 890.71	P
817.10	Walk-Up Facility, including Automated	§§ 890.140, 803.95(d)	P

1		Bank Teller Machine		
2	817.12	Residential Conversion	§ 803.8(a)5(b)	C
3				
4	817.13	Residential Demolition	§ 803. 8(a)5(b)	C
5				
6	Residential Use			
7				
8	817.14	Dwelling Units	§§ 102.7, 803.8(b)5(f)	C, if low-income pursuant to § 803.8(b)5(f); otherwise NP
9				
10	817.15	Group Housing	§ 890.88(b)	C
11				
12	817.16	SRO Units	§§ 890.88(c), 803.8(b)	<i>C, if low-income pursuant to § 803.8(b); otherwise NP</i>
13				
14	Institutions			
15				
16	817.17	Hospital, Medical Centers	§ 890.44	NP
17				
18	817.18	Residential Care	§ 890.50(e)	C
19				
20	817.19	Educational Services	§ 890.50(c)	P
21				
22	817.20	Religious Facility	§ 890.50(d)	P
23				
24	817.21	Assembly and Social Service, except Open	§ 890.50(a)	C
25				

1		Recreation and		
2		Horticulture		
3	817.22	Child Care	§ 890.50(b)	P
4				
5	817.23	Medical Cannabis	§ 890.133	P#
6		Dispensary		
7	Vehicle Parking			
8				
9	817.25	Automobile Parking Lot,	§ 890.7	P
10		Community Residential		
11	817.26	Automobile Parking	§ 890.8	P
12		Garage, Community		
13		Residential		
14	817.27	Automobile Parking Lot,	§ 890.9	P
15		Community Commercial		
16				
17	817.28	Automobile Parking	§ 890.10	P
18		Garage, Community		
19		Commercial		
20	817.29	Automobile Parking Lot,	§ 890.11	P
21		Public		
22				
23	817.30	Automobile Parking	§ 890.12	C
24		Garage, Public		
25	Retail Sales and Services			

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817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
817.32	Financial Services	§ 890.110	P if gross floor area is up to 4,000 sq. ft. C if gross floor area is equal to or exceeds 4,000 sq. ft. and only then if the location is: (a) within a height district of 65 ft. or greater, (b) on the ground story or below, and (c) was not used within the 12 months prior to the filing of any planning or building application as (1) a residential use as defined in § 817.14 through § 817.16, (2) a neighborhood-serving retail use as defined in § 817.31, or (3) an industrial use as defined in §§ 817.64,

1			817.65; otherwise NP	
2	Assembly, Recreation, Arts and Entertainment			
3	817.37	Nighttime Entertainment	§ 102.17, <u>803.5(b)</u>	NP
4				
5	817.38	Meeting Hall	§ 221(c)	C
6				
7	817.39	Recreation Building	§ 221(e)	C
8				
9	817.40	Pool Hall, Card Club, not falling within Category 817.21	§§ 221(f), 803.4	P
10				
11	817.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
12				
13	Home and Business Service			
14	817.42	Trade Shop	§ 890.124	P
15				
16	817.43	Catering Service	§ 890.25	P
17				
18	817.45	Business Goods and Equipment Repair Service	§ 890.23	P
19				
20	817.46	Arts Activities, other	§ 102.2	P
21				
22				
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1		than Theaters		
2	817.47	Business Services	§ 890.111	P
3				
4	Office			
5				
6	817.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. 9(a)5(e)	C
7				
8				
9				
10	817.49	Work Space of Design Professionals	§§ 890.28, 803. 9(g)5(k)	P, subject to § 803. 9(g)5(k)
11				
12				
13	817.50	Office Uses Related to the Hall of Justice	§§ 803. 9(f)5(j) , 822	P in Special Use District, pursuant to § 803. 9(f)5(j)
14				
15				
16	817.51	All Other Office Uses	§ 890.70	NP
17				
18	Live/Work Units			
19				
20	817.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
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22				
23	817.52	Live/Work Units where all the work activity is	§§ 102.13, 233	P
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	otherwise permitted as a Principal Use		
817.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
817.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.9(a)5(e)	C
817.55	All Other Live/Work Units		NP
Automotive Services			
817.57	Vehicle Storage--Open Lot	§ 890.131	P
817.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
817.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
817.60	Motor Vehicle Repair	§ 890.15	P

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817.61	Motor Vehicle Tow Service	§ 890.19	C
817.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
817.63	Public Transportation Facilities	§ 890.80	P
Industrial			
817.64	Wholesale Sales	§ 890.54(b)	P
817.65	Light Manufacturing	§ 890.54(a)	P
817.66	Storage	§ 890.54(c)	P
817.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
817.68	Animal Services	§ 224	P
817.69	Open Air Sales	§§ 803. <u>95(e)</u> , 890.38	P

1	817.70	Ambulance Service	§ 890.2	P
2				
3	817.71	Open Recreation and	§ 209.5	P
4		Horticulture		
5	817.72	Public Use, except	§ 890.80	P
6		Public Transportation		
7		Facility		
8	817.73	Commercial Wireless	§ 227(h)	C
9		Transmitting, Receiving		
10		or Relay Facility		
11	817.74	Greenhouse or Plant	§ 227(a)	P
12		Nursery		
13	817.75	Mortuary Establishment	§ 227(c)	NP
14				
15	817.76	General Advertising	§ 607.2(b) &	P in South of Market General
16		Sign	(e)	Advertising Special Sign
17				District, Otherwise NP
18	817.77	Internet Services	§ 209.6(c)	C
19		Exchange		
20				

SPECIFIC PROVISIONS FOR SLI DISTRICTS

23	Article	Other	Zoning Controls
24	Code	Code	
25			

1 2 3 4 5 6 7 8 9 10	Section	Section
§ 817.23 § 890.133		-- 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 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, may apply for a medical cannabis dispensary permit in an SLI District.

11 **SEC. 818. SSO -- SERVICE/SECONDARY OFFICE DISTRICT.**

12 The Service/Secondary Office District (SSO) is designed to accommodate
13 small-scale light industrial, home and business services, arts activities, live/work
14 units, and small-scale, professional office space and large-floor-plate "back
15 office" space for sales and clerical work forces. Nighttime entertainment is
16 permitted as a conditional use. Dwelling units and group housing are permitted
17 as conditional uses. Demolition or conversion of existing group housing or
18 dwelling units requires conditional use authorization.

19 Office, general commercial, most retail, service and light industrial uses
20 are principal permitted uses. Large hotel, movie theater, adult entertainment and
21 heavy industrial uses are not permitted.

22 Small hotels of 75 rooms or less are permitted in this District only as a
23 conditional use. Any such conditional use authorization requires a conditional use
24 finding that disallows project proposals that displace existing Production,
25 Distribution and Repair (PDR) uses.

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Table 818

SSO -- SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL

TABLE

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
818.01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet
818.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
818.03	Residential Density	§§ 124(b), 207.5, 208	1:200 for dwellings; 1 bedroom for each 70 sq. ft. of lot area for group housing
818.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height

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			districts
818.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
818.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
818.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
818.09	Outdoor Activity Area	§ 890.71	P
818.10	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.95(d)	P
818.11	Residential Conversion	§ 803.8(a)5(b)	C
818.12	Residential Demolition	§ 803.8(a)5(b)	C
Residential Use			
818.14	Dwelling Units	§ 102.7	C
818.15	Group Housing	§ 890.88(b)	C

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818.16	SRO Units	§ 890.88(c)	P
Institutions			
818.17	Hospital, Medical Centers	§ 890.44	P
818.18	Residential Care	§ 890.50(c)	C
818.19	Educational Services	§ 890.50(c)	P
818.20	Religious Facility	§ 890.50(d)	P
818.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
818.22	Child Care	§ 890.50(b)	P
818.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
818.25	Automobile Parking Lot, Community Residential	§ 890.7	P

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818.26	Automobile Parking Garage, Community Residential	§ 890.8	P
818.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
818.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
818.29	Automobile Parking Lot, Public	§ 890.11	P
818.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
818.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
Assembly, Recreation, Arts and Entertainment			
818.37	Nighttime Entertainment	§§ 102.17,	C

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		803.5(<u>ba</u>)	
818.38	Meeting Hall, not falling within Category 818.21	§ 221(c)	P
818.39	Recreation Building, not falling within Category 818.21	§ 221(e)	P
818.40	Pool Hall, Card Club, not falling within Category 818.21	§§ 221(f), 803.4	P
818.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
Home and Business Service			
818.42	Trade Shop	§ 890.124	P
818.43	Catering Service	§ 890.25	P
818.45	Business Goods and Equipment Repair Service	§ 890.23	P
818.46	Arts Activities, other than Theaters	§ 102.2	P
818.47	Business Services	§ 890.111	P

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Office			
818.48	All Office Uses including Work Space of Design Professionals	§ 890.70	P
Live/Work Units			
818.54	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P
818.55	Live/Work Units where all the work activity is otherwise permitted	§§ 102.13, 233	P
Automobile Services			
818.57	Vehicle Storage--Open Lot	§ 890.131	NP
818.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
818.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
818.60	Motor Vehicle Repair	§ 890.15	P
818.61	Motor Vehicle Tow Service	§ 890.19	C

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818.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
818.63	Public Transportation Facilities	§ 890.80	P
Industrial			
818.64	Wholesale Sales	§ 890.54(b)	P
818.65	Light Manufacturing	§ 890.54(a)	P
818.66	Storage	§ 890.54(c)	P
818.67	All Other Wholesaling, Storage Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
818.68	Animal Services	§ 224	P
818.69	Open Air Sales	§§ 803. 95(e) , 890.38	P
818.70	Ambulance Service	§ 890.2	P
818.71	Open Recreation and	§ 209.5	P

1		Horticulture		
2	818.72	Public Use, except Public	§ 890.80	P
3		Transportation Facility		
4	818.73	Commercial Wireless	§ 227(h)	C
5		Transmitting, Receiving or		
6		Relay Facility		
7	818.74	Greenhouse or Plant	§ 227(a)	P
8		Nursery		
9	818.75	Mortuary Establishment	§ 227(c)	NP
10				
11	818.76	General Advertising Sign	§ 607.2(b) & (e)	NP
12				
13	818.77	Internet Services	§ 209.6(c)	C
14		Exchange		
15	818.78	Hotel, Tourist if 75 rooms or	§ 890.46	C
16		less		
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18 **SPECIFIC PROVISIONS FOR SSO DISTRICTS**

19	Article	Other	Zoning Controls
20	Code	Code	
21	Section	Section	
22	§ 818.23 §		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in
23	890.133		

		<p>operation as of April 1, 2005 and have remained in continuous operation 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, may apply for a medical cannabis dispensary permit in an SSO District.</p>
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~~SEC. 820. SOUTH OF MARKET BASE DISTRICT.~~

~~The South of Market Base District encompasses all of the individual South of Market Use Districts governed by Sections 813 through 818 of this Code. The South of Market Base District is shown on Sectional Map 3SU of the Zoning Map.~~

SEC. 822. SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL SERVICES DISTRICT.

The South of Market Special Hall of Justice Legal Services District, as shown on Sectional Map 8SU of the Zoning Map, is governed by Sections 803.9(~~f~~5f) and 817.50 of this Code.

SEC. 825. DTR -- DOWNTOWN RESIDENTIAL DISTRICTS.

(a) Description. Downtown Residential (DTR) Districts are transit-oriented, high-density mixed-use residential neighborhoods in and around downtown. These areas are generally transitioning from a variety of commercial and industrial to residential uses. The intent of this district is to enable a mix of new day and nighttime activities, with an emphasis on encouraging new housing within walking distance or a short transit-ride of downtown, supported by a mix of retail, and neighborhood services to meet the needs of residents and the larger downtown community.

1 High-density residential uses, including residential towers in select
2 locations, are allowed and encouraged within the limits set by height and bulk
3 controls. Given the district's proximity to downtown, a range of commercial uses
4 is permitted on the lower stories, with active pedestrian-oriented retail, service,
5 and entertainment uses on the ground floor. Along special streets, pedestrian-
6 oriented uses are required on the first floor. Ground floor entries to individual
7 dwelling units are encouraged on streets that will become primarily residential.

8 There is generally no pattern of mid-block open space or of rear yards.
9 While lot coverage is limited for all levels with residential uses, traditional rear
10 yard open spaces are not required except in the limited instances where there is
11 an existing pattern of them. Specific height and bulk controls establish
12 appropriate heights for both towers and mid-rise development, and ensure
13 adequate spacing between towers and preserve light and air to streets and open
14 spaces. Setbacks are required where necessary to buffer ground floor residential
15 uses or to ensure sunlight access to streets and open spaces. To support the
16 intensification of land uses in these districts, detailed traffic, streetscape and
17 open space improvements will take place over time.

18 Downtown Residential Districts include all of the individual DTR districts
19 governed by ~~Section 827 of this Code, except t~~The Transbay Downtown Residential
20 District (TB-DTR), as set forth in Section 828, is governed by the Transbay
21 Redevelopment Plan and its Development Controls and Design Guidelines.

22 (b) **Building and Development Standards.** In addition to or in-lieu of the
23 requirements and standards elsewhere in this Code, the following building and
24 development standards are applicable in the Downtown Residential Districts.

1 (1) Street-Facing Use Requirements. *Pedestrian-oriented commercial,*
2 *residential, institutional uses, and community services are required ground floor uses on*
3 *all street facing frontages per the standards of Section 145.1 and 145.4, except for the*
4 *minimum frontage required for fire doors, parking and loading access, and other*
5 *utilities.*

6 (2) Lot Coverage. *The requirements of Section 134 shall not apply in DTR*
7 *Districts. Except as more specifically limited in the Section governing an individual DTR*
8 *district, lot coverage is limited to 80 percent at all residential levels except on levels in*
9 *which all residential units face onto a public right-of-way or mid-block pedestrian path*
10 *meeting the minimum standards of this Section. The unbuilt portion of the lot shall be*
11 *open to the sky except for those obstructions permitted in yards pursuant to Section*
12 *136(c). Exceptions to the 20 percent open area requirement may be granted, pursuant to*
13 *the provisions of Section 309.1, for conversions of existing non-residential structures*
14 *where it is determined that provision of 20 percent open area would require partial*
15 *demolition of the existing non-residential structure.*

16 (3) Dwelling Unit Exposure. *The requirements of Section 140 shall apply.*
17 *Reductions in this requirement may be granted through the procedures of Section 309.1.*

18 (4) Lighting. *Pedestrian-scaled lighting shall be provided as an integral element*
19 *of all building façades and shall be designed and located to accentuate the uses facing*
20 *the street. Pedestrian-scaled lighting shall be incorporated into all façades and*
21 *landscaped setback areas in the form of wall sconces, entry illumination and low-level*
22 *lighting set into edging features. Lighting should be designed to accentuate ground floor*
23 *retail and residential entries. Incandescent or color-corrected lighting sources must be*
24 *used.*

25 (5) Sidewalk Treatment.

1 (A) To carry out policies contained in the San Francisco General Plan
2 related to sidewalk treatments in an applicable plan area, the Planning Commission may
3 require an applicant to widen or modify sidewalk alignments and to install lighting,
4 decorative paving, seating, bicycle racks, landscaping, and other pedestrian amenities on
5 public sidewalks.

6 (B) The conditions imposed by the Planning Commission and any sidewalk
7 treatments installed by an applicant shall comply with any applicable ordinances,
8 adopted streetscape plans, and with any applicable regulations of the Art Commission,
9 the Department of Public Works and the Bureau of Light, Heat and Power of the Public
10 Utility Commission regarding street lighting, sidewalk paving, seating and sidewalk
11 landscaping.

12 (C) The Commission conditions imposed pursuant to subsection (B) shall
13 require the abutting property owner or owners to hold harmless the City and County of
14 San Francisco, its officers, agents, and employees, from any damage or injury caused by
15 reason of the design, construction, use, or maintenance of the sidewalk treatments that
16 the owner will maintain, and shall require the owner or owners or subsequent owner or
17 owners of the respective property to be solely liable for any damage or loss occasioned
18 by any act or negligence with respect to the design, construction, use, or maintenance of
19 the sidewalk treatments that the owner maintains.

20 (D) Notwithstanding the provisions of this Section, an applicant shall
21 apply for all required permits related to the legislated sidewalk width changes and
22 sidewalk treatments and pay all required fees.

23 (E) The owner of the property is required to maintain all those
24 improvements other than lighting.

25

1 (6) **Street Trees.** Street trees shall be installed by the owner or developer in the
2 case of construction of a new building, relocation of a building, or addition of gross floor
3 area equal to 20 percent or more of the gross floor area of an existing building. Street
4 trees shall be provided according to the provisions of Section 143(b), (c) and (d).

5 (7) **Off-Street Parking and Loading.** Restrictions on the design and location of
6 off-street parking and loading and access to off-street parking and loading are necessary
7 to reduce their negative impacts on neighborhood quality and the pedestrian
8 environment. Unless specified otherwise in an individual DTR district, the following off-
9 street parking and loading controls shall apply:

10 (A) **Required Below-Grade.** All off-street parking in DTR districts shall be
11 built below street grade. The design of parking on sloping sites must be reviewed through
12 the procedures of Section 309.1, according to the following standards:

13 (i) For sloping sites with a grade change of at least ten feet laterally along
14 the street, no less than 50 percent of the perimeter of all floors with off-street parking
15 shall be below the level of said sloping street; and

16 (ii) For sites that slope upwards from a street, no less than 50 percent of
17 the perimeter of all floors with off-street parking shall be below the average grade of the
18 site; and

19 (iii) Any above-grade parking shall be set back from the street facing
20 façades and wrapped with active uses, as defined by Section 145.1, for a depth of no less
21 than 25 feet at the ground floor and 15 feet on floors above.

22 (B) **Parking and Loading Access.**

23 (i) **Width of openings.** Any single development is limited to a total of two
24 façade openings of no more than 11 feet wide each or one opening of no more than 22
25 feet wide for access to off-street parking and one façade opening of no more than 15 feet

1 wide for access to off-street loading. Shared openings for parking and loading are
2 encouraged. The maximum permitted width of a shared parking and loading garage
3 opening is 27 feet.

4 (ii) Sidewalk narrowings or porte cocheres to accommodate passenger
5 loading and unloading are not permitted. For the purpose of this section, a "porte
6 cochere" is defined as an off-street driveway, either covered or uncovered, for the
7 purpose of passenger loading or unloading, situated between the ground floor façade of
8 the building and the sidewalk.

9 (c) Use. A use is the specified purpose for which a property or building is used,
10 occupied, maintained, or leased. Uses in Downtown Residential Districts are either
11 permitted, conditional, accessory, temporary or are not permitted. If there are two or
12 more uses in a structure, any use not classified in Section 825(c)(1)(C) of this Code as
13 accessory will be considered separately as an independent permitted, conditional,
14 temporary or not permitted use.

15 **(1) Permitted Uses.**

16 (A) Principal Uses. All uses are permitted as principal uses as of right in a
17 Downtown Residential district unless otherwise indicated as a Conditional Use or Not
18 Permitted in this Section 825 of this Code or any other Section governing an individual
19 DTR District. Additional requirements and conditions may be placed on particular uses
20 as provided pursuant to Section 803.5 and other applicable provisions of this Code.

21 (B) Conditional Uses. Conditional uses are permitted in a Downtown
22 Residential district, when authorized by the Planning Commission; whether a use is
23 conditional in a given district is indicated in the Section of this Code governing the
24 individual DTR District. Conditional uses are subject to the applicable provisions set
25 forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 of this Code.

1 (i) Notwithstanding any other provision of this Article, a change in use or
2 demolition of a movie theater use, as set forth in Section 890.64, shall require conditional
3 use authorization. This Section shall not authorize a change in use if the new use or uses
4 are otherwise prohibited.

5 (C) Accessory Uses. Subject to the limitations set forth below, in Section
6 151.1, and elsewhere in this Code, an accessory use is a related minor use which is either
7 necessary to the operation or enjoyment of a lawful principal use or conditional use, or is
8 appropriate, incidental and subordinate to any such use, and shall be permitted as an
9 accessory use in a Downtown Residential district. In order to accommodate a principal
10 use which is carried out by one business in multiple locations within the same general
11 area, such accessory use need not be located in the same structure or lot as its principal
12 use provided that (1) the accessory use is located within 1,000 feet of the principal use,

13 (2) the multiple locations existed on the effective date of this amendment; and (3)
14 the existence of the multiple locations is acknowledged in writing by the Zoning
15 Administrator within 60 days after the effective date of this amendment. Any use, which
16 does not qualify as an accessory use, shall be classified as a principal use. No use will be
17 considered accessory to a principal use, which involves or requires any of the following:

18 (i) The use of more than one-third of the total occupied floor area which is
19 occupied by both the accessory use and principal use to which it is accessory, combined,
20 except in the case of accessory off-street parking or loading which shall be subject to the
21 provisions of Sections 151, 151.1, 156 and 157 of this Code;

22 (ii) Nighttime entertainment, massage establishment, large fast food
23 restaurant, or movie theater use;

24 (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).
25

1 (D) Temporary Uses. Temporary uses not otherwise permitted are
2 permitted in Downtown Residential districts to the extent authorized by Sections 205
3 through 205.3 of this Code.

4 (E) Prohibited Uses.

5 (i) Uses which are specifically listed as Not Permitted (NP) in any Section
6 governing an individual DTR District are not permitted. The use provisions of an
7 individual DTR District shall apply in case of conflict with use limitations in Section 825.
8 Signs not specifically permitted in Article 6 are not permitted.

9 (ii) No use, even though listed as a permitted use or otherwise allowed,
10 shall be permitted in a Downtown Residential district which, by reason of its nature or
11 manner of operation, creates conditions that are hazardous, noxious, or offensive
12 through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse,
13 water-carried waste, or excessive noise.

14 (iii) The establishment of a use that sells alcoholic beverages, other than
15 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by
16 Section 229.

17 (2) Residential Use Controls.

18 Unless otherwise specified in a Section governing an individual DTR district, the
19 following residential use controls shall apply:

20 (A) Required Residential to Non-Residential Use Ratio. For newly
21 constructed buildings or additions which exceed 20 percent or more of an existing
22 structure's gross floor area, at least six occupiable square feet of residential use shall be
23 provided for each occupiable square foot of non-residential use, excluding accessory
24 parking, on any lot legally existing. Hotels, inns, or hostels as defined under Section
25 209.2(d) and (e), time-share or fractional-ownership condominiums, and lawfully

1 existing live/work units shall be considered as non-residential uses for the purpose of this
2 section, and do not satisfy the residential requirement. Exemption from the required use
3 ratio for building additions of less than 20 percent may not be granted for any single lot
4 if such an exemption would increase the total square footage of the building to an amount
5 20 percent greater than existed on the lot since the adoption of this Section.

6 (B) For newly constructed buildings or additions, which exceed 20 percent
7 or more of an existing structure's gross floor area, all building area above 85 feet in
8 height shall be devoted to residential use.

9 (C) Residential Density. There shall be no density limit for residential uses
10 in Downtown Residential districts. The provisions of Sections 207 through 208 related to
11 residential density shall not apply.

12 **(d) Reduction of Ground Level Wind Currents.**

13 (1) Requirement. New buildings and additions to existing buildings shall be
14 shaped, or other wind-baffling measures shall be adopted, so that the developments will
15 not cause ground-level wind currents to exceed, more than 10 percent of the time year-
16 round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind
17 speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in
18 public seating areas. The term "equivalent wind speed" shall mean an hourly mean wind
19 speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

20 (2) When preexisting ambient wind speeds exceed the comfort level, or when a
21 proposed building or addition may cause ambient wind speeds to exceed the comfort
22 level, the building shall be designed to reduce the ambient wind speeds to meet the
23 requirements.

24 (3) Exception. The Zoning Administrator may allow the building or addition to
25 add to the amount of time the comfort level is exceeded by the least practical amount if (i)

1 it can be shown that a building or addition cannot be shaped and other wind-baffling
2 measures cannot be adopted to meet the foregoing requirements without creating an
3 unattractive and ungainly building form and without unduly restricting the development
4 potential of the building site in question, and (ii) the Zoning Administrator concludes
5 that, because of the limited amount by which the comfort level is exceeded, the addition is
6 insubstantial. The Zoning Administrator shall not grant an exception, and, no building or
7 addition shall be permitted that causes equivalent winds speeds to reach or exceed the
8 hazard level of 26 miles per hour for a single hour of the year.

9 (4) Procedures. Procedures and methods for implementing this Section shall be
10 specified by the Environmental Review Officer of the Planning Department.

11 **SEC. 825.1. USES PERMITTED IN DOWNTOWN RESIDENTIAL DISTRICTS.**

12 ~~(a) Use Categories. A use is the specified purpose for which a property or building is~~
13 ~~used, occupied, maintained, or leased. Whether or not a use is permitted in a specific~~
14 ~~Downtown Residential District is generally set forth, summarized or cross-referenced in~~
15 ~~Section 827 of this Code for each district class.~~

16 ~~(b) Use Limitations. Uses in Downtown Residential Districts are either permitted,~~
17 ~~conditional, accessory, temporary or are not permitted.~~

18 ~~(1) Permitted Uses. If there are two or more uses in a structure, any use not classified~~
19 ~~below under Section 825.1(b)(1)(C) of this Code as accessory will be considered~~
20 ~~separately as an independent permitted, conditional, temporary or not permitted use.~~

21 ~~(A) Principal Uses. Principal uses are permitted as of right in a Downtown Residential~~
22 ~~District, when so indicated in Section 827 of this Code for the district. Additional~~
23 ~~requirements and conditions may be placed on particular uses as provided pursuant to~~
24 ~~Section 803.5 through 803.9 and other applicable provisions of this Code.~~

25

1 ~~(B) Conditional Uses. Conditional uses are permitted in a Downtown Residential~~
2 ~~district, when authorized by the Planning Commission; whether a use is conditional in a~~
3 ~~given district is generally indicated in Section 827 of this Code. Conditional uses are~~
4 ~~subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8,~~
5 ~~and 803.5 through 803.9 of this Code.~~

6 ~~(i) Notwithstanding any other provision of this Article, a change in use or demolition of~~
7 ~~a movie theater use, as set forth in Section 890.64, shall require conditional use~~
8 ~~authorization. This Section shall not authorize a change in use if the new use or uses are~~
9 ~~otherwise prohibited.~~

10 ~~(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and~~
11 ~~elsewhere in this Code, an accessory use is a related minor use which is either necessary~~
12 ~~to the operation or enjoyment of a lawful principal use or conditional use, or is~~
13 ~~appropriate, incidental and subordinate to any such use, and shall be permitted as an~~
14 ~~accessory use in a Downtown Residential District. In order to accommodate a principal~~
15 ~~use which is carried out by one business in multiple locations within the same general~~
16 ~~area, such accessory use need not be located in the same structure or lot as its principal~~
17 ~~use provided that (1) the accessory use is located within 1,000 feet of the principal use,~~
18 ~~(2) the multiple locations existed on the effective date of this amendment; and (3) the~~
19 ~~existence of the multiple locations is acknowledged in writing by the Zoning~~
20 ~~Administrator within 60 days after the effective date of this amendment. Any use, which~~
21 ~~does not qualify as an accessory use, shall be classified as a principal use.~~

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

24 ~~(i) The use of more than one-third of the total occupied floor area which is occupied by~~
25 ~~both the accessory use and principal use to which it is accessory, combined, except in the~~

1 ~~ease of accessory off-street parking or loading which shall be subject to the provisions of~~
2 ~~Sections 151, 151.1, 156 and 157 of this Code;~~

3 ~~(ii) Nighttime entertainment, massage establishment, large fast food restaurant, or~~
4 ~~movie theater use;~~

5 ~~(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).~~

6 ~~(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in~~
7 ~~Downtown Residential Districts to the extent authorized by Sections 205 through 205.3 of~~
8 ~~this Code.~~

9 ~~(E) Prohibited Uses.~~

10 ~~(i) Uses which are not specifically listed in Section 827 or Article 6 are not permitted~~
11 ~~unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of~~
12 ~~this Code or are determined by the Zoning Administrator to be permitted uses in~~
13 ~~accordance with Section 307(a) of this Code.~~

14 ~~(ii) No use, even though listed as a permitted use or otherwise allowed, shall be~~
15 ~~permitted in a Downtown Residential District which, by reason of its nature or manner of~~
16 ~~operation, creates conditions that are hazardous, noxious, or offensive through the~~
17 ~~emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried~~
18 ~~waste, or excessive noise.~~

19 ~~(iii) The establishment of a use that sells alcoholic beverages, other than beer and wine,~~
20 ~~concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.~~

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

23 The Rincon Hill Downtown Residential Mixed Use District (RH-DTR), the
24 boundaries of which are shown in Section Map No. 1 of the Zoning Map, is
25 established for the purposes set forth below.

1 The RH-DTR District is adjacent to the southern edge of the downtown,
2 generally bounded by Folsom Street, the Bay Bridge, the Embarcadero, and
3 Essex Street. High-density residential uses and supporting commercial and
4 institutional uses are allowed and encouraged within the limits set by height, bulk,
5 and tower spacing controls. Folsom Street is intended to develop as the
6 neighborhood commercial heart of the Rincon Hill and Transbay neighborhoods,
7 and pedestrian-oriented uses are required on the ground floor. Individual
8 townhouse dwelling units with ground floor entries directly to the street are
9 required on streets that will become primarily residential, including First, Fremont,
10 Beale, Main, and Spear Streets.

11 While lot coverage is limited for all levels with residential uses that do not
12 face onto streets or alleys, traditional rear yard open spaces are not required
13 except in the limited instances where there is an existing pattern of them, such as
14 smaller lots on the Guy Place block. Specific height, bulk, and setback controls
15 establish appropriate heights for both towers and mid-rise podium development
16 and ensure adequate spacing between towers in order to establish a
17 neighborhood scale and ensure light and air to streets and open spaces.
18 Setbacks are required where necessary to provide transition space for ground
19 floor residential uses and to ensure sunlight access to streets and open spaces.
20 Off-street parking must be located below grade.

21 Given the need for services and open space resulting from new
22 development, projects will provide or contribute funding for the creation of public
23 open space and community facilities as described in the Rincon Hill Area Plan of
24 the General Plan. The Rincon Hill Streetscape Plan, part of the Area Plan,
25 proposes to enhance and redesign most streets in the district to create

1 substantial new open space amenities, improve pedestrian conditions, and
 2 improve the flow of local traffic and transit. Detailed standards for the provision of
 3 open spaces, mid-block pathways, and residential entries are provided to ensure
 4 that new buildings contribute to creating a public realm of the highest quality in
 5 Rincon Hill.

6 **Table 827**

7 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING**
 8 **CONTROL TABLE**

9

			Rincon Hill Downtown Residential Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
.10	Height and Bulk	§§ 102.12, 105, 106, 250- -252, 260, 270	Varies 45--550 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).
.11	Lot Size [<i>Per Development</i>]	§§ 890.56, 121	No limit
.12	Rear Yard/Site Coverage	§ 136	100 percent lot coverage permitted; up to 80 percent for parcels that front the north side of Guy Place and for all parcels at residential levels where not

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			all units face onto streets or alleys. § 827(d)(2) . <u>825(b)(1) and 827(a)(4)</u> .
.13	Setbacks	<u>Ground Floor Residential Design Guidelines</u>	Building setback of 3 to 10 ft. for all buildings except towers on Spear, Main, Beale, Fremont, and First Streets. § 827(d)(a)(2) and (6). Upper-story setback of 10 ft. required above a height of 65 feet on both sides of Spear, Main, Beale, Fremont, and First Streets. § 827(d)(a)(5) . Sun access plane setback of 50 degrees for all buildings 85' and lower on the south side of east-west mid-block pathways. § 827(d) - 827(a)(5) .
.14	Street-Facing Uses	§§ <u>145.1, 145.4, Ground Floor Residential Design Guidelines 145.5</u>	<i>Active uses required on all street frontages. See §§ 145.1, 825(b).</i> <i>Ground-level residential or commercial requirements based on location. See §§ <u>145.4 and 827(a)(2)</u>.and 827(e).</i>
.15	Parking and Loading Access: Prohibition	§ 155(r)	Prohibited on Folsom Street from Essex Street to The Embarcadero. § 827(a)(8)(d)(7) and <u>155(r)</u>

1			No parking permitted aboveground,
2	Parking and		except on sloping sites. Parking
3	.16 Loading Access:	§§ 145.14,	access limited to two openings, max.
4	Siting and	151.1, 155(r)	11' wide each, loading access limited
5	Dimensions		to one 15' opening. § 827(d)(7) . <u>825(b)(7) and 827(a)(8)</u> .
6			
7	.17		
8	Awning	§ 890.21	P, § 136.2(a)
9	.18		
10	Canopy	§ 890.24	P, § 136.2(b)
11	.19		
12	Marquee	§ 890.58	P, § 136.2(c)
13			
14	Non-Residential Standards and Uses		
15	.20		
16	Required		Non-residential uses limited to
17	Residential to	§ 102.10	occupiable sf per 6 occupiable sf
18	Non-Residential		devoted to residential uses. § 827(b)
19	Use Ratio		<u>825(c)(2)</u> .
20	.21		
21	Use Size [Non-	§§ 890.130,	P for non-residential uses up to
22	Residential]	145.14	25,000 sq. ft., C above. No individual
23			ground floor tenant may occupy more
24			than 75' of frontage for a depth of 25'
25			from Folsom Street. §§ 827(d)(5) , 145.
	.22	§§ 135, <u>135.3</u>	<u>14</u> .
	Open Space		1 sq. ft. of publicly-accessible open

1			space for every 50 sq. ft. of non-
2			residential use over 10,000 sq. ft. §
3			<u>827(e) 135.3</u>
4	.23	Off-Street Parking [Office uses]	§§ 150, 151, 151.1, 153-- 157, 204.5
5			None Required. Parking that is
6			accessory to office space limited to
7			7% of GFA.
8	.24	Off-Street Parking [Non- Residential, other than office uses]	§§ 150, 151, 151.1, 153-- 157, 204.5
9			None Required. Parking limited as
10			described in Section 151.1.
11			
12	.25	Off-Street Freight Loading	§§ 150, 152.2, 153--155, 204.5
13			None Required. Loading maximums
14			described in Section 152.2.
15			
16	.26	All Non-Residential Uses Permitted, except as described below.	
17		<u>§825(c)(1)(A)</u>	
18	.27	Drive-Up Facility	§ 890.30
19			NP
20	.28	Walk-Up Facility	§ 890.140
21			P if recessed 3 ft. C otherwise.
22	.29	Hospital or Medical Center	§ 124.1, 890.44
23			C
24	.30	Other	§ 890.50
25			C

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	Institutions		
.31	Public Use	§ 890.80	C
.32	Movie Theater	§ 890.64	C
.33	Nighttime Entertainment	§§ 102.17, 803.5(bg)	C
.34	Adult Entertainment	§ 890.36	NP
.35	Massage Establishment	§ 890.60 Article 29 Health Code	C
.36	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	NP
.37	Automobile Parking Garage, Community Commercial	§ 890.10, 160	<i>NP—C, per the criteria of Section 157.1</i>
.38	Automotive Gas Station	§ 890.14	NP
.39	Automotive	§ 890.18,	NP

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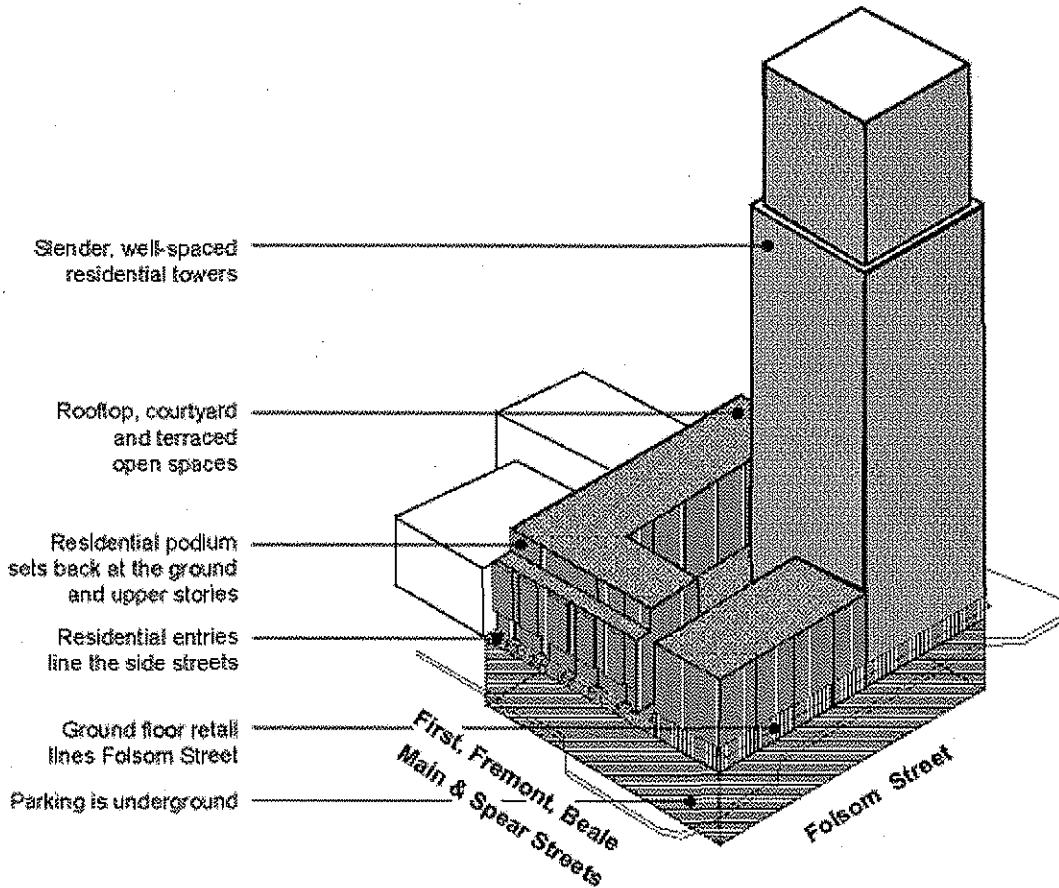
	Service Station	890.19	
.40	Automotive Repair	§ 890.15	NP
.41	Automotive Wash	§ 890.20	NP
.42	Automotive Sale or Rental	§ 890.13	C
.43	Mortuary	§ 890.62	C
.44	Hours of Operation	§ 890.48	C. 2 a.m.--6 a.m.
.45	Business Sign	§§ 602--604, 608.1, 608.2	P. § 607.2(f)
Residential Standards and Uses			
.46	Residential Use	§ 890.88	P
.47	Residential Density, Dwelling Units	§ 890.88(a)	No Limit. §207.5 (<i>bd</i>) <u>Unit Mix Required § 207.6</u>
.48	Residential Density, Group Housing	§ 890.88(b)	No Limit. §§ 207.5 (<i>bd</i>)
.49	Usable Open	§ 135, 136	75 sq. ft. per unit; up to 50% may be

1	Space [Per		provided off-site if publicly accessible.
2	Residential Unit]		§ 827(e) 135 and 827(a)(9).
3			
4	.50	Accessory Off-	None Required. Up to one car per 2
5		Street Parking,	
6		Residential	
7		§§ 151.1, 153-	dwelling units permitted; up to one car
8		-157, 159--	
9		160, 204.5	per dwelling unit per procedures and
10	.51	Residential	criteria of Sections 151.1 <u>825(b)(7)</u> and
11		Conversions	827(da)(8).
12		§ 790.84, Ch.	
13	.52	Residential	C
14		Demolition	C

(a) **Building Standards.**

(1) Development Concept. The development concept is for podium development up to 85 feet in height, with slender residential towers spaced to provide ample light and air to the district. New development will contribute to the creation of a substantial amount of public open space, as well as provide private common areas, courtyards, and balconies. Streets will be improved to provide widened sidewalks with substantial public open space. Ground floor uses will be pedestrian-oriented in character, consisting primarily of retail on Folsom Street, and individual townhouse-style residential units on First, Fremont, Beale, Main, and Spear Streets, as well as on alleys and mid-block pathways. Parking will be

1 located below grade, and building utilities (loading bays, service doors, garage
2 doors) will be located in sidewalk vaults or on secondary frontages.



18 ~~(b) Residential Use Controls.~~

19 ~~(1) Residential Density. There shall be no density limit for residential uses, as defined~~
20 ~~by Section 890.88 of this Code, in the Rincon Hill Downtown Residential District. The~~
21 ~~provisions of Sections 207 through 208 related to residential density shall not apply.~~

22 ~~(2) Required Residential to Non-Residential Use Ratio. For newly constructed buildings~~
23 ~~or additions which exceed 20 percent or more of an existing structure's gross floor area,~~
24 ~~at least six occupiable square feet of residential use shall be provided for each~~
25 ~~occupiable square foot of non-residential use, excluding accessory parking, on any lot~~

1 ~~legally existing. Lawfully existing live/work units shall be considered as non-residential~~
2 ~~uses for the purpose of this section, and do not satisfy the residential requirement.~~
3 ~~Exemption from the required use ratio for building additions of less than 20 percent may~~
4 ~~not be granted for any single lot if such an exemption would increase the total square~~
5 ~~footage of the building to an amount 20 percent greater than existed on the lot since the~~
6 ~~adoption of this Section.~~

7 ~~(3) Required unit size mix. No less than 40 percent of all units on site must have at least~~
8 ~~two bedrooms or more. Projects are encouraged to have at least 10 percent of all units~~
9 ~~on site with three bedrooms or more.~~

10 ~~(4) For newly constructed buildings or additions, which exceed 20 percent or more of~~
11 ~~an existing structure's gross floor area, all building area above 85 feet in height shall be~~
12 ~~devoted to residential use.~~

13 ~~(5) Housing Requirement for Residential Developments. The requirements of Sections~~
14 ~~315 through 315.9 shall apply in the RH DTR subject to the following exceptions:~~

15 ~~(A) If constructed on site, a minimum of 12 percent of the total units constructed, and if~~
16 ~~constructed off site, a minimum of 17 percent of the total units constructed, shall be~~
17 ~~affordable to and occupied by qualifying persons and families as defined elsewhere in~~
18 ~~this Code.~~

19 ~~(B) Below market rate units as required by Sections 315 through 315.9 that are built~~
20 ~~off site must be built within the area bounded by Market Street, the Embarcadero, King~~
21 ~~Street, Division Street, and South Van Ness Avenue.~~

22 ~~(C) No less than fifty percent (50%) of the fees that are paid due to development in the~~
23 ~~Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the~~
24 ~~Citywide Affordable Housing Fund, but the funds shall be separately accounted for and~~
25 ~~designated exclusively to increase the supply of affordable housing in the SOMA area.~~

1 ~~(D) Fifty percent (50%) of the below market rate units as required by Section 315~~
2 ~~through 315.9 that are built on or off site must be provided as rental units for the life of~~
3 ~~the project, as defined in Planning Code Section 315.7(a).~~

4 ~~(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors~~
5 ~~with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan~~
6 ~~prior to any expenditure of the Funds.~~

7 ~~(e)~~ (2) Street-Facing Use Requirements. Pedestrian-oriented retail, residential,
8 institutional uses, and community services are required ground floor uses on all
9 street facing frontages, except for the minimum frontage required for fire doors,
10 parking and loading access, and other utilities.

11 ~~(1)~~ (A) Required Ground Floor Retail Spaces. For frontages facing Folsom
12 Street, ground floor space suitable for retail use is required for no less than 75
13 percent of all frontages, as specified in Section 145.4.

14 ~~(2)~~ (B) Required Individual Ground Floor Residential Units. For building
15 frontages facing Fremont, First, Main, Beale and Spear Streets more than 60 feet
16 from an intersection with Folsom, Harrison, or Bryant Streets, and for building
17 frontages facing Guy Place and Lansing Street, individual ground floor residential
18 units with direct pedestrian access to the sidewalk are required at intervals of no
19 greater than 25 feet, except where residential lobbies, parking and loading
20 access, utilities, and open space are necessary and provided pursuant to the
21 allowances of Section 827 and other sections of this Code. Individual ground
22 floor residential units are also encouraged along Harrison Street, Bryant Street,
23 and alleys and mid-block pedestrian paths where appropriate.

24 Figure 827(B): Frontages Where Ground Floor Retail Uses Are Required.
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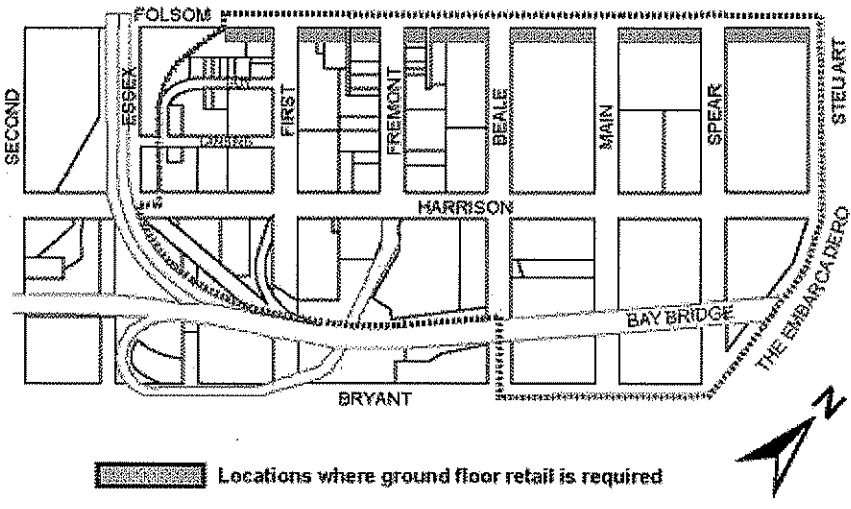
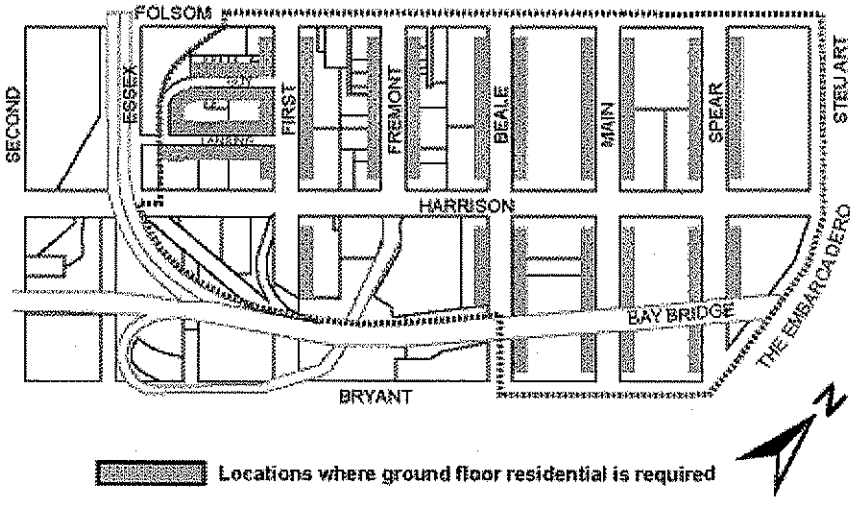


Figure 827(C): Frontages Where Ground Floor Residential Uses/Entries Are Required.



~~(d) Building Design Standards.~~

~~(4)~~ **(3) Required Streetwall.** Building area below 85 feet in height is required to be built to 100 percent of all property lines facing public rights-of-way, except where setbacks are required by this Section and except where publicly

1 accessible open space is provided according to the provisions of this Section.
2 Recesses, insets and breaks between buildings are permitted to provide vertical
3 articulation to the facade, provided the overall integrity of the streetwall is
4 maintained.

5 ~~(2) — (4) Lot Coverage. The requirements of Section 134 shall not apply in the RH~~
6 ~~DTR District. Lot coverage is limited to 80 percent at all residential levels except on~~
7 ~~levels in which all residential units face onto a public right of way or mid block~~
8 ~~pedestrian path meeting the minimum standards of this Section. The unbuilt portion of the~~
9 ~~lot shall be open to the sky except for those obstructions permitted in yards pursuant to~~
10 ~~Section 136(e). Exceptions to the 20 percent open area requirement may be granted,~~
11 ~~pursuant to the provisions of Section 309.1, for conversions of existing non-residential~~
12 ~~structures where it is determined that provision of 20 percent open area would require~~
13 ~~partial demolition of the existing non-residential structure.~~ Lots fronting only on the
14 north side of Guy Place are permitted up to 80 percent lot coverage.

15 ~~(3) Dwelling Unit Exposure. The requirements of Section 140 shall apply. Reductions in~~
16 ~~this requirement may be granted through the procedures of Section 309.1.~~

17 ~~(4) (5) Upper Story Setback.~~ To ensure adequate sunlight to streets, alleys,
18 and pedestrian pathways, upper story setbacks are required as follows:

19 (A) All buildings are required to set back at least 10 feet above a
20 height of 65 feet along Spear, Main, Beale, Fremont and First Streets. This
21 requirement shall not apply to street frontage occupied by a building taller than
22 85 feet. This upper story setback requirement shall also not apply to the first 60
23 linear feet of frontage from corners at Folsom, Harrison, and Bryant Streets.

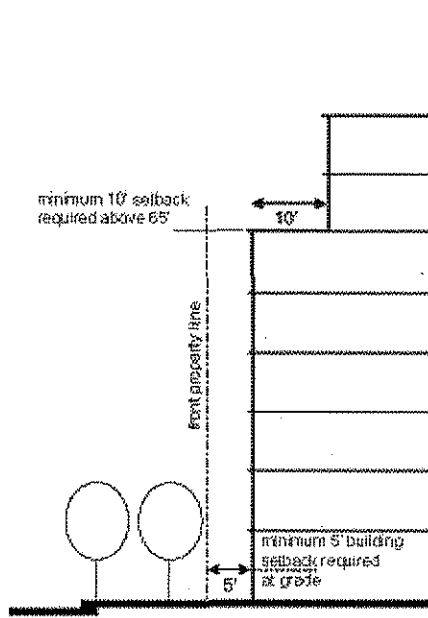
24 (B) Buildings greater than 60 linear feet from a major street along
25 Guy Place, Lansing Street, and any proposed or existing private or public mid-

1 block pedestrian pathways, are required to be set back at least 10 feet above 45
2 feet in height from said right-of-way.

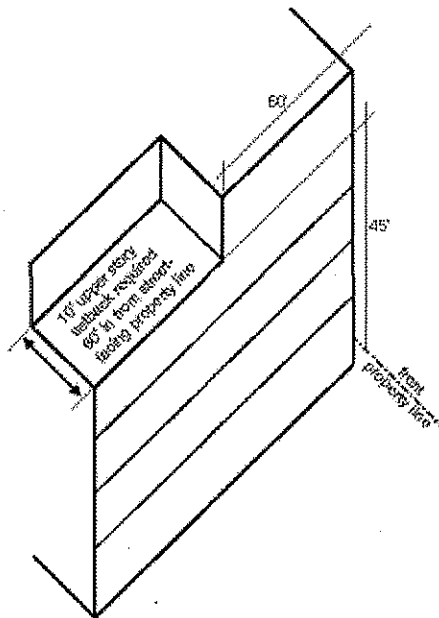
3 (C) In order to increase sun access to mid-block pathways and
4 uses along such pathways, all building frontage on the southeast side of mid-
5 block pathways not occupied by a building taller than 85 feet must set back upper
6 stories by 10 feet above a building height of 45 feet. For projects on the south
7 side of a mid-block pedestrian pathway taller than 65 feet, an additional upper
8 story setback of 10 feet is required above a building height of 65 feet.

9 (i) Modifications. For any lot on the north side of a required mid-
10 block pedestrian pathway, a modification from the required upper story setback
11 of 10 feet above a height of 45 feet may be granted according to the provisions of
12 Section 309.1, provided that, in total, the building is set back by a volume equal
13 to what would be required by meeting the standard in (C) above, and the
14 modification would substantially improve the accessibility, design and character
15 of the mid-block pedestrian pathway.

16 Figure 827(D): Required Upper Story Stepbacks
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First, Fremont, Main,
Beale, and Spear Streets



Guy Place, Lansing Street, or
mid-block pedestrian pathway

(5) ~~(6)~~ **Ground Floor Residential Units.** Where ground floor residential units are required along Spear, Main, Beale, Fremont, and First Streets, the *following* design standards *of the Ground Floor Residential Design Guidelines* apply. Ground floor residential units along Guy Place and Lansing Street, within the footprint of towers taller than 105 feet, and those that are proposed in locations where they are not required, are encouraged to meet the standards in this subsection to the greatest degree possible.

~~(A) Facade Articulation. Individual residential units are required to be vertically articulated at regular intervals of no greater than 25 feet. Changes in vertical massing, architectural projections and recesses may be used to achieve this articulation.~~

~~(B) Setback Dimensions. Building setbacks are required to create a transitional space between the public realm of the street and the private realm of the individual dwelling unit. The setback shall be implemented according to the following specifications, and as illustrated in Figures 827(E) and 827(F):~~

1 ~~(i) The entire building facade must be set back from the street abutting property line a~~
2 ~~minimum of three feet, an average of five feet, and not in excess of ten feet.~~

3 ~~(ii) All projections allowed by Section 136 permitted in front setbacks are permitted,~~
4 ~~except for garages and driveways. Architectural projections, such as bay windows, are~~
5 ~~encouraged and may extend down to the ground provided they do not encroach within the~~
6 ~~18 inch landscaping strip required by subsection (iii). Railings, fences, and grilles up to~~
7 ~~a height of 3 feet 6 inches that are at least 75 percent open to perpendicular view are~~
8 ~~permitted on top of an landing or porch, regardless of the combined total height of the~~
9 ~~railing and porch from street grade.~~

10 ~~(iii) A landscaped strip at grade with the sidewalk is required for the first 18 inches of~~
11 ~~the setback, for at least 50 percent of the width of each residential unit.~~

12 ~~(iv) Setbacks proposed to be greater than five feet are encouraged to provide a porch or~~
13 ~~landscape area at grade with the residential entry.~~

14 ~~(C) Residential Entries.~~

15 ~~(i) Residential entries are required to be raised an average of three feet above street~~
16 ~~grade.~~

17 ~~(ii) Each entry is required to have a vestibule at least one foot in depth from the~~
18 ~~building facade. The entry vestibule may be no less than five feet wide and no less than~~
19 ~~the height of the ground story.~~

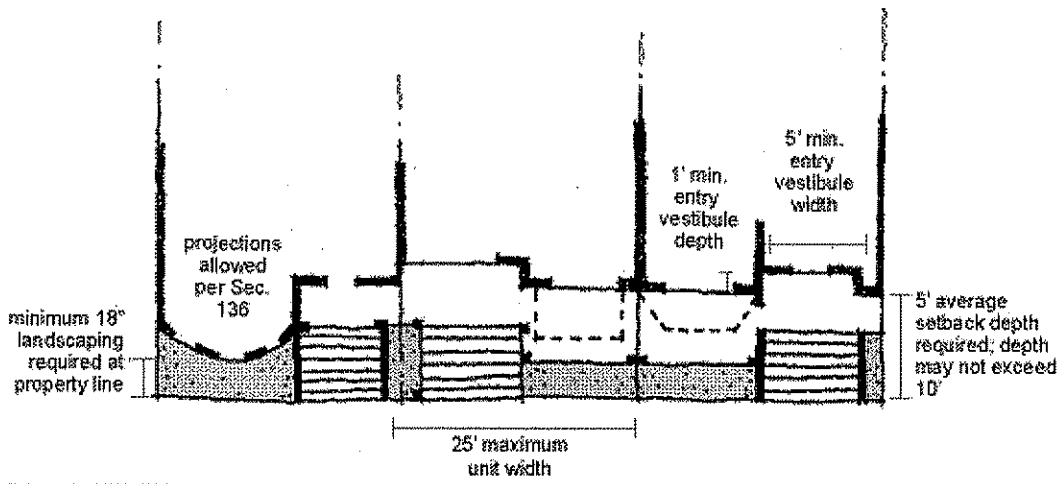
20 ~~(D) Landscaping in Setbacks. All building setback areas not occupied by steps, porches~~
21 ~~or other occupiable space must be landscaped. Setbacks should be designed to provide~~
22 ~~access to landscaped areas, encouraging gardening and other uses by residents.~~

23 ~~(i) A water source must be provided for each residential setback.~~

24 ~~(ii) To allow for landscaping and street trees at street grade, parking must be located~~
25 ~~far enough below the surface of the setback to provide a minimum soil depth of 3 feet 6~~

1 inches. A continuous soil trough should be provided with adequate centrally-operated
2 irrigation.

3 *Figure 827(E): Required Dimensions for Building Setbacks.*



13 *(Graphic Deleted)*

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16 *Figure 827(F): Required Dimensions for Building Setbacks.*

1 ~~(C) Transparency and Fenestration. Non-residential frontages must be fenestrated with~~
2 ~~windows and doorways for no less than 60 percent of the facade area. No less than 75~~
3 ~~percent of the fenestrated area must be transparent. The use of dark or mirrored glass is~~
4 ~~not permitted or required transparent area.~~

5 ~~(D) Maximum Frontage. A single ground floor commercial tenant may not occupy more~~
6 ~~than 75 linear feet of frontage for the first 25 feet of depth from the street facing facade~~
7 ~~along any major street. Separate individual storefronts shall wrap large footprint ground~~
8 ~~floor uses for the first 25 feet of depth.~~

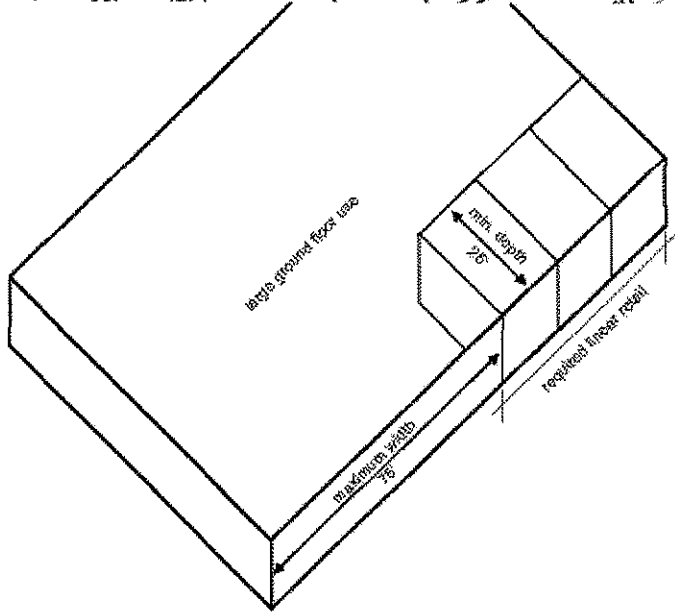
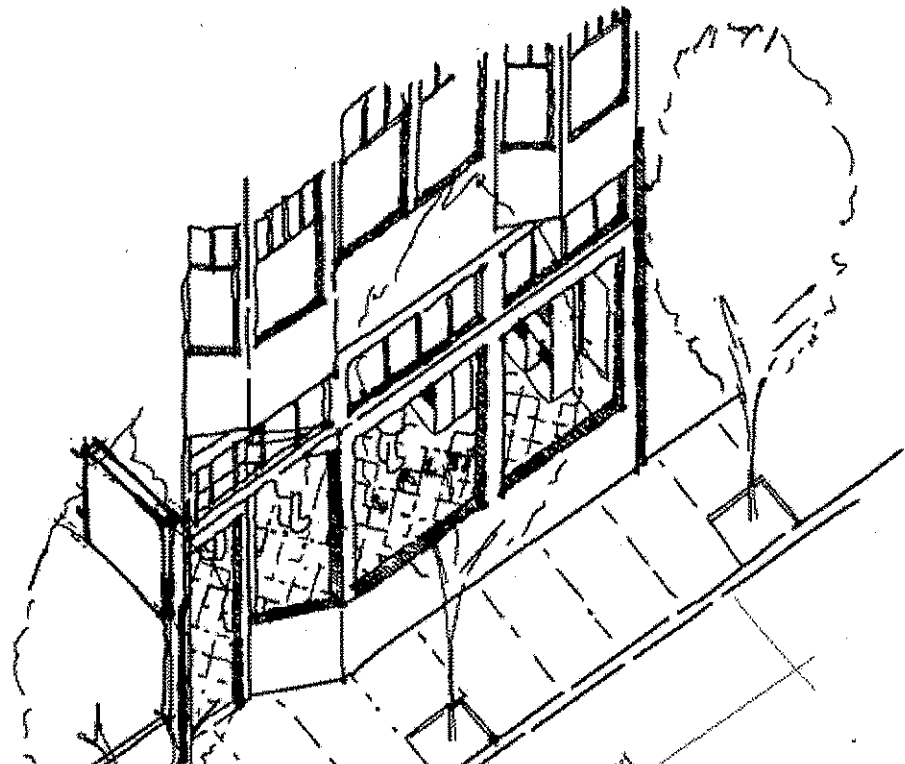
9 ~~(7) Lighting. Pedestrian-sealed lighting shall be provided as an integral element of all~~
10 ~~building facades and shall be designed and located to accentuate the uses facing the~~
11 ~~street. Pedestrian-sealed lighting shall be incorporated into all facades and landscaped~~
12 ~~setback areas in the form of wall sconces, entry illumination and low-level lighting set~~
13 ~~into edging features. Lighting should be designed to accentuate ground floor retail and~~
14 ~~residential entries. Incandescent or color-corrected lighting sources must be used.~~

15 *Figure 827(G): Required Ground Floor*

16 *Commercial Transparency*
17 *and Fenestration.*

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und Floor

Commercial Frontages.

1 **(8) Off-Street Parking and Loading.** ~~Restrictions on the design and location~~
2 ~~of off street parking and loading and access to off street parking and loading are~~
3 ~~necessary to reduce their negative impacts on neighborhood quality and the pedestrian~~
4 ~~environment.~~

5 ~~(A) Required Below Grade. All off street parking in the RH DTR shall be built below~~
6 ~~street grade. The design of parking on sloping sites must be reviewed through the~~
7 ~~procedures of Section 309.1, according to the following standards:~~

8 ~~(i) For sloping sites with a grade change of at least ten feet laterally along the street, no~~
9 ~~less than 50 percent of the perimeter of all floors with off street parking shall be below~~
10 ~~the level of said sloping street; and~~

11 ~~(ii) For sites that slope upwards from a street, no less than 50 percent of the perimeter~~
12 ~~of all floors with off street parking shall be below the average grade of the site; and~~

13 ~~(iii) Any above grade parking shall be set back from the street facing facades and~~
14 ~~wrapped with active uses, as defined by Section 145.4, for a depth of no less than 25 feet~~
15 ~~at the ground floor and 15 feet on floors above.~~

16 ~~Pursuant to the procedures of Section 309.1, the Planning Commission may~~
17 ~~reduce the minimum on site provision of required residential open space to not less than~~
18 ~~18 square feet per unit in order to both create additional publicly accessible open space~~
19 ~~servicing the district and to foster superior architectural design on constrained sites.~~

20 ~~(B)~~ **(A) Parking and Loading Access.**

21 **(i) Width of openings.** ~~Any single development is limited to a total of two~~
22 ~~façade openings of no more than 11 feet wide each or one opening of no more than 22~~
23 ~~feet wide for access to off street parking and one façade opening of no more than 15 feet~~
24 ~~wide for access to off street loading. Shared openings for parking and loading are~~
25 ~~encouraged. The maximum permitted width of a shared parking and loading garage~~

1 ~~opening is 27 feet.~~ The maximum permitted width of all combined parking and
2 loading openings on Guy Place and Lansing Street for any single project is 20
3 feet.

4 (ii) **Folsom Street.** Access to off-street parking is not permitted on
5 Folsom Street for lots with frontage on another street. For lots fronting solely on
6 Folsom Street, access to parking on a Folsom Street frontage is permitted only
7 through the processes established by Section 309.1 by demonstrating that every
8 effort has been made to minimize negative impact on the pedestrian quality of
9 the street. Loading may not be accessed from Folsom Street.

10 ~~(iii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and~~
11 ~~unloading are not permitted. For the purpose of this section, a "porte cochere" is defined~~
12 ~~as an off-street driveway, either covered or uncovered, for the purpose of passenger~~
13 ~~loading or unloading, situated between the ground floor facade of the building and the~~
14 ~~sidewalk.~~

15 (e) (9) **Open Space.**

16 (1) ~~Amount Required.~~

17 ~~(A) Residential. For all residential uses, 75 square feet of open space is required per~~
18 ~~dwelling unit. All residential open space must meet the provisions described in Section~~
19 ~~135 unless otherwise established in this Section. Open space requirements may be met~~
20 ~~with the following types of open space: "private usable open space" as defined in Section~~
21 ~~135(a) of this Code, "common usable open space" as defined in Section 135(a) of this~~
22 ~~Code, and "publicly accessible open space" as defined in this Section. At least 40 percent~~
23 ~~of the residential open space is required to be common to all residential units. Common~~
24 ~~usable open space is not required to be publicly accessible. Publicly accessible open~~
25 ~~space, including off-site open space permitted by this Section, meeting the standards of~~

1 ~~this Section may be considered as common usable open space. For residential units with~~
2 ~~direct access from the street, building setback areas that meet the standards in Section~~
3 ~~827(d)(4) may be counted toward the open space requirement as private non-common~~
4 ~~open space.~~

5 ~~(B) Non-residential. One square foot of publicly accessible open space is required for~~
6 ~~every 50 gross square feet of non-residential uses over 10,000 square feet. All non-~~
7 ~~residential open space must meet the standards of Section 827 for publicly accessible~~
8 ~~open space.~~

9 ~~(2) Off-site provision of required open space. The provision of off-site publicly-~~
10 ~~accessible open space may be counted toward the requirements of both residential and~~
11 ~~non-residential open space provided it is within the RH DTR or within 500 feet of any~~
12 ~~boundary of the RH DTR District, and meets the standards of this Section.~~

13 ~~(A) At least 36 square feet per residential unit of required open space and 50 percent of~~
14 ~~required non-residential open space must be provided on-site. Pursuant to the~~
15 ~~procedures of Section 309.1, the Planning Commission may reduce the minimum on-site~~
16 ~~provision of required residential open space to not less than 18 square feet per unit in~~
17 ~~order to both create additional publicly accessible open space serving the district and to~~
18 ~~foster superior architectural design on constrained sites.~~

19 ~~(B) Open Space Provider. The open space required by this Section may be provided~~
20 ~~individually by the project sponsor or jointly by the project sponsor and other project~~
21 ~~sponsors, provided that each square foot of jointly developed open space may count~~
22 ~~toward only one sponsor's requirement. With the approval of the Planning Commission, a~~
23 ~~public or private agency may develop and maintain the open space, provided that (i) the~~
24 ~~project sponsor or sponsors pay for the cost of development of the number of square feet~~
25 ~~the project sponsor is required to provide, (ii) provision satisfactory to the Commission is~~

1 ~~made for the continued maintenance of the open space for the actual lifetime of the~~
2 ~~building giving rise to the open space requirement, and (iii) the Commission finds that~~
3 ~~there is reasonable assurance that the open space to be developed by such agency will be~~
4 ~~developed and open for use by the time the building, the open space requirement of which~~
5 ~~is being met by the payment, is ready for occupancy.~~

6 ~~(3) Publicly Accessible Open Space Standards. In addition to the standards of Section~~
7 ~~135. Any open space intended to fulfill the requirements of off-site or publicly-~~
8 ~~accessible open space may include required by this Section must meet the following~~
9 ~~standards and be approved by the Planning Commission according to the procedures of~~
10 ~~Section 309.1 of this Code and.~~

11 ~~(A) Open space must be of one or more of the following types:~~

12 ~~(i) An unenclosed park or garden at street grade or following the natural topography,~~
13 ~~including improvements to hillsides or other unimproved public areas according to the~~
14 ~~Rincon Hill Area Plan;~~

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

17 ~~(iii) An unenclosed pedestrian pathway that meets the minimum standards described in~~
18 ~~Section 827(g)(3);~~

19 ~~(iv) A terrace or roof garden with landscaping;~~

20 ~~(v) Streetscape improvements with landscaping and pedestrian amenities that result in~~
21 ~~additional space beyond the pre-existing sidewalk width and conform to the Streetscape~~
22 ~~Plan of the Rincon Hill Area Plan, such as sidewalk widening or building setbacks, other~~
23 ~~than those ground floor setbacks required by Section 827(d)(4) or intended by design for~~
24 ~~the use of individual ground floor residential units; and~~

25

1 ~~(vi) Streetscape improvements with landscaping and pedestrian amenities on~~
2 ~~Guy Place and Lansing Street, beyond basic street tree planting or street lighting~~
3 ~~as otherwise required by this Code, in accordance with the Streetscape Plan of~~
4 ~~the Rincon Hill Area Plan.~~

5 ~~(B) Open space must meet the following standards:~~

6 ~~(i) Be in such locations and provide such ingress and egress as will make the area~~
7 ~~convenient, safe, secure and easily accessible to the general public;~~

8 ~~(ii) Be appropriately landscaped;~~

9 ~~(iii) Be protected from uncomfortable winds;~~

10 ~~(iv) Incorporate ample seating and, if appropriate, access to limited amounts of food~~
11 ~~and beverage service, which will enhance public use of the area;~~

12 ~~(v) Be well signed and accessible to the public during daylight hours;~~

13 ~~(vi) Be well lighted if the area is of the type requiring artificial illumination;~~

14 ~~(vii) Be designed to enhance user safety and security;~~

15 ~~(viii) Be of sufficient size to be attractive and practical for its intended use; and~~

16 ~~(ix) Have access to drinking water and toilets if feasible.~~

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

24 ~~(D) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no~~
25 ~~less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location~~

1 ~~outside the building at street level, or at the site of any publicly accessible open space,~~
2 ~~identifying said open space feature and its location, stating the right of the public to use~~
3 ~~the space and the hours of use, describing its principal required features (e.g., number of~~
4 ~~seats, availability of food service) and stating the name and address of the owner or~~
5 ~~owner's agent responsible for maintenance.~~

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

12 ~~(f) Reduction of Ground Level Wind Currents.~~

13 ~~(1) Requirement. New buildings and additions to existing buildings shall be shaped, or~~
14 ~~other wind baffling measures shall be adopted, so that the developments will not cause~~
15 ~~ground level wind currents to exceed, more than 10 percent of the time year round,~~
16 ~~between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in~~
17 ~~areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public~~
18 ~~seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed~~
19 ~~adjusted to incorporate the effects of gustiness or turbulence on pedestrians.~~

20 ~~(2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed~~
21 ~~building or addition may cause ambient wind speeds to exceed the comfort level, the~~
22 ~~building shall be designed to reduce the ambient wind speeds to meet the requirements.~~

23 ~~(3) Exception. The Zoning Administrator may allow the building or addition to add to~~
24 ~~the amount of time the comfort level is exceeded by the least practical amount if (i) it can~~
25 ~~be shown that a building or addition cannot be shaped and other wind baffling measures~~

1 ~~cannot be adopted to meet the foregoing requirements without creating an unattractive~~
2 ~~and ungainly building form and without unduly restricting the development potential of~~
3 ~~the building site in question, and (ii) the Zoning Administrator concludes that, because of~~
4 ~~the limited amount by which the comfort level is exceeded, the addition is insubstantial.~~
5 ~~The Zoning Administrator shall not grant an exception, and, no building or addition shall~~
6 ~~be permitted that causes equivalent winds speeds to reach or exceed the hazard level of~~
7 ~~26 miles per hour for a single hour of the year.~~

8 ~~(g)~~ (10) **Streetscape Standards.**

9 ~~(A)~~ (A) **Sidewalk Treatments.**

10 ~~(A)~~ (i) For all frontages abutting a public sidewalk, the project sponsor is
11 required to install sidewalk widening, street trees, lighting, decorative paving,
12 seating and landscaping in accordance with the Streetscape Plan of the Rincon
13 Hill Area Plan, developed by the Planning Department and approved by the
14 Board of Supervisors.

15 ~~(B)~~ (ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for
16 Rincon Hill, the Planning Commission, through the procedures of Section 309.1,
17 shall require an applicant to install sidewalk widening, street trees, lighting,
18 decorative paving, seating, and landscaping in keeping with the intent of the
19 Rincon Hill Area Plan of the General Plan and in accordance with subsections
20 (C)--(F) below.

21 ~~(C)~~ (iii) Sidewalk treatments shall comply with any applicable ordinances and
22 with any applicable regulation of the Art Commission, the Department of Public
23 Works and the Bureau of Light, Heat and Power of the Public Utility Commission
24 regarding street lighting, sidewalk paving, and sidewalk landscaping.

25

1 ~~(D)~~ (iv) The Streetscape Plan and any Commission requirement pursuant to
2 subsection ~~(B)~~ (ii) shall require the abutting property owner or owners to hold
3 harmless the City and County of San Francisco, its officers, agents, and
4 employees, from any damage or injury caused by reason of the design,
5 construction or maintenance of the improvements, and shall require the owner or
6 owners or subsequent owner or owners of the respective property to be solely
7 liable for any damage or loss occasioned by any act.

8 ~~(E)~~ (v) Notwithstanding the provisions of this Section, an applicant shall apply for
9 all required permits for changes to the legislated sidewalk widths and street
10 improvements and pay all required fees.

11 ~~(F)~~ (vi) The owner of the property is required to maintain all those improvements
12 other than lighting.

13 ~~(2) Street Trees. Street trees shall be installed by the owner or developer in the case of~~
14 ~~construction of a new building, relocation of a building, or addition of floor area equal to~~
15 ~~20 percent or more of an existing building when such construction, relocation or addition~~
16 ~~occurs on any site in the RH DTR. Street trees shall be provided according to the~~
17 ~~provisions of Section 143(b), (c) and (d). In addition, street trees shall:~~

18 ~~(A) be planted at least one foot back from the curb line;~~

19 ~~(B) have a minimum 2 inch caliper, measured at breast height;~~

20 ~~(C) branch a minimum of 8 feet above sidewalk grade;~~

21 ~~(D) where in the public right of way, be planted in a sidewalk opening at least 16 square~~
22 ~~feet, and have a minimum soil depth of 3 feet 6 inches;~~

23 ~~(E) where planted in individual basins rather than a landscaped planting bed, be~~
24 ~~protected by a tree grate with a removable inner ring to provide for the tree's growth~~
25 ~~over time;~~

1 ~~(F) provide a below grade environment with nutrient rich soils, free from overly~~
2 ~~compacted soils, and generally conducive to tree root development;~~

3 ~~(G) be irrigated, maintained and replaced if necessary by the property owner, in~~
4 ~~accordance with Sec. 174 of the Public Works Code; and~~

5 ~~(H) be planted in a continuous soil-filled trench parallel to the curb, such that the basin~~
6 ~~for each tree is connected.~~

7 ~~(3)~~ (B) **Mid-Block Pedestrian Pathways.** For developments on Assessor's
8 Blocks 3744--3748, the Commission may require, pursuant to Section 309.1, the
9 applicant to provide a mid-block pedestrian pathway for the entire depth of their
10 property where called for by the Rincon Hill Area Plan of the General Plan. This
11 pathway shall be designed in accordance with the standards of this Section.

12 ~~(A)~~ (i) **Design.** The design of the pathway shall meet the following minimum
13 requirements:

14 ~~(i)~~ (AA) Have a minimum width of 20 feet from building face to building face;

15 ~~(ii)~~ (BB) Have a minimum clear walking width of 10 feet free of any
16 obstructions.

17 ~~(iii)~~ (CC) except for those permitted in front setbacks by Section 136 of this
18 Code;

19 ~~(iv)~~ (DD) Provide such ingress and egress as will make the area easily
20 accessible to the general public;

21 ~~(v)~~ (EE) Be protected from uncomfortable wind, as called for elsewhere in this
22 Code;

23 ~~(vi)~~ (FF) Be publicly accessible, as defined elsewhere in this Section;

24 ~~(vii)~~ (GG) Be provided with special paving, furniture, landscaping, and other
25 amenities that facilitate pedestrian use;

- 1 ~~(viii)~~ (HH) Be provided with ample pedestrian lighting to ensure pedestrian
2 comfort and safety;
- 3 ~~(ix)~~ (II) Be free of any changes in grade or steps not required by the natural
4 topography of the underlying hill; and
- 5 ~~(x)~~ (JJ) Be fronted by active ground floor uses, such as individual townhouse
6 residential units, to the greatest extent possible.
- 7 ~~(B)~~ (ii) Prior to issuance of a permit of occupancy, informational signage
8 directing the general public to the pathway shall be placed in a publicly
9 conspicuous outdoor location at street level stating its location, the right of the
10 public to use the space and the hours of use, and the name and address of the
11 owner or owner's agent responsible for maintenance.
- 12 ~~(C)~~ (iii) The owner of the property on which the pathway is located shall
13 maintain
14 it by keeping the area clean and free of litter and keeping in a functional and
15 healthy state any street furniture, lighting and/or plant material that is provided.
- 16 ~~(D)~~ (iv) Notwithstanding the provisions of this subsection, an applicant shall
17 obtain all required permits for changes to the legislated sidewalk and street
18 improvements and pay all required fees.
- 19 ~~(E)~~ (v) The property owner or owners must hold harmless the City and County
20 of San Francisco, its officers, agents, and employees, from any damage or injury
21 caused by reason of the design, construction or maintenance of the
22 improvements, and shall require the owner or owners or subsequent owner or
23 owners of the respective property to be solely liable for any damage or loss
24 occasioned by any act.
- 25 _____ (b) Uses.

1 (I) Housing Requirement for Residential Developments. The requirements of
2 Sections 315 through 315.9 shall apply in the RH-DTR subject to the following
3 exceptions:

4 (A) If constructed on-site, a minimum of 12 percent of the total units
5 constructed,
6 and if constructed off-site, a minimum of 17 percent of the total units constructed, shall
7 be affordable to and occupied by qualifying persons and families as defined elsewhere in
8 this Code.

9 (B) Below-market-rate units as required by Sections 315 through 315.9
10 that are built off-site must be built within the area bounded by Market Street, the
11 Embarcadero, King Street, Division Street, and South Van Ness Avenue.

12 (C) No less than fifty percent (50%) of the fees that are paid due to
13 development in
14 the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the
15 Citywide Affordable Housing Fund, but the funds shall be separately accounted for and
16 designated exclusively to increase the supply of affordable housing in the SOMA area.

17 (D) Fifty percent (50%) of the below-market rate units as required by
18 Section 315
19 through 315.9 that are built on- or off-site must be provided as rental units for the life of
20 the project, as defined in Planning Code Section 315.7(a).

21 (E) The Mayor's Office of Housing must submit a resolution to the Board
22 of Supervisors with a plan for the use of all in lieu fee payments generated from the
23 Rincon Hill Plan prior to any expenditure of the Funds.

24 **SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE**
25 **DISTRICT (SB-DTR).**

1	<u>Building and Siting Standards</u>		
2	<u>.10</u>	<u>Height and Bulk</u>	<u>Varies 40--200 feet. For height limits, see</u>
3	-	<u>§§ 102.12, 105,</u>	<u>Zoning Map 1H and § 263.19; for bulk</u>
4	-	<u>106, 250--252,</u>	<u>controls, see § 270(e).</u>
5	<u>.11</u>	<u>Lot Size [Per</u>	<u>§§ 890.56, 121</u>
6	-	<u>Development]</u>	<u>No limit</u>
7	<u>.12</u>	<u>Rear Yard/Site</u>	<u>100 percent lot coverage permitted; up to</u>
8	-	<u>Coverage</u>	<u>80 percent for all lots at residential levels</u>
9	-	<u>§ 136</u>	<u>where not all units face onto streets or</u>
10	-	-	<u>alleys. § 825(b)(2).</u>
11	<u>.13</u>	<u>Ground Floor</u>	<u>Building setback of 3 to 10 ft. for all</u>
12	-	<u>Residential</u>	<u>buildings with residential uses at the</u>
13	-	<u>Design</u>	<u>ground level per the Ground Floor</u>
14	-	<u>Guidelines</u>	<u>Residential Design Guidelines.</u>
15	<u>.14</u>	<u>Street-Facing Uses</u>	<u>Active uses required on all street</u>
16	-	<u>§§ 145.1,</u>	<u>frontages. See §§ 145.1, 825(b).</u>
17	-	<u>145.4, 825(b)</u>	-
18	-	-	-
19	<u>.15</u>	<u>Parking and</u>	<u>Prohibited on the Embarcadero. §155(r)</u>
20	-	<u>Loading Access:</u>	-
21	-	<u>§ 155(r)</u>	-
22	-	<u>Prohibition</u>	-
23	<u>.16</u>	<u>Parking and</u>	<u>No parking permitted aboveground,</u>
24	-	<u>Loading Access:</u>	<u>except on sloping sites. Parking access</u>
25	-	<u>§§ 145.1,</u>	<u>limited to two openings, max. 11' wide</u>
	-	<u>151.1, 155(r)</u>	-

1		<u>Dimensions</u>		<u>each, loading access limited to one 15'</u>
2				<u>opening. § 825(b).</u>
3	<u>.17</u>	<u>Awning</u>	<u>§ 890.21</u>	<u>P, § 136.2(a)</u>
4	-			
5	<u>.18</u>	<u>Canopy</u>	<u>§ 890.24</u>	<u>P, § 136.2(b)</u>
6	-			
7	<u>.19</u>	<u>Marquee</u>	<u>§ 890.58</u>	<u>P, § 136.2(c)</u>
8	-			
9				
10	<u>Non-Residential Standards and Uses</u>			
11		<u>Required</u>		<u>Non-residential uses limited to occupiable</u>
12	<u>.20</u>	<u>Residential to Non-</u>	<u>§ 102.10</u>	<u>sf per 6 occupiable sf devoted to</u>
13	-	<u>Residential Use</u>		<u>residential uses. § 825(c)(2).</u>
14		<u>Ratio</u>		
15	<u>.21</u>	<u>Use Size [Non-</u>	<u>§ 890.130</u>	<u>P for non-residential uses up to 25,000 sq.</u>
16	-	<u>Residential]</u>		<u>ft., C above.</u>
17	<u>.22</u>	<u>Open Space</u>	<u>§ 135.3</u>	<u>1 sq. ft. of publicly-accessible open space</u>
18	-			<u>for every 50 sq. ft. of non-residential use</u>
19				<u>over 10,000 sq. ft. § 135.3</u>
20	<u>.23</u>	<u>Off-Street Parking</u>	<u>§§ 150, 151,</u>	<u>None Required. Parking that is accessory</u>
21	-	<u>[Office uses]</u>	<u>151.1, 153--</u>	<u>to office space limited to 7% of GFA.</u>
22			<u>157, 204.5</u>	
23	<u>.24</u>	<u>Off-Street Parking</u>	<u>§§ 150, 151,</u>	<u>None Required. Parking limited as</u>
24	-	<u>[Non-Residential,</u>	<u>151.1, 153--</u>	<u>described in Section 151.1.</u>
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	<u>other than office uses]</u>	<u>157, 204.5</u>	
<u>.25</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 152.2, 153--155, 204.5</u>	<u>None Required. Loading maximums described in Section 152.2.</u>
<u>.26</u>	<u>All Non-Residential Uses Permitted, except as described below. §825(c)(1)(A)</u>		
<u>.27</u>	<u>Drive-Up Facility</u>	<u>§ 890.30</u>	<u>NP</u>
<u>.28</u>	<u>Walk-Up Facility</u>	<u>§ 890.140</u>	<u>P if recessed 3 ft. C otherwise.</u>
<u>.29</u>	<u>Hospital or Medical Center</u>	<u>§§ 124.1, 890.44</u>	<u>C</u>
<u>.30</u>	<u>Other Institutions</u>	<u>§ 890.50</u>	<u>C</u>
<u>.31</u>	<u>Public Use</u>	<u>§ 890.80</u>	<u>C</u>
<u>.32</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>C</u>
<u>.33</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 803.5(b)</u>	<u>C</u>
<u>.34</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>

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<u>.35</u>	<u>Massage Establishment</u>	<u>§ 890.60</u> <u>Article 29</u> <u>Health Code</u>	<u>C</u>
<u>.36</u>	<u>Automobile Parking Lot, Community Commercial</u>	<u>§§ 890.9, 156, 160</u>	<u>NP</u>
<u>.37</u>	<u>Automobile Parking Garage, Community Commercial</u>	<u>§§ 890.10, 160</u>	<u>C, per the criteria of Section 157.1</u>
<u>.38</u>	<u>Automotive Gas Station</u>	<u>§ 890.14</u>	<u>NP</u>
<u>.39</u>	<u>Automotive Service Station</u>	<u>§§ 890.18, 890.19</u>	<u>NP</u>
<u>.40</u>	<u>Automotive Repair</u>	<u>§ 890.15</u>	<u>NP</u>
<u>.41</u>	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>NP</u>
<u>.42</u>	<u>Automotive Sale or Rental</u>	<u>§ 890.13</u>	<u>C</u>
<u>.43</u>	<u>Mortuary</u>	<u>§ 890.62</u>	<u>C</u>
<u>.44</u>	<u>Hours of Operation</u>	<u>§ 890.48</u>	<u>C. 2 a.m.--6 a.m.</u>

1	-	-		
2	<u>.45</u>	<u>Business Sign</u>	<u>§§ 602--604,</u>	<u>P. § 607.2(f)</u>
3	-		<u>608.1, 608.2</u>	
4	<u>Residential Standards and Uses</u>			
5	<u>.46</u>	<u>Residential Use</u>	<u>§ 890.88</u>	<u>P</u>
6	-			
7	<u>.47</u>	<u>Residential Density,</u>		<u>No Limit. § 207.5 (d)</u>
8	-	<u>Dwelling Units</u>	<u>§ 890.88(a)</u>	<u>Unit Mix Required § 207.6</u>
9				
10	<u>.48</u>	<u>Residential Density,</u>		
11	-	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>No Limit. § 207.5 (d)</u>
12	<u>.49</u>	<u>Usable Open Space</u>		<u>75 sq. ft. per unit; up to 50% may be</u>
13	-	<u>[Per Residential</u>	<u>§§ 135, 136</u>	<u>provided off-site if publicly accessible. §</u>
14		<u>Unit]</u>		<u>135.</u>
15				
16	<u>.50</u>	<u>Accessory Off-</u>	<u>§§ 151.1, 153--</u>	<u>None Required. Up to one car per 4</u>
17	-	<u>Street Parking,</u>	<u>157, 159--160,</u>	<u>dwelling units permitted; up to .75 cars</u>
18		<u>Residential</u>	<u>204.5</u>	<u>per unit or 1 car per unit based on unit</u>
19				<u>size, per procedures and criteria of</u>
20				<u>Section 151.1.</u>
21	<u>.51</u>	<u>Residential</u>	<u>§ 790.84, Ch.</u>	
22	-	<u>Conversions</u>	<u>41 Admin.</u>	<u>C</u>
23			<u>Code</u>	
24	<u>.52</u>	<u>Residential</u>		
25	-	<u>Demolition</u>	<u>-</u>	<u>C</u>

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		<u>263.20</u>	<u>Height sculpting required on narrow streets, §261.1</u> <u>Non-habitable vertical projections permitted, §263.20</u>
<u>840.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map, §§ 270, 270.1, 270.2</u>	<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u> <u>Horizontal mass reduction required, §270.1</u> <u>Mid-block alleys required, §270.2</u>
<u>840.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124, 127</u>	<u>Generally contingent upon permitted height, per Section 124</u>
<u>840.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144, 145.1</u>	<u>Generally required</u>
<u>840.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u>	<u>P</u>
<u>840.06</u>	<u>Parking and Loading Access: Prohibition</u>	<u>§ 155(r)</u>	<u>None</u>

1		<u>Parking and Loading</u>		
2	<u>840.07</u>	<u>Access: Siting and</u>	<u>§§ 145.1, 151.1,</u>	<u>Requirements apply</u>
3		<u>Dimensions</u>	<u>152.1, 155</u>	
4		<u>Off-Street Parking,</u>		<u>None required. Limits set</u>
5	<u>840.08</u>	<u>Residential</u>	<u>§ 151.1</u>	<u>forth in Section 151.1</u>
6		<u>Residential to non-</u>		
7	<u>840.09</u>	<u>residential ratio</u>	<u>§ 803.8(e)</u>	<u>None</u>
8		<u>Off-Street Parking, Non-</u>	<u>§§150, 151, 151.1,</u>	<u>None required. Limits set</u>
9	<u>840.10</u>	<u>Residential</u>	<u>153-157, 204.5</u>	<u>forth in Section 151.1</u>
10		<u>Usable Open Space for</u>		<u>80 sq.ft. per unit; 54 sq.ft.</u>
11	<u>840.11</u>	<u>Dwelling Units and Group</u>	<u>§ 135</u>	<u>per unit if publicly</u>
12		<u>Housing</u>		<u>accessible</u>
13		<u>Usable Open Space for</u>		<u>Required; amount varies</u>
14	<u>840.12</u>	<u>Non-Residential</u>	<u>§ 135.3</u>	<u>based on use; may also pay</u>
15				<u>in-lieu fee</u>
16		<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P</u>
17	<u>840.13</u>			
18		<u>General Advertising Sign</u>	<u>§§ 607.2(b) &</u>	<u>NP</u>
19	<u>840.14</u>		<u>(e) and 611</u>	
20	<u>Residential Uses</u>			
21	<u>840.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
22		<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
23	<u>840.21</u>			
24	<u>840.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
25	<u>840.23</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>

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<u>840.24</u> --	<u>Dwelling Unit Density</u> <u>Limit</u>	<u>§§ 124, 207.5,</u> <u>208</u>	<u>No density limit</u>
<u>840.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling

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			<u>units. At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.</u>
<u>840.26</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>840.27</u>	<u>Residential Demolition or Conversion</u>	<u>§ 317</u>	<u>Restrictions apply; see criteria of Section 317</u>
<u>Institutions</u>			
<u>840.30</u>	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>	<u>NP</u>
<u>840.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>C</u>
<u>840.32</u>	<u>Educational Services</u>	<u>§ 890.50(c)</u>	<u>C for post-secondary institutions; P for all other</u>
<u>840.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>C</u>
<u>840.34</u>	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>	<u>P</u>
<u>840.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
<u>840.36</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>

1	<u>Vehicle Parking</u>		
2	<u>840.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9,</u>
3			<u>890.11</u>
4		<u>Automobile Parking</u>	<u>§§ 890.8, 890.10,</u>
5	<u>840.41</u>	<u>Garage</u>	<u>890.12, 157.1</u>
6			<u>NP</u>
7	<u>Retail Sales and Services</u>		
8			<u>P up to 25,000 gross sq.ft.</u>
9	<u>840.45</u>	<u>All Retail Sales and</u>	<u>§§ 890.104,</u>
10		<u>Services which are not</u>	<u>803.9(i), 121.6</u>
11		<u>listed below</u>	<u>sq.ft. permitted only if the</u>
12			<u>ratio of other permitted uses</u>
13			<u>to retail is at least 3:1.</u>
14	<u>840.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>
15			<u>C. If approved, subject to</u>
16			<u>size controls in Section</u>
17	<u>840.47</u>	<u>Bar</u>	<u>§ 890.22</u>
18			<u>840.45.</u>
19			<u>C. If approved, subject to</u>
20	<u>840.48</u>	<u>Liquor Store</u>	<u>§ 790.55</u>
21			<u>size controls in Section</u>
22			<u>840.45.</u>
23	<u>840.49</u>	<u>Ambulance Service</u>	<u>§§ 890.2, 840.45</u>
24			<u>C. If approved, subject to</u>
25			<u>size controls in Section</u>

1	<u>840.50</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
2	<u>840.51</u>	<u>Tourist Hotel</u>	<u>890.46</u>	<u>C</u>
3				<u>P, when primarily open to</u>
4		<u>Services, Professional;</u>		<u>the general public on a</u>
5	<u>840.52</u>	<u>Services Financial;</u>	<u>§§ 890.108,</u>	<u>retail basis; subject to the</u>
6		<u>Services Medical</u>	<u>890.110, 890.114</u>	<u>use size limits in Section</u>
7				<u>840.45.</u>
8	<u>Assembly, Recreation, Arts and Entertainment</u>			
9				
10	<u>840.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
11				
12	<u>840.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f)</u> <u>803.5(b)</u>	<u>NP</u>
13	<u>840.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
14	<u>840.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
15	<u>840.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
16	<u>840.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
17				
18	<u>840.61</u>	<u>Pool Hall not falling</u> <u>within Category 890.50(a)</u>	<u>§221 (f)</u>	<u>C</u>
19				
20		<u>Recreation Building, not</u>		
21	<u>840.62</u>	<u>falling within Category</u>	<u>§ 221(e)</u>	<u>P</u>
22		<u>840.21</u>		
23	<u>Office</u>			
24				
25	<u>840.65</u>	<u>Office Uses in Landmark</u> <u>Buildings in Historic</u>	<u>§§</u> <u>890.70, 803.9(a)</u>	<u>P</u>

1		<u>Districts</u>		
2	<u>840.66</u>	<u>All Other Office Uses</u>	<u>§§ 803.9(h),</u>	<u>Subject to vertical control of</u>
3			<u>890.70, 890.118</u>	<u>Sec. 803.9(h)</u>
4	<u>840.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
5	<u>Motor Vehicle Services</u>			
6				
7	<u>840.70</u>	<u>Vehicle Storage--Open</u>	<u>§ 890.131</u>	<u>NP</u>
8		<u>Lot</u>		
9	<u>840.71</u>	<u>Vehicle Storage--Enclosed</u>	<u>§ 890.132, 157.1.</u>	<u>C; subject to criteria of Sec.</u>
10		<u>Lot or Structure</u>		<u>157.1.</u>
11		<u>Motor Vehicle Service</u>	<u>§§ 890.18, 890.20</u>	
12	<u>840.72</u>	<u>Station, Automotive Wash</u>		<u>P</u>
13				
14	<u>840.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
15	<u>840.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
16				
17	<u>840.75</u>	<u>Non-Auto Vehicle Sales or</u>	<u>§ 890.69</u>	<u>P</u>
18		<u>Rental</u>		
19	<u>Industrial, Home, and Business Service</u>			
20	<u>840.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
21	<u>840.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
22	<u>840.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
23	<u>840.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
24				
25	<u>840.82</u>	<u>Business Goods and</u>	<u>§ 890.23</u>	<u>P</u>

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	<u>Equipment Repair Service</u>		
<u>840.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
<u>840.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
<u>840.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>NP</u>
<u>840.86</u>	<u>Laboratory, not including life science laboratory</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
<u>840.87</u>	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
<u>840.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
<u>Other Uses</u>			
<u>840.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
<u>840.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>NP</u>
<u>840.92</u>	<u>Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§§ 890.80, 209.6(c), 227(h)</u>	<u>P</u>
<u>840.93</u>	<u>Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§ 227(h)</u>	<u>C</u>
<u>840.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>NP</u>
<u>840.95</u>	<u>Public Transportation</u>	<u>§ 890.80</u>	<u>P</u>

1		<u>Facilities</u>	
2	<u>840.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c),</u> <u>890.38</u>
3			<u>P</u>
4	<u>840.97</u>	<u>Open Recreation and</u> <u>Horticulture</u>	<u>§ 209.5</u>
5			<u>P</u>
6	<u>840.98</u>	<u>Walk-up Facility,</u> <u>including Automated Bank</u> <u>Teller Machine</u>	<u>§§ 890.140,</u> <u>803.9(b)</u>
7			<u>P</u>
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SEC. 841. MUR – MIXED USE – RESIDENTIAL DISTRICT.

The Mixed Use – Residential District (MUR) serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street.

The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 841

MUR – MIXED USE – RESIDENTIAL DISTRICT ZONING CONTROL TABLE

		<u>Mixed Use – Residential District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
<u>841.01</u>	<u>Height Limit</u>	<u>See Zoning Map,</u> <u>§§ 260-261.1,</u> <u>263.20</u>	<u>As shown on Sectional Maps</u> <u>1 and 7 of the Zoning Map</u> <u>Height sculpting required</u> <u>on narrow streets, §261.1</u> <u>Non-habitable vertical</u> <u>projections permitted,</u> <u>§263.20</u>
<u>841.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map,</u> <u>§§ 270, 270.1,</u> <u>270.2</u>	<u>As shown on Sectional Maps</u> <u>1 and 7 of the Zoning Map</u> <u>Horizontal mass reduction</u> <u>required, §270.1</u> <u>Mid-block alleys required,</u> <u>§270.2</u>
<u>841.03</u>	<u>Non-residential density</u> <u>limit</u>	<u>§§ 102.9, 123, 124,</u> <u>127</u>	<u>Generally contingent upon</u> <u>permitted height, per</u> <u>Section 124</u>
<u>841.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144,</u>	<u>Generally required</u>

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		<u>145.1</u>	
<u>841.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u>	<u>P</u>
<u>841.06</u>	<u>Parking and Loading Access: Prohibition</u>	<u>§ 155(r)</u>	<u>None</u>
<u>841.07</u>	<u>Parking and Loading Access: Siting and Dimensions</u>	<u>§§ 145.1, 151.1, 152.1, 155</u>	<u>Requirements apply</u>
<u>841.08</u>	<u>Off-Street Parking, Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>841.09</u>	<u>Residential to non-residential ratio</u>	<u>§ 803.8(e)</u>	<u>3 sq.ft. of residential for every 1 sq.ft. of other permitted use</u>
<u>841.10</u>	<u>Off-Street Parking, Non-Residential</u>	<u>§§ 150, 151, 151.1, 153-157, 204.5</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>841.11</u>	<u>Usable Open Space for Dwelling Units and Group Housing</u>	<u>§ 135</u>	<u>80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible</u>
<u>841.12</u>	<u>Usable Open Space for Non-Residential</u>	<u>§ 135.3</u>	<u>Required; amount varies based on use; may also pay in-lieu fee</u>
<u>841.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P</u>
<u>841.14</u>	<u>General Advertising Sign</u>	<u>§ 607.2(b) &</u>	<u>NP</u>

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	-	<u>(e) and 611</u>	
<u>Residential Uses</u>			
<u>841.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
<u>841.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
<u>841.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
<u>841.23</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
<u>841.24</u>	<u>Dwelling Unit Density</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit within</u>
-	<u>Limit</u>	-	
<u>841.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total

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			number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. <u>At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.</u>
<u>841.26</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>841.27</u>	<u>Residential Demolition or Conversion</u>	<u>§ 317</u>	<u>Restrictions apply; see criteria of Section 317</u>
<u>Institutions</u>			
<u>841.30</u>	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>	<u>NP</u>
<u>841.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>C</u>
<u>841.32</u>	<u>Educational Services</u>	<u>§ 890.50(c)</u>	<u>C for post-secondary</u>

			<i>institutions; P for all other</i>
1			
2	<u>841.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>
3		<u>Assembly and Social</u>	
4	<u>841.34</u>	<u>Service</u>	<u>§ 890.50(a)</u>
5		<u>Child Care</u>	<u>§ 890.50(b)</u>
6	<u>841.35</u>	<u>Medical Cannabis</u>	
7		<u>Dispensary</u>	<u>§ 890.133</u>
8			<u>NP</u>
9	<u>Vehicle Parking</u>		
10	<u>841.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9,</u>
11			<u>890.11</u>
12		<u>Automobile Parking</u>	<u>§§ 145.1, 145.4,</u>
13	<u>841.41</u>	<u>Garage</u>	<u>155(r), 890.8,</u>
14			<u>890.10, 890.12,</u>
15			<u>157.1</u>
16	<u>Retail Sales and Services</u>		
17		<u>All Retail Sales and</u>	
18	<u>841.45</u>	<u>Services which are not</u>	<u>§§ 890.104, 121.6</u>
19		<u>listed below</u>	<u>P</u>
20	<u>841.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>
21		<u>Ambulance Service</u>	<u>§ 890.2</u>
22	<u>841.47</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>
23	<u>841.48</u>	<u>Tourist Hotel</u>	<u>890.46</u>
24			<u>NP</u>
25			

1	<u>Assembly, Recreation, Arts and Entertainment</u>		
2	<u>841.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u> <u>P</u>
3			
4	<u>841.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f)</u> <u>803.5(b)</u> <u>NP</u>
5			
6	<u>841.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u> <u>NP</u>
7	<u>841.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u> <u>NP</u>
8	<u>841.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u> <u>NP</u>
9	<u>841.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u> <u>P, up to three screens</u>
10		<u>Pool Hall not falling</u>	
11	<u>841.61</u>	<u>within Category</u>	<u>§221 (f)</u> <u>P</u>
12		<u>890.50(a)</u>	
13		<u>Recreation Building, not</u>	
14	<u>841.62</u>	<u>falling within Category</u>	<u>§ 221(e)</u> <u>P</u>
15		<u>841.21</u>	
16	<u>Office</u>		
17		<u>Office Uses in Landmark</u>	
18		<u>Buildings or Contributory</u>	
19	<u>841.65</u>	<u>Buildings in Historic</u>	<u>§§</u> <u>P</u>
20		<u>Districts</u>	<u>890.70, 803.9(a)</u>
21			
22	<u>841.66</u>	<u>All Other Office Uses</u>	<u>§§ 890.70, 890.118</u> <u>P</u>
23			
24	<u>841.67</u>	<u>Live/Work Units</u>	<u>§ 233</u> <u>NP</u>
25	<u>Motor Vehicle Services</u>		

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<u>841.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
<u>841.71</u>	<u>Vehicle Storage--Enclosed Lot or Structure</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of Sec. 157.1.</u>
<u>841.72</u>	<u>Motor Vehicle Service Station, Automotive Wash</u>	<u>§§ 890.18, 890.20</u>	<u>P</u>
<u>841.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
<u>841.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
<u>841.75</u>	<u>Non-Auto Vehicle Sales or Rental</u>	<u>§ 890.69</u>	<u>P</u>
<u>Industrial, Home, and Business Service</u>			
<u>841.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
<u>841.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
<u>841.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
<u>841.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
<u>841.82</u>	<u>Business Goods and Equipment Repair Service</u>	<u>§ 890.23</u>	<u>P</u>
<u>841.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
<u>841.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>

1	<u>841.85</u>	<u>Laboratory, life science</u>	<u>§890.53(a)</u>	<u>NP</u>
2		<u>Laboratory, not including</u>	<u>§§ 890.52,</u>	
3	<u>841.86</u>	<u>life science laboratory</u>	<u>890.53(a)</u>	<u>P</u>
4		<u>Non-Retail Greenhouse or</u>		
5	<u>841.87</u>	<u>Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
6	<u>841.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
7	<u>Other Uses</u>			
8				
9	<u>841.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
10	<u>841.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
11		<u>Public Use, except Public</u>		
12		<u>Transportation Facility,</u>		
13		<u>Internet Service</u>		
14	<u>841.92</u>	<u>Exchange, and</u>	<u>§§ 890.80,</u>	<u>P</u>
15		<u>Commercial Wireless</u>	<u>209.6(c), 227(h)</u>	
16		<u>Transmitting, Receiving</u>		
17		<u>or Relay Facility</u>		
18		<u>Commercial Wireless</u>		
19	<u>841.93</u>	<u>Transmitting, Receiving</u>	<u>§ 227(h)</u>	<u>C</u>
20		<u>or Relay Facility</u>		
21		<u>Internet Services</u>		
22	<u>841.94</u>	<u>Exchange</u>	<u>209.6(c)</u>	<u>NP</u>
23				
24	<u>841.95</u>	<u>Public Transportation</u>	<u>§ 890.80</u>	<u>P</u>
25		<u>Facilities</u>		

1	<u>841.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c),</u>	<u>P</u>
2			<u>890.38</u>	
3	<u>841.97</u>	<u>Open Recreation and</u>		<u>P</u>
4		<u>Horticulture</u>	<u>§ 209.5</u>	
5	<u>841.98</u>	<u>Walk-up Facility,</u>	<u>§§ 890.140,</u>	<u>P</u>
6		<u>including Automated Bank</u>	<u>803.9(b)</u>	
7		<u>Teller Machine</u>		

SEC. 842. MUO – MIXED USE – OFFICE DISTRICT.

The Mixed Use – Office (MUO) runs predominantly along the 2nd Street corridor in the South of Market area. The MUO is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Large hotel, adult entertainment and heavy industrial uses are not permitted.

Table 842

MUO – MIXED USE – OFFICE DISTRICT ZONING CONTROL TABLE

		<u>Mixed Use – Office District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
<u>842.01</u>	<u>Height Limit</u>	<u>See Zoning Map,</u>	<u>As shown on Sectional</u>

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		<u>§§ 260-261.1, 263.20</u>	<u>Maps 1 and 7 of the Zoning Map</u> <u>Height sculpting required on narrow streets, §261.1</u> <u>Non-habitable vertical projections permitted, §263.20</u>
		<u>See Zoning Map.</u>	<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u>
<u>842.02</u>	<u>Bulk Limit</u>	<u>§§ 270, 270.1, 270.2</u>	<u>Horizontal mass reduction required, §270.1</u> <u>Mid-block alleys required, §270.2</u>
<u>842.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124, 127</u>	<u>Generally contingent upon permitted height, per Section 124</u>
<u>842.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144, 145.1</u>	<u>Generally required</u>
<u>842.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1,</u>	<u>P</u>

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		<u>136.2</u>	
<u>842.06</u>	<u>Parking and Loading</u> <u>Access: Prohibition</u>	<u>§ 155(r)</u>	<u>4th Street between Bryant</u> <u>and Townsend Streets</u>
<u>842.07</u>	<u>Parking and Loading</u> <u>Access: Siting and</u> <u>Dimensions</u>	<u>§§ 145.1, 151.1,</u> <u>152.1, 155</u>	<u>Requirements apply</u>
<u>842.08</u>	<u>Off-Street Parking,</u> <u>Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set</u> <u>forth in Section 151.1</u>
<u>842.09</u>	<u>Residential to non-</u> <u>residential ratio</u>	<u>§ 803.8(e)</u>	<u>None</u>
<u>842.10</u>	<u>Off-Street Parking, Non-</u> <u>Residential</u>	<u>§§ 150, 151,</u> <u>151.1, 153-157,</u> <u>204.5</u>	<u>None required. Limits set</u> <u>forth in Section 151.1</u>
<u>842.11</u>	<u>Usable Open Space for</u> <u>Dwelling Units and Group</u> <u>Housing</u>	<u>§ 135</u>	<u>80 sq.ft. per unit; 54 sq.ft.</u> <u>per unit if publicly</u> <u>accessible</u>
<u>842.12</u>	<u>Usable Open Space for</u> <u>Non-Residential</u>	<u>§ 135.3</u>	<u>Required; amount varies</u> <u>based on use; may also</u> <u>pay in-lieu fee</u>
<u>842.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P</u>
<u>842.14</u>	<u>General Advertising Sign</u>	<u>§§ 607.2(b) &</u> <u>(e) and 611</u>	<u>NP</u>
<u>Residential Uses</u>			

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<u>842.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
<u>842.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
<u>842.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
<u>842.23</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
<u>842.24</u>	<u>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit</u>
<u>842.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least

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			three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. <u>At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.</u>
<u>842.26</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>842.27</u>	<u>Residential Demolition or Conversion</u>	<u>§ 317</u>	<u>Restrictions apply; see criteria of Section 317</u>
<u>Institutions</u>			
<u>842.30</u>	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>	<u>P</u>
<u>842.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>C</u>
<u>842.32</u>	<u>Educational Services</u>	<u>§ 890.50(c)</u>	<u>P</u>
<u>842.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>P</u>
<u>842.34</u>	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>	<u>P</u>

1	<u>842.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
2		<u>Medical Cannabis</u>		
3	<u>842.36</u>	<u>Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>
4	<u>Vehicle Parking</u>			
5			<u>§§ 890.7, 890.9,</u>	
6	<u>842.40</u>	<u>Automobile Parking Lot</u>	<u>890.11</u>	<u>NP</u>
7				
8	<u>842.41</u>	<u>Automobile Parking Garage</u>	<u>§§ 890.8, 890.10,</u> <u>890.12, 157.1</u>	<u>C; subject to criteria of</u> <u>Sec. 157.1.</u>
9	<u>Retail Sales and Services</u>			
10				
11				<u>P up to 25,000 gross sq.ft.</u>
12				<u>per lot; above 25,000</u>
13	<u>842.45</u>	<u>All Retail Sales and Services which are not listed below</u>	<u>§§ 890.104,</u> <u>803.9(i), 121.6</u>	<u>gross sq.ft. per lot</u> <u>permitted only if the ratio</u> <u>of other permitted uses to</u> <u>retail is at least 3:1.</u>
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17	<u>842.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>P</u>
18	<u>842.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
19	<u>842.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
20	<u>842.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>C if less than 75 rooms</u>
21	<u>Assembly, Recreation, Arts and Entertainment</u>			
22				
23	<u>842.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
24			<u>§§ 102.17, 181(f),</u>	
25	<u>842.56</u>	<u>Nighttime Entertainment</u>	<u>803.5(b)</u>	<u>C</u>

1	<u>842.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
2	<u>842.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
3	<u>842.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
4	<u>842.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
5		<u>Pool Hall not falling</u>		
6	<u>842.61</u>	<u>within Category 890.50(a)</u>	<u>§221(f)</u>	<u>P</u>
7		<u>Recreation Building, not</u>		
8	<u>842.62</u>	<u>falling within Category</u>	<u>§ 221(e)</u>	<u>P</u>
9		<u>842.21</u>		
10				
11	<u>Office</u>			
12		<u>Office Uses in Landmark</u>		
13	<u>842.65</u>	<u>Buildings or Contributory</u>	<u>§§</u>	<u>P</u>
14		<u>Buildings in Historic</u>	<u>890.70, 803.9(a)</u>	
15		<u>Districts</u>		
16	<u>842.66</u>	<u>All Other Office Uses</u>	<u>§ 890.70</u>	<u>P</u>
17	<u>842.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
18				
19	<u>Motor Vehicle Services</u>			
20	<u>842.70</u>	<u>Vehicle Storage--Open</u>	<u>§ 890.131</u>	<u>NP</u>
21		<u>Lot</u>		
22	<u>842.71</u>	<u>Vehicle Storage--Enclosed</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of</u>
23		<u>Lot or Structure</u>		<u>Sec. 157.1.</u>
24	<u>842.72</u>	<u>Motor Vehicle Service</u>	<u>§§ 890.18, 890.20</u>	<u>P</u>
25		<u>Station, Automotive Wash</u>		

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2	<u>842.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u> <u>P</u>
3	<u>842.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u> <u>C</u>
4			
5	<u>842.75</u>	<u>Non-Auto Vehicle Sales or</u> <u>Rental</u>	<u>§ 890.69</u> <u>P</u>
6			
7	<u>Industrial, Home, and Business Service</u>		
8	<u>842.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u> <u>P</u>
9	<u>842.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u> <u>P</u>
10	<u>842.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u> <u>P</u>
11	<u>842.81</u>	<u>Catering Service</u>	<u>§ 890.25</u> <u>P</u>
12			
13	<u>842.82</u>	<u>Business Goods and</u> <u>Equipment Repair Service</u>	<u>§ 890.23</u> <u>P</u>
14			
15	<u>842.83</u>	<u>Business Service</u>	<u>§ 890.111</u> <u>P</u>
16	<u>842.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u> <u>P</u>
17	<u>842.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u> <u>P</u>
18			
19	<u>842.86</u>	<u>Laboratory, not including</u> <u>life science laboratory</u>	<u>§§ 890.52,</u> <u>890.53(a)</u> <u>P</u>
20			
21	<u>842.87</u>	<u>Non-Retail Greenhouse or</u> <u>Plant Nursery</u>	<u>§ 227(a)</u> <u>P</u>
22	<u>842.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u> <u>P in applicable buildings</u>
23			
24	<u>Other Uses</u>		
25	<u>842.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u> <u>NP</u>

1	<u>842.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
2		<u>Public Use, except Public</u>		
3		<u>Transportation Facility,</u>		
4	<u>842.92</u>	<u>Internet Service Exchange,</u>	<u>§§ 890.80,</u>	<u>P</u>
5		<u>and Commercial Wireless</u>	<u>209.6(c), 227(h)</u>	
6		<u>Transmitting, Receiving or</u>		
7		<u>Relay Facility</u>		
8		<u>Commercial Wireless</u>		
9	<u>842.93</u>	<u>Transmitting, Receiving or</u>	<u>§ 227(h)</u>	<u>C</u>
10		<u>Relay Facility</u>		
11	<u>842.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>C</u>
12				
13	<u>842.95</u>	<u>Public Transportation</u>	<u>§ 890.80</u>	<u>P</u>
14		<u>Facilities</u>		
15	<u>842.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c),</u>	<u>P</u>
16			<u>890.38</u>	
17	<u>842.97</u>	<u>Open Recreation and</u>	<u>§ 209.5</u>	<u>P</u>
18		<u>Horticulture</u>		
19		<u>Walk-up Facility,</u>		
20	<u>842.98</u>	<u>including Automated Bank</u>	<u>§§ 890.140,</u>	<u>P</u>
21		<u>Teller Machine</u>	<u>803.9(b)</u>	

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the

1 Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution,
 2 and repair uses such as light manufacturing, home and business services, arts activities,
 3 warehouse, and wholesaling. Additional permitted uses include retail, educational
 4 facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher
 5 affordability requirements. Family-sized dwelling units are encouraged. Within the
 6 UMU, office uses are restricted to the upper floors of multiple story buildings. In
 7 considering any new land use not contemplated in this District, the Zoning Administrator
 8 shall take into account the intent of this District as expressed in this Section and in the
 9 General Plan.

10 Table 843

11 UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

		<u>Urban Mixed Use District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
<u>843.01</u>	<u>Height Limit</u>	<u>See Zoning Map,</u> <u>§§ 260-261.1,</u> <u>263.20</u>	<u>As shown on Sectional Maps</u> <u>1 and 7 of the Zoning Map</u> <u>Height sculpting required</u> <u>on narrow streets, §261.1</u> <u>Non-habitable vertical</u> <u>projections permitted,</u> <u>§263.20</u>

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			<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u>
<u>843.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map, §§ 270, 270.1, 270.2</u>	<u>Horizontal mass reduction required, §270.1</u> <u>Mid-block alleys required, §270.2</u>
<u>843.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124, 127</u>	<u>Generally contingent upon permitted height, per Section 124</u>
<u>843.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144, 145.1</u>	<u>Generally required</u>
<u>843.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u>	<u>P</u>
<u>843.06</u>	<u>Parking and Loading Access: Prohibition</u>	<u>§ 155(r)</u>	<u>None</u>
<u>843.07</u>	<u>Parking and Loading Access: Siting and Dimensions</u>	<u>§§ 145.1, 151.1, 152.1, 155</u>	<u>Requirements apply</u>
<u>843.08</u>	<u>Off-Street Parking, Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>843.09</u>	<u>Residential to non-residential ratio</u>	<u>§ 803.8(e)</u>	<u>None</u>

1			<u>§§ 150, 151,</u>	
2	<u>843.10</u>	<u>Off-Street Parking,</u>	<u>151.1, 153-157,</u>	<u>None required. Limits set</u>
3		<u>Non-Residential</u>	<u>204.5</u>	<u>forth in Section 151.1</u>
4		<u>Usable Open Space</u>		<u>80 sq.ft. per unit; 54 sq.ft.</u>
5	<u>843.11</u>	<u>for Dwelling Units</u>	<u>§ 135</u>	<u>per unit if publicly</u>
6		<u>and Group Housing</u>		<u>accessible</u>
7		<u>Usable Open Space</u>		<u>Required; amount varies</u>
8	<u>843.12</u>	<u>for Non-Residential</u>	<u>§ 135.3</u>	<u>based on use; may also pay</u>
9				<u>in-lieu fee</u>
10		<u>Outdoor Activity Area</u>		
11	<u>843.13</u>		<u>§ 890.71</u>	<u>P</u>
12				
13	<u>843.14</u>	<u>General Advertising</u>	<u>§§ 607.2(b) &</u>	<u>NP</u>
14		<u>Sign</u>	<u>(e) and 611</u>	
15	<u>Residential Uses</u>			
16	<u>843.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
17	<u>843.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
18	<u>843.22</u>	<u>SRO Units</u>	<u>§ 890.88(e)</u>	<u>P</u>
19	<u>843.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>NP</u>
20	<u>843.22-23, 23</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
21		<u>Dwelling Unit Density</u>	<u>§§ 124, 207.5,</u>	
22	<u>843.23, 24 24</u>	<u>Limit</u>	<u>208</u>	<u>No density limit</u>
23				
24	<u>843.24, 25, 25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all</u>
25				<u>dwelling units must</u>

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			<p>contain two or more bedrooms(a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. <u>At least 40% of all dwelling units must contain two or more bedrooms or 30% of all</u></p>
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1			<u>dwelling units must</u>
2			<u>contain three or more</u>
3			<u>bedrooms.</u>
4	<u>843.26</u>	<u>Affordability</u>	
5		<u>Requirements</u>	<u>Varies- see Section 319</u>
6		<u>Residential</u>	
7	<u>843.27</u>	<u>Demolition</u> or	<u>Restrictions apply; see</u>
8		<u>Conversion</u>	<u>criteria of Section 317</u>
9	<u>Institutions</u>		
10		<u>Hospital, Medical</u>	
11	<u>843.30</u>	<u>Centers</u>	<u>NP</u>
12			
13	<u>843.31</u>	<u>Residential Care</u>	<u>C</u>
14		<u>Educational Services</u>	<u>C for post-secondary</u>
15	<u>843.32</u>		<u>institutions; P for all other</u>
16			
17	<u>843.33</u>	<u>Religious Facility</u>	<u>P</u>
18		<u>Assembly and Social</u>	
19	<u>843.34</u>	<u>Service</u>	<u>P</u>
20			
21	<u>843.35</u>	<u>Child Care</u>	<u>P</u>
22			
23	<u>843.36</u>	<u>Medical Cannabis</u>	
24		<u>Dispensary</u>	<u>NP</u>
25	<u>Vehicle Parking</u>		
	<u>843.40</u>	<u>Automobile Parking</u>	<u>§§ 890.7, 890.9,</u>
		<u>Lot</u>	<u>890.11</u>
			<u>NP</u>

1	<u>843.41</u>	<u>Automobile Parking</u>	<u>§§ 890.8, 890.10,</u>	<u>C; subject to criteria of Sec.</u>
2		<u>Garage</u>	<u>890.12, 157.1</u>	<u>157.1.</u>
3	<u>Retail Sales and Services</u>			
4				<u>P up to 25,000 gross sq.ft.</u>
5				<u>per lot; above 25,000 gross</u>
6				<u>sq.ft. per lot permitted only</u>
7		<u>All Retail Sales and</u>	<u>§§ 890.104,</u>	<u>if the ratio of other</u>
8	<u>843.45</u>	<u>Services which are not</u>	<u>803.9(i), 121.6</u>	<u>permitted uses to retail is at</u>
9		<u>listed below</u>		<u>least 3:1. P up to 3,999</u>
10				<u>gross sq.ft. per use; C over</u>
11				<u>4,000 gross sq.ft. per use.</u>
12				
13	<u>843.46</u>	<u>Formula Retail</u>	<u>§§ 803.6, 843.45</u>	<u>C. If approved, subject to</u>
14				<u>size controls in Section</u>
15				<u>843.45.</u>
16	<u>843.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
17	<u>843.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
18	<u>843.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>NP</u>
19		<u>Services,</u>		<u>P, when primarily open to</u>
20		<u>Professional; Services</u>	<u>§§ 890.108,</u>	<u>the general public on a</u>
21	<u>843.50</u>	<u>Financial; Services</u>	<u>890.110, 890.114</u>	<u>retail basis; subject to the</u>
22		<u>Medical</u>		<u>use size limits in Section</u>
23				<u>843.45.</u>
24	<u>843.51</u>	<u>Gyms</u>	<u>§§ 218(d),</u>	<u>P up to 3,999 gross sq.ft.</u>
25				

1		<u>803.9(i)</u>	<u>per use; C over 4,000 gross</u>
2			<u>sq.ft. per use. Not subject to</u>
3			<u>3:1 ratio, per Sec. 803.9(i).</u>
4	<u>Assembly, Recreation, Arts and Entertainment</u>		
5	<u>843.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u> P
6		<u>Nighttime</u>	<u>§§ 102.17, 181(f).</u>
7	<u>843.56</u>	<u>Entertainment</u>	<u>803.5(b)</u> P
8			
9	<u>843.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u> C
10	<u>843.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u> P
11		<u>Massage</u>	
12	<u>843.59</u>	<u>Establishment</u>	<u>§ 890.60</u> NP
13	<u>843.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u> P, up to three screens
14		<u>Pool Hall not falling</u>	
15	<u>843.61</u>	<u>within Category</u>	<u>§221(f)</u> P
16		<u>890.50(a)</u>	
17		<u>Recreation Building,</u>	
18	<u>843.62</u>	<u>not falling within</u>	<u>§ 221(e)</u> P
19		<u>Category 843.21</u>	
20	<u>Office</u>		
21		<u>Office Uses in</u>	
22		<u>Landmark Buildings</u>	
23	<u>843.65</u>	<u>or Contributory</u>	<u>§§</u> P
24		<u>Buildings in Historic</u>	<u>890.70, 803.9(a)</u>
25			

1		Districts		
2	<u>843.66</u>	<u>All Other Office Uses</u>	<u>§§ 803.9(h),</u>	<u>Subject to vertical control of</u>
3		-	<u>890.70, 890.118</u>	<u>Sec. 803.9(h)</u>
4	<u>843.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
5	<u>Motor Vehicle Services</u>			
6				
7	<u>843.70</u>	<u>Vehicle Storage--</u>	<u>§ 890.131</u>	<u>NP</u>
8		<u>Open Lot</u>		
9		<u>Vehicle Storage--</u>		<u>C; subject to criteria of Sec.</u>
10	<u>843.71</u>	<u>Enclosed Lot or</u>	<u>§ 890.132, 157.1</u>	<u>157.1.</u>
11		<u>Structure</u>		
12	<u>843.72</u>	<u>Motor Vehicle Service</u>	<u>§ 890.18</u>	<u>P</u>
13		<u>Station</u>		
14	<u>843.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
15		-		
16		<u>Automobile Tow</u>		
17	<u>843.74</u>	<u>Service</u>	<u>§ 890.19</u>	<u>C</u>
18		<u>Non-Auto Vehicle</u>		
19	<u>843.75</u>	<u>Sales or Rental</u>	<u>§ 890.69</u>	<u>P</u>
20		<u>Automobile Sale or</u>		<u>P; subject to size controls in</u>
21	<u>843.76</u>	<u>Rental</u>	<u>§ 890.13</u>	<u>Section 843.45.</u>
22				
23	<u>843.77</u>	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>C</u>
24	<u>Industrial, Home, and Business Service</u>			
25	<u>843.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>

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<u>843.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
<u>843.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
<u>843.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
<u>843.82</u>	<u>Business Goods and Equipment Repair Service</u>	<u>§ 890.23</u>	<u>P</u>
<u>843.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
<u>843.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
<u>843.85</u>	<u>Laboratory, life science</u>	<u>§890.53(a)</u>	<u>NP</u>
<u>843.86</u>	<u>Laboratory, not including life science laboratory</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
<u>843.87</u>	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
<u>843.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
<u>Other Uses</u>			
<u>843.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
<u>843.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
<u>843.92</u>	<u>Public Use, except Public Transportation</u>	<u>§§ 890.80, 209.6(c), 227(h)</u>	<u>P</u>

1		<u>Facility, Internet</u>		
2		<u>Service Exchange, and</u>		
3		<u>Commercial Wireless</u>		
4		<u>Transmitting,</u>		
5		<u>Receiving or Relay</u>		
6		<u>Facility</u>		
7		<u>Commercial Wireless</u>		
8		<u>Transmitting,</u>		
9	<u>843.93</u>	<u>Receiving or Relay</u>	<u>§ 227(h)</u>	<u>C</u>
10		<u>Facility</u>		
11		<u>Internet Services</u>		
12	<u>843.94</u>	<u>Exchange</u>	<u>209.6(c)</u>	<u>NP</u>
13		<u>Public Transportation</u>		
14	<u>843.95</u>	<u>Facilities</u>	<u>§ 890.80</u>	<u>P</u>
15				
16	<u>843.96</u>	<u>Open Air Sales</u>	<u>§§ 803. 9(c),</u>	<u>P</u>
17			<u>890.38</u>	
18		<u>Open Recreation and</u>		
19	<u>843.97</u>	<u>Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
20		<u>Walk-up Facility,</u>		
21		<u>including Automated</u>	<u>§§ 890.140,</u>	
22	<u>843.98</u>	<u>Bank Teller Machine</u>	<u>803.9(b)</u>	<u>P</u>
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SEC. 890.49. INTEGRATED PDR.

(a) Integrated PDR is a land use that meets the following requirements:

1 (1) Contains at least the following amount of PDR activities:

2 (A) For uses of 2,000 gross square feet or greater, at least 1/3 of the total
3 space shall contain PDR activities; or

4 (B) For uses of less than 2,000 gross square feet, at least 20% of the total
5 space shall contain PDR activities;

6 (2) Does not include residential activities;

7 (3) The remaining space may contain any non-residential use permitted in the
8 MUO District office uses, as defined in Sec. 890.70, or any use permitted in the
9 subject zoning district, as long as:

10 (A) Retail space is limited to 1/3 of the total space; and

11 (B) All uses in the space are conducted as integral and related parts of a
12 single business activity or enterprise;

13 (4) For purposes of this definition, PDR activities are those that:

14 (A) Are generally consistent with Code Sections 220 and 222 through 227
15 or involve the fabrication, testing, distribution, maintenance, or repair of physical goods;

16 (B) Are not:

17 (i) Residential (as defined in Section. 890.88);

18 (ii) Retail (as defined in Sections 890.102 and 890.104);

19 (iii) Institutional (as defined in Section 890.50);

20 (iv) Office (as defined in Section 890.70);

21 (v) Laboratory (as defined in Section 890.52); or

22 (vi) Storage (as defined in Sec. 890.54(c));

23 (C) May include any non-office uses that integrate multimedia,
24 informational technology, or software development functions;

25 (D) Do not include typical office support functions; and

1 (E) Occur in space specifically designed to accommodate the industrial
2 nature of the PDR activities.

3 (5) Any retail space contained within the Integrated PDR use shall not count
4 against any per-parcel retail limits of the subject zoning district.

5 (b) Integrated PDR uses are subject to the following requirements:

6 (1) These uses are only permitted in buildings:

7 (A) That were constructed before 1951 which were at least three stories in
8 height above grade, excluding those building features listed in Section 260(b) and related
9 structures, as of the effective date of Ordinance Number _____; or

10 (B) For which a first certificate of occupancy was issued after the effective
11 date of Ordinance Number _____;

12 (2) A Notice of Special Restriction (NSR) shall be recorded on the title of any
13 property containing an Integrated PDR use. The Planning Department shall forward
14 a copy of each NSR to the Mayor's Office of Economic and Workforce
15 Development, or a successor office, for purposes of record keeping and
16 monitoring. This NSR shall include a copy of the use provisions of this Section and
17 also require that the property owner:

18 (A) Ensure that all new Integrated PDR tenants and/or occupants
19 register with ~~contact~~ the Office of Economic and Workforce Development's PDR
20 Program. The purpose of this ~~contact~~ registration is to confirm the accuracy of each
21 tenant's or occupant's NAICS code on their Business Registration and Payroll Tax
22 forms, collect basic information on the nature of each tenant's or occupant's business,
23 including the total number of employees and to inform the tenant or occupant of
24 available tax credits and other benefits of the state and local Enterprise Zone program;
25 and to determine, to the extent possible, the total number of employees that

1 reside within the City and are eligible to receive State Enterprise Zone tax credits
2 ("IPDR Disadvantaged Employees"); and

3 (B) Report annually to the Planning Department staff on any
4 reallocation of space within an Integrated PDR tenantspace.

5 (c) Integrated PDR uses are not subject to the annual office limit controls
6 of Sections 320-324.

7 **SEC. 890.52. LABORATORY.**

8 Laboratory shall mean space within any structure intended or primarily suitable
9 for scientific research. The space requirements of uses within this category include
10 specialized facilities and/or built accommodations that distinguish the space from office
11 uses (as defined in Section 890.70), light manufacturing (as defined in Section
12 890.54(a)), or heavy manufacturing (including uses listed in 226(g) through 226(w)).

13 Examples of laboratories include the following:

14 (a) Chemistry, biochemistry, or analytical laboratory;

15 (b) Engineering laboratory;

16 (c) Development laboratory;

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

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

22 (f) Support laboratory;

23 (g) Quality assurance/Quality control laboratory;

24 (h) Core laboratory.

25 **SEC. 890.53. LIFE SCIENCE.**

1 Life Science is an industry that involves the integration of natural and engineering
2 sciences and advanced biological techniques using organisms, cells, and parts thereof for
3 products and services. This includes the creation of products and services used to analyze
4 and detect various illnesses, the design of products that cure illnesses, and/or the
5 provision of capital goods and services, machinery, instruments, software, and reagents
6 related to research and production. Life Science uses may utilize office, laboratory, light
7 manufacturing, or other types of space. As a subset of Life Science uses, Life Science
8 laboratories typically include biological laboratories and animal facilities or vivaria, as
9 described in Section 890.52(d) and (e).

10 **SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES,**
11 **STORAGE.**

12 A commercial use, including light manufacturing, wholesale sales, and
13 storage, as defined in Subsections (a), (b), ~~and (c)~~, and (d) below.

14 (a) Light Manufacturing. A nonretail use which provides for the fabrication
15 or production of goods, by hand or machinery, for distribution to retailers or
16 wholesalers for resale off the premises, primarily involving the assembly,
17 packaging, repairing, or processing of previously prepared materials, when
18 conducted in an enclosed building having no openings other than fixed windows
19 or exits required by law located within 50 feet of any R District. Light
20 manufacturing uses include production and custom activities usually involving
21 individual or special design, or handiwork, such as the following fabrication or
22 production activities defined by the Standard Industrial Classification Code
23 Manual as light manufacturing uses:

24 (1) Food processing, not including mechanized assembly line production
25 of canned or bottled goods;

- 1 (2) Apparel and other garment products;
- 2 (3) Furniture and fixtures;
- 3 (4) Printing and publishing of books or newspaper;
- 4 (5) Leather products;
- 5 (6) Pottery;
- 6 (7) Glass blowing;
- 7 (8) Measuring, analyzing, and controlling instruments; photographic,
- 8 medical and optical goods; watches and clocks.

9 It shall not include the chemical processing of materials or the use of any
10 machine that has more than five horsepower capacity, nor shall the mechanical
11 equipment required for the use, together with related floor space used primarily
12 by the operators of such equipment, in aggregate occupy more than 1/4 of the
13 total gross floor area of the use.

14 It shall be not include a trade shop, as defined in Section 890.124 of this Code,
15 or a heavy industrial use subject to Section 226(e) through (w) of this Code. It
16 shall not include general or heavy manufacturing uses, not described in this
17 Subsection (a).

18 (b) Wholesale Sales. A nonretail use which exclusively provides goods or
19 commodities for resale or business use, including accessory storage. It shall not
20 include a nonaccessory storage warehouse.

21 (c) Commercial Storage. A commercial use which stores, within an
22 enclosed building, household goods, contractors' equipment, building materials
23 or goods or materials used by other businesses at other locations. This use shall
24 not include the storage of waste, salvaged materials, automobiles, inflammable
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1 or highly combustible materials, and wholesale goods or commodities. ~~This use~~
2 ~~shall include retail self storage facilities for household goods.~~

3 (d) Self-Storage. Retail facilities for the storage of household and personal goods.

4 **SEC. 890.70. OFFICE USE.**

5 ~~As used in this Article an office use is space within a structure intended or primarily~~
6 ~~suitable for occupancy by persons or entities which perform for their own benefit or~~
7 ~~provide to others at that location administrative services, design services, professional~~
8 ~~services, financial services or medical services as defined in Sections 890.28, 890.106,~~
9 ~~890.108, 890.110 and 890.114. It does not include business services as defined in Section~~
10 ~~890.111 or the office functions which are permitted by this Code as uses which are~~
11 ~~necessary to another permitted use.~~

12 (a) "Office use" shall mean space within a structure or portion thereof intended
13 or primarily suitable for occupancy by persons or entities which perform, provide for
14 their own benefit, or provide to others at that location services including, but not limited
15 to, the following: Professional; banking; insurance; management; consulting; technical;
16 sales; and design; and the non-accessory office functions of manufacturing and
17 warehousing businesses; all uses encompassed within the definition of "office" in Section
18 219 of this Code; multimedia, software development, web design, electronic commerce,
19 and information technology; all uses encompassed within the definition of
20 "administrative services" in Section 890.106 of this Code; and all " professional
21 services" as proscribed in Section 890.108 of this Code excepting only those uses which
22 are limited to the Chinatown Mixed Use District.

23 (b) "Office use" shall exclude: retail uses; repair; any business characterized by
24 the physical transfer of tangible goods to customers on the premises; wholesale shipping.

1 receiving and storage; and design showrooms or any other space intended and primarily
2 suitable for display of goods.

3 **SEC. 890.88. RESIDENTIAL USE.**

4 A use which provides housing for San Francisco residents, rather than visitors,
5 including a dwelling unit or group housing, as defined in Subsections (a) and (b)
6 below, or a residential hotel, as defined in Section 890.47 of this Code and in
7 Chapter 41 of the San Francisco Administrative Code.

8 (a) Dwelling Unit. A residential use which consists of a suite of two or
9 more rooms and includes sleeping, bathing, cooking, and eating facilities, and
10 has only one kitchen.

11 (b) Group Housing. A residential use which provides lodging or both
12 meals and lodging without individual cooking facilities for a week or more at a
13 time in a space not defined as a dwelling unit. Group housing includes, but is not
14 limited to, a roominghouse, boarding house, guest house, lodging house,
15 residence club, commune, fraternity and sorority house, monastery, nunnery,
16 convent, and ashram. It also includes group housing operated by a medical or
17 educational institution when not located on the same lot as such institution.

18 (c) Single Room Occupancy (SRO) Unit. A dwelling unit or group housing
19 room consisting of no more than one occupied room with a maximum gross floor
20 area of 350 square feet and meeting the Housing Code's minimum floor area
21 standards. The unit may have a bathroom in addition to the occupied room. As a
22 dwelling unit, it would have a cooking facility and bathroom. As a group housing
23 room, it would share a kitchen with one or more other single room occupancy
24 unit/s in the same building and may also share a bathroom. A single room
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1 occupancy building (or "SRO" building) is one that contains ~~one or more~~ only SRO
2 units and non nonaccessory living space.

3 **SEC. 890.111. SERVICE, BUSINESS.**

4 A use which provides the following kinds of services to businesses and/or
5 to the general public and does not fall under the definition of 'office' pursuant to
6 Section 890.70: radio and television stations; newspaper bureaus; magazine and
7 trade publication publishing; ~~desktop publishing; product testing laboratories;~~
8 microfilm recording; slide duplicating; bulk mail services; parcel shipping
9 services; parcel labeling and packaging services; messenger delivery/courier
10 services; ~~uniform security services;~~ sign painting and lettering services; building
11 maintenance services; ~~interior decorating services.~~

12 **Article 10.0 – Preservation of Buildings and Districts of Architectural,**

13 **Historical, and Aesthetic Importance in the C-3 Districts**

14 **APPENDIX I TO ARTICLE 10 SOUTH END HISTORIC DISTRICT**

15 **SEC. 10. ADDITIONS.**

16 Additions to existing buildings and new infill construction proposed within the
17 South End Historic District must reflect an understanding of the relationship of the
18 proposal with the contributing buildings within the district. Additions shall be reviewed
19 for compatibility with the historic building and the district while infill construction shall
20 be reviewed for compatibility with the overall district. Neither should directly imitate nor
21 replicate existing features. For additions, every effort should be made to minimize the
22 visibility of the new structure within the district. Infill construction should reflect the
23 character of the district, including the prevailing heights of contributing buildings
24 without creating a false sense of history. Property owners should consult early in the
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1 process with a Planning Department Historic Preservation Technical Specialist when
2 developing a proposal.

3 Additions will be reviewed on a case-by-case basis and any proposed addition
4 should be located in an inconspicuous location and not result in a radical change to the
5 form or character of the historic building. A vertical addition may be approved,
6 depending on how the addition impacts the building and its relative visibility from the
7 surrounding public rights-of-way within the district. The Planning Department evaluates
8 all proposals for properties identified under Article 10 of the Planning Code for
9 compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)).
10 Based on these Standards, Department staff uses the following criteria when reviewing
11 proposals for vertical additions:

- 12
- 13 • The structure respects the general size, shape, and scale of the features associated
14 with the property and the district and the structure is connected to the property in
15 a manner that does not alter, change, obscure, damage, or destroy any of the
16 character-defining features of the property and the district.
- 17 • The design respects the general historic and architectural characteristics
18 associated with the property and the district without replicating historic styles or
19 elements that will result in creating a false sense of history.
- 20 • The materials are compatible with the property or district in general character,
21 color and texture.

22 As part of the Planning Department review process, the project sponsor shall
23 conduct and submit an analysis that illustrates the relative visibility of a proposed
24 vertical addition from within the district. As part of this analysis, sightline cross-sections
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1 and perspective drawings illustrating the proportionality and scale, as well as the visible
2 extent of the addition from prescribed locations should be submitted.

3 When a district provides an opportunity for new construction through existing
4 vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical
5 importance. Historic buildings within the district should be utilized and referenced for
6 design context. Contemporary design that respects the District's existing character-
7 defining features without replicating historic designs is encouraged. The Department
8 uses the following criteria when reviewing proposals for infill construction:

- 9 • The structure respects the general size, shape, and scale of the character-defining
10 features associated with the district and its relationship to the character-defining
11 features of the immediate neighbors and the district.
- 12 • The site plan respects the general site characteristics associated with the district.
- 13 • The design respects the general character-defining features associated with the
14 district
- 15 • The materials are compatible with the district in general character, color, and
16 texture.

17 **APPENDIX L TO ARTICLE 10 DOGPATCH HISTORIC DISTRICT**

18 **SEC. 10. ADDITIONS.**

19 Additions to existing buildings and new infill construction proposed within the
20 Dogpatch Historic District must reflect an understanding of the relationship of the
21 proposal with the contributing buildings within the district. Additions shall be reviewed
22 for compatibility with the historic building and the district while infill construction shall
23 be reviewed for compatibility with the overall district. Neither should directly imitate nor
24 replicate existing features. For additions, every effort should be made to minimize the
25 visibility of the new structure within the district. Infill construction should reflect the

1 character of the district, including the prevailing heights of contributing buildings
2 without creating a false sense of history. Property owners should consult early in the
3 process with a Planning Department Historic Preservation Technical Specialist when
4 developing a proposal.

5 Additions will be reviewed on a case-by-case basis and any proposed addition
6 should be located in an inconspicuous location and not result in a radical change to the
7 form or character of the historic building. A vertical addition may be approved,
8 depending on how the addition impacts the building and its relative visibility from the
9 surrounding public rights-of-way within the district. The Planning Department evaluates
10 all proposals for properties identified under Article 10 of the Planning Code for
11 compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)).
12 Based on these Standards, Department staff uses the following criteria when reviewing
13 proposals for vertical additions:

- 14
- 15 • The structure respects the general size, shape, and scale of the features associated
16 with the property and the district and the structure is connected to the property in
17 a manner that does not alter, change, obscure, damage, or destroy any of the
18 character-defining features of the property and the district.
- 19 • The design respects the general historic and architectural characteristics
20 associated with the property and the district without replicating historic styles or
21 elements that will result in creating a false sense of history.
- 22 • The materials are compatible with the property or district in general character,
23 color and texture.

24 As part of the Planning Department review process, the project sponsor shall
25 conduct and submit an analysis that illustrates the relative visibility of a proposed

1 vertical addition from within the district. As part of this analysis, sightline cross-sections
2 and perspective drawings illustrating the proportionality and scale, as well as the visible
3 extent of the addition from prescribed locations should be submitted.

4 When a district provides an opportunity for new construction through existing
5 vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical
6 importance. Historic buildings within the district should be utilized and referenced for
7 design context. Contemporary design that respects the district's existing character-
8 defining features without replicating historic designs is encouraged. The Department
9 uses the following criteria when reviewing proposals for infill construction:

- 10 • The structure respects the general size, shape, and scale of the character-defining
11 features associated with the district and its relationship to the character-defining
12 features of the immediate neighbors and the district.
- 13 • The site plan respects the general site characteristics associated with the district.
- 14 • The design respects the general character-defining features associated with the
15 district.
- 16 • The materials are compatible with the district in general character, color, and
17 texture.
- 18 • The only instance where a replication of an original design may be appropriate is
19 the replacement of a missing structure in a row of identical houses.

20
21 Section 3. This Section is uncodified. **Historic Preservation Procedures.**

22 A. Purpose. The Eastern Neighborhoods Area Plans formalize and set
23 the policy framework for the historic preservation efforts currently being
24 performed by Planning Department preservation staff for this sub-area. The City
25 is committed to a more systematic and enhanced policy framework for governing

1 historic preservation for the sub-area as currently set forth under Objectives &
2 Policies in Chapter 8 of the East SoMa, Mission, Showplace Square/Potrero Hill
3 Area Plans, as per the effective date of this amendment, the Planning
4 Department shall enact the building permit review procedures set forth in this
5 Section until Planning Commission adoption of the Eastern Neighborhoods
6 Historic Resource Survey as set forth below. The procedures, as a precautionary
7 measure securing against the loss of potential historic resources, shall ensure
8 extra scrutiny in the period between Plan adoption and adoption of survey
9 findings by the Landmarks Preservation Advisory Board and the Planning
10 Commission.

11 B. Definitions. The following definitions shall apply to this Section 5.

12 1. "Historic Resource Survey", or "Survey" means the area-wide
13 survey of buildings to assess whether they can be considered historic resources,
14 individually or as districts. The survey will have been performed by a consultant
15 with review and oversight by Department staff, and will be submitted to
16 Landmarks Preservation Advisory Board and to the Planning Commission for
17 adoption.

18 2. "Environmental Evaluation Application", "Environmental Exemption
19 Application", or "EE" mean applications filed with the Planning Department
20 by a project sponsor to assess the potential environmental impacts of a proposed
21 project under the California Environmental Quality Act ("CEQA").

22 3. "Historic Context Statement" means a geographically or
23 thematically specific document focusing on a well-defined area's built history.
24 The document is prepared to aid in identifying historic resources, as well as in
25 reviewing permit applications for buildings without individual ratings.

1 4. “Minor Alteration” means work that does not meet the definition of
2 “ordinary maintenance and repairs” set forth in Section 1005(e)(3) and that does
3 not meet the definition of Major Alteration set forth in this Section.

4 5. “Major Alteration” means any project for which the Department
5 requires the filing of an EE.

6 7. “Eastern Neighborhoods Planning Area” means the geographic
7 area contained in the Mission, East SoMa, Showplace Square/Potrero Hill Area
8 Plans, parts of the San Francisco General Plan.

9 8. “DPR 523-A,” “DPR 523-B” or “DPR-523-D” are forms used by the
10 State of California, Department of Parks and Recreation to record historic
11 information related to details on either a building (DPR 523-B) or a district (DPR
12 523-D), whereas DPR 523-A records general information on a property.

13 9. “Significant Tree” means a tree within the definition of Article 16 of
14 the Public Works Code Section 810A.

15 C. Application.

16 1. The permit review procedures set forth in this Section shall be
17 applied throughout the East SoMa, Mission, Showplace Square/Potrero Area
18 Plans (on file with the Clerk of the Board of Supervisors in File No. 081152).
19 Properties subject to these procedures are limited to those built in or before
20 1963.

21 2. Expiration. This section shall be in effect until Planning Commission
22 adoption of the Survey.

23 D. Review Standards for historic resources as defined by CEQA.

24 When the Planning Department’s Preservation Technical Specialists
25 review a building permit for an historic resources as defined by CEQA, the

1 standard to be used shall be "The Secretary of the Interior's Standards for the
2 Treatment of Historic Properties".

3 E. Permit Review Procedures.

4 1. All proposed new construction within the entire areas covered by
5 the Plans that is over 55 feet or 10 feet taller than adjacent buildings, built before
6 1963 shall be forwarded to the Landmarks Preservation Advisory Board for
7 review and comment during a regularly scheduled hearing. The Landmarks
8 Board's comments will be forwarded to the Planning Department for
9 incorporation into the project's final submittal and in advance of any required final
10 hearing before the Planning Commission.

11 2. All projects that required California Environmental Quality Act
12 (CEQA) review for properties constructed prior to 1963 that propose demolition
13 or major alteration within the Plan Areas shall be forwarded to the Landmarks
14 Preservation Advisory Board for comment. When a proposed building permit
15 application may affect a potential or identified historic resource, the applicant
16 must file an EE. When an EE is filed and the supporting Historic Resource
17 Evaluation (HRE) is forwarded to a Preservation Technical Specialist within the
18 Neighborhood Planning Unit for review, copies of the application and HRE shall
19 be forwarded to the Landmarks Preservation Advisory Board for comment. The
20 Landmarks Preservation Advisory Board members may forward comments and
21 recommendations to the Planning Department for incorporation into the project's
22 final environmental evaluation document.

23 3. A report regarding all permit applications that propose exterior
24 modifications to the street façade(s) of historic resources (as defined in Planning
25 Department Preservation Bulletin #16) within the Plan Areas will be presented to

1 the Landmarks Preservation Advisory Board on a regular basis. All building
2 permit applications for exterior modifications visible from a public right of way and
3 within the Plan Area (exclusive of "ordinary maintenance and repairs" permits as
4 defined in Planning Code Section 1005(e)(3), including but not limited to in-kind
5 re-roofing, or replacement of front stairs,) including commercial storefront
6 alterations, shall be reviewed by a Preservation Technical Specialist, or will be
7 reviewed and approved under their supervision. A list of these permit applications
8 shall be compiled and presented to the Landmarks Preservation Advisory Board
9 at their regularly scheduled hearings. The list will provide the following
10 information: Address, APN, Assessor's Date of Construction, any Historic
11 Ratings or Designations, and Brief Description of Work. At the time of the
12 hearing, the Landmarks Board may request a formal presentation or request
13 additional information on any of the listed projects for a future hearing. The
14 Landmarks Board shall have 30 days from receipt of the information to respond.

15 4. A Preservation Technical Specialist shall review or be consulted on
16 all applications for proposed alterations to buildings constructed before 1963
17 within the Plan Areas. Review will take into consideration policies of the East
18 SoMa, Showplace Square/Potrero, and Mission Area Plans, as well as
19 preservation of neighborhood character, the impact of the proposal on the
20 settings of the building(s), significant architectural features, consistent with the
21 Zoning Administrator Bulletin (2006.1A and 2006.1B) on Procedures and Criteria
22 for Adding Garages to Existing Residential Structures, significant trees, as well
23 as other code-mandated regulations.

24 5. Neighborhood Association Block Book Notations (BBN) for all
25 building permit activities reviewed by Planning Department. The Planning

1 Department will offer to register all of the neighborhood associations affected by
2 the Area Plans for Block Book Notations (BBN) by phone number or email. Each
3 association may select the block(s) of their interest within the Plan Area, and the
4 Department will notify them when a permit application is submitted to the
5 Department for review. This procedure will be subject to the Planning
6 Department's Fee Schedule. The Department shall not approve a building or
7 demolition permit application for a period of 10 days during which any interested
8 parties may review the permit application.

9 F. Survey Incorporation into the East SoMa, Mission, Showplace
10 Square/Potrero Area Plans.

11 1. Purpose. To ensure that findings of the survey will be reflected in a
12 future revised version of the East SoMa, Showplace Square/Potrero, and Mission
13 Area Plans, the Planning Department shall follow the procedures set forth in this
14 subsection F.

15 2. Timeline of Actions.

16 a. During the period after the Department receives the consultants'
17 final results of the Survey but no later than 90 days after receipt of the consultant
18 submissions, the Department shall host a community meeting to discuss and
19 share the Survey process and results with the public and present the Survey to
20 the Landmarks Preservation Advisory Board for review, adoption, and
21 recommendation to the Planning Commission.

22 b. Once the Landmarks Preservation Advisory Board recommends
23 Survey adoption, the Department shall have 30 days to present the Survey
24 findings to the Planning Commission for a public hearing to consider Commission
25 adoption of the Survey.

1 c. The Department shall have 90 days from the Planning Commission
2 adoption to prepare a report, called the "Post-Survey Report" for the Commission
3 recommending updates or amendments, if any, to the East SoMa, Showplace
4 Square/Potrero, and Mission Area Plans, the Planning Code, or other relevant
5 planning controls, and shall contain the information as outlined in Section 5(F)(3)
6 below. These recommendations may include amendments to General Plan
7 policies, design principles and/or design guidelines, or amendments to Planning
8 Code provisions regarding land use controls and height districts.

9 d. Within one year of the Planning Commission survey adoption, the
10 Department shall present any, if any, proposed, identified, eligible districts as
11 recorded on DPR 523D District Records, and 523A and 523B, individual building
12 inventory forms, to the Landmarks Preservation Advisory Board ("Landmarks
13 Board"). Upon receipt, the Landmarks Board may: (1) initiate designation under
14 Article 10 of the Planning Code; and/or (2) nominate all California or National
15 Register-eligible districts with the California Office of Historic Preservation (OHP).

16 e. In the event that any of the above deadlines are not met, the Board
17 of Supervisors may schedule a hearing to discuss the most appropriate course of
18 action to ensure the retention of historic resources in the Plan Area.

19 3. Post-Survey Report.

20 a. The Department shall update its "Parcel Information" database with
21 the new information for each lot in the Plan Area. The report shall note that this
22 has taken place.

23 c. Language will be drafted to update Area Plan Policies on future
24 designation of landmarks and historic districts to reflect new designations. The
25 Post-Survey Report shall identify any "potential historic districts" and prioritize

1 such potential historic districts for advancement as new historic districts under
2 Planning Code Article 10.

3 d. In addition to the Post-Survey Report, the Department shall make
4 any recommendations as to additional appropriate changes to the Plan and its
5 implementing controls, at a public hearing at the Planning Commission. These
6 recommendations may include: (i) amendments to East SoMa, Mission, and
7 Showplace Square/Potrero Area Plan policies referring to the Survey; (ii) other
8 amendments to General Plan policies, design principles and/or design guidelines
9 as well as related Planning Code provisions such as land use controls and height
10 districts. The Planning Commission, as appropriate, may recommend proposed
11 amendments to the Board of Supervisors.

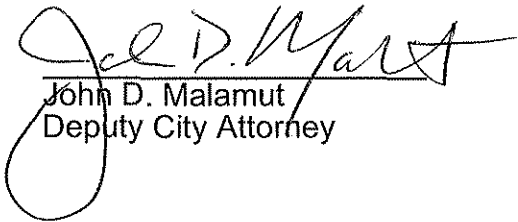
12 e. The Planning Commission and the Board of Supervisors may
13 consider similar interim review procedures as those described in this Section for
14 parcels that are subject to additional survey work.

15 Section 4. This Section is uncodified. Severability concerning challenge
16 to fees. Should the final adjudication of a court void any of the fees associated
17 with the Eastern Neighborhood Area Plans, the increase in height and density
18 provided in this Ordinance and Ordinance No. 299-08, a copy of which is on file
19 with the Clerk of the Board of Supervisors in File No. 081154 and is
20 incorporated herein by reference, shall automatically terminate and the height
21 and density controls shall revert to those in effect prior to this Ordinance. This
22 severability clause is provided in recognition of the integral relationship between
23 the impacts associated with height and density increases and the fees enacted to
24 address these impacts.

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

By: 
John D. Malamut
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081153

Date Passed:

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

- November 18, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly
- November 18, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly
- November 25, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly
- November 25, 2008 Board of Supervisors — COMBINED WITH EXISTING FILE
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly
- November 25, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly


December 9, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval

Excused: 1 - Daly

File No. 081153

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on December 9,
2008 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

12/19/2008

Date Approved



Mayor Gavin Newsom