

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.  
Board amendment deletions are ~~strikethrough normal~~.

14

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. \_\_\_\_\_  
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. \_\_\_\_\_ 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 \_\_\_\_\_. A copy of said Resolution is on file with the Clerk of the Board of  
7 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

8 (c) In accordance with the actions contemplated herein, this Board  
9 adopted Resolution No. \_\_\_\_\_, concerning findings pursuant to the  
10 California Environmental Quality Act (California Public Resources Code sections  
11 21000 et seq.). A copy of said Resolution is on file with the Clerk of the Board of  
12 Supervisors in File No. \_\_\_\_\_ 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, ~~145.6~~, 147, 150, 151.1, 152, 152.1, 153, 154, 155,  
25 157.1, 161, 163, 166, 175.6, 175.8, 179.1, 181, 182, 201, 202, 204, 204.4, 205,

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

25

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, <u>NCT-2,</u>	10,000 sq. ft.
NC-3, NCT-3, <u>Mission Street</u>	
<u>SoMa</u>	
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	
14	NC-1	3,000 sq. ft.
15	Broadway	
16	Hayes-Gough	
17	Upper Market Street	
18	Polk Street	
19	Valencia Street	
20	NC-2, <u>NCT-2, SoMa</u>	4,000 sq. ft.
21	NC-3, NCT-3, <u>Mission Street</u>	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	

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

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

- 15       (1) The mass and articulation of the proposed structures are compatible  
16 with the intended scale of the district.
- 17       (2) For development sites greater than ½-acre, the extension of adjacent  
18 alleys or streets onto or through the site, and/or the creation of new  
19 publicly-accessible streets or alleys through the site as appropriate, in  
20 order to break down the scale of the site, continue the surrounding  
21 existing pattern of streets and alleys, and foster beneficial pedestrian and  
22 vehicular circulation.
- 23       (3) The site plan, including the introduction of new streets and alleys, the  
24 provision of open space and landscaping, and the articulation and  
25

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.

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- <u>B</u>	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.

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

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.

25

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.

25

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

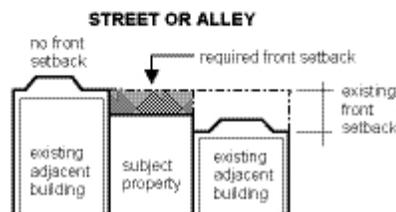
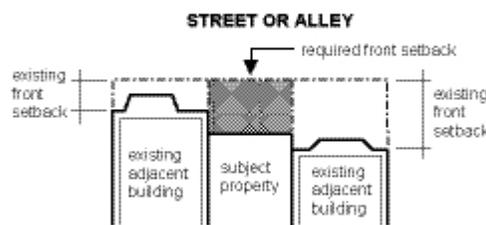
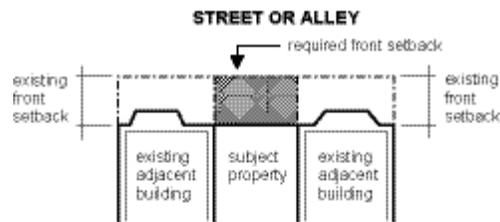
16 (2) The parking requirement for live/work units subject to this subsection  
17 shall be equal to that required for dwelling units within the subject district.

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.

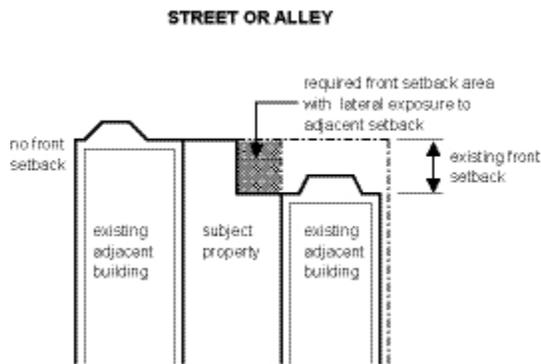
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1 (a) Basic Requirement. Where one or both of the buildings adjacent to  
2 the subject property have front setbacks along a street or alley, any building or  
3 addition constructed, reconstructed or relocated on the subject property shall be  
4 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."



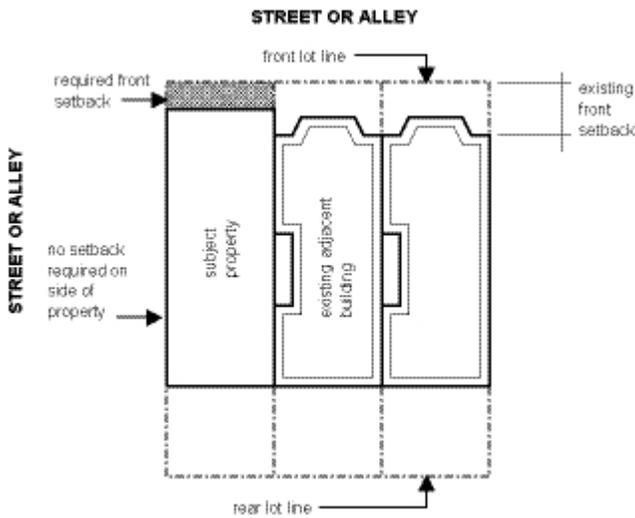
1 (b) Alternative Method of Averaging. If, under the rules stated in  
2 Subsection (a) above, an averaging is required between two adjacent front  
3 setbacks, or between one adjacent setback and another adjacent building with  
4 no setback, the required setback on the subject property may alternatively 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.

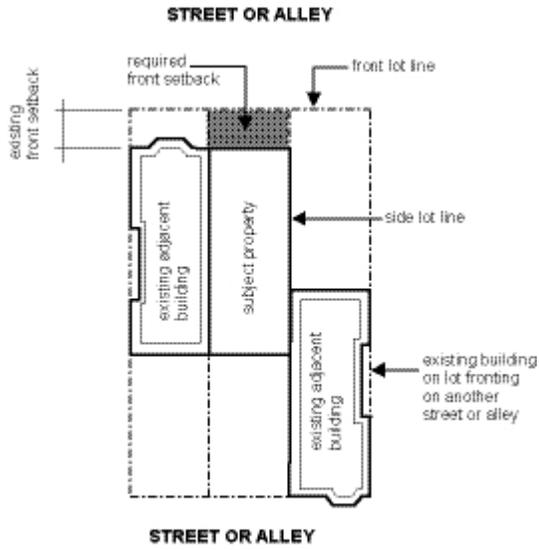
6 (d) Applicability to Special Lot Situations.



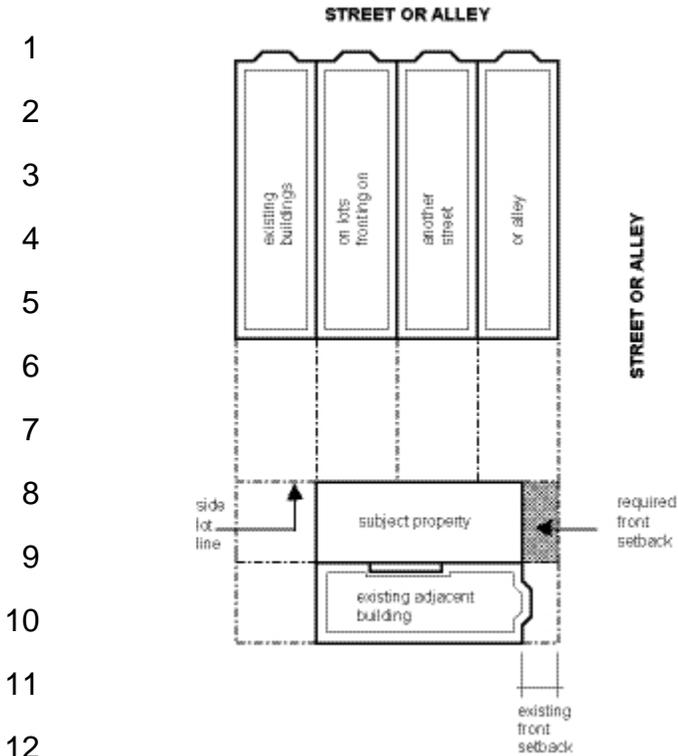
16 (1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined  
17 by this Code, or a lot at the intersection of a street and an alley or two alleys, a  
18 front setback area shall be required only along the street or alley elected by the  
19 owner as the front of the property. Along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

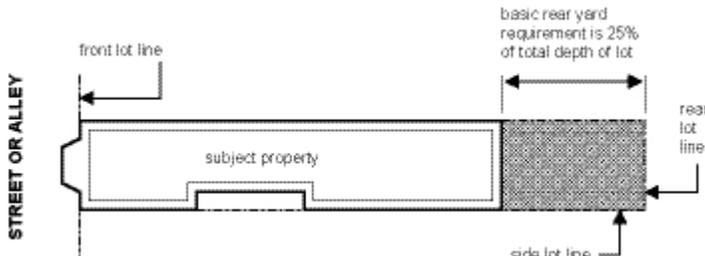
9 The minimum rear yard depth shall be equal to 25 percent of the total depth of  
10 the lot on which the building is situated, but in no case less than 15 feet. For  
11 buildings containing only SRO units in the South of Market Mixed Use and Eastern  
12 Neighborhoods Mixed Use Districts base-area, 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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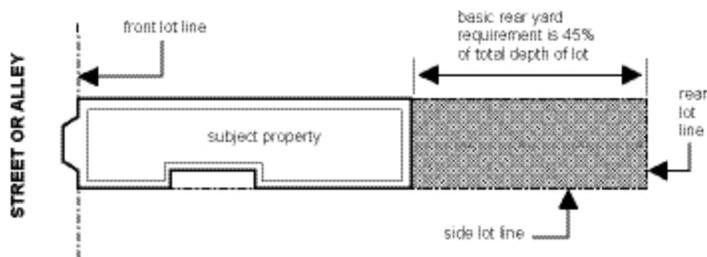
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10 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper  
11 Market Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR,  
12 SLI, ~~and~~ SSO, MUR, MUG, MUO, and UMU Districts. Rear yards shall be provided  
13 at the lowest 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.

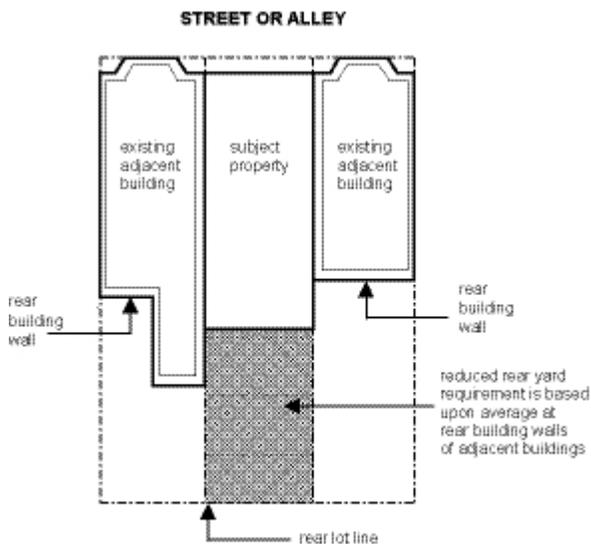
1 (1) General Rule. In such districts, the forward edge of the required rear  
2 yard shall be reduced to a line on the subject lot, parallel to the rear lot line of  
3 such lot, which is an average between the depths of the rear building walls of the  
4 two adjacent buildings. Except for single room 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.

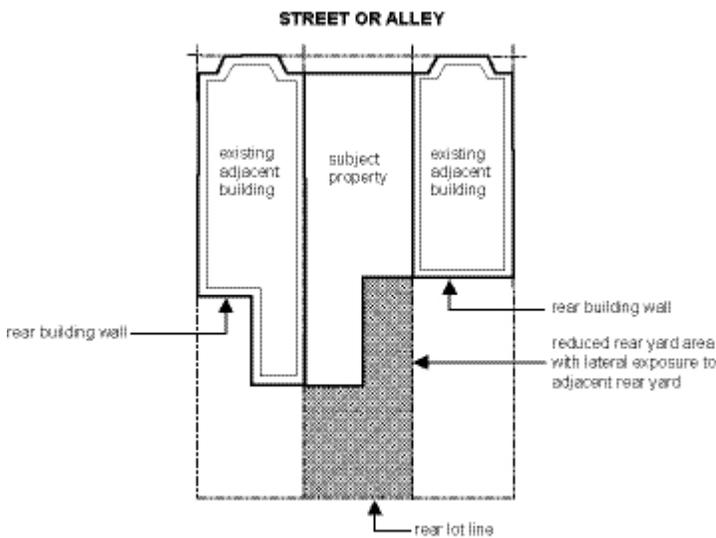
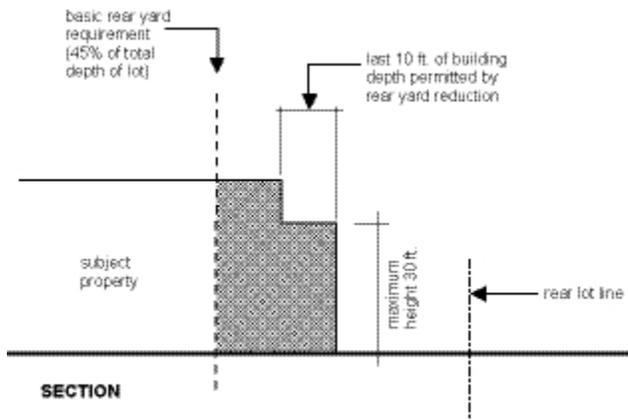
10 (2) Alternative Method of Averaging. If, under the rule stated in  
11 Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the  
12 reduction may alternatively be averaged in an irregular manner; provided that the  
13 area of the resulting reduction shall be no more than the 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.



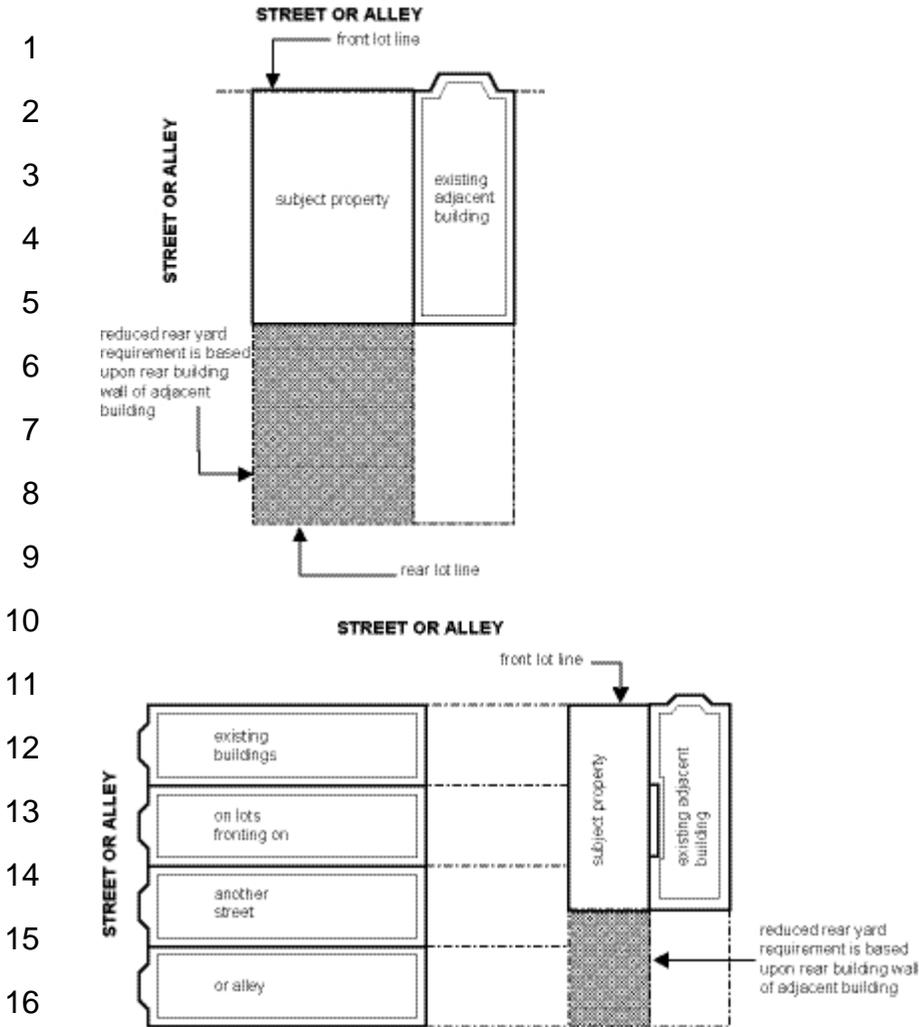


(A) Corner Lots and Lots at Alley Inter-sections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the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

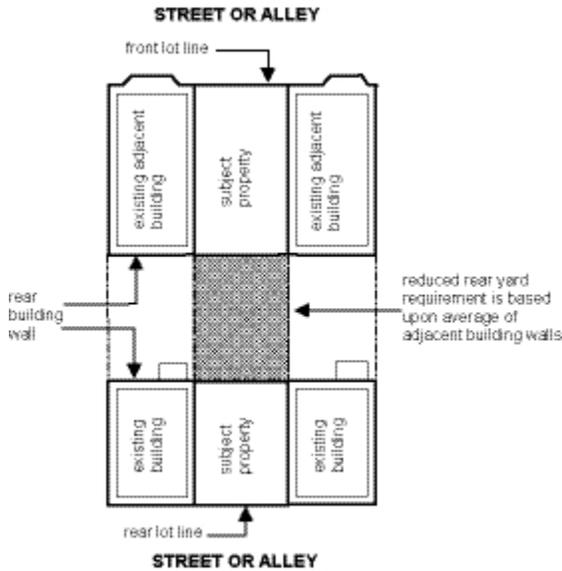
(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts

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.



(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.

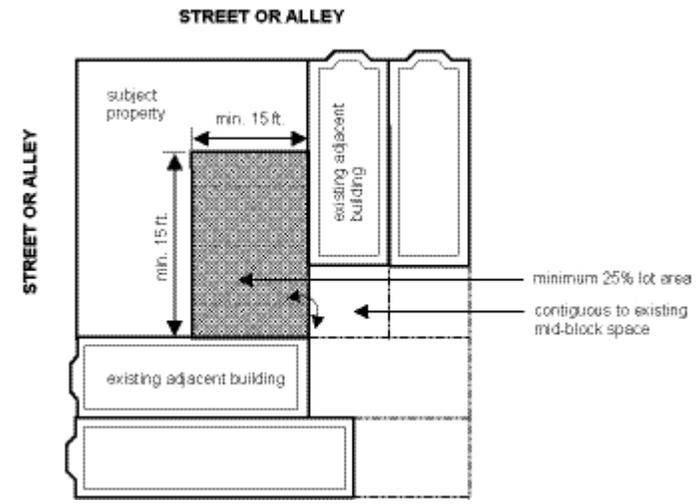
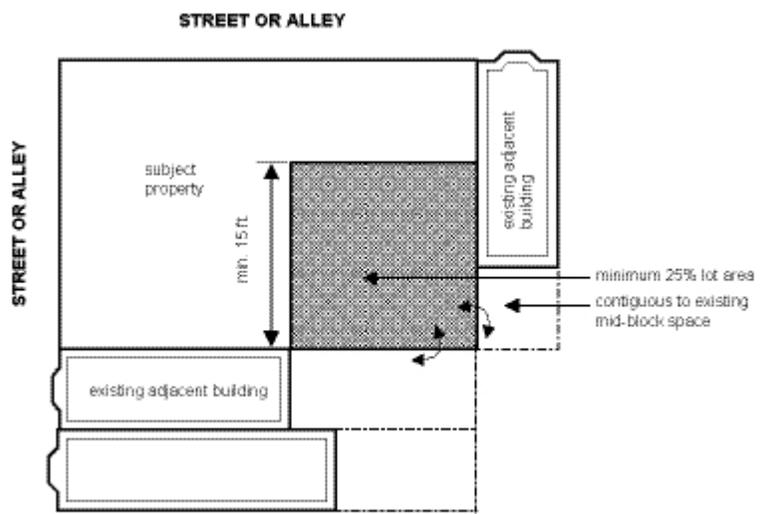
11 (g) Reduction of Requirements in the North of Market Residential  
12 Special Use District. The rear yard requirement may be substituted with an  
13 equivalent amount of open space situated anywhere on the site, provided that  
14 the Zoning Administrator determines that all of the following criteria 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  
17 usable open space is used to satisfy all or part of the requirement for a dwelling  
18 unit, such common usable open space shall be provided in an amount equal to  
19 1.33 square feet for each one square foot of private usable open space specified  
20 in the second column of ~~the~~ Table 135A. In such cases, the balance of the  
21 required usable open space may be provided as private usable open space, with  
22 full credit 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	
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4	NC-1, NC-2, <u>NCT-2</u> , NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
5			
6			
7	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
8			
9			
10			
11			
12			
13	Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
14			
15			
16	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
17			
18			
19			
20	<u>Rincon Hill</u> DTR	This table not applicable. 75 square feet per dwelling. See Sec. <del>827</del> <u>135(d)(4)</u> .	
21			

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.

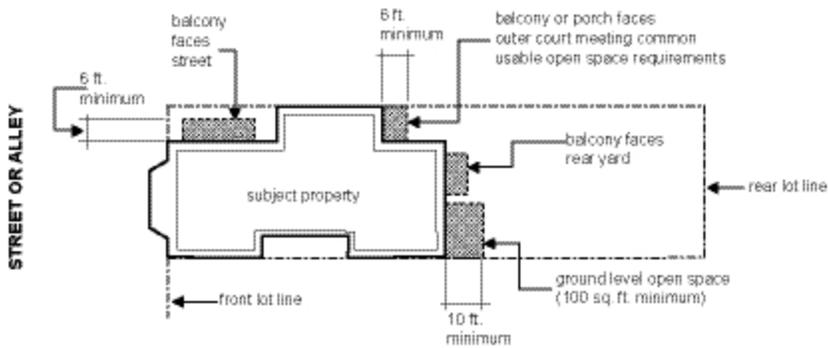
(f) Private Usable Open Space: Additional Standards.

(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.



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

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

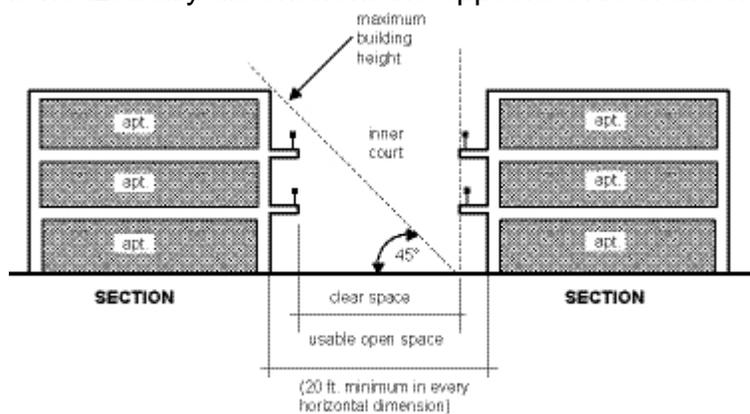
22 (4) Use of Solariums. In C-3 Districts, the area of a totally or partially  
23 enclosed solarium shall be credited as private usable open space if (i) such area  
24 is open to the outdoors through openings or clear glazing on not less than 50  
25

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.  
25

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  
25

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 **TABLE 135.3**

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

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 (f) 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.**

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 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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				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;
				(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;
				(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.
				(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this Section.
				(c) The permitted obstructions shall be as

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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, MUO, MUR, UMU, 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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				<p>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,</p>
				<p>(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:</p>
				<p>(i) The deck shall be designed to provide the minimum obstruction to light, air, view</p>

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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;
		x		(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

1				horizontally.
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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.

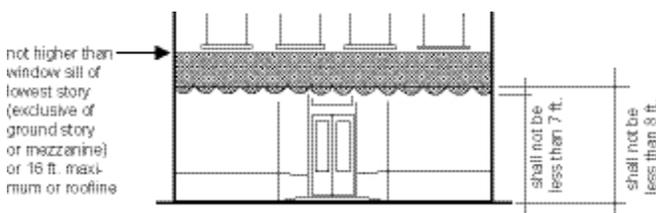
24                   All portions of any permitted awning shall be not less than eight feet above  
25                   the finished grade, excluding any valance which shall not be less than seven feet

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.

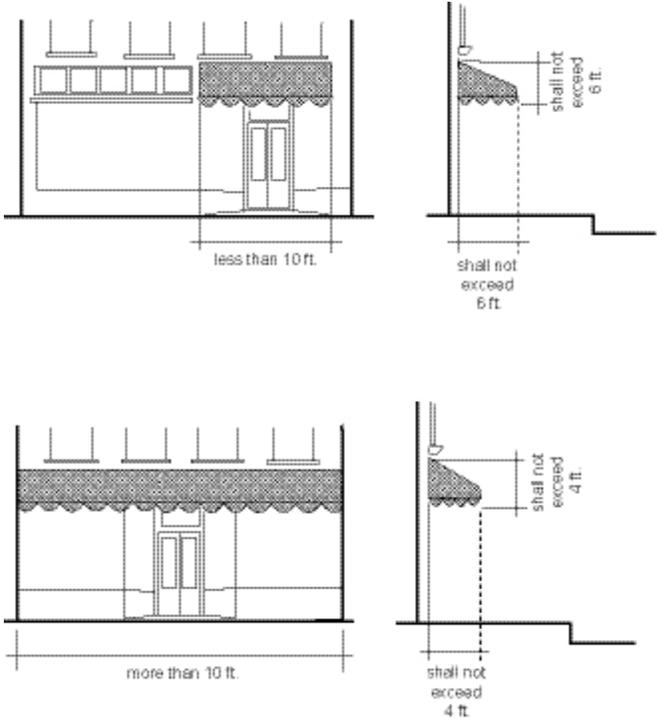
5 (1) NC-1 Districts. The horizontal projection of any awning shall not  
6 exceed four feet from the face of a building. The vertical distance from the top to  
7 the bottom of any awning shall not exceed four feet, including any valance.

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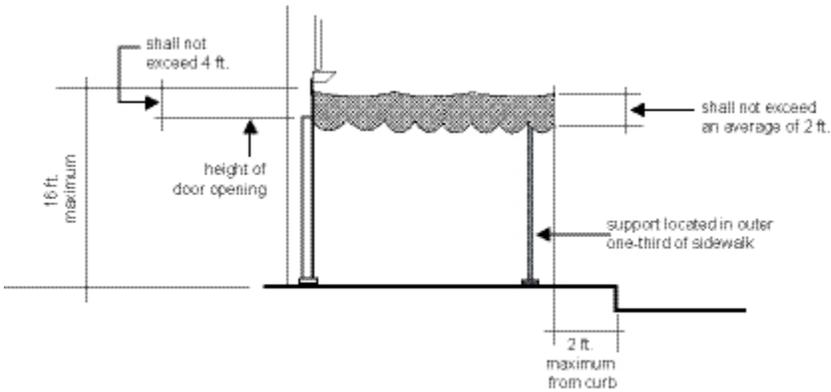
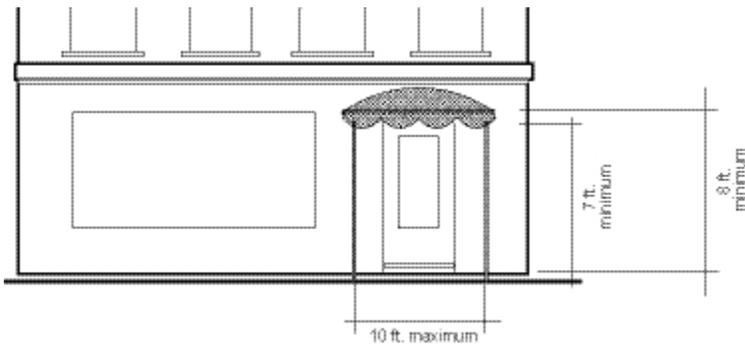
(b) Canopies. Canopies, as defined in Section 790.26 of this Code, shall be regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

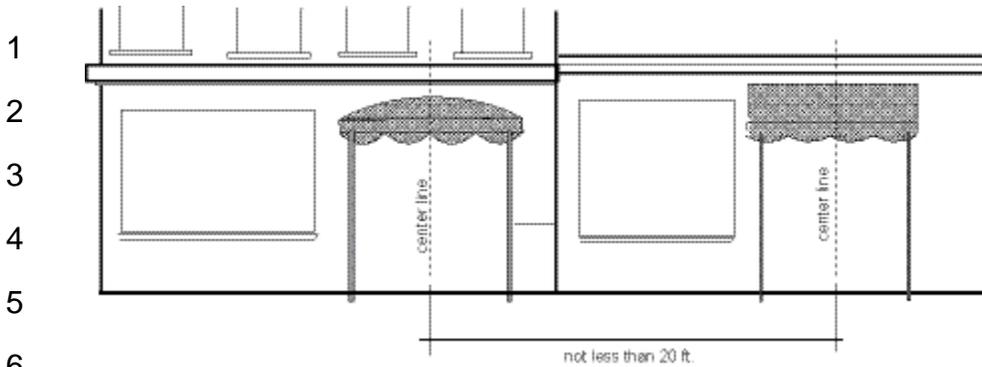
(1) NC-1 Districts. No canopy shall be permitted in any NC-1 District.

(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.





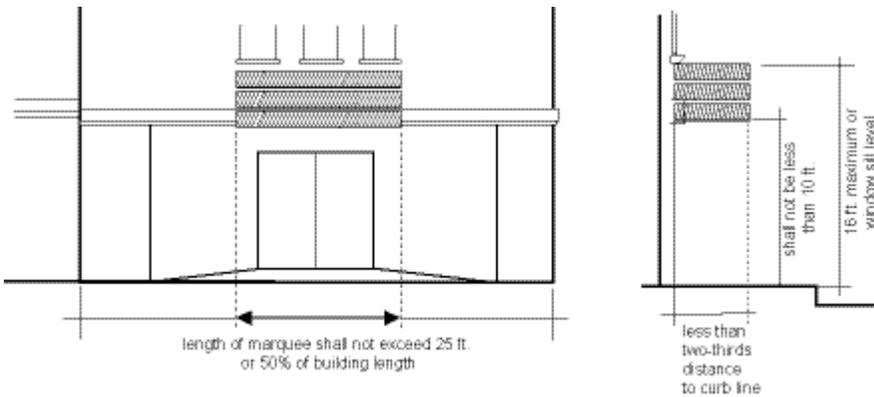
7 (c) Marquees. Marquees, as defined in Section 790.58 of this Code, shall  
 8 be regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed  
 9 Use Districts below.

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

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

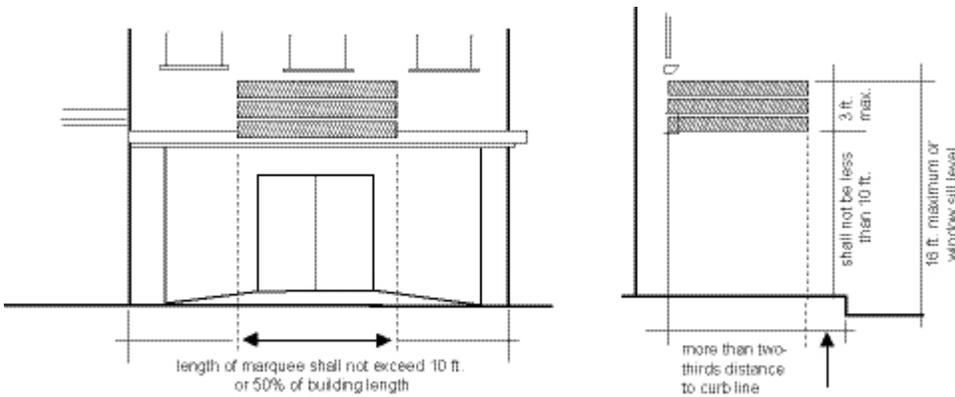
15 (A) A marquee projecting more than of the distance from the property line  
 16 to the curb line shall not exceed 10 feet or 50 percent of the length of the building  
 17 along the direction of the street, whichever is less. All portions of such marquee  
 18 shall be not less than 12 feet nor more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

21 NOTE: These illustrations are diagrams showing maximum dimensions  
 22 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.

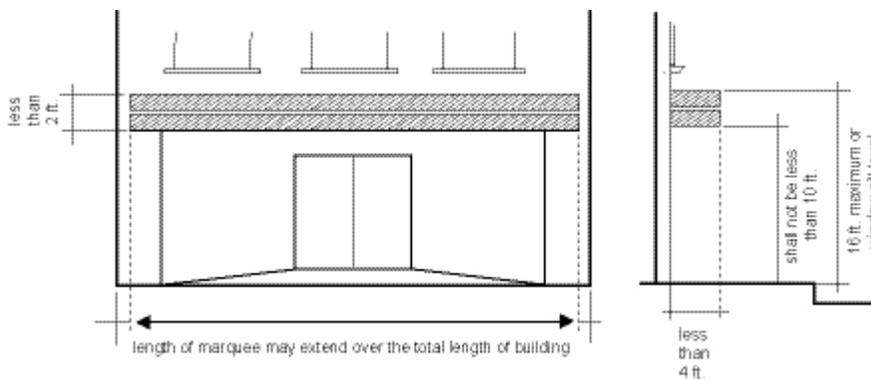
NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(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.



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

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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  $\frac{2}{3}$  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).

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  
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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.

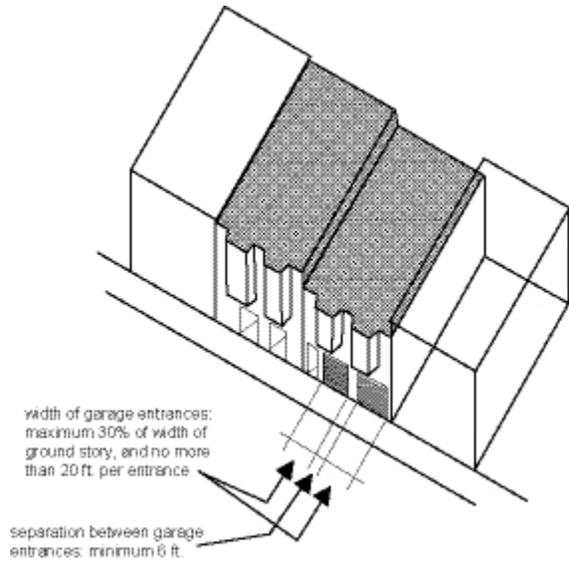
20 **SEC. 144. TREATMENT OF GROUND STORY ON STREET**  
21 **FRONTAGES, RH-2, RH-3, RTO, RTO-M, RM-1, AND RM-2 DISTRICTS.**

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  
24 the street is compatible with the scale and character of the existing street  
25 frontage, visually interesting and attractive in relation to the pattern of the

1 neighborhood, and so designed that adequate areas are provided for front  
2 landscaping, street trees and on-street parking between driveways. The design of  
3 ground story frontages subject to this Section shall also be reviewed for consistency with  
4 applicable 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 a ~~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

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.

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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

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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 (eA) Above-Grade Parking Setback. ~~In NCT districts, o~~ff-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 ~~(c) 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 (1) ~~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 ~~12~~ 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,~~

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 (c) 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 ~~(c) **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

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

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1	<del>890.34</del>	<del>Eating and Drinking Use</del>
2	<del>890.37</del>	<del>Entertainment, Other</del>
3		
4	<del>890.39</del>	<del>Gift Store Tourist Oriented</del>
5	<del>890.50</del>	<del>Institutions, Other</del>
6	<del>890.51</del>	<del>Jewelry Store</del>
7		
8	<del>890.68</del>	<del>Neighborhood Serving Business</del>
9	<del>890.69*</del>	<del>Non-Auto Vehicle Sales or Rental</del>
10	<del>890.80*</del>	<del>Public Use</del>
11		
12	<del>890.88*</del>	<del>Residential Use</del>
13	<del>890.90</del>	<del>Restaurant, Fast Food (Small)</del>
14	<del>890.91</del>	<del>Restaurant, Fast Food (Large)</del>
15		
16	<del>890.92</del>	<del>Restaurant, Full-Service</del>
17	<del>890.102</del>	<del>Sales and Service, Other Retail</del>
18	<del>890.104</del>	<del>Sales and Services, Retail</del>
19		
20	<del>890.112</del>	<del>Service, Limited Financial</del>
21	<del>890.116</del>	<del>Service, Personal</del>
22	<del>890.122</del>	<del>Take-Out Food</del>
23	<del>890.124</del>	<del>Trade Shop</del>
24		
25	<del>890.140</del>	<del>Walk-Up Facility</del>

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) 3<sup>rd</sup> 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 20<sup>th</sup>  
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 ~~NGDNCT~~;
- 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	<u>790.104</u>	<u>890.104</u>	<u>Sales and Services, Retail</u>
4			
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	<u>790.124</u>	<u>890.124</u>	<u>Trade Shop</u>
12			
13	<u>790.140</u>	<u>890.140</u>	<u>Walk-Up Facility</u>

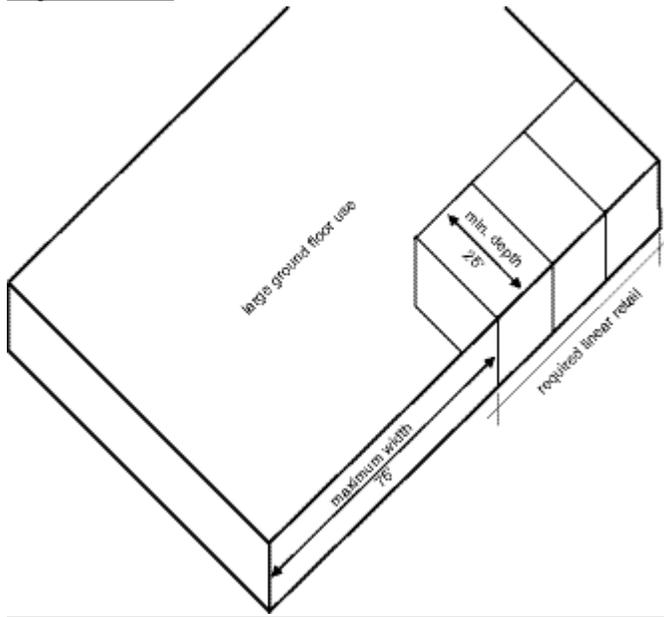
14  
15 (d) Controls.

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

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

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

1 Figure 145.4



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15 (e) Modifications. Modifications to the requirements of this Section are not  
16 permitted in DTR Districts. In Neighborhood Commercial Districts, modifications to the  
17 requirements of this Section may be granted through the Conditional Use process, as set  
18 forth in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to  
19 the requirements of this Section may be granted through the procedures of Section  
20 309.2329 for projects subject to that Section or through an Administrative Modification  
21 from the Zoning Administrator for other projects, as set forth in Section 307(g).

22 **SEC. 145.5. GROUND FLOOR STANDARDS IN PDR DISTRICTS.**

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

25 ~~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  
25

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, <del>except as specified below</del>	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	<u>2 bedrooms and at least 1,000</u>	<u>conditions and procedures of Section 151.1(f); NP</u>
2	<u>square feet of occupied floor area</u>	<u>above one car for each dwelling unit.</u>
3	-	
4	Dwelling units in NCT Districts	P up to one car for each two dwelling units; C up
5		to 0.75 cars for each dwelling unit, subject to the
6		criteria and procedures of Section 151.1(f); NP
7		above 0.75 cars for each dwelling unit.
8	Dwelling units in RTO Districts,	P up to three cars for each four dwelling units; C
9	except as specified below	up to one car for each dwelling unit, subject to the
10		criteria and procedures of Section 151.1(f); NP
11	<u>Dwelling units and SRO units in</u>	<u>P up to 0.75 cars for each dwelling unit and subject to</u>
12	<u>UMU Districts, except as specified</u>	<u>the conditions of 151.1(f); NP above.</u>
13	<u>below</u>	
14	<u>Dwelling units in UMU District</u>	<u>P up to 1 car for each dwelling unit and subject to the</u>
15	<u>with at least 2 bedrooms and at</u>	<u>conditions of 151.1(f); NP above.</u>
16	<u>least 1,000 square feet of occupied</u>	
17	<u>floor area</u>	
18	Group housing of any kind	P up to one car for each three bedrooms or for
19		each six beds, whichever results in the greater
20		requirement, plus one for the manager's dwelling
21		unit if any. NP above.
22	<del>SRO units</del>	<del>P up to one car for each 20 units, plus one for the</del>
23		<del>manager's dwelling unit, if any. NP above.</del>
24	<u>All non-residential uses in C-3</u>	<u>Not to exceed 7% of gross floor area of such uses. See</u>
25	<u>Districts</u>	<u>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, 3<sup>rd</sup> and</u>  11 <u>4<sup>th</sup> 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 231θ.</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 <i>r</i>Restaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise</u></p>	<p><u><i>P up to one for each 200 square feet of occupied floor area.</i></u></p>
<p><u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other <i>r</i>Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture</u></p>	<p><u><i>P up to one for each 1,000 square feet of occupied floor area.</i></u></p>
<p><u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other <i>g</i>Greenhouse or plant nursery</u></p>	<p><u><i>P up to one for each 4,000 square feet of occupied floor area.</i></u></p>

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

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

**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**

1 **OFF-STREET FREIGHT LOADING SPACES REQUIRED (IN C-3, EASTERN**  
 2 **NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET**  
 3 **MIXED USE DISTRICTS)**  
 4

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	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	0--10,000	0
10,001-- 50,000		1	
over 50,000		0.21 spaces per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)	
10	11 12 13 14 15 16 17 18	0-- 100,000	0
100,001-- 200,000		1	
200,001-- 500,000		2	
over 500,000		3 plus 1 space for each additional 400,000 sq. ft.	

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  
25

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.

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 10<sup>th</sup> Street to  
24 Division Street, Octavia Street from Hayes Street to Fell Street, ~~*not permitted.*~~  
25 *Embarcadero in the DTR Districts, 22<sup>nd</sup> Street between 3<sup>rd</sup> Street and Minnesota Streets*

1 within the NCT-2 District, Valencia Street between 15<sup>th</sup> and 23<sup>rd</sup> 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, 16<sup>th</sup>  
5 St between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts, 6<sup>th</sup> Street  
6 for its entirety within the SoMa NCT District, 3<sup>rd</sup> Street, in the UMU districts for 100 feet  
7 north and south of Mariposa and 100 feet north and south of 20<sup>th</sup> Streets, and 4<sup>th</sup> 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 16<sup>th</sup> 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

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:

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 (*cb*) 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

Number of Residential Units	Number of Required Car Share Parking Spaces
0--49	0
50--200	1
201 or more	<del>2</del> , plus 1 for every 200 dwelling units over 200
<b>Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility</b>	<b>Number of Required Car Share Parking Spaces</b>

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
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 (~~e~~) 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 (~~e~~) 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:

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 ~~P~~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. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN**  
9 **NEIGHBORHOODS**

10 (a) Intent. As a result of the Eastern Neighborhoods Zoning Controls,  
11 certain land uses that were previously permitted, particularly office and housing,  
12 are no longer permitted. The purpose of this Section is to establish a time-limited  
13 program wherein existing uses that have operated without the benefit of required  
14 permits may seek those permits. Uses that could be "legitimized" under this  
15 Section are those uses which, under the current provisions of this Code and  
16 without this Section, could not otherwise seek the required permits.

17 (b) Applicability.

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

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

1 (A) exists as of the date of the application;  
2 (B) would have been principally permitted or permitted with  
3 conditional use authorization under provisions of the Planning Code that were  
4 effective on April 17, 2008,  
5 (C) would not be permitted under current provisions of this Code;  
6 (D) is a land use that either:  
7 (1) has been regularly operating or functioning on a continuous  
8 basis for no less than 3 2 years prior to the effective date of this Section; or  
9 (2) has been functioning in the space since at least April 17, 2008,  
10 and is associated with an organization, entity or enterprise which has been  
11 located in this space on a continuous basis for no less than 3 2 years prior to the  
12 effective date of this Section;  
13 (E) is not accessory to any other use; and  
14 (F) is not discontinued and abandoned pursuant to the provisions of  
15 Section 183 that would otherwise apply to nonconforming uses.  
16 (3) Sunset. All applications for a determination of eligibility under  
17 Subsection (d) must be received by the Zoning Administrator within three years  
18 of the effective date of this Section. If the Planning Department fails to timely  
19 issue notice pursuant to Subsection (c), the Zoning Administrator may extend this  
20 termination date for an additional period of time not to exceed the number of  
21 days that the Department delayed in issuing the notice.  
22 **(c) Notification of Program Availability.**  
23 Within 90 days of the effective date of this Section, the Planning Department  
24 shall cause notice to be mailed to all owners of property to which this Section  
25 applies. Such notification shall consist of an explanation of this program and

1 application instructions and any other relevant information determined by the  
2 Zoning Administrator.

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

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

10 Any application under this Subsection shall be accompanied by the following  
11 materials:

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

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

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

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

22 The Zoning Administrator shall determine compliance with the criteria set forth in  
23 Subsection (b)(2), above, through a written decision. No less than 30 days prior  
24 to making a determination, the Zoning Administrator shall mail and post a notice  
25 of intent to render a determination as set forth below so that parties other than

1 the applicant are afforded the opportunity to present information which may have  
2 bearing on the determination:

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

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

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

10 (4) by posting a notice on the subject property as set forth in Section  
11 306.8.

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

13 Uses that are determined to be in compliance with the criteria of Subsection  
14 (b)(2), above, shall be governed as set forth below. Unless specifically stated by  
15 the Planning Commission in the case of a Conditional Use authorization,  
16 approval of any application under this Subsection shall be deemed to authorize  
17 all aspects of the use and portions of the structure housing the use under the  
18 Planning Code. Those portions of the use or structure that do not comply with  
19 current provisions of this Code shall be deemed nonconforming uses or  
20 noncomplying structures under Article 1.8 of this Code. Action under this  
21 Subsection shall in no way shall affect the applicability of relevant portions of the  
22 Building Code or other portions of the Municipal Code.

23 (1) Those uses which, under the provisions of this Code that were  
24 applicable on April 17, 2008, would have either: (i) required Conditional Use  
25 authorization pursuant to Section 303 or (ii) been principally permitted but

1 required an allocation of office space of less than 50,000 gross square feet under  
2 the Annual Limit pursuant to Section 321(b)(4), may seek such authorization  
3 pursuant to all requirements of the applicable Section.

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

9 (3) Those uses which, under the provisions of this Code that were  
10 applicable on April 17, 2008, would have required an allocation of office space of  
11 50,000 or more gross square feet under the Annual Limit, may seek such  
12 authorization pursuant to the requirements of Section 321; however, no  
13 application may be acted on by the Planning Commission until the termination  
14 date of the application period set forth in Subsection (b)(3), above. After that  
15 time, Planning Department staff shall take all reasonable steps to schedule  
16 pending eligible applications for Planning Commission review based on the order  
17 in which a project's determination of eligibility was issued. Nothing in this Section  
18 shall preclude the Director of Planning, based on the demand for participation in  
19 this program, from limiting the number of projects that appear before the  
20 Planning Commission in a given period of time.

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

25

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

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

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

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

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

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

20 ~~SEC. 179.1. USES LOCATED IN THE EASTERN NEIGHBORHOODS PLAN~~  
21 ~~AREA.~~

22 ~~The following provisions shall govern with respect to uses and features located in~~  
23 ~~the Eastern Neighborhoods Plan Area to the extent that there is a conflict~~  
24 ~~between the provisions of this Section and other sections contained in this Article~~  
25 ~~4.7.~~

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

6 (b) Definitions. A "Recognized Existing Use" shall mean an actual use of space  
7 that existed on the effective date of Ordinance No. \_\_\_\_\_ for which the required  
8 permits have not been obtained. Such uses also may include existing office  
9 activities located within a lawfully permitted business service use, but may not  
10 include any activity located within lawfully permitted live/work use. Recognized  
11 Existing Uses shall be limited to include only an activity that:

12 (1) has been regularly operating, conducting business, or otherwise functioning  
13 on a reasonably continuous basis for no less than 3 years prior to the effective  
14 date of Ordinance No. \_\_\_\_\_;

15 (2) is conducted in a manner generally consistent with the nature of, and any  
16 improvements to, the space in which it exists;

17 (3) is not accessory to any other use;

18 (4) complies with the discontinuance and abandonment provisions of Section 183  
19 that would otherwise apply to nonconforming uses; and,

20 (5) is determined to be a Recognized Existing Use by the Zoning Administrator,  
21 along with a use size and establishment date, when a property owner requests  
22 such determination and provides adequate supporting evidence, which may  
23 include but is not necessarily limited to the following: rental or lease agreements,  
24 building or other permits, utility records, business licenses, or tax records.

25

- 1 (c) Lawfully Existing Uses. The following provisions shall apply to all lawful  
2 existing uses:
- 3 (1) Any use or feature in the Eastern Neighborhoods that lawfully existed on the  
4 effective date of Ordinance No. \_\_\_\_\_ which is classified as a principal use by  
5 the enactment of Ordinance No. \_\_\_\_\_ is hereby deemed to be a permitted  
6 principal use.
- 7 (2) Any use or feature in the Eastern Neighborhoods that lawfully existed on the  
8 effective date of Ordinance No. \_\_\_\_\_ which is classified as a conditional use by  
9 the enactment of Ordinance No. \_\_\_\_\_ is deemed to be a permitted conditional  
10 use, subject to the provisions of Section 178 of this Code.
- 11 (3) Any use or feature in the Eastern Neighborhoods that lawfully existed on the  
12 effective date of Ordinance No. \_\_\_\_\_ and which use or feature is not permitted by  
13 the enactment of Ordinance No. \_\_\_\_\_ is hereby deemed to be a nonconforming  
14 use subject to the provisions of Sections 180 through 186.1 of this Code.
- 15 (4) Any use or feature in the Eastern Neighborhoods that was nonconforming  
16 under Section 180 of this Code prior to the effective date of Ordinance No. \_\_\_\_\_,  
17 which is classified as a principal use by the enactment of Ordinance No. \_\_\_\_\_, is  
18 deemed to be a permitted principal use.
- 19 (5) Any use or feature in the Eastern Neighborhoods that was nonconforming  
20 under Section 180 of this Code prior to the effective date of Ordinance No. \_\_\_\_\_,  
21 which is classified as a conditional use by the enactment of Ordinance No. \_\_\_\_\_,  
22 is deemed to be a permitted conditional use, subject to the provisions of Section  
23 178 of this Code.
- 24 (6) Any use or feature in the Eastern Neighborhoods that was nonconforming  
25 under Section 180 of this Code prior to the effective date of Ordinance No. \_\_\_\_\_,

1 which continues to be not permitted by operation of Ordinance No. \_\_\_\_\_, shall  
2 still be classified as a nonconforming use, subject to the provisions of Sections  
3 180 through 183 of this Code.

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

9 (1) A Recognized Existing Use that is permitted as a principal use by the  
10 enactment of Ordinance No. \_\_\_\_\_, will be deemed to be a permitted principal use  
11 if:

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

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

18 (i) any requirement for a Conditional Use authorization,

19 (ii) any prohibition of the use itself,

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

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

25 (D) All necessary permits and entitlements are granted; and

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

7 (2) A Recognized Existing Use that is permitted as a conditional use by the  
8 enactment of Ordinance No. \_\_\_\_\_ and would have been a principally permitted  
9 use at the time the use was established, will be deemed to be a permitted  
10 conditional use if all the criteria identified in Subsection (e)(1)(A) through  
11 (e)(1)(E), above, are met.

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

16 (4) A Recognized Existing Use that is permitted as a conditional use by the  
17 enactment of Ordinance No. \_\_\_\_\_, and would have been permitted as a  
18 conditional use at the time it was established, will be deemed to be a permitted  
19 conditional use if:

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

24  
25

1 (B) The application is subject to only those Planning Code provisions which  
2 would have applied to the use at the time it was established, with the following  
3 exceptions:  
4 (i) any prohibition of the use itself, and  
5 (ii) any off-street parking or loading requirements set forth under Article 1.5; and  
6 (C) The application does not involve any expansion or intensification of the  
7 recognized existing use, rather any such expansion or intensification would be  
8 proposed under separate application subject to all current Planning Code  
9 provisions; and  
10 (D) The conditional use is authorized the City grants all and all other necessary  
11 permits and entitlements for the use; and  
12 (E) All work that is required for Code compliance under all applicable Codes is  
13 completed, including the issuance of a Certificate of Final Completion from the  
14 Department of Building Inspection, within one year of the granting of the  
15 necessary permits and entitlements, except that this time may be extended an  
16 additional one year should delays be caused by a government agency or by legal  
17 action.  
18 (5) A Recognized Existing Use that is not a permitted use by the enactment of  
19 Ordinance No. \_\_\_\_\_, and which would have been permitted as a conditional use  
20 at the time it was established, will be deemed a nonconforming use if all the  
21 criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.  
22 (6) A Recognized Existing Use that is permitted as a conditional use by the  
23 enactment of Ordinance No. \_\_\_\_\_, and which was not permitted at the time the  
24 use was established, will be deemed to be a permitted conditional use if all the  
25 criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.

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

6 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS,**  
7 **ALTERATIONS AND RECONSTRUCTION.**

8 The following provisions shall apply to non-conforming uses with respect  
9 to enlargements, alterations and reconstruction:

10 (a) A nonconforming use, and any structure occupied by such use, shall  
11 not be enlarged, intensified, extended, or moved to another location, with the  
12 exception of the construction of a mezzanine within a live/work unit and expansion  
13 of dwelling units in PDR Districts, unless the result will be elimination of the  
14 nonconforming use, except as provided in Paragraph (b)(3) and (i) below and  
15 Section 186.1 of this Code. A nonconforming use shall not be extended to  
16 occupy additional space in a structure, or additional land outside a structure, or  
17 space in another structure, or to displace any other use, except as provided in  
18 Sections 182 and 186.1 of this Code.

19 (b) A structure occupied by a nonconforming use shall not be  
20 constructed, reconstructed or altered, unless the result will be elimination of the  
21 nonconforming use, except as provided in Section 186.1 of this Code and in  
22 Subsections (a) above and (d), (e), (f) and (g) below, and except as follows:

23 (1) Ordinary maintenance and minor repairs shall be permitted where  
24 necessary to keep the structure in sound condition, as well as minor alterations,  
25

1 where such work is limited to replacement of existing materials with similar  
2 materials placed in a similar manner.

3 (2) Minor alterations shall be permitted where ordered by an appropriate  
4 public official to correct immediate hazards to health or safety, or to carry out  
5 newly enacted retroactive requirements essential to health or safety.

6 (3) Alterations otherwise allowed by this Code shall be permitted for any  
7 portion of the structure that will not thereafter be occupied by the nonconforming  
8 use, provided the nonconforming use is not enlarged, intensified, extended, or  
9 moved to another location.

10 (4) All other alterations of a structural nature shall be permitted only to  
11 the extent that the aggregate total cost of such other structural alterations, as  
12 estimated by the Department of Public Works, is less than 1/2 of the assessed  
13 valuation of the improvements prior to the first such alteration, except that  
14 structural alterations required to reinforce the structure to meet the standards for  
15 seismic loads and forces of the Building Code shall be permitted without regard  
16 to cost.

17 (c) A dwelling or other housing structure exceeding the permitted density  
18 of dwelling units or other housing units set forth in Sections 207.5, 208, 209.1 ~~or~~  
19 209.2, or 215 of this Code for the district in which it is located shall be classified  
20 as a nonconforming use under Section 180 of this Code, but only to the extent  
21 that such dwelling or other housing structure exceeds the permitted density. This  
22 Section 181 shall apply with respect to enlargements, alterations and  
23 reconstruction of the nonconforming portion of such dwelling or other housing  
24 structure, consisting of those dwelling units or other housing units which exceed  
25 the permitted density. Any dwelling unit or other housing unit coming within the

1 density limit shall not be affected by this Section 181. Except as provided in  
2 Sections 181(h) and 182(e), no dwelling or other housing structure exceeding the  
3 permitted density of dwelling units or other housing units shall be altered to  
4 increase the number of dwelling units or other housing units therein, or to  
5 increase or create any other nonconformity with respect to the dwelling unit or  
6 other housing unit density limitations of Section 209.1 or Section 209.2.

7 (d) Notwithstanding the foregoing provisions of this Section 181, a  
8 structure occupied by a nonconforming use that is damaged or destroyed by fire,  
9 or other calamity, or by Act of God, or by the public enemy, may be restored to its  
10 former condition and use; provided that such restoration is permitted by the  
11 Building Code, and is started within one year and diligently prosecuted to  
12 completion. The age of such a structure for the purposes of Sections 184 and  
13 185 shall nevertheless be computed from the date of the original construction of  
14 the structure. Except as provided in Subsection (e) below, no structure occupied  
15 by a nonconforming use that is voluntarily razed or required by law to be razed  
16 by the owner thereof may thereafter be restored except in full conformity with the  
17 use limitations of this Code.

18 For purposes of this Subsection, any dwelling unit or other housing unit in  
19 a structure that has, in whole or substantial part, been determined by the Director  
20 of Public Works to be unsafe to occupy or that will require substantial repair due  
21 to damage caused by the earthquake that occurred in San Francisco on October  
22 17, 1989 and its associated aftershocks, may be restored and recorded as a  
23 lawfully permitted unit even if its prior lawful existence cannot be established if  
24 (1) the permit applicant can demonstrate to the satisfaction of the Zoning  
25 Administrator that the unit has been occupied within one year prior to the

1 earthquake, and (2) the unit is brought into compliance with the Building Code,  
2 Housing Code, Fire Code and any applicable requirements of State and Federal  
3 law. Any dwelling unit or other housing unit legalized pursuant to this Subsection  
4 shall be offered to the previous tenant, or if that tenant does not desire to  
5 reoccupy such unit, to any tenant on reoccupancy at the rent which was charged  
6 prior to the earthquake. If the amount of rent cannot be established to the  
7 satisfaction of the Zoning Administrator, the Zoning Administrator shall set a rent  
8 that is affordable to households making 80 percent of the median income in San  
9 Francisco, according to guidelines established by the Mayor's Office of Housing.

10 (e) In order that major life safety hazards in structures may be eliminated  
11 as expeditiously as possible, a structure containing nonconforming uses and  
12 constructed of unreinforced masonry that is inconsistent with the requirements of  
13 the UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished  
14 and reconstructed with the same nonconforming use or a use as permitted by  
15 Planning Code Section 182; provided that there is no increase in any  
16 nonconformity, or any new nonconformity, with respect to the use limitations of  
17 this Code; provided further that the current requirements of the Building Code,  
18 the Housing Code and other applicable portions of the Municipal Code are met;  
19 and provided further that such restoration or reconstruction is started within one  
20 year after razing or other demolition work on the structure and diligently  
21 prosecuted to completion.

22 (f) A nighttime entertainment use within the ~~South of Market~~-RSD, MUG,  
23 MUR, or SLR Districts may be enlarged, intensified, extended or expanded,  
24 including the expansion to an adjacent lot or lots, provided that: (1) the  
25 enlargement, intensification, extension or expansion is approved as a conditional

1 use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole meets  
2 the parking and signage requirements, floor area ratio limit, height and bulk limit,  
3 and all other requirements of this Code which would apply if the use were a  
4 permitted one; and (3) the provisions of Section 803.5(~~b#~~) of this Code are  
5 satisfied.

6 (g) Automotive sales and service signs within the Automotive Special  
7 Use District which have all required permits but which do not comply with the  
8 controls for new signs established in Section 607.3 of this Code shall be  
9 permitted to remain as nonconforming uses and shall be permitted to modify the  
10 signage text to describe new automobile ownerships and dealerships that may  
11 occur from time to time.

12 (h) In PDR Districts, no building containing a residential use shall be altered to  
13 increase the number of dwelling units or other housing units therein. However, individual  
14 dwelling units or other housing units may be expanded, subject to height, bulk, and all  
15 other provisions of this Code which would otherwise be applicable to dwelling units or  
16 other housing units in the Urban Mixed Use District.

17 (i) In the Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts, a  
18 non-residential nonconforming use may expand in gross floor area by no more than 25  
19 percent with conditional use authorization pursuant to Section 303 of this Code. Such  
20 conditional use authorization may not be granted for any subsequent or additional  
21 expansion beyond the initial 25 percent.

22 **SEC. 182. NONCONFORMING USES: CHANGES OF USE.**

23 The following provisions shall apply to nonconforming uses with respect to  
24 changes of use:

1 (a) A nonconforming use shall not be changed or modified so as to  
2 increase the degree of nonconformity under the use limitations of this Code, with  
3 respect to the type of use or its intensity except as provided in Section 181 for  
4 nighttime entertainment activities within the ~~South of Market~~ RSD, MUG, MUR, or  
5 SLR Districts and in Subsection (f) below. The degree of nonconformity shall be  
6 deemed to be increased if the new or modified use is less widely permitted by the  
7 use districts of the City than the nonconforming use existing immediately prior  
8 thereto.

9 (b) Except as limited in this Subsection, a nonconforming use may be  
10 reduced in size, extent or intensity, or changed to a use that is more widely  
11 permitted by the use districts of the City than the existing use, subject to the  
12 other applicable provisions of this Code. Except as otherwise provided herein,  
13 the new use shall still be classified as a nonconforming use.

14 (1) A nonconforming use in a Residential District (other than a  
15 Residential-Commercial Combined District or an RED District), which use is  
16 located more than 1/4 mile from the nearest Individual Area Neighborhood  
17 Commercial District or Restricted Use Subdistrict described in Article 7 of this  
18 Code, may change to another use which is permitted as a principal use at the  
19 first story and below in an NC-1 District, or it may change to another use which is  
20 permitted as a conditional use at the first story and below in an NC-1 District only  
21 upon approval of a conditional use application pursuant to the provisions of  
22 Article 3 of this Code. If the nonconforming use is seeking to change in use to a  
23 retail sales activity or retail sales establishment which is also a formula retail use,  
24 as defined in Section 703.3 of this Code, it shall comply with the provisions of  
25 Section 703.3 of this Code. The nonconforming use shall comply with other

1 building standards and use limitations of NC-1 Districts, as set forth in Sections  
2 710.10 through 710.95 of this Code.

3 If the nonconforming use is located within 1/4 mile from any Individual  
4 Area Neighborhood Commercial District or Restricted Use Subdistrict described  
5 in Article 7 of this Code, the nonconforming use may change to another use  
6 which is permitted as a principal use at the first story and below in an NC-1  
7 District and in the Individual Area Neighborhood Commercial District or  
8 Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change  
9 to another use which is permitted as a conditional use at the first story and below  
10 in an NC-1 District and in the Individual Area Neighborhood Commercial District  
11 or Districts within 1/4 mile of the use only upon approval of a conditional use  
12 application pursuant to the provisions of Article 3 of this Code. If the  
13 nonconforming use is seeking to change in use to a retail sales activity or retail  
14 sales establishment which is also a formula retail use, as defined in Section  
15 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this  
16 Code. The nonconforming use shall comply with other building standards and  
17 use limitations of NC-1 Districts and any Individual Area NC District or Districts  
18 located within 1/4 mile of the use, as set forth in Article 7 of this Code.

19 (2) A nonconforming use in a Residential-Commercial Combined District  
20 may be changed to another use listed in Articles 2 or 7 of this Code as a principal  
21 use for the district in which the existing use would first be permitted as a principal  
22 or conditional use.

23 (3) A nonconforming use in a Neighborhood Commercial District may be  
24 changed to another use as provided in Subsections (c) and (d) below or as  
25 provided in Section 186.1 of this Code.

1 (4) A nonconforming use in any district other than a Residential,  
2 Downtown Residential, or Neighborhood Commercial District may be changed to  
3 another use listed in Articles 2 or 7 of this Code as a principal use for the district  
4 in which the existing use would first be permitted as a principal use.

5 (5) A nonconforming use in any South of Market Mixed Use District may  
6 not be changed to an office, retail, bar, restaurant, nighttime entertainment, adult  
7 entertainment, hotel, motel, inn, hostel, or movie theater use in any district where  
8 such use is otherwise not permitted or conditional, except as provided in  
9 Subsection (g) below.

10 (c) A nonconforming use may be changed to a use listed in Articles 2 or  
11 7 of this Code as a conditional use for the district in which the property is located,  
12 subject to the other applicable provisions of this Code, without the necessity of  
13 specific authorization by the City Planning Commission except where major work  
14 on a structure is involved, and the new use may thereafter be continued as a  
15 permitted conditional use, subject to the limitation of Section 178(b) of this Code.

16 (d) A nonconforming use may be changed to a use listed in Articles 2, 7  
17 or 8 of this Code as a principal use for the district in which the property is located,  
18 subject to the other applicable provisions of this Code, and the new use may  
19 thereafter be continued as a permitted principal use.

20 (e) A nonconforming use in an R District subject to termination under the  
21 provisions of Section 185 of this Code may be converted to a dwelling unit  
22 without regard to the requirements of this Code with respect to dwelling unit  
23 density under Article 2, dimensions, areas and open space under Article 1.2, or  
24 off-street parking under Article 1.5, provided the nonconforming use is eliminated  
25 by such conversion, provided further that the structure is not enlarged, extended

1 or moved to another location, and provided further that the requirements of the  
2 Building Code, the Housing Code and other applicable portions of the Municipal  
3 Code are met.

4 (f) Any nonconforming use in an RED District may change to any use  
5 falling within zoning categories 816.36, 816.42 through 816.47, 816.55, or 816.64  
6 through 816.67, subject to the applicable provisions of this Code other than those  
7 controlling uses, and the new use may thereafter continue as a nonconforming  
8 use.

9 (g) Once a nonconforming use has been changed to a principal or  
10 conditional use permitted in the district in which the property is located, or  
11 brought closer in any other manner to conformity with the use limitations of this  
12 Code, the use of the property may not thereafter be returned to its former  
13 nonconforming status, except that:

14 (1) Any area which is used as a live/work unit shall be allowed to return  
15 to its former nonconforming status.

16 (2) Within any South of Market Mixed Use District, any area occupied by a  
17 nonconforming office use which is changed to an arts, home and/or business  
18 service use falling within zoning categories 102.2 or 816.42 through 816.47 or a  
19 wholesale, storage or light manufacturing use falling within zoning categories  
20 816.64 through 816.67 shall be allowed to return to its former nonconforming  
21 office use.

22 (3) Upon restoration of a previous nonconforming use as permitted by  
23 Subsection (1) or (2) above, any modification, enlargement, extension, or change  
24 of use, from circumstances which last lawfully existed prior to the creation of the  
25 live/work unit, or prior to the change from office use, shall be subject to the

1 provisions of this Article, and the restored nonconforming use shall be  
 2 considered to have existed continuously since its original establishment, prior to  
 3 the live/work unit or change to office use, for purposes of this Article.

4 (h) If a nonconforming use has been wrongfully changed to another use  
 5 in violation of any of the foregoing provisions, and the violation is not immediately  
 6 corrected when required by the Zoning Administrator, the wrongful change shall  
 7 be deemed to be a discontinuance or abandonment of the nonconforming use  
 8 under Section 183 of this Code.

9 **SEC. 201. CLASSES OF USE DISTRICTS.**

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

12 TABLE INSET:

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

1	RM-4	Residential, Mixed Districts, High Density
2	RC-1	Residential-Commercial Combined Districts, Low Density
3	RC-2	Residential-Commercial Combined Districts, Moderate Density
4	RC-3	Residential-Commercial Combined Districts, Medium Density
5	RC-4	Residential-Commercial Combined Districts, High Density
6		
7	RTO	Residential Transit-Oriented Neighborhood Districts
8	<i><u>RTO-M</u></i>	<i><u>Residential Transit-Oriented – Mission Neighborhood Districts</u></i>
9		
10	Neighborhood Commercial Districts	
11	(Also see Article 7)	
12	General Area Districts	
13	NC-1	Neighborhood Commercial Cluster District
14	NC-2	Small-Scale Neighborhood Commercial District
15	NC-3	Moderate-Scale Neighborhood Commercial District
16	NC-S	Neighborhood Commercial Shopping Center District
17		
18		
19	Individual Area Districts	
20	Broadway Neighborhood Commercial	
21	District	
22	Castro Street Neighborhood Commercial	
23	District	
24	Inner Clement Street Neighborhood	
25	Commercial District	

1	Outer Clement Street Neighborhood
2	Commercial District
3	Upper Fillmore Street Neighborhood
4	Commercial District
5	Haight Street Neighborhood Commercial
6	District
7	Hayes-Gough Neighborhood Commercial
8	District
9	Inner Sunset Neighborhood Commercial
10	District
11	Upper Market Street Neighborhood
12	Commercial District
13	North Beach Neighborhood Commercial
14	District
15	Polk Street Neighborhood Commercial
16	District
17	Sacramento Street Neighborhood Commercial
18	District
19	Union Street Neighborhood Commercial
20	District
21	<del>Valencia Street Neighborhood Commercial</del>
22	<del>District</del>
23	<del>24th Street Mission Neighborhood Commercial</del>
24	<del>District</del>
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1	24th Street-Noe Valley Neighborhood	
2	Commercial District	
3	West Portal Avenue Neighborhood Commercial	
4	District	
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6	Neighborhood Commercial Transit Districts (NCT)	
7	<u>NCT-2</u>	<u>Small-Scale Neighborhood Commercial Transit District</u>
8	NCT-3	Moderate Scale Neighborhood Commercial Transit District
9		
10	Individual Area Neighborhood Commercial Transit (NCT) Districts	
11	Hayes-Gough NCT	
12	Upper Market NCT	
13	<u>Valencia Street NCT</u>	
14	<u>24<sup>th</sup> Street – Mission NCT</u>	
15	<u>Mission Street NCT</u>	
16	<u>SoMa NCT</u>	
17		
18	<del>Chinatown ————— Mixed ————— Use ————— Districts —————</del>	
19	<del>(Also see Article 8)</del>	
20	<del>CCB</del>	<del>Chinatown Community Business District</del>
21	<del>CRNC</del>	<del>Chinatown Residential/Neighborhood Commercial District</del>
22		
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1	<del>CVR</del>	<del>Chinatown Visitor Retail District</del>
2		
3	<u>Commercial Districts</u>	
4		
5	C-1	Neighborhood Shopping Districts
6	C-2	Community Business Districts
7	C-M	Heavy Commercial Districts
8	C-3-O	Downtown Office District
9	C-3-R	Downtown Retail District
10	C-3-G	Downtown General Commercial District
11	C-3-S	Downtown Support District
12		
13		
14	<u>Industrial Districts</u>	
15	M-1	Light Industrial Districts
16	M-2	Heavy Industrial Districts
17		
18	<u>PDR-1-B</u>	<u>Production Distribution and Repair – Light Industrial Buffer</u>
19	<u>PDR-1-D</u>	<u>Production Distribution and Repair – Design</u>
20	<u>PDR-1-G</u>	<u>Production Distribution and Repair - General</u>
21		
22	<u>PDR-2</u>	<u>Core Production Distribution and Repair – Bayview</u>
23		
24	<u>Chinatown Mixed Use Districts</u>	
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<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
<del>SPD</del>	<del>South Park District</del>
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District
<u>Eastern Neighborhoods Mixed Use Districts</u> (Also see Article 8)	
<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>

1	<u>UMU</u>	<u>Urban Mixed Use</u>
2		
3	Downtown Residential Districts	
4	(Also see Article 8)	
5	RH-DTR	Rincon Hill Downtown Residential
6	<u>SB-DTR</u>	<u>South Beach Downtown Residential</u>
7		
8		
9	Mission Bay Districts	
10	(Also see Article 9)	
11	MB-R-1	Mission Bay Lower Density Residential District
12	MB-R-2	Mission Bay Moderate Density Residential District
13	MB-R-3	Mission Bay High Density Residential District
14	MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
15	MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
16	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
17	MB-O	Mission Bay Office District
18	MB-CI	Mission Bay Commercial-Industrial District
19	MB-H	Mission Bay Hotel District
20	MB-CF	Mission Bay Community Facilities District
21	MB-OS	Mission Bay Open Space District
22		
23		

**SEC. 202. USES PERMITTED BY THIS CODE.**

1 (a) The use limitations of this Code shall be set forth in Articles 2, 6, 7, 8  
2 and 9 for the use districts of the City, as established by Sections 201, 701, 801  
3 and 902 of this Code and as shown on the Zoning Map referred to in Section 105  
4 of this Code, subject to the provisions of Section 105. The uses permitted under  
5 this Code shall consist of the following:

6 (1) Principal uses, permitted as of right in each established district where  
7 listed for that class of districts in Articles 2, 7, 8 and 9 as regulated herein and  
8 elsewhere in this Code;

9 (2) Conditional uses, permitted in each established district when  
10 authorized by the City Planning Commission under Section 303 of this Code,  
11 where listed for that class of districts in Articles 2, 7, 8 and 9 and as regulated  
12 herein and elsewhere in this Code;

13 (3) Accessory uses for such permitted principal and conditional uses, as  
14 defined and regulated in Sections 204 through 204.5, Section 703.2(b)(1)(C),  
15 Section 803.3(b)(1)(C), Section 903(a)(3) and Section 986 of this Code. Any use  
16 not qualified under such sections as an accessory use shall be classified as a  
17 principal or conditional use.

18 (b) Permitted uses shall include in each established district such uses not  
19 specifically listed in Articles 2, 7 or 8 of this Code as are from time to time  
20 determined by the Zoning Administrator to be permitted uses in accordance with  
21 Section 307(a) of this Code.

22 (c) No use shall be permitted in any R District, C District, PDR-1 Districts  
23 or M-1 District which by reason of its nature or manner of operation creates  
24 conditions that are hazardous, noxious or offensive through emission of odor,  
25

1 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or  
2 excessive noise.

3 (d) Except as specifically provided herein to the contrary, the provisions  
4 of Articles 2, 7, 8 and 9 of this Code shall apply to all uses, properties and  
5 developments, both public and private, including those of the City and County of  
6 San Francisco.

7 **SEC. 204. ACCESSORY USES, GENERAL.**

8 Subject to the limitations set forth in this Code, and especially as specified in  
9 Sections 204.1 through 204.5, a related minor use which is either (a) necessary  
10 to the operation or enjoyment of a lawful principal use or conditional use, or (b)  
11 appropriate, incidental and subordinate to any such use, and (c) in the case of  
12 Internet Services Exchange as defined in Section 209.6(c) which use does not  
13 exceed 25,000 gross square feet of floor area or use more than two megawatts  
14 of back-up power generators, shall be permitted as an accessory use when  
15 located on the same lot; provided, however, that in the Outer Clement  
16 Neighborhood Commercial District the storage of materials for a commercial use  
17 shall be permitted as an accessory use if the storage occurred prior to 1985, if it  
18 is within 200 feet of the use to which it is accessory, if it is accessible to the  
19 principal permitted use without the use of a public sidewalk or other public right-  
20 of-way, and if the provision of storage would not conflict with the provisions of  
21 Section 145.1 relating to street frontage in N-C Districts. In PDR Districts,  
22 accessory uses to non-office uses (as defined in Section 890.70) may occupy space which  
23 is non-contiguous or on a different story as the principal use so long as the accessory use  
24 is located in the same building as the principal use and complies with all other  
25 restrictions applicable to such accessory uses.

1           **SEC. 204.4. DWELLING UNITS ACCESSORY TO OTHER USES.**

2           (a) In any R, NC, or C District, one dwelling unit to serve as the  
3 residence of a manager and the manager's family shall be permitted as an  
4 accessory use for any permitted hotel, motel or group housing structure, without  
5 any such structure being classified as a dwelling for purposes of this Code due to  
6 the presence of such dwelling unit.

7           (b) In any NC, C, ~~or~~ M, PDR, or Eastern Neighborhood Mixed Use District,  
8 dwelling units which are integrated with the working space of artists, artisans and  
9 other craftspersons shall be permitted as an accessory use to such working  
10 space, when such dwelling units are occupied by a group of persons including no  
11 more than four adults, and where the occupancy meets all applicable provisions  
12 of the Building Code and Housing Code.

13           (c) In any M District, one dwelling unit or other form of habitation to serve  
14 as the residence of a caretaker and the caretaker's family shall be permitted as  
15 an accessory use for any permitted principal or conditional use in such district,  
16 where the operation of such use necessitates location of such residence in such  
17 district.

18           **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

19 In order to be classified as an accessory use, off-street parking and loading shall  
20 meet all of the following conditions:

21           (a) Such parking or loading facilities shall be located on the same lot as  
22 the structure or use served by them. (For provisions concerning required parking  
23 on a separate lot as a principal or conditional use, see Sections 156, 159, 160  
24 and 161 of this Code.)

25

1 (b) Such parking or loading facilities shall be for use by the occupants,  
2 patrons, employees or services of the structure or use to which they are  
3 accessory. Accessory parking facilities for any dwelling in any R District shall be  
4 limited, further, to storage of private passenger automobiles, private automobile  
5 trailers and boats, and trucks of a rated capacity not exceeding 3/4 ton.

6 (c) Accessory parking facilities shall include only those facilities which do  
7 not exceed the following amounts for a structure, lot or development: three  
8 spaces where one space is required by this Code; four spaces where two spaces  
9 are required by this Code; 150 percent of the required number of spaces where  
10 three or more spaces are required by this Code; and, in all districts other than  
11 NC, 15 spaces or seven percent of the total gross floor area of the structure or  
12 development, whichever is greater, or in NC Districts, three spaces, where no off-  
13 street parking spaces are required by this Code. For purposes of calculation  
14 under the last provision just stated, gross floor area shall be as defined by this  
15 Code, and the area considered to be devoted to parking shall be only the parking  
16 spaces and aisles, excluding entrance and exit driveways and ramps. Off-street  
17 parking facilities which exceed the amounts stated in this Subsection (c) shall be  
18 classified as either a principal or a conditional use, depending upon the use  
19 provisions applicable to the district in which such facilities are located. This  
20 subsection (c) does not apply to districts subject to Section 151.1, which  
21 establishes maximum amounts of accessory parking for all uses in those  
22 districts.

### 23 **SEC. 205. TEMPORARY USES, GENERAL.**

24 (a) The temporary uses listed in Sections 205.1 through 205.3, where not  
25 otherwise permitted in the district, may be authorized as provided herein, up to

1 the time limits indicated. Further time for such uses may be authorized only by  
2 action upon a new application, subject to all the requirements for the original  
3 application, unless otherwise indicated in Sections 205.1 through 205.3.

4 (b) Action upon such uses shall be by the ~~City~~ Planning Commission,  
5 subject to all the requirements for conditional uses in Sections 303 and 306  
6 through 306.5 of this Code; except that uses listed in Section 205.1, uses listed  
7 in Section 205.2 if located in a PDR, C<sub>1</sub> or M District, and uses listed in Section  
8 205.3 within the South of Market Mixed Use Districts and Eastern Neighborhoods  
9 Mixed Use ~~d~~Districts, may be authorized by the Zoning Administrator without a  
10 public hearing.

11 (c) Wherever a use exists at the effective date of this Code or of an  
12 amendment thereto under which such use is classified as a temporary use, or  
13 wherever a use is being conducted under a temporary use authorization given  
14 prior to such a date, such use may be continued for the maximum term specified  
15 therefore, calculated from said effective date or date of authorization. No such  
16 use shall continue thereafter unless a temporary use authorization shall have  
17 been sought and obtained under a new application. Continuance of a temporary  
18 use beyond the date of expiration of the period authorized therefore, or failure to  
19 remove a structure for such temporary use within 10 days thereafter, shall  
20 constitute a violation of this Code.

21 **SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.**

22 A temporary use may be authorized for a period not to exceed 60 days for  
23 any of the following uses:  
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1 (a) Neighborhood carnival, exhibition, celebration or festival sponsored  
2 by an organized group of residents in the vicinity or, in PDR, C<sub>2</sub> or M Districts,  
3 sponsored by property owners or businesses in the vicinity;

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

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

8 **SEC. 205.3. TEMPORARY USES: TWENTY-FOUR-HOUR LIMIT.**

9 Within the South of Market Mixed Use Districts and Eastern Neighborhoods  
10 Mixed Use Districts, a temporary use may be authorized for a period not to  
11 exceed 24 hours per event once a month for up to 12 events per year per  
12 premises for any of the following uses:

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

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

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

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

4           **SEC. 206. DESCRIPTION AND PURPOSE OF RESIDENTIAL**  
5 **DISTRICTS.**

6           The following statements of description and purpose outline the main  
7 functions of the R (Residential) Districts in the zoning plan for San Francisco,  
8 supplementing the statements of purpose contained in Section 101 of this Code.  
9 These districts are established for purposes of implementing the Residence  
10 element and other elements of the *Master-General* Plan, according to the  
11 objectives, principles and policies stated therein. Among these purposes are the  
12 following:

13           (a) Preservation, improvement and maintenance of the existing housing  
14 stock through protection of neighborhood environments and encouragement of  
15 sound ownership practices and rehabilitation efforts;

16           (b) Recognition and protection of the architectural characteristics and  
17 densities of existing residential areas;

18           (c) Maximizing of housing choice by assuring the availability of quality  
19 owner and rental housing of various kinds, suitable for a whole range of  
20 household types, lifestyles and economic levels;

21           (d) Encouragement of residential development that will meet outstanding  
22 community needs, provide adequate indoor and outdoor spaces for its  
23 occupants, and relate well to the character and scale of existing neighborhoods  
24 and structures; and

1 (e) Promotion of balanced and convenient neighborhoods having  
2 appropriate public improvements and services, suitable nonresidential activities  
3 that are compatible with housing and meet the needs of residents, and other  
4 amenities that contribute to the livability of residential areas.

5 Additional purposes for Eastern Neighborhoods and South of Market R and  
6 Mixed Use Districts are listed in Article 8, Sections 813 through 818 of this Code.

7 **SEC. 206.5. RTO-M (RESIDENTIAL, TRANSIT-ORIENTED - MISSION**  
8 **NEIGHBORHOOD) DISTRICT.**

9 This district is intended to recognize, protect, conserve and enhance areas  
10 characterized by a mixture of houses and apartment buildings, covering a range of  
11 densities and building forms, in the Mission District. The RTO-M district is composed of  
12 multi-family moderate-density areas, primarily areas formerly designated RM and RH-3,  
13 and are well served within short walking distance, generally less than 1/4-mile, of transit  
14 and neighborhood commercial areas. Transit available on nearby Mission Street is  
15 frequent and/or provides multiple lines serving different parts of the city or region.  
16 Limited small-scale neighborhood-oriented retail and services is common and permitted  
17 throughout the neighborhood on corner parcels only to provide goods and services to  
18 residents within walking distance, but the districts are otherwise residential. Only retail  
19 compatible with housing, generally those permitted in NC-1 Districts, is permitted and  
20 auto-oriented uses are not permitted. Hours of operation are restricted and off-street  
21 parking is not permitted for these very locally-oriented uses.

22 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and  
23 structures typically range from two to five stories in height. While some one- and two-  
24 family structures are present, the character of the district is primarily of structures with  
25 three or more units of a range of sizes and types suitable for a variety of households.

1 Buildings are moderately scaled and segmented, and units or groups of units have  
2 separate entrances directly from the street. The overall residential density is regulated by  
3 the permitted and required height, bulk, setbacks, and open space of each parcel, along  
4 with residential design guidelines. Because of the high availability of transit service and  
5 the proximity of retail and services within walking distance, many households do not own  
6 cars; it is common that not every dwelling unit has a parking space and overall off-street  
7 residential parking is limited. Open space is provided on-site, in the form of rear yards,  
8 decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks,  
9 plazas, and enhanced streetscapes.

10 **SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT**  
11 **DENSITIES.**

12 The following rules shall apply in the calculation of dwelling unit densities  
13 under this Code:

14 (a) The entire amount of lot area per dwelling unit specified in Sections  
15 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot.  
16 Fractional numbers shall be adjusted downward to the next lower whole number  
17 of dwelling units.

18 (b) Where permitted by the provisions of Sections 207.5, 209.1 and  
19 209.2 of this Code, two or more of the dwelling and other housing uses specified  
20 in said sections may be located on a single lot, either in one structure or in  
21 separate structures, provided that the specified density limits are not exceeded  
22 by the total of such combined uses. Where dwelling units and group housing are  
23 combined, the maximum permitted density for dwelling units and for group  
24 housing shall be prorated to the total lot area according to the quantities of these  
25 two uses that are combined on the lot.

1 (c) Where any portion of a lot is narrower than five feet, such a portion  
2 shall not be counted as part of the lot area for purposes of calculating the  
3 permitted dwelling density.

4 (d) No private right-of-way used as the principal vehicular  
5 access to two or more lots shall be counted as part of the lot area of any such lot  
6 for purposes of calculating the permitted dwelling unit density.

7 (e) Where a lot is divided by a use district boundary line, the dwelling unit  
8 density limit for each district shall be applied to the portion of the lot in that  
9 district, and none of the dwelling units attributable to the district permitting the  
10 greater density shall be located in the district permitting the lesser density.

11 (f) In RTO and RTO-M districts, dwelling units that are affordable (meeting  
12 the criteria of Section 326.3(h)(2)(B) or the requirements of Section 315) shall not  
13 count toward density calculations or be limited by lot area.

14 **SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD**  
15 **COMMERCIAL DISTRICTS.**

16 The density of dwelling units in Neighborhood Commercial Districts shall  
17 be as stated in the following subsections:

18 (a) The rules for calculation of dwelling unit densities set forth in Section  
19 207.1 of this Code shall apply in Neighborhood Commercial Districts, except that  
20 any remaining fraction of 1/2 or more of the minimum amount of lot area per  
21 dwelling unit shall be adjusted upward to the next higher whole number of  
22 dwelling units.

23 The dwelling unit density in Neighborhood Commercial Districts shall be at  
24 a density ratio not exceeding the number of dwelling units permitted in the  
25 nearest Residential District, provided that the maximum density ratio shall in no

1 case be less than the amount set forth in the following table. The distance to  
 2 each Residential District shall be measured from the midpoint of the front lot line  
 3 or from a point directly across the street therefrom, whichever permits the greater  
 4 density.

5 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.
Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Union Street	
<i>Valencia Street</i> —	

1	24th Street-Mission	One dwelling unit for each 400 sq. ft. of lot area.
2	24th Street-Noe Valley	
3		
4	Broadway	
5	<del>Hayes Gough</del>	
6	Upper Market Street	
7	North Beach	
8	Polk Street	
9		

10 (b) The dwelling unit density for dwellings specifically designed for and  
 11 occupied by senior citizens or physically handicapped persons shall be at a  
 12 density ratio not exceeding twice the number of dwelling units permitted by the  
 13 limits set forth in Subsection (a).

14 (c) The dwelling unit density in NCT districts, as listed in Section  
 15 702.1(b), shall not be limited by lot area, but by the applicable requirements and  
 16 limitations elsewhere in this Code, including but not limited to height, bulk,  
 17 setbacks, open space, exposure, and unit mix, as well as by applicable design  
 18 guidelines, applicable elements and area plans of the General Plan, and design  
 19 review by the Planning Department.

20 **SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE**  
 21 **DISTRICTS.**

22 (a) The dwelling unit density in the Chinatown Mixed Use District shall be  
 23 at a density ratio not exceeding the amount set forth in the following Table  
 24 207.5(a):  
 25

**Table 207.5(a)**

**Density of Dwelling Units in Chinatown Mixed Use Districts**

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

(b) Except as indicated in Paragraph (c) below, the dwelling unit density in the South of Market Mixed Use Districts shall not exceed the amount set forth in the following table:

**Table 207.5(b)**

**Density of Dwelling Units in South of Market Mixed Use Districts**

TABLE INSET:

General Area District	Residential
-----------------------	-------------

1		Density Limits
2		
3	Residential Enclave (RED)	One dwelling unit for each 400 sq. ft. of lot area
4		
5		
6	<del>South Park (SPD)</del>	<del>One dwelling unit for each 600 sq. ft. of lot area</del>
7		
8		
9	Residential Service (RSD)	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.
10	Service/Light	
11	Industrial/Residential	
12	(SLR),	
13	Service/Secondary	
14	Office (SSO)	

15

16 (c) There shall be no density limit for single room occupancy (SRO) units  
17 in any South of Market Mixed Use District.

18 (d) There shall be no density limit for any residential use, as defined by  
19 Section 890.88 in any DTR district.

20 (e) There shall be no density limits for any residential use, as defined by Section  
21 890.88, in the Eastern Neighborhoods Mixed Use Districts.

22 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX ~~AND UNIT~~**  
23 **~~DIVISION RESTRICTIONS IN RTO, AND NCT, DTR, AND EASTERN~~**  
24 **NEIGHBORHOODS MIXED USE DISTRICTS.**

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

11 (b) Applicability.

12 (1) This Section shall apply in the RTO, NCT, DTR and Eastern Neighborhoods  
13 Mixed Use Districts,

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

17 (3) This Section does not apply to buildings for which 100 percent of the  
18 residential uses are: group housing, dwelling units which are provided at below market  
19 rates pursuant to Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units,  
20 student housing (as defined in Sec. 315.1.38), or housing specifically and permanently  
21 designated for seniors or persons with physical disabilities. ~~In RTO and NCT districts,~~  
22 ~~for newly constructed residential projects or additions with 5 dwelling units or greater,~~  
23 ~~no less than 40 percent of all dwelling units on site must have at least two bedrooms or~~  
24 ~~more. This requirement does not apply to group housing; housing designated for seniors~~

25

1 *or persons with physical disabilities; or permanently affordable housing projects meeting*  
2 *the criteria of Section 326.3(h)(2)(b).*

3 *(c) Controls.*

4 *(1) For the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3*  
5 *districts, no less than 40 percent of the total number of dwelling units on site shall*  
6 *contain at least two bedrooms. Any fraction resulting from this calculation shall be*  
7 *rounded to the nearest whole number of dwelling units. While existing dwelling units in*  
8 *buildings which do not comply with this Subsection need not be expanded to meet this*  
9 *requirement, all new dwelling units shall provide at least two bedrooms when less than*  
10 *40 percent of the total number of dwelling units contain less than two bedrooms.*

11 *(2) For all other RTO and NCT districts, as well as DTR and Eastern*  
12 *Neighborhoods Mixed Use Districts, one of the following two must apply:*

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

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

19 *(d) Modifications.*

20 *(1) In NCT and RTO Districts, these requirements may be waived or modified*  
21 *with Conditional Use Authorization. In addition to those conditions set forth in Section*  
22 *303, the Planning Commission shall consider the following criteria:*

23 *(A) The project demonstrates a need or mission to serve unique*  
24 *populations, or*

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

3 (2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be  
4 waived in return for provision of family-sized affordable units, pursuant to Section  
5 319.4(b). To receive this waiver, 100 percent of the total number of inclusionary units  
6 required under Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also  
7 in Eastern Neighborhoods Mixed Use Districts, these requirements may be waived or  
8 modified through the Variance process set forth in Section 305, or in the case of projects  
9 subject to Section ~~309.2329~~, through the procedures of that section.

10 (~~4~~3) In DTR Districts, these requirements may be modified per the procedures of  
11 Section 309.1. The Planning Commission may waive the requirements of subsection (b)  
12 via Conditional Use procedures with one or more of the following affirmative findings:  
13 (1) the project demonstrates a need or mission to serve unique populations, or (2) the  
14 project site or subject building features physical constraints that make it unreasonable to  
15 fulfill the requirement.

16 ~~(c) The Planning Commission may waive the requirements of subsection (b) via~~  
17 ~~Conditional Use procedures with one or more of the following affirmative findings:~~

18 ~~(1) the project demonstrates a need or mission to serve unique populations, or (2)~~

19 ~~(d) Division of any existing dwelling unit into two or more units in RTO and NCT~~  
20 ~~districts shall be permitted only if it meets both of the following conditions:~~

21 ~~The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms;~~

22 ~~and~~

23 ~~At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in~~  
24 ~~size.~~



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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	
NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	210
NC-S	
Castro Street	
Inner Clement Street	
Outer Clement Street	

1	Upper Fillmore Street	
2	Haight Street	
3	Union Street	
4	<del>Valencia Street</del>	
5	<del>24<sup>th</sup> Street Mission</del>	
6	24 <sup>th</sup> Street-Noe Valley	
7		
8		
9	Broadway	140
10	Upper Market Street	
11	North Beach	
12	Polk Street	
13		
14		
15	Chinatown Community Business	70
16		
17	Chinatown Residential	
18	Neighborhood	
19	Commercial	
20	Chinatown Visitor	
21	Retail	
22		
23	RED	140
24	RSD, SLR, SLI and SSO	70
25		

<del>SPD</del>	<del>210</del>
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(b) For purposes of calculating the maximum density for group housing as set forth herein, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(c) The rules for calculation of dwelling unit densities set forth in Section 207.1 shall also apply in calculation of the density limitations for group housing, except that in NC Districts, any remaining fraction of 1/2 or more of the maximum amount of lot area per bedroom shall be adjusted upward to the next higher whole number of bedrooms.

(d) The group housing density in all RTO districts and all NCT districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Residential Design Guidelines in RTO districts, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

**SEC. 209.1. DWELLINGS.**

<b>RH-1 (D)</b>	<b>RH-1</b>	<b>RH-1 (S)</b>	<b>RH-2</b>	<b>RH-3</b>	<b>RM-1</b>	<b>RM-2</b>	<b>RM-3</b>	<b>RM-4</b>	<b>RTO</b>	<b><u>RTO-M</u></b>	<b>RC-1</b>	<b>RC-2</b>	<b>RC-3</b>	<b>RC-4</b>	

1	P	NA	<u>NA</u>	NA	NA	NA	NA	(a) One-family dwelling having side yards								
2																
3		P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Other one-family dwelling.
4																
5			P	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.						
6																
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9				P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(d) Other two-family dwelling.
10																
11					P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Three-family dwelling.
12																
13		C	C	NA	<u>NA</u>	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.						
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			C	NA	NA	NA	NA	NA	NA	<u>NA</u>	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	<u>NA</u>	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.
					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.

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							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.
								P	C	<u>P</u>				P	(l) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to 3/4 of a dwelling unit.

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(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.



1                    **SEC. 209.2. OTHER HOUSING.**

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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	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	C	(d) Hotel, inn or hostel

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															containing no more than five rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as defined and regulated by Section 216(c) of this Code.
											C	C	C	C	(e) Hotel, inn or hostel as specified in Subsection 209.2(d) above but with six or more guestrooms or suites.

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**SEC. 209.3. INSTITUTIONS.**

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<b>RH-1 (D)</b>	<b>RH-1</b>	<b>RH-1 (S)</b>	<b>RH-2</b>	<b>RH-3</b>	<b>RM-1</b>	<b>RM-2</b>	<b>RM-3</b>	<b>RM-4</b>	<b>RTO</b>	<b><u>RTO-M</u></b>	<b>RC-1</b>	<b>RC-2</b>	<b>RC-3</b>	<b>RC-4</b>	
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(a) Hospital, medical center or other

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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	<u>C</u>	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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															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.**

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	C	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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															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	C	<u>C</u>	P	P	P	P	(c) Greenhouse, plant nursery, truck garden

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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.**

<b>RH-1 (D)</b>	<b>RH-1</b>	<b>RH-1 (S)</b>	<b>RH-2</b>	<b>RH-3</b>	<b>RM-1</b>	<b>RM-2</b>	<b>RM-3</b>	<b>RM-4</b>	<b>RTO</b>	<b><u>RTO-M</u></b>	<b>RC-1</b>	<b>RC-2</b>	<b>RC-3</b>	<b>RC-4</b>	
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	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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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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															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 2310: Limited Corner Commercial Uses in RTO Districts.

**SEC. 209.9. OTHER USES.**

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<b>RH-1 (D)</b>	<b>RH-1</b>	<b>RH-1 (S)</b>	<b>RH-2</b>	<b>RH-3</b>	<b>RM-1</b>	<b>RM-2</b>	<b>RM-3</b>	<b>RM-4</b>	<b>RTO</b>	<b><u>RTO-M</u></b>	<b>RC-1</b>	<b>RC-2</b>	<b>RC-3</b>	<b>RC-4</b>	
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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	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



1	C	C	C	C	C	C	C	C	C	C	<u>C</u>						(f) Subject to
2																	Section
3																	233(a),
4																	live/work units
5																	in existing
6																	structures,
7																	including
8																	additions and
9																	expansions
10																	thereof,
11																	provided that
12																	one or more
13																	arts activities
14																	as defined in
15																	Section 102.2
16																	of this Code
17																	are the
18																	primary
19																	nonresidential
20																	use within the
21																	live/work unit,
22																	that other
23																	nonresidential
24																	activities are
25																	limited to
																	those
																	otherwise
																	permitted in
																	the district or
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																	conditional in
																	the district
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																	specifically
																	approved as
																	a conditional
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																	Section
																	303(c)(6)(B)
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																	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	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.

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-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	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







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-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	
4														SEC. 216 OTHER
5														HOUSING.
6														(a) Group housing,
7														providing lodging or both
8														meals and lodging, without
9														individual cooking facilities,
10														by prearrangement for a
11														week or more at a time, in a
12														space not defined by this
13														Code as a dwelling unit.
14														Such group housing shall
15														include but not necessarily
16	P	P	P	P	P	P	P	C	C					be limited to a
17														boardinghouse, guesthouse,
18														rooming house, lodging
19														house, residence club,
20														commune, fraternity or
21														sorority house, monastery,
22														nunnery, convent or ashram.
23														It shall also include group
24														housing affiliated with and
25														operated by a medical or
														educational institution, when









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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	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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										<u>20,000</u>	<u>20,000</u>	housing	housing	institution, other than as specified in Subsection 217(g) and (h) above.
										<u>gsf if no housing g</u>	<u>gsf if no housing g. C above.</u>			
P	P	P	P	P	P	P	P	P	P	<u>P under 20,000 gsf if no housing g</u>	<u>P under 20,000 gsf if no housing g</u>	P under 20,000 gsf if no housing	P under 20,000 gsf if no housing	(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
P	P	P	P	P	P	P								(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that: (a) the





















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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	<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.
	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>r</u> <u>2,50</u> <u>0 gsf</u> <u>per</u> <u>lot</u>	<u>P</u> <u>under</u> <u>r</u> <u>5,00</u> <u>0 gsf</u> <u>per</u> <u>lot</u>	P under 2,500 gsf <u>per</u> <u>lot</u> *#		(b) Ret ail business or personal service establish ment not limited to sales or services

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												primarily for residents in the immediate vicinity, and not restricted to sale of new commodities.	
	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot *</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot *</u>	(c) <u>Grocery stores, as defined in Section 790.102(a)</u> <u>l</u>
	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot *</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot *</u>	(d) <u>Health club, fitness,</u>

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								<u>0 gsf</u>	<u>0 gsf</u>	<u>2,500</u>	<u>per lot *</u>	<u>gymnasiu</u>
								<u>per</u>	<u>per</u>	<u>gsf per</u>		<u>m, or</u>
								<u>lot;</u>	<u>lot;</u>	<u>lot *</u>		<u>exercise</u>
								<u>C</u>	<u>C</u>			<u>facility</u>
								<u>abov</u>	<u>abov</u>			<u>when</u>
								<u>e</u>	<u>e</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
												# <del>Except</del>
												<del>practice</del>
												<del>studios,</del>
												<del>eat</del>
												<del>boarding,</del>
												<del>hardware</del>
												<del>stores</del>













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P	P	P	C	P	P	P	P	P	<u>NP</u>	<u>NP</u>			(b) Professional and business offices, <i>as defined in 890.70</i> , larger than 5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	C	P	P	P	P	P	<u>NP</u>	<u>NP</u>	P under 5,000 gsf per use *		(c) Other professional and business offices, <i>as defined in 890.70</i> , above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from

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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.
													<i># Use size control shall apply to all types of "Office use" as listed in</i>



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													more than five persons.
P	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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P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Clubhouse.
P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Lodge building.
P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(c) Meeting hall.
										<i>P if no more than 3 screens</i>	<i>P if no more than 3 screens</i>	P if no more than 3 screens	P if no more than 3 screens	(d) Theater, except as specified under Subsection (k), below.
P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(e) Recreation building.
												P under 5,000 gsf	P	(f) Amusement enterprise, including billiard hall, dance hall, nightclub,

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												other nighttime entertainment activities as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is reasonably confined to the premises by
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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.
					C	P	P	P	<u>C</u>	<u>C</u>		C  (i) Commercial open-air sports stadium or arena, if conducted on



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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

1												791 of Part
2												II, Chapter
3												VIII of the
4												San
5												Francisco
6												Municipal
7												Code
8												(Police
9												Code);
10												(ii) Adult
11												theater, as
12												defined by
13												Section
14												791 of Part
15												II, Chapter
16												VIII of the
17												San
18												Francisco
19												Municipal
20												Code
21												(Police
22												Code);
23												(iii) Encou
24												nter
25												studios, as
												defined by



1														and concerned primarily with custom trade.
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3		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Household repair shop.
4														
5		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Interior decorating shop.
6														
7		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(c) Upholstering shop.
8														
9		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(d) Sign-painting shop.
10														
11		P			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(e) Carpenter shop.
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18		P			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(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.)
19														
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25		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>(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-I-G</u>	<u>PDR-I-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.
	P*			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:
													(1) Tune-up, including the repair or replacement of distributors, sparkplugs and carburetors;
													(2) Brake repair;





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													8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.
	P			P	P	P	P	P	<u>P</u>	<u>P</u>	P under 7,500 gsf	P	(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.

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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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													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	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	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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													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





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													SEC 225 WHOLESALE, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.
	C		C	C	P	P	P	P					(a) Storage building for household goods.
			P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(b) Wholesale establishment when conducted entirely within an enclosed building, not including a storage warehouse.
					P	P	P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(c) Wholesale storage warehouse, except for storage of inflammables.
								P				C	(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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						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					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					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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													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>					<i>(f) Life Science laboratory (as defined in Sections 890.52 and 890.53)</i>						
					€	€	P	P				P	<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.
							P	P	<u>C</u>	<u>C</u>	<u>C</u>	(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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												listed below.
							P	<u>C</u>	<u>C</u>		C	(j) Flour mill.
							P	<u>C</u>	<u>C</u>		C	(k) Sugar refinery.
							P	<u>C</u>	<u>C</u>		C	(l) Wool pulling or scouring.
							C	<u>C</u>	<u>C</u>		C	(m) Blast furnace, rolling mill, smelter.
							C				C	(n) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of paris, explosive, fertilizer, glue or gelatine from fish or animal refuse.
							C	<u>C</u>			C	(o) Production or refining of petroleum products.

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							P	P	<u>C</u>			C	(p) Steam power plant.
								P				C	(q) Shipyard.
													(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.
						P	P	P				C	
													(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.
								P				C	
								C					(t) Stockyard,



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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,



















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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><del>(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.</del></p> <p>-</p>
	<del>P</del>			<p><del>(q) Subject to Section</del></p>								



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P	P	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot; C</u> <u>above</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u> <u>per</u> <u>lot; C</u> <u>above</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>and</u> <u>subject to</u> <u>control</u> <u>of</u> <u>Section</u> <u>n</u> <u>121.8</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>and</u> <u>subject to</u> <u>control</u> <u>of</u> <u>Section</u> <u>n</u> <u>121.8</u>	<u>(s#)</u> Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a 1/4 miles of an existing fringe financial service.
<u>N</u> <u>A</u>	<u>NA</u>	<u>N</u> <u>A</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional</u>							







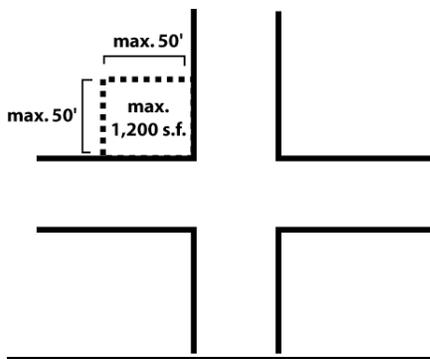




- 1 ~~(1) an~~ NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code;  
 2 *and*  
 3 ~~(2) Any Individual Area Neighborhood Commercial District within 1/4 mile of the use, as~~  
 4 ~~set forth in Sections 714.10 through 729.95 of this Code; and~~  
 5 ~~(3) Any Restricted Use Subdistrict within 1/4 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 23~~10~~. 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 ~~(c) 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, 23<sup>rd</sup> St. on the south, I-280 to the west, and 3<sup>rd</sup> 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 16<sup>th</sup> 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 ~~1-280, 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.**

25

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**

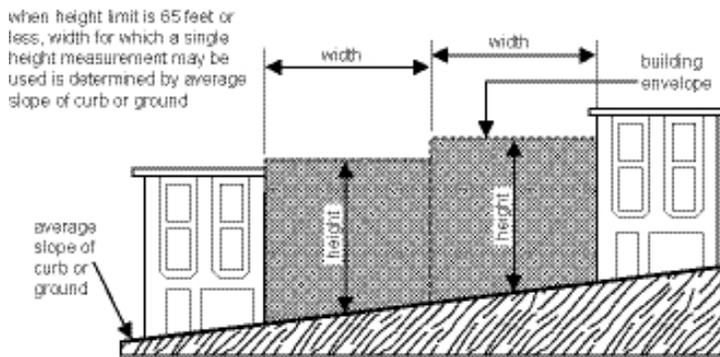
20 **HEIGHT MEASUREMENT ON LATERAL SLOPES WHERE HEIGHT LIMIT IS**  
21 **65 FEET OR LESS**

22  
23 TABLE INSET:

24  
25

<b>Average Slope of</b>	<b>Maximum Width</b>
-------------------------	----------------------

<b>Curb or Ground From Which Height is Measured</b>	<b>for Portion of Building that May Be Measured from a Single Point</b>
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



(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.

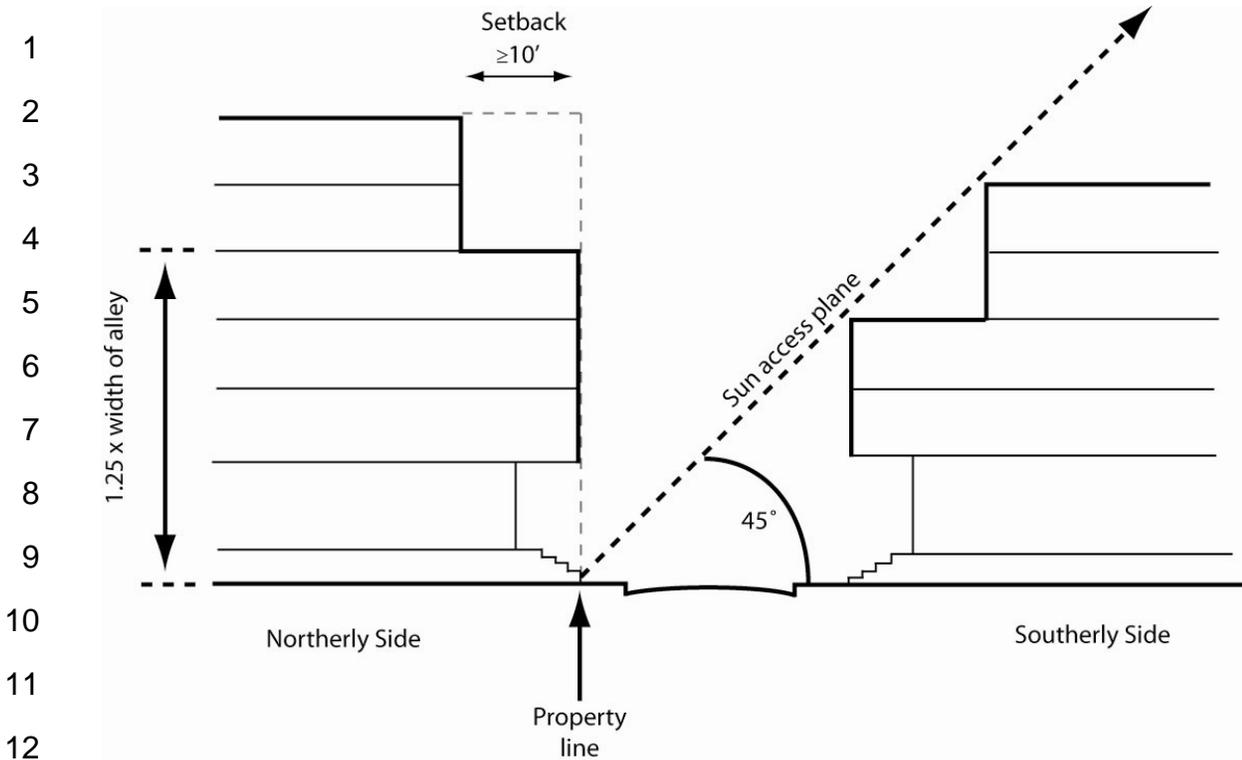
1 (2) Southern Side of East-West Streets. All subject frontages on the southerly  
2 side of an East-West Narrow Street(e) on the southerly southern side of those right-of-  
3 ways streets and alleys listed in this subsection (b)(1) and that are greater more than 60  
4 feet from an intersection with 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.

23  
24  
25



*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.

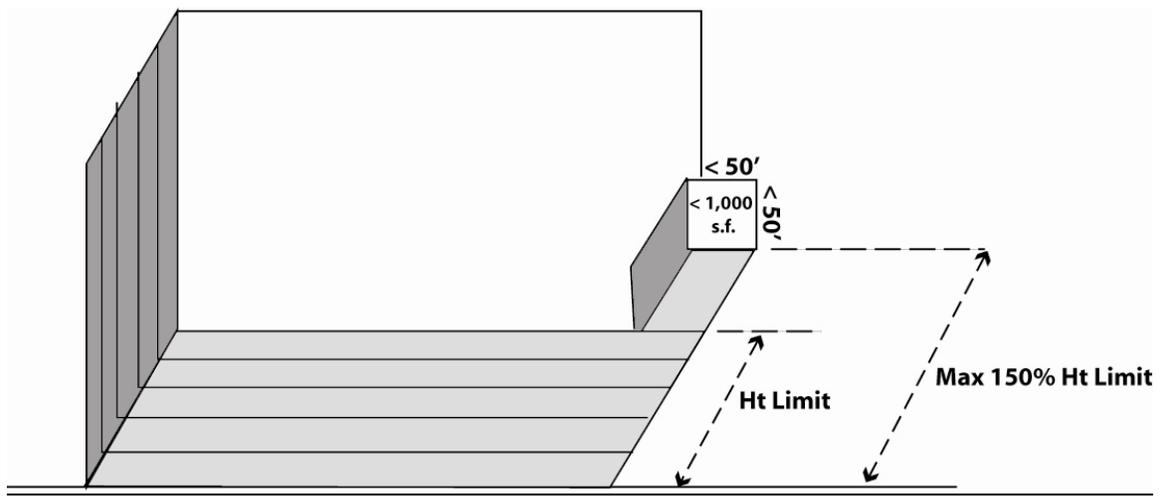
20 (b) Applicability. This Section shall apply to all projects subject to Section  
21 309.2329 in the Eastern Neighborhoods Mixed Use Districts which are also located in  
22 Height and Bulk Districts of 85 feet or less.

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.

1  
2 TABLE INSET:

3  
4 TABLE 270  
5 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

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25

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				
7	T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
8				
9				
10	X	This table not applicable. But see Section 260(a)(3).		
11	TB	This table not applicable. But see Section 263.18.		

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 sStructures 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 are of 9,000 toss 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;

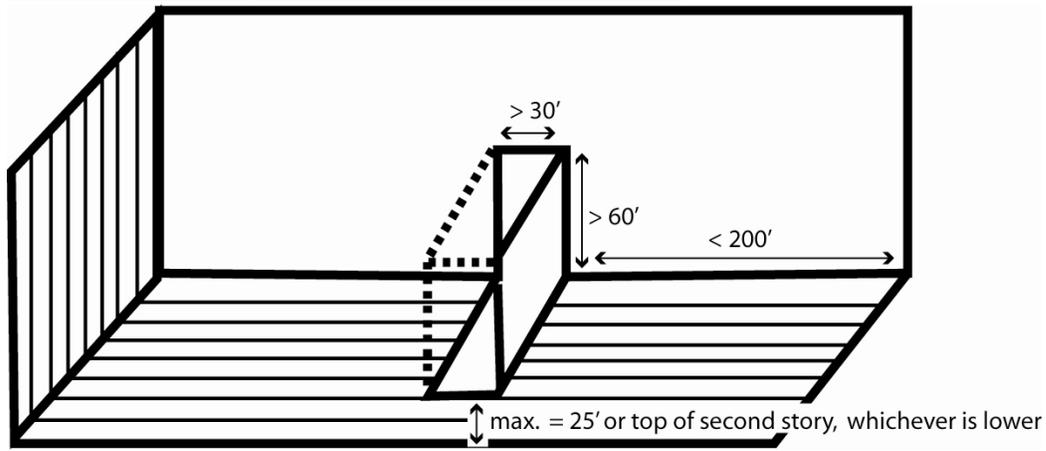
18           (2) be not less than 60 feet in depth from the street-facing building façade;

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.

1 Figure 270.1.A Required Horizontal Mass Reduction



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 1/5<sup>th</sup> 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.

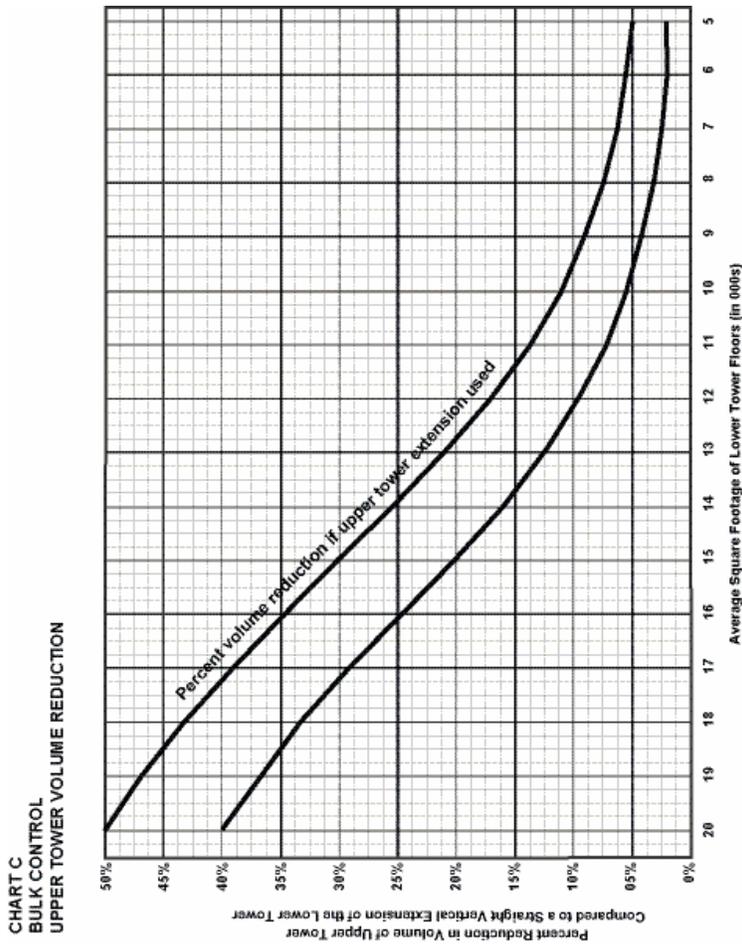
24 (i) Any non-vehicular portions of such a pathway or alley, including sidewalks or  
25 other walking areas, seating areas, or landscaping, may count toward any open space

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.



(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 2310 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 *waive 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;

25

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(~~d~~)(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(c).~~
- 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  
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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, A*ll 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	x	\$10.57 = Total Fee
8 Net Addition Gross Sq. Ft. Hotel Space	x	\$8.50 = Total Fee
9 Net Addition Gross Sq. Ft. Office Space	x	\$11.34 = Total Fee
10 Net Addition Gross Sq. Ft. Research and Development	x	\$7.55 = Total Fee
11 Net Addition Gross Sq. Ft. Retail Space	x	\$10.57 = Total Fee

12  
 13  
 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	x	\$13.95 = Total Fee
22 Net Addition Gross Sq. Ft. Hotel Space	x	\$11.21 = Total Fee
23 Net Addition Gross Sq. Ft. Office Space	x	\$14.96 = Total Fee
24 Net Addition Gross Sq. Ft. R & D Space	x	\$9.97 = Total Fee
25 Net Addition Gross Sq. Ft. Retail Space	x	\$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)	Number of Persons in Household
7 0 (Less than 600 square feet)	1
8 1 (601 to 850 square feet)	2
9 2 (851 to 1,100 square feet)	3
10 3 (1,101 to 1,300 square feet)	4
11 4 (More than 1,300 square feet)	5

12

13 (5) "Allowable average annual rent" shall mean annual rent for an affordable  
14 rental unit of the size indicated below that is 30 percent of the annual gross  
15 income of a household of median income as defined in this Section, adjusted for  
16 the household size indicated below, and, where applicable, adjusted to reflect the  
17 Department's policy on unbundled parking for affordable housing units as  
18 specified in the Procedures Manual and amended from time to time:

19 TABLE INSET:

20

21 Number of Bedrooms (or, for live/work units 22 square foot equivalency)	Number of Persons in Household
23 0 (Less than 600 square feet)	1
24 1 (601 to 850 square feet)	2

25

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:

10

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.**

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. \_\_\_\_\_. 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. \_\_\_\_\_ . The Board of Supervisors has  
4 reviewed the study and staff analysis prepared by the Mayor's Office of Housing dated ---  
5 ---, 2008 in Board File No. \_\_\_\_\_ 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

25

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.

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:

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 1<sup>st</sup>

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.

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

	<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>sites that</u>	<u>sites that</u>

				<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 meet 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 (ed) 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. \_\_\_\_\_.

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       \_\_\_\_\_ on file with the Clerk of the Board in File No. \_\_\_\_\_, 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 \_\_\_\_\_ on file with the Clerk of the Board in File No. \_\_\_\_\_. 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-</u> <u>residential</u>
<u>1</u>	<u>\$8/gsf</u>	<u>*</u>
<u>1</u>	<u>\$8/gsf</u>	<u>\$166/gsf</u>

1	<u>2</u>	<u>\$12/gsf</u>	<u><del>\$20</del>10/gsf</u>
2	<u>3</u>	<u>\$16/gsf</u>	<u><del>\$24</del>14/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 **SEC. 327.4. LIEN PROCEEDINGS.**

14 (a) A sponsor's failure to comply with the requirements of Sections 327.3,  
15 shall constitute cause for the City to record a lien against the development project in the  
16 sum of the fees required under this ordinance. The fee required by Section 327.3(b) of  
17 this ordinance is due and payable to the Treasurer prior to issuance of the first building  
18 or site permit for the development project unless a Waiver Agreement has been executed.  
19 If, for any reason, the fee remains unpaid following issuance of the permit and no Waiver  
20 Agreement has been executed, any amount due shall accrue interest at the rate of one and  
21 one-half percent per month, or fraction thereof, from the date of issuance of the permit  
22 until the date of final payment.

23 (b) If, for any reason, the fee imposed pursuant to this ordinance remains  
24 unpaid following issuance of the permit, the Treasurer shall initiate proceedings in  
25 accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to

1 make the entire unpaid balance of the fee, including interest, a lien against all parcels  
2 used for the development project and shall send all notices required by that Article to the  
3 owner of the property as well as the sponsor. The Treasurer shall also prepare a  
4 preliminary report notifying the sponsor of a hearing to confirm such report by the Board  
5 of Supervisors at least 10 days before the date of the hearing. The report to the sponsor  
6 shall contain the sponsor's name, a description of the sponsor's development project, a  
7 description of the parcels of real property to be encumbered as set forth in the Assessor's  
8 Map Books for the current year, a description of the alleged violation of this ordinance,  
9 and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to  
10 be mailed to the sponsor and each owner of record of the parcels of real property subject  
11 to lien. Except for the release of lien recording fees authorized by Administrative Code  
12 Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall  
13 be held in trust by the Treasurer and deposited in the Eastern Neighborhoods Public  
14 Benefits Fund established in Section 327.6.

15 (c) Any notice required to be given to a sponsor or owner shall be sufficiently  
16 given or served upon the sponsor or owner for all purposes hereunder if personally  
17 served upon the sponsor or owner or if deposited, postage prepaid, in a post office  
18 letterbox addressed in the name of the sponsor or owner at the official address of the  
19 sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no  
20 such address is available, to the sponsor at the address of the development project, and  
21 to the applicant for the site or building permit at the address on the permit application.

22 **SEC. 327.5. EASTERN NEIGHBORHOODS IMPACT FEE REFUND**  
23 **WHEN BUILDING PERMIT IS MODIFIED OR EXPIRES PRIOR TO**  
24 **COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.**

25

1 In the event a building permit is modified to expand or reduce project size, the  
2 obligation to comply with this ordinance shall be modified accordingly. In the event a  
3 building expires prior to completion of the work on and commencement of occupancy of a  
4 residential or non-residential development project so that it will be necessary to obtain a  
5 new permit to carry out any development, the obligation to comply with this ordinance  
6 shall be cancelled, and any Eastern Neighborhoods Impact Fee previously paid to the  
7 Treasurer shall be refunded. If and when the sponsor applies for a new permit, the  
8 procedures set forth in this ordinance regarding payment of the Eastern Neighborhoods  
9 Impact Fee shall be followed.

10 **SEC. 327.6. FUND.**

11 (a) There is hereby established a separate fund set aside for a special purpose  
12 entitled the Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected  
13 by the Treasurer pursuant to Section 327.3(b) shall be deposited in a special fund  
14 maintained by the Controller. The receipts in the Fund to be used solely to fund Public  
15 Benefits subject to the conditions of this Section.

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

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

1 may be used by the Planning Commission to commission economic analyses for the  
2 purpose of revising the fee pursuant to Section 327.3(d) above, to complete an updated  
3 nexus study to demonstrate the relationship between development and the need for public  
4 facilities if this is deemed necessary.

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

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

18 (1) Funds collected from all zoning districts in the Project Area, excluding  
19 Designated Affordable Housing Zones shall be allocated to accounts by  
20 improvement type according to in Table 327.6.

21 (2) Funds collected in ~~except for~~ designated affordable housing zones  
22 (Mission NCT and MUR (as defined in 327.2(b)), shall be allocated to accounts by  
23 improvement type as ~~which are~~ described in Table 327.6A. The revenue devoted to  
24 affordable housing preservation and development shall be deposited into a  
25 specific amount to be held by the Mayor's Office of Housing.

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

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

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

12 (3) All funds~~These fund~~ are supported by the Eastern Neighborhoods Nexus  
13 Studies, San Francisco Planning Department, Case No. \_\_\_\_\_, and monitored  
14 according to the Eastern Neighborhoods Area Plans Monitoring Program required by  
15 the Administrative Code Section (note: section number to be determined) and detailed by  
16 separate resolution.

17 TABLE 327.6

18 BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY  
19 IMPROVEMENT TYPE\*

<u>Improvement Type</u>	<u>Residentia</u>	<u>Non-</u>
	<u>l</u>	<u>residential</u>
<u>Open space and</u>	<u>50%</u>	<u>7%</u>
<u>recreational facilities</u>		
<u>Transit, streetscape and</u>	<u>42%</u>	<u>90%</u>
<u>public realm</u>		

<i>improvements</i>		
<i>Community facilities (child care and library materials)</i>	<u>8%</u>	<u>3%</u>

*\*Does not apply to Designated Affordable Housing Zones, which are addressed in Table 327.6A.*

TABLE 327.6A

BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

<u>Improvement Type</u>	<u>Residential</u>	<u>Non-residential</u>
<u>Affordable Housing preservation and development</u>	<u>5075%</u>	<u>n/a</u>
<u>Open space and recreational facilities</u>	<u>2513%</u>	<u>7%</u>
<u>Transit, streetscape and public realm improvements</u>	<u>2410%</u>	<u>90%</u>
<u>Community facilities (child care and library materials)</u>	<u>4%2%</u>	<u>3%</u>

(d) With full participation by the Planning Department and related implementing agencies, the Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last day of the fiscal year of the effective date of this

1 ordinance that shall include the following elements: (1) a description of the type of fee in  
2 each account or fund; (2) amount of fee collected; (3) beginning and ending balance of  
3 the accounts or funds including any bond funds held by an outside trustee; (4) amount of  
4 fees collected and interest earned; (5) identification of each public improvement on  
5 which fees or bond funds were expended and amount of each expenditure; (6) an  
6 identification of the approximate date by which the construction of public improvements  
7 will commence; (7) a description of any inter-fund transfer or loan and the public  
8 improvement on which the transferred funds will be expended; and (8) amount of refunds  
9 made and any allocations of unexpended fees that are not refunded.

10 (e) Approximately every fifth fiscal year following the first deposit into the  
11 account, as coordinated with other planning efforts monitoring activity, the following  
12 account reporting shall be made by the Controller's office in coordination with the  
13 Planning Department: (1) purpose to which the fee is to be put; (2) demonstrate a  
14 reasonable relationship between the fee and the purpose for which it is charged; (3)  
15 identify all sources and amounts of funding anticipated to complete financing in  
16 incomplete improvements identified in this ordinance and subsequent reporting; and (4)  
17 designate the approximate dates on which the sources and amounts of funding is  
18 expected to be deposited into the appropriate account or fund. The reporting  
19 requirements detailed in this section refer to the current requirements under State law,  
20 Government Code 66000, and are detailed here to insure that this fund fulfills all legal  
21 obligations as detailed by the State of California. Any applicable amendments to State  
22 law, Government Code 66000, automatically apply to the reporting requirements of this  
23 ordinance and the ordinance should be amended accordingly.

24 (f) A public hearing shall be held by the Recreation and Parks Commissions to  
25 elicit public comment on proposals for the acquisition of property using monies in the

1 Fund that will ultimately be maintained by the Department of Recreation and Parks.  
2 Notice of public hearings shall be published in an official newspaper at least 20 days  
3 prior to the date of the hearing, which notice shall set forth the time, place, and purpose  
4 of the hearing. The Parks Commissions may vote to recommend to the Board of  
5 Supervisors that it appropriate money from the Fund for acquisition and development of  
6 property acquired for park use.

7 (g) The Planning Commission shall work with other City agencies and  
8 commissions, specifically the Department of Recreation and Parks, Department of Public  
9 Works, and the Municipal Transportation Authority, to develop agreements related to the  
10 administration of the improvements to existing public facilities and development of new  
11 public facilities within public rights-of-way or on any acquired public property, using  
12 such monies as have been allocated for that purpose at a hearing of the Board of  
13 Supervisors.

14 (h) The Planning Commission, based on findings from the Interagency Planning  
15 & Implementation Committee (IPIC), shall make recommendations to the Board  
16 regarding allocation of funds.

17 ~~SEC. 327.7 EASTERN NEIGHBORHOODS CITIZENS ADVISORY~~  
18 ~~COMMITTEE~~

19 ~~(a) Within 6 months of adoption of the Eastern Neighborhoods Area Plan~~  
20 ~~and related planning code changes, the Board of Supervisors shall establish a~~  
21 ~~Citizens Advisory Committee (CAC) for the purposes of providing input on the~~  
22 ~~prioritization of Public Benefits, updating the Public Benefits program, and~~  
23 ~~providing input to plan area monitoring efforts as appropriate. The CAC shall be~~  
24 ~~advisory, as appropriate, to the Planning Department, the Interagency Planning &~~  
25

1 Implementation Committee (IPIC), the Planning Commission and the Board of  
2 Supervisors. The CAC may perform the following functions as needed:

3 (1) Collaborate with the Planning Department and the Interagency Plan  
4 Implementation

5 Committee on prioritizing the community improvement projects and  
6 identifying implementation details as part of annual expenditure program that is  
7 adopted by the Board of Supervisors;

8 (2) Provide an advisory a role in a report-back process from the Planning  
9 Department on enforcement of individual projects' compliance with the Area  
10 Plans standards and on specific conditions of project approvals so that those  
11 agreements will be more effectively implemented;

12 (3) Collaborate with the Planning Department and relevant city agencies in  
13 the monitoring of the Plans' implementation program at approximately every fifth  
14 year, in coordination with the Monitoring Program required by the Administrative  
15 Code Section 10.E; and provide input to Plan area monitoring efforts for required  
16 time-series reporting.

17 (b) Representation: The Board of Supervisors shall appoint 2/3 of the  
18 committee members and the Mayor shall appoint 1/3 of the committee members  
19 of the CAC, making appointments that represent the diversity of the plan area. It  
20 shall include, at a minimum, two representatives from each of these four  
21 geographic areas of the Plan Area (the neighborhoods of Eastern SoMa, Central  
22 Waterfront, Mission and Showplace Square Potrero Hill); and other members  
23 shall represent citywide interests, including residential and business  
24 perspectives. The Citizens Advisory Committee shall be comprised of 9-12  
25 community members from varying geographic, socio-economic, ethnic, racial,

1 gender, and sexual orientations living or working within the plan area.. The CAC  
2 should adequately represent key stakeholders including resident renters, resident  
3 homeowners, low-income residents, local merchants, established neighborhood  
4 groups within the plan area, and other groups identified through refinement of the  
5 CAC process. Each member shall be appointed by the Board and will serve for  
6 two-year terms, but those terms shall be staggered such that, of the initial  
7 membership, some members will be randomly selected to serve four year terms  
8 and some will serve two year terms. The Board of Supervisors may renew a  
9 member's term.

10 (c) Staffing for Eastern Neighborhoods Citizens Advisory Committee: The  
11 Planning Department or Interagency Plan Implementation Committee shall  
12 designate necessary staffing from relevant agencies to the CAC, as needed to  
13 complete the CAC's responsibilities functions of the CAC described in this code.  
14 To the extent permitted by law, staffing and administrative costs for the CAC  
15 shall be funded through the Eastern Neighborhoods Public Benefits Fund. Staff  
16 shall participate in the Interagency Planning and Implementation Committee as  
17 set forth in Administrative Code Section 36.

18 **SEC. 328 – INTEGRATED PDR FEE DISCOUNT PROGRAM**

19 **(a) Purpose.** The purpose of the Integrated PDR Fee Discount Program is  
20 to encourage the hiring of disadvantaged workers by existing or future business  
21 tenants and/or occupants in newly permitted Integrated PDR space. Owners of  
22 buildings with Integrated PDR space are given the option of deferring up to fifty  
23 percent of development impact fees that would otherwise be owed, to encourage  
24 their Integrated PDR tenants and/or occupants to register their respective  
25 business with the Office of Economic and Workforce Development's (OEWD)

1 Integrated PDR Program. At the end of a five-year period commencing upon  
2 issuance of the first site or building permit, owners of Integrated PDR buildings  
3 will be responsible for payment of the full deferred amount unless they can  
4 demonstrate to the Planning Department, based on registration records  
5 submitted to OEWD, that a certain percentage of the employees occupying  
6 Integrated PDR space qualify as “disadvantaged workers.” The greater the  
7 percentage of disadvantaged workers, the higher the fee waiver.

8 (b) **Definitions.**

9 (1) Applicant. For purposes of this section, the owner of a building that  
10 contains permitted Integrated PDR space.

11 (2) Integrated PDR. This is defined in Section 890.49.

12 (3) Disadvantaged worker. Any employee who qualifies for the California  
13 State

14 (4) Enterprise Zone hiring credit for the San Francisco Enterprise Zone.

15 (5) Discount-eligible worker. a disadvantaged worker who lives within the  
16 City and County of San Francisco

17 (6) Discount-program fees. The fees that are subject to this discount  
18 program are the Eastern Neighborhoods Fees (per Sec. 327), the Transit Impact  
19 Development Fee (TIDF) (per Chapter 38 of the Administrative Code), and the  
20 Jobs-Housing Linkage Fee (per Section 313).

21 (7) Integrated PDR Registration Record. A dated receipt acknowledging  
22 that the subject Integrated PDR business has newly registered or updated their  
23 existing registration with the Office of Economic and Workforce Development  
24 (OEWD).

1           (8) Outstanding Discount-Program fees. The 50% of Discount-program  
2 fees that are not paid at the issuance of the first site or building permit.

3           (c) Controls.

4           (1) Any project involving the establishment of net new Integrated PDR  
5 space may choose to avail itself of the fee discounts described below in this  
6 Subsection.

7           (2) Initial fee reduction and payment:

8                     (A) At the issuance of the first site or building permit, the Applicant  
9 will pay 50% of discount-program fees.

10                    (B) An Integrated PDR Notice of Special Restrictions (NSR) will be  
11 placed on the property stating the following:

12                    (i) The amount of Outstanding Discount-Program fees.

13                    (ii) That the Outstanding Discount-Program fees, adjusted for the  
14 cost of living as defined by the Controller's Office, will be paid within 30 days of  
15 notification of the applicant by the Planning Department of the amount of  
16 payment due. A reduction or waiver of these outstanding fees is available only if  
17 the conditions of subsection (c)(3) of this Section are met.

18          (3) Outstanding Discount-Program fee determination and payment:

19                    (A) After five years from the issuance of the first site or building  
20 permit for any Integrated PDR space, the Applicant must pay the Outstanding  
21 Discount-Program fees.

22                    (B) An Applicant may seek to waive or reduce any Outstanding  
23 Discount-Program fees by providing sufficient evidence in the form of Integrated  
24 PDR Registration Records to demonstrate to the Planning Department that they  
25

1 have satisfied the workforce goals of the Integrated PDR program as of the date  
2 of the filing of an application for such a waiver.

3 (C) Outstanding Discount-Program fees may be waived or forgiven  
4 under the following circumstances:

5 (i) If 10% to 14.9% of the total workforce currently employed in  
6 space that is permitted as Integrated PDR is discount-eligible workers, then 50%  
7 of the outstanding fees will be waived.

8 (ii) If 15% to 19.9% of the total workforce currently employed in  
9 space that is permitted as Integrated PDR is discount-eligible workers, then 60%  
10 of the outstanding fees will be waived.

11 (iii) If 20% to 24.9% of the total workforce currently employed in  
12 space that is permitted as Integrated PDR is discount-eligible workers, then 70%  
13 of the outstanding fees will be waived.

14 (iv) If 25% to 29.9% of the total workforce currently employed in  
15 space that is permitted as Integrated PDR is discount-eligible workers, then 80%  
16 of the outstanding fees will be waived.

17 (v) If 30% to 34.9% of the total workforce currently employed in  
18 space that is permitted as Integrated PDR is discount-eligible workers, then 90%  
19 of the outstanding fees will be waived.

20 (vi) If 35% or more of the total workforce currently employed in  
21 space that is permitted as Integrated PDR is discount-eligible workers, then  
22 100% of the outstanding fees will be waived.

23 (D) Applicants who cannot provide sufficient evidence in the form  
24 of Integrated PDR Registration records to demonstrate to the Planning  
25 Department that tenants and/or occupants of any Integrated PDR space have

1 satisfied the annual reporting requirements of the Office of Economic and  
2 Workforce Development (OEWD), or its successor, will not be eligible for any  
3 waivers or reductions of Outstanding Discount-Program Fees, and will owe the  
4 full amount of any Outstanding Discount-Program Fees five years after the  
5 issuance of the first site or building permit. These annual reporting requirements  
6 are stated contained in the City's Administrative Code Sec. 10E.7.

7 (E) Applicants must apply to the Planning Department for  
8 Outstanding Discount-Program Fee reduction or waiver. This application must be  
9 submitted within three months before or after the five-year anniversary of the  
10 issuance of the first site or building permit. The Planning Department shall  
11 transmit the application to the Office of Economic and Workforce Development  
12 (OEWD), or its successor, for verification of relevant employment statistics, and  
13 the Director of OEWD shall subsequently submit its findings to the Planning  
14 Department.

15 (F) Payment of outstanding fees is due within 30 days of  
16 notification of the applicant by the Planning Department of the amount of  
17 payment due.

18 (G) Failure to pay shall be deemed a violation of the Planning  
19 Code and result in an enforcement action by the Department, which may include,  
20 referral to the Bureau of Delinquent Revenue and a lien on the subject property.  
21 Any enforcement action also may result in additional charges or penalties to  
22 cover the City's costs in the enforcement action, including, but not limited to City  
23 Attorney's fees.

24 SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING  
25 APPLICATIONS.

1 (a) Conditional Use (Section 303), Planned Unit Development (Section  
 2 304), and Eastern Neighborhoods Commission Review (Section 329).

3 TABLE INSET:

4 Estimated Construction Cost	Initial Fee
5 No construction cost, excluding 6 extension of hours	\$700.00
7 No construction cost, extension of 8 hours	\$1,075.00
9 Estimated Construction Cost	Initial Fee
10 \$1.00 to \$9,999.00	\$1,075.00
11 \$10,000.00 to \$999,999.00	\$1,075.00 plus .497% of cost 12 over \$10,000.00
13 \$1,000,000.00 to \$4,999,999.00	\$5,995.00 plus .593% of cost 14 over \$1,000,000.00
15 \$5,000,000.00 to \$9,999,999.00	\$29,715.00 plus .497% of cost 16 over \$5,000,000.00
17 \$10,000,000.00 to 18 \$19,999,999.00	\$54,565.00 plus .259% of cost 19 over \$10,000,000.00
20 \$20,000,000.00 or more	\$80,465.00

21 (b) Variance (Section 305)

22 TABLE INSET:

23 Estimated Construction Cost	Initial Fee
24	25

1	\$0.00---\$9,999.00	\$680.00
2	\$10,000.00--\$19,999.00	\$1,515.00
3	\$20,000.00 and greater	\$3,025.00

4 Variance fees are subject to additional time and material charges, as set  
5 forth in Section 350c.

6 (c) Downtown (C-3) District Review (Section 309) and Coastal Zone  
7 Permit (Section 330) Applications Commission Hearing Fee Schedule:

8 TABLE INSET:  
9

10 Estimated Construction 11 Cost	12 Initial Fee
13 \$0.00 to \$9,999.00	\$217.00
14 \$10,000.00 to \$999,999.00	\$217.00 plus .0994% of cost over 15 \$10,000.00
16 \$1,000,000.00 to 17 \$4,999,999.00	\$1,201.00 plus .119% of cost over \$1,000,000.00
18 \$5,000,000.00 to 19 \$9,999,999.00	\$5,961.00 plus .099% of cost over \$5,000,000.00
20 \$10,000,000.00 to 21 \$19,999,999.00	\$10,911.00 plus .052% of cost over \$10,000,000.00
22 \$20,000,000.00 or more	\$16,111.00

1 (1) Applications with Verified Violations of this Code: The Planning  
2 Department shall charge \$170.00 as an initial fee, plus time and materials as set  
3 forth in Section 350(c).

4 (2) Where an applicant requests two or more approvals involving a  
5 conditional use, planned unit development, variance, Downtown (C-3) District  
6 Section 309 review, certificate of appropriateness, permit to alter a significant or  
7 contributory building both within and outside of Conservation Districts, or a  
8 coastal zone permit review, the amount of the second and each subsequent  
9 initial fees of lesser value shall be reduced to 50 percent.

10 (3) Minor project modifications requiring a public hearing to amend  
11 conditions of approval of a previously authorized project, not requiring a  
12 substantial reevaluation of the prior authorization: \$800.00

13 (4) The applicant shall be charged for any time and materials beyond the  
14 initial fee in Section 352(a), as set forth in Section 350(c).

15 (5) An applicant proposing significant revisions to a project for which an  
16 application is on file with the Planning Department shall be charged time and  
17 materials to cover the full costs in excess of the initial fee.

18 (6) For agencies or departments of the City and County of San  
19 Francisco, the initial fee for applications shall be based upon the construction  
20 cost as set forth above.

21 (d) Discretionary Review Request: \$300.00; provided, however, that the  
22 fee shall be waived if the discretionary review request is filed by a neighborhood  
23 organization that: (1) has been in existence for 24 months prior to the filing date  
24 of the request, (2) is on the Planning Department's neighborhood organization  
25 notification list, and (3) can demonstrate to the Planning Director or his/her

1 designee that the organization is affected by the proposed project. Such fee shall  
2 be refunded to the individual or entity that requested discretionary review in the  
3 event the Planning Commission denies the Planning Department's approval or  
4 authorization upon which the discretionary review was requested. Mandatory  
5 discretionary reviews: \$2,805.00.

6 (e) Institutional Master Plan (Section 304.5).

7 (1) Full Institutional Master Plan or Substantial Revision: \$10,000.00 plus  
8 time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

9 (2) Abbreviated Institutional Master Plan: \$1,830.00 plus time and  
10 materials if the cost exceeds the initial fee as set forth in Section 350(c).

11 (f) Land Use Amendments and Related Plans and Diagrams of the San  
12 Francisco General Plan: Fee based on the Department's estimated actual costs  
13 for time and materials required to review and implement the requested  
14 amendment, according to a budget prepared by the Director of Planning, in  
15 consultation with the sponsor of the request.

16 (g) General Plan Referrals: \$2,700.00 plus time and materials if the cost  
17 exceeds the initial fee as set forth in Section 350(c).

18 (h) Redevelopment Plan Review: The Director of Planning shall prepare  
19 a budget to cover actual time and materials expected to be incurred, in  
20 consultation with the Redevelopment Agency. A sum equal to 1/2 the expected  
21 cost will be submitted to the Department, prior to the commencement of the  
22 review. The remainder of the costs will be due at the time the initial payment is  
23 depleted.

24 (i) Reclassify Property or Impose Interim Zoning Controls: \$6,115.00.  
25

1 (1) The applicant shall be charged for any time and materials as set forth  
2 in Section 350(c).

3 (2) Applications with Verified Violations of this Code: The Planning  
4 Department shall charge time and materials as set forth in Section 350(c).

5 (j) Setback Line, Establish, Modify or Abolish: \$2,325.00.

6 (k) Temporary Use Fees \$340.00 as an initial fee, plus time and  
7 materials if the cost exceeds the initial fee, as set forth in Section 350(c).

8 (l) Amendments to Text of the Planning Code: \$11,495.00 as an initial  
9 fee, plus time and materials if the cost exceeds the initial fee as set forth in  
10 Section 350(c).

11 (m) Zoning Administrator Conversion Determinations Related to Service  
12 Station Conversions: \$2,270.00 as an initial fee, plus time and materials if the  
13 cost exceeds the initial fee. (Section 228.4):

14 (n) Conditional Use Appeals to the Board of Supervisors:

15 (1) \$400.00 for the appellant of a conditional use authorization decision  
16 to the Board of Supervisors; provided, however, that the fee shall be waived if the  
17 appeal is filed by a neighborhood organization that: (1) has been in existence for  
18 24 months prior to the appeal filing date, (2) is on the Planning Department's  
19 neighborhood organization notification list, and (3) can demonstrate to the  
20 Planning Director or his/her designee that the organization is substantially  
21 affected by the proposed project.

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

1           **SEC. 603. EXEMPTED SIGNS.**

2           Nothing in this Article 6 shall apply to any of the following signs:

3           (a) Official public notices, and notices posted by public officers in  
4 performance of their duties;

5           (b) Governmental signs for control of traffic and other regulatory  
6 purposes, street signs, danger signs, railroad crossing signs, and signs of public  
7 service companies indicating danger and aids to service or safety;

8           (c) Temporary display posters, without independent structural support, in  
9 connection with political campaigns and with civic noncommercial health, safety  
10 and welfare campaigns, provided that in R districts such posters shall be  
11 removed within 60 days following the conclusion of the campaign;

12           (d) Flags, emblems, insignia and posters of any nation or political  
13 subdivision, and temporary displays of a patriotic, religious, charitable or other  
14 civic character;

15           (e) House numbers, whether illuminated or not, "no trespassing," "no  
16 parking," and other warning signs;

17           (f) Commemorative plaques placed by recognized historical agencies;

18           (g) Signs within a stadium, open-air theater or arena which are designed  
19 primarily to be viewed by patrons within such stadium, open-air theater or arena;

20           (h) Religious symbols attached to buildings if not projecting beyond any  
21 street property line or building setback line;

22           (i) Flags indicating weather conditions, and single flags which are  
23 emblems of business firms, enterprises and other organizations;

24           (j) Two general advertising signs each not exceeding 24 square feet in  
25 area on either a transit shelter or associated advertising kiosk furnished by

1 contract with the Municipal Transportation Agency or predecessor agency for the  
2 Municipal Railway in RTO, RTO-M, RM-2, RM-3, RM-4, RC, NC, C, M, PDR,  
3 Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use  
4 Districts, and in those P Districts where such signs would not adversely affect the  
5 character, harmony or visual integrity of the district as determined by the City  
6 Planning Commission; eight general advertising signs each not exceeding 24  
7 square feet in area on transit shelters located on publicly owned property on a  
8 high level Municipal Railway boarding platform in an RH-1D District adjacent to a  
9 C-2 District, provided that such advertising signs solely face the C-2 District; up  
10 to three double-sided general advertising signs each not exceeding 24 square  
11 feet in area on or adjacent to transit shelters on publicly owned high level  
12 Municipal Railway boarding platforms along The Embarcadero south of the Ferry  
13 Building, up to six double-sided panels at 2nd and King Streets, and up to four  
14 double-sided panels at 4th and King Streets; up to two double-sided panels not  
15 exceeding 24 square feet in area on each low-level boarding platform at the  
16 following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and  
17 The Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of  
18 71 double-sided general advertising signs each not exceeding 24 square feet in  
19 area on or adjacent to transit shelters on 28 publicly owned high level Municipal  
20 Railway boarding platforms serving the Third Street Light Rail Line. Each  
21 advertising sign on a low-level or high level boarding platform shall be designed  
22 and sited in such a manner as to minimize obstruction of public views from  
23 pedestrian walkways and/or public open space.

24 Notwithstanding the above, no sign shall be placed on any transit shelter  
25 or associated advertising kiosk located on any sidewalk which shares a common

1 boundary with any property under the jurisdiction of the Recreation and Park  
2 Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo  
3 Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on  
4 John Muir Drive between Skyline Boulevard and Lake Merced Boulevard; or on  
5 Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on  
6 any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced  
7 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center  
8 Special Sign Districts as established in Section 608.3 of this Code;

9 The provisions of this subsection shall be subject to the authority of the  
10 San Francisco Port Commission under Sections 4.114 and B3.581 of the City  
11 Charter and under State law.

12 (k) Information plaques or signs which identify to the public open space  
13 resources, architectural features, creators of artwork, or otherwise provide  
14 information required by this Code or by other City agencies, or an identifying sign  
15 which directs the general public and/or patrons of a particular establishment to  
16 open space or parking resources, provided that such sign shall not project more  
17 than three inches from the wall and that its dimensions shall be no greater than  
18 one by two feet;

19 (l) Nonilluminated art murals within the South of Market *Mixed Use Base*  
20 *District and Eastern Neighborhoods Mixed Use Districts, with the exception of the UMU*  
21 *District*, if they project no more than 18 inches from the pre-existing surface of a  
22 structure;

23 (m) Two general advertising signs each not exceeding 52 square feet in  
24 area on a public service kiosk furnished by contract with the Department of  
25 Public Works which contract also provides for the installation and maintenance of

1 automatic public toilets. Each such public service kiosk shall be divided into three  
2 sections, one of which shall provide a public service, such as a newsstand,  
3 newsrack, map, public telephone, vending machine, display of public service  
4 information, or interactive video terminal;

5 (n) Advertising placed on fixed pedestal newsrack units in accordance  
6 with Section 184.12 of the Public Works Code.

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

8 Signs in ~~C<sub>1</sub>~~ ~~and~~ M<sub>1</sub> ~~and~~ PDR Districts, other than those signs exempted by  
9 Section 603 of this Code, shall conform to the following provisions:

10 (a) General Advertising Signs. No general advertising sign shall be  
11 permitted in any C-1 District or within 200 feet of the park known as Union  
12 Square and visible from said park, except that a replacement sign of the same  
13 size or smaller, of the same type as defined in this Code or as interpreted by the  
14 Zoning Administrator, and at the same approximate location as an existing sign  
15 would be allowed within 200 feet of said park provided that the sign is otherwise  
16 permitted by the Planning Code, would cast no additional shadow upon Union  
17 Square, has no intensification of lighting as determined by the Zoning  
18 Administrator, and is not internally lighted or backlighted. Use of neon is not  
19 precluded by this provision. Temporary general advertising signs determined by  
20 the Zoning Administrator to be at pedestrian level and less than 50 square feet in  
21 size are not precluded by this provision.

22 (b) Roof Signs. Roof signs shall be permitted in all ~~C<sub>1</sub>~~ ~~and~~ M<sub>1</sub> ~~and~~ PDR  
23 Districts other than C-1 only if Subsections (1) through (3) below are satisfied;  
24 except that a roof sign that is designated historic pursuant to Sections 303 and  
25

1 608.14 of this Code may be permitted without regard to Subsections (1) through  
2 (3) below:

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

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

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

10 (c) Wind Signs. No wind sign shall be permitted in any C or M District.

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

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

17 (2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, ~~and~~  
18 M-2, and PDR Districts, except for signs located within 200 feet of the park known  
19 as Union Square and visible from said park and signs located so as to be  
20 primarily viewed by persons traveling on any portion of a freeway, moving or  
21 otherwise physically animated parts may be used if such parts do not exceed a  
22 velocity of one complete cycle in a four-second period where such parts  
23 constitute less than 30 percent of the area of the sign or if, where such parts  
24 constitute a greater area of the sign, they do not exceed a velocity of one  
25 complete cycle in a four-second period and are stationary at least half of each

1 eight-second period; except that signs designated historic pursuant to Sections  
2 303 and 608.14 of this Code may have such moving features otherwise  
3 prohibited for signs located so as to be primarily viewed by persons traveling on  
4 any portion of a freeway.

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

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

9 (e) Illumination. Any sign may be nonilluminated or indirectly or directly  
10 illuminated. Signs in PDR, C-3, C-M, M-1 and M-2 Districts shall not be limited in  
11 any manner as to type of illumination, but no sign in a C-1 or C-2 District shall  
12 have or consist of any flashing, blinking, fluctuating or otherwise animated light  
13 except in each of the following special sign districts, all as specifically designated  
14 as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning  
15 Map of the City and County of San Francisco, described in Section 608 of this  
16 Code:

17 (1) In the C-2 area consisting of five blocks in the vicinity of Fisherman's  
18 Wharf;

19 (2) In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate  
20 Avenue and Eddy Street to Sacramento Street, and Polk Street from Eddy Street  
21 to Geary Street, also known as the Automotive Special Use District;

22 (3) In the C-2 area in the vicinity of Stockton, Washington and Kearny  
23 Streets and Broadway, also known as Washington-Broadway Special Use  
24 District Number 1.

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

3 (f) Projection. No sign shall project more than 75 percent of the horizontal  
4 distance from the street property line to the curblineline and in no case shall a sign  
5 project more than 10 feet beyond the street property line or building setback line  
6 in C-1 Districts, or 12 feet beyond the street property line or building setback line  
7 in any other ~~C<sub>2</sub>~~ ~~or~~ M, and PDR District.

8 (g) Height and Extension Above Roofline.

9 (1) Signs Attached to Buildings. Except as provided in Section 260 for  
10 historic signs in historic districts, no sign attached to a building shall extend or be  
11 located above the roofline of the building to which it is attached; except that up to  
12 1/2 the area of a business sign attached to the street wall of a building may  
13 extend above the roofline, up to the maximum height permitted for freestanding  
14 signs in the same district or 10 feet above the roofline, whichever is the lesser. In  
15 addition, no sign attached to a building shall under any circumstances exceed the  
16 following maximum heights:

17 In C-1: 40 feet;

18 In C-3: 100 feet;

19 In all other C and M Districts: 60 feet.

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

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

3 In C-1: 24 feet;

4 In C-2: 36 feet;

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

6 (h) Special Standards for Automobile Service Stations. For automobile  
7 service stations, only the following signs are permitted, subject to the standards  
8 in this Subsection (h) and to all other standards in this Section 607.

9 (1) A maximum of two oil company signs, which shall not extend more  
10 than 10 feet above the roofline if attached to a building, or exceed the maximum  
11 height permitted for freestanding signs in the same district if freestanding. The  
12 area of any such sign shall not exceed 180 square feet, and along each street  
13 frontage all parts of such a sign or signs that are within 10 feet of the street  
14 property line shall not exceed 80 square feet in area. No such sign shall project  
15 more than five feet beyond any street property line or building setback line. The  
16 areas of other permanent and temporary signs as covered in Paragraph  
17 607(h)(2) below shall not be included in the calculation of the areas specified in  
18 this paragraph.

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

24 (3) General advertising signs meeting the provisions of this Section 607.

25 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.**

1 Signs located in Neighborhood Commercial Districts shall be regulated as  
2 provided herein, except for those signs which are exempted by Section 603 of  
3 this Code. In the event of conflict between the provisions of Section 607.1 and  
4 other provisions of Article 6, the provisions of Section 607.1 shall prevail in  
5 Neighborhood Commercial Districts, provided that with respect to properties also  
6 located in the Upper Market Special Sign District, the provisions of Section  
7 608.10 of this Code shall prevail.

8 (a) Purposes and Findings. In addition to the purposes stated in Sections  
9 101 and 601 of this Code, the following purposes apply to Neighborhood  
10 Commercial Districts. These purposes constitute findings that form a basis for  
11 regulations and provide guidance for their application.

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

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

22 (3) Neighborhood Commercial Districts are typically mixed use areas  
23 with commercial units on the ground or lower stories and residential uses on  
24 upper stories. Although signs and other advertising devices are essential to a  
25 vital commercial district, they should not be allowed to interfere with or diminish

1 the livability of residential units within a Neighborhood Commercial District or in  
2 adjacent residential districts.

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

7 (b) Signs or Sign Features Not Permitted in NC Districts. Roof signs as  
8 defined in Section 602.16 of this Code, wind signs as defined in Section 602.22  
9 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code,  
10 are not permitted in NC Districts. No sign shall have or consist of any moving,  
11 rotating, or otherwise physically animated part, or lights that give the appearance  
12 of animation by flashing, blinking, or fluctuating, except as permitted by Section  
13 607.1(i) of this Code. In addition signs or sign features not otherwise  
14 specifically regulated in this Section 607.1 shall be prohibited.

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

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

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

8 (d) Nameplates. 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 NC Districts.

11 (e) General Advertising Signs. General advertising signs, as defined in  
12 Section 602.7, shall be permitted in Neighborhood Commercial Districts, except  
13 in the Inner Sunset Neighborhood Commercial District where they are not  
14 permitted, as provided for below. In NC Districts where such signs are permitted,  
15 general advertising signs may be either a wall sign or freestanding, provided that  
16 the surface of any freestanding sign shall be parallel to and within three feet of an  
17 adjacent building wall. In either case, the building wall shall form a complete  
18 backdrop for the sign, as the sign is viewed from all points from a street or alley  
19 from which it is legible. No general advertising sign shall be permitted to cover  
20 part or all of any windows. Any extension of the copy beyond the rectangular  
21 perimeter of the sign shall be included in the calculation of the sign, as defined in  
22 Section 602.1(a) of this Code.

23 (1) NC-2, NCT-2, and NC-S Districts. No more than one general  
24 advertising sign shall be permitted per lot or in NC-S Districts, per district. Such  
25

1 sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such  
2 sign may be either nonilluminated or indirectly illuminated.

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

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

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

15 (1) NC-1 Districts.

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

20 (B) Wall Signs. The area of all wall signs shall not exceed one  
21 square foot per square foot of street frontage occupied by the business  
22 measured along the wall to which the signs are attached, or 50 square feet for  
23 each street frontage, whichever is less. The height of any wall sign shall not  
24 exceed 15 feet or the height of the wall to which it is attached. Such signs may  
25

1 be nonilluminated or indirectly illuminated; or during business hours, may be  
2 directly illuminated.

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

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

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

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

24 (B) Wall Signs. The area of all wall signs shall not exceed two  
25 square feet per foot of street frontage occupied by the use measured along the

1 wall to which the signs are attached, or 100 square feet for each street frontage,  
2 whichever is less. The height of any wall sign shall not exceed 24 feet, or the  
3 height of the wall to which it is attached, or the height of the lowest of any  
4 residential windowsill on the wall to which the sign is attached, whichever is  
5 lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

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

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

21 (E) Freestanding Signs and Sign Towers. With the exception of  
22 automotive gas and service stations, which are regulated under Paragraph  
23 607.1(f)(4), one freestanding sign or sign tower per lot shall be permitted in lieu  
24 of a projecting sign, if the building or buildings are recessed from the street  
25 property line. The existence of a freestanding business sign shall preclude the

1 erection of a freestanding identifying sign on the same lot. The area of such  
2 freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed  
3 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign  
4 shall project more than 75 percent of the horizontal distance from the street  
5 property line to the curbline, or six feet, whichever is less. Such signs may be  
6 nonilluminated or indirectly illuminated; or during business hours, may be directly  
7 illuminated.

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

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

14 (B) Wall Signs. The area of all wall signs shall not exceed three square  
15 feet per foot of street frontage occupied by the use measured along the wall to  
16 which the signs are attached, or 150 square feet for each street frontage,  
17 whichever is less. The height of any wall 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. Such signs may be nonilluminated, indirectly, or directly illuminated.

21 (C) Projecting Signs. The number of projecting signs shall not exceed  
22 one per business. The area of such sign, as defined in Section 602.1(a), shall not  
23 exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the  
24 height of the wall to which it is attached, or the height of the lowest of any  
25 residential windowsill on the wall to which the sign is attached, whichever is

1 lower. No part of the sign shall project more than 75 percent of the horizontal  
2 distance from the street property line to the curblineline, or six feet six inches,  
3 whichever is less. Such signs may be nonilluminated, indirectly, or directly  
4 illuminated.

5 (D) Sign Copy on Awnings and Marquees. Sign copy may be located on  
6 permitted awnings or marquees in lieu of projecting signs. The area of such sign  
7 copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign  
8 copy may be nonilluminated or indirectly illuminated; except that sign copy on  
9 marquees for movie theaters or places of entertainment may be directly  
10 illuminated during business hours.

11 (E) Freestanding Signs and Sign Towers. With the exception of  
12 automotive gas and service stations, which are regulated under Paragraph  
13 607.1(f)(4) of this Code, one freestanding sign or sign tower per lot shall be  
14 permitted in lieu of a projecting sign if the building or buildings are recessed from  
15 the street property line. The existence of a freestanding business sign shall  
16 preclude the erection of a freestanding identifying sign on the same lot. The area  
17 of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not  
18 exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of  
19 the sign shall project more than 75 percent of the horizontal distance from the  
20 street property line to the curblineline, or six feet, whichever is less. Such signs may  
21 be nonilluminated or indirectly illuminated, or during business hours, may be  
22 directly illuminated.

23 (4) Special Standards for Automotive Gas and Service Stations. For  
24 automotive gas and service stations in Neighborhood Commercial Districts, only  
25

1 the following signs are permitted, subject to the standards in this Paragraph (f)(4)  
2 and to all other standards in this Section 607.1.

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

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

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

25

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

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

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

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

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

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

23 (1) Public Areas. No sign shall be placed upon any public street, alley,  
24 sidewalk, public plaza or right-of-way, or in any portion of a transit system, except  
25 such projecting signs as are otherwise permitted by this Code and signs,

1 structures, and features as are specifically approved by the appropriate public  
2 authorities under applicable laws and regulations not inconsistent with this Code  
3 and under such conditions as may be imposed by such authorities.

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

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

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

### 13 **SEC. 607.2. MIXED USE DISTRICTS.**

14 Signs located in Mixed Use Districts shall be regulated as provided herein,  
15 except for those signs which are exempted by Section 603. Signs not specifically  
16 regulated in this Section 607.2 shall be prohibited. In the event of conflict  
17 between the provisions of Section 607.2 and other provisions of Article 6, the  
18 provisions of Section 607.2 shall prevail in Mixed Use Districts.

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 Mixed Use Districts.  
21 These purposes constitute findings that form a basis for regulations and provide  
22 guidance for their application.

23 (1) As Mixed Use Districts change, they need to maintain their  
24 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 Mixed Use Districts.

9 (3) Mixed Use Districts are typically mixed use areas with commercial  
10 units on the ground or lower stories and residential uses on upper stories or have  
11 housing and commercial and industrial activities interspersed. Although signs  
12 and other advertising devices are essential to a vital commercial district, they  
13 should not be allowed to interfere with or diminish the livability of residential units  
14 within a Mixed Use District or in adjacent residential districts.

15 (4) The scale of most Mixed Use Districts as characterized by building  
16 height, bulk, and appearance, and the width of streets and sidewalks differs from  
17 that of other commercial and industrial districts. Sign sizes should relate and be  
18 compatible with the surrounding district scale.

19 (b) Signs or Sign Features Not Permitted in Mixed Use Districts. General  
20 advertising signs are not permitted in the Eastern Neighborhoods and South of  
21 Market Mixed Use districts, except in the South of Market General Advertising  
22 Special Sign District. Roof signs as defined in Section 602.16 of this Code, wind  
23 signs as defined in Section 602.21 of this Code, and signs on canopies, as  
24 defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts.  
25 No sign shall have or consist of any moving, rotating, or otherwise physically

1 animated part, or lights that give the appearance of animation by flashing,  
2 blinking, or fluctuating. In addition, all signs or sign features not otherwise  
3 specifically regulated in this Section 607.2 shall be prohibited.

4 (c) Identifying Signs. Identifying signs, as defined in Section 602.10, shall  
5 be permitted in all Mixed Use Districts subject to the limits set 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. Such signs may be nonilluminated, indirectly illuminated, or  
17 directly illuminated during the hours of operation of the businesses in the  
18 shopping center or shopping mall.

19 (d) Nameplate. One nameplate, as defined in Section 602.12 of this  
20 Code, not exceeding an area of two square feet, shall be permitted for each  
21 noncommercial use in Mixed Use Districts.

22 (e) General Advertising Signs. General advertising signs, as defined in  
23 Section 602.7, shall be permitted in Mixed Use Districts as provided for below.  
24 General advertising signs are not allowed in the Eastern Neighborhoods and South  
25 of Market Mixed Use Districts, except in the South of Market General Advertising

1 Special Sign District or where a permit was approved by the City prior to January  
2 1, 2001. In Mixed Use Districts where such signs are permitted, general  
3 advertising signs may be either a wall sign or freestanding, provided that the  
4 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 area, as  
10 defined in Section 602.1(a) of this Code.

11 (1) Chinatown Residential Neighborhood Commercial District. No more  
12 than one general advertising sign shall be permitted per lot. Such sign shall not  
13 exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be  
14 either nonilluminated or indirectly illuminated.

15 (2) Chinatown Visitor Retail and Chinatown Community Business  
16 Districts. No more than one general advertising sign not exceeding 300 square  
17 feet in area or two general advertising signs of 72 square feet each shall be  
18 permitted per lot. The height of any such wall sign shall not exceed 24 feet, or the  
19 height of the wall to which it is attached, or the height of the lowest of any  
20 residential windowsills on the wall to which it is attached, whichever is lower. If  
21 the advertising sign is a freestanding sign, the height shall not exceed 24 feet or  
22 the height of the adjacent wall, whichever is lower.

23 (A) Signs may be either nonilluminated or indirectly or directly  
24 illuminated.

25

1 (3) South of Market General Advertising Special Sign District. Within the  
2 area designated as a South of Market General Advertising Special Sign District,  
3 as described in Section 821 of this Code and shown on Sectional Map SSD of  
4 the Zoning Map, the following provisions shall apply to general advertising signs:  
5 (1) No more than two general advertising signs not to exceed 300 square feet in  
6 area or one general advertising sign not to exceed 672 square feet in area shall  
7 be permitted per lot; (2) No more than one double-sided or multiple-sided sign  
8 shall be permitted per lot; and (3) Roof signs shall be permitted and shall not  
9 exceed the standards established by Section 607(b) of this Code for roof signs  
10 lying within M Districts.

11 (f) Business Signs. Business signs, as defined in Section 602.3 shall be  
12 permitted in all Mixed Use Districts subject to the limits set forth below.

13 (1) Chinatown Residential Neighborhood Commercial District.

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

18 (B) Wall Signs. The area of all wall signs shall not exceed one square  
19 foot per foot of street frontage occupied by the business measured along the wall  
20 to which the signs are attached, or 50 square feet for each street frontage,  
21 whichever is less; provided, however, that in no case shall the wall sign or  
22 combination of wall signs cover more than 75 percent of the surface of any wall,  
23 excluding openings. The height of any wall sign shall not exceed 15 feet or the  
24 height of the wall to which it is attached. Such signs may be nonilluminated or  
25 indirectly illuminated; or during business hours, may be directly illuminated.

1 (C) Projecting Signs. The number of projecting signs shall not exceed  
2 one per business. The area of such sign or signs combined when there are  
3 multiple signs, as defined in Section 602.1(a), shall not exceed 24 square feet.  
4 The height of such sign shall not exceed 15 feet or the height of the wall to which  
5 it is attached. No part of the sign shall project more than 75 percent of the  
6 horizontal distance from the street property line to the curblin, or six feet six  
7 inches, whichever is less. The sign may be nonilluminated or indirectly  
8 illuminated, or during business hours, may be directly illuminated.

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

13 (2) Chinatown Visitor Retail District.

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

18 (B) Wall Signs. The area of all wall signs shall not exceed two square  
19 feet per foot of street frontage occupied by the use measured along the wall to  
20 which the signs are attached, or 100 square feet for each street frontage,  
21 whichever is less. The height of any wall sign shall not exceed 24 feet, or the  
22 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. Such signs may be nonilluminated, indirectly, or directly illuminated.

25

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

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

16 (E) Freestanding Signs and Sign Towers. One freestanding sign or sign  
17 tower per lot shall be permitted in lieu of a projecting sign, if the building or  
18 buildings are recessed from the street property line. The existence of a  
19 freestanding business sign shall preclude the erection of a freestanding  
20 identifying sign on the same lot. The area of such freestanding sign or sign tower,  
21 as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the  
22 height of the sign exceed 24 feet. No part of the sign shall project more than 75  
23 percent of the horizontal distance from the street property line to the curblin, or  
24 six feet, whichever is less. Such signs may be nonilluminated or indirectly  
25 illuminated; or during business hours, may be directly illuminated.

1 (3) Chinatown Community Business District, Eastern Neighborhoods and  
2 South of Market Mixed Use Mixed Use Districts.

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

7 (B) Wall Signs. The area of all wall signs shall not exceed three square  
8 feet per foot of street frontage occupied by the use measured along the wall to  
9 which the signs are attached, or 150 square feet for each street frontage,  
10 whichever is less; provided, however, that in no case shall the wall sign or  
11 combination of wall signs cover more than 75 percent of the surface of any wall,  
12 excluding openings. The height of any wall 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. Such signs may be nonilluminated, indirectly, or 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 32 square feet.  
19 The height of the sign shall not exceed 24 feet, or the height of the wall to which  
20 it is attached, or the height of the lowest of any residential windowsill on the wall  
21 to which the sign is attached, whichever is lower. No part of the sign shall project  
22 more than 75 percent of the horizontal distance from the street property line to  
23 the curblineline, or six feet six inches, whichever is less. Such signs may be  
24 nonilluminated, indirectly, or directly illuminated.

25

1 (D) Sign Copy on Awnings and Marquees. Sign copy may be located on  
2 permitted awnings or marquees in lieu of projecting signs. The area of such sign  
3 copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign  
4 copy may be nonilluminated or indirectly illuminated; except that sign copy on  
5 marquees for movie theaters or places of entertainment may be directly  
6 illuminated during business hours.

7 (E) Freestanding Signs and Sign Towers. One freestanding sign or sign  
8 tower per lot shall be permitted in lieu of a projecting sign if the building or  
9 buildings are recessed from the street property line. The existence of a  
10 freestanding business sign shall preclude the erection of a freestanding  
11 identifying sign on the same lot. The area of such freestanding sign or sign tower,  
12 as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the  
13 height of the sign exceed 24 feet. No part of the sign shall project more than 75  
14 percent of the horizontal distance from the street property line to the curblin, or  
15 six feet, whichever is less. Such signs may be nonilluminated or indirectly  
16 illuminated, or during business hours, may be directly illuminated.

17 (g) Special Sign Districts. Additional controls apply within certain Mixed  
18 Use Districts that are designated as Special Sign Districts. The designations,  
19 locations, and boundaries of these Special Sign Districts are provided on  
20 Sectional Map SSD of the Zoning Map of the City and County of San Francisco,  
21 and are described within Sections 608.1 through 608.10 of this Code.

22 (h) Special Districts for Sign Illumination. Signs in Mixed Use Districts  
23 shall not have nor consist of any flashing, blinking, fluctuating or otherwise  
24 animated light except in the following special districts, all specifically designated  
25 as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning

1 Map of the City and County of San Francisco, and described in Section 607(e) of  
2 this Code.

3 (1) Broadway District. Along the main commercial frontage of Broadway  
4 between Wayne and Osgood.

5 (i) Other Sign Requirements. Within Mixed Use Districts, the following  
6 additional requirements shall apply:

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

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

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

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

23 **SEC. 608.1. NEAR R DISTRICTS.**

24 No general advertising sign, and no other sign exceeding 100 square feet  
25 in area, shall be located in an NC, C, M, PDR, Eastern Neighborhoods Mixed Use

1 District or South of Market Mixed Use District within 100 feet of any R District in  
 2 such a manner as to be primarily viewed from residentially zoned property or  
 3 from any street or alley within an R District; any sign of which the face is located  
 4 parallel to a street property line and lies for its entire width opposite an NC, C, M,  
 5 PDR, MUR, or South of Market SLR District shall be deemed prima facie not to be  
 6 primarily so viewed. No sign of any size within 100 feet of any R District shall  
 7 project beyond the street property line or building setback line of any street or  
 8 alley leading off the main commercial frontage into the R District.

9 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

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

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

Neighborhood Commercial General Area Districts	Section Number
NC-1 -- Neighborhood Commercial Cluster District	§ 710
NC-2 -- Small-Scale Neighborhood Commercial District	§ 711

1	NC-3 -- Moderate-Scale Neighborhood Commercial District	§ 712
2	NC-S -- Neighborhood Commercial Shopping Center District	§ 713
3	<i><u>NCT-2 Small Scale Neighborhood Commercial Transit District</u></i>	<i><u>§ 734</u></i>
4	NCT-3Moderate-Scale Neighborhood Commercial Transit District	§ 731

5	Neighborhood Commercial Section	
6	Individual Area Districts Number	
7		
8	Broadway Neighborhood Commercial District	§ 714
9	Castro Street Neighborhood Commercial District	§ 715
10	Inner Clement Street Neighborhood Commercial District	§ 716
11	Outer Clement Street Neighborhood Commercial District	§ 717
12	Upper Fillmore Street Neighborhood Commercial District	§ 718
13	Haight Street Neighborhood Commercial District	§ 719
14	Hayes-Gough Neighborhood Commercial Transit District	§ 720
15	Upper Market Street Neighborhood Commercial District	§ 721
16	North Beach Neighborhood Commercial District	§ 722
17	Polk Street Neighborhood Commercial District	§ 723
18	Sacramento Street Neighborhood Commercial District	§ 724
19	Union Street Neighborhood Commercial District	§ 725
20	Valencia Street Neighborhood Commercial <i><u>Transit</u></i> District	§ 726
21	24th Street-Mission Neighborhood Commercial <i><u>Transit</u></i> District	§ 727
22	24th Street-Noe Valley Neighborhood Commercial District	§ 728
23	West Portal Avenue Neighborhood Commercial District	§ 729
24	Inner Sunset Neighborhood Commercial District	§ 730
25		

1	Upper Market Street Neighborhood Commercial Transit District	§ 732
2	<i>SoMa Neighborhood Commercial Transit District</i>	<u>§ 735</u>
3	<i>Mission Street Neighborhood Commercial Transit District</i>	<u>§ 736</u>

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

9	Neighborhood Commercial Transit Districts	Section Number
10	Hayes-Gough Neighborhood Commercial Transit District	§ 720
11	<i>Valencia Street Neighborhood Commercial Transit District</i>	<u>§ 726</u>
12	<i>24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District</i>	<u>§ 727</u>
13	NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731
14	Upper Market Street Neighborhood Commercial Transit District	§ 732
15	<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<u>§ 734</u>
16	<i>SoMa Neighborhood Commercial Transit District</i>	<u>§ 735</u>
17	<i>Mission Street Neighborhood Commercial Transit District</i>	<u>§ 736</u>

21  
22 NCT districts are transit-oriented moderate- to high-density mixed-use  
23 neighborhoods of varying scale concentrated near transit services. The NCT  
24 districts are mixed use districts that support neighborhood-serving commercial  
25 uses on lower floors and housing above. These districts are well-served by

1 public transit and aim to maximize residential and commercial opportunities on or  
2 near major transit services. The district's form can be either linear along transit-  
3 priority corridors, concentric around transit stations, or broader areas where  
4 transit services criss-cross the neighborhood. Housing density is limited not by lot  
5 area, but by the regulations on the built envelope of buildings, including height,  
6 bulk, setbacks, and lot coverage, and standards for residential uses, including  
7 open space and exposure, and urban design guidelines. Residential parking is  
8 not required and generally limited. Commercial establishments are discouraged  
9 or prohibited from building accessory off-street parking in order to preserve the  
10 pedestrian-oriented character of the district and prevent attracting auto traffic.  
11 There are prohibitions on access (i.e. driveways, garage entries) to off-street  
12 parking and loading on critical stretches of commercial and transit streets to  
13 preserve and enhance the pedestrian-oriented character and transit function.

14 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL**  
15 **DISTRICTS.**

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

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

24 TABLE INSET:

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Section	
Zoning Control	Number
Categories of Use	
No.	for Uses Definition
.24	Outdoor Activity Area § 790.70
.25	Drive-Up Facility § 790.30
.26	Walk-Up Facility § 790.140
.27	Hours of Operation § 790.48
.38	Residential Conversion § 790.84
.39	Residential Demolition § 790.86
.40	Other Retail Sales and Services § 790.102
.41	Bar § 790.22
.42	Full-Service Restaurant § 790.92
.43	Large Fast-Food Restaurant § 790.90
.44	Small Self-Service Restaurant § 790.91
.45	Liquor Store § 790.55
.46	Movie Theater § 790.64
.47	Adult Entertainment § 790.36
.48	Other Entertainment § 790.38
.49	Financial Service § 790.110
.50	Limited Financial Service § 790.112

1	.51	Medical Service	§ 790.114
2	.52	Personal Service	§ 790.116
3	.53	Business or Professional Service	§ 790.108
4	.54	Massage Establishment	§ 790.60
5	.55	Tourist Hotel	§ 790.46
6	.56	Automobile Parking	§ 790.8
7	.57	Automotive Gas Station	§ 790.14
8	.58	Automotive Service Station	§ 790.17
9	.59	Automotive Repair	§ 790.15
10	.60	Automotive Wash	§ 790.18
11	.61	Automobile Sale or Rental	§ 790.12
12	.62	Animal Hospital	§ 790.6
13	.63	Ambulance Service	§ 790.2
14	.64	Mortuary	§ 790.62
15	.65	Trade Shop	§ 790.124
16	.66	Storage	§ 790.117
17	.67	Video Store	§ 790.135
18	.68	Fringe Financial Service	§ 790.111
19	.70	Administrative Service	§ 790.106
20	.80	Hospital or Medical Center	§ 790.44
21	.81	Other Institutions, Large	§ 790.50
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1	.82	Other Institutions, Small	§ 790.51
2	.83	Public Use	§ 790.80
3	.90	Residential Use	§ 790.88
4	.95	Community Residential Parking	§ 790.10

6 (b) Use Limitations. The uses permitted in Neighborhood Commercial  
7 Districts are either principal, conditional, accessory, or temporary uses as stated  
8 in this Section, and include those uses set forth or summarized and cross-  
9 referenced in the zoning control categories as listed in Paragraph (a) in Sections  
10 710.1 through 729.95 of this Code for each district class.

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

20 TABLE INSET:

21	No.	Zoning Control Category
22	.56	Automobile Parking
23	.57	Automotive Gas Station
24	.58	Automotive Service Station

1	.60	Automotive Wash
2	.61	Automobile Sale or Rental
3	.81	Other Institutions, Large (selected)
4	.83	Public Use (selected)
5	.95	Community Residential Parking

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

10 (A) Principal Uses. Principal uses are permitted as of right in a  
11 Neighborhood Commercial District, when so indicated in Sections 710.1 through  
12 729.95 of this Code for each district class.

13 (B) Conditional Uses. Conditional uses are permitted in a  
14 Neighborhood Commercial District when authorized by the Planning  
15 Commission; whether a use is conditional in a given district is indicated in  
16 Sections 710.10 through 729.95. Conditional uses are subject to the provisions  
17 set forth in Sections 178, 179, 303, and 316 through 316.8 of this Code.

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

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

24 (iii) Notwithstanding any other provision of this Article, a change in  
25 use or demolition of a general grocery store use, as defined in Section

1 790.102(a), shall require conditional use authorization. This Subsection shall not  
2 authorize a change in use if the new use or uses are otherwise prohibited.

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

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

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

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

20 (iii) Any take-out food use, as defined in Section 790.122, except  
21 for a take-out food use which occupies 100 square feet or less (including the  
22 area devoted to food preparation and service and excluding storage and waiting  
23 areas) in a general grocery or specialty grocery store;

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

4 (v) The wholesaling, manufacturing or processing of foods, goods, or  
5 commodities on the premises of an establishment which does not also use or  
6 provide for primarily retail sale of such foods, goods or commodities at the same  
7 location where such wholesaling, manufacturing or processing takes place.

8 Except in the SoMa NCT, where these uses are permitted accessory uses.

9 **SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL**  
10 **TRANSIT DISTRICT.**

11 The Valencia Street Commercial Transit District is located near the center  
12 of San Francisco in the Mission District. It lies along Valencia Street between  
13 14th and Cesar Chavez (Army) Street, and includes a portion of 16th Street  
14 extending west towards Dolores Street. The commercial area provides a limited  
15 selection of convenience goods for the residents of sections of the Mission and  
16 Dolores Heights. Valencia Street also serves a wider trade area with its retail and  
17 wholesale home furnishings and appliance outlets. The commercial district also  
18 has several automobile-related businesses ~~and large light manufacturing~~  
19 ~~operations~~. Eating and drinking establishments contribute to the street's mixed-  
20 use character and activity in the evening hours. A number of upper-story  
21 professional and business offices are located in the district, some in converted  
22 residential units.

23 The Valencia Street District has a pattern of large lots and businesses, as  
24 well as a sizable number of upper-story residential units. Controls are designed  
25 to permit moderate-scale buildings and uses, protecting rear yards above the

1 ground story and at residential levels. New neighborhood-serving commercial  
 2 development is encouraged mainly at the ground story. While offices and general  
 3 retail sales uses may locate at the second story of new buildings under certain  
 4 circumstances, most commercial uses are prohibited above the second story. In  
 5 order to protect the balance and variety of retail uses and the livability of adjacent  
 6 uses and areas, most eating and drinking and entertainment uses at the ground  
 7 story are limited. Continuous retail frontage is promoted by prohibiting drive-up  
 8 facilities, some automobile uses, and new nonretail commercial uses. Parking is  
 9 not required, and any new parking is required to be set back or below ground. Active,  
 10 pedestrian-oriented ground floor uses are required.

11 Housing development in new buildings is encouraged above the ground  
 12 story. Housing density is not controlled by the size of the lot but by requirements to  
 13 supply a high percentage of larger units and by physical envelope controls. Existing  
 14 residential units are protected by prohibitions on upper-story conversions and  
 15 limitations on demolitions, mergers, and subdivisions. Given the area's central location  
 16 and accessibility to the City's transit network, accessory parking for residential uses is  
 17 not required.

18  
 19 SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
 20 ZONING CONTROL TABLE

			Valencia Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105,	40-X, 50-X. See

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		106, 250--252, 260, <u>263.18</u> , 270, 271	Zoning Map, <u>Additional</u> <u>5' Height Allowed for</u> <u>Ground Floor Active</u> <u>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 <u>a</u>	<u>Street Frontage, Above-</u> <u>Grade Parking Setback and</u> <u>Active Uses</u>	<u>§ 145.1</u>	<del>Required</del> <u>§ 145.1</u> <u>Minimum 25 feet on</u> <u>ground floor, 15 feet on</u> <u>floors above § 145.1</u>
<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>
<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>
726.14	Awning	§ 790.20	P§ 136.1(a)
726.15	Canopy	§ 790.26	P § 136.1(b)
726.16	Marquee	§ 790.58	P § 136.1(c)
726.17	Street Trees		Required § 143
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
726.20	Floor Area Ratio	§§ 102.9,	2.5 to 1 § 124(a) (b)

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		102.11, 123	
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
726.22	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</i>  §§ <del>151</del> , 161(g)
726.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
726.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
726.25	Drive-Up Facility	§ 790.30	
726.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
726.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
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		
		§ 790.118	1st	2nd	3rd+
<del>726.378</del>	Residential Conversion	<del>§§ 790.84, 207.7</del>	<u>PC</u>		
<del>726.389</del>	Residential Demolition	<del>§§ 790.86, 207.7</del>	<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					
726.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
726.41	Bar	§ 790.22	C		
726.42	Full-Service Restaurant	§ 790.92	P		

1	726.43	Large Fast Food Restaurant	§ 790.90	C		
2						
3	726.44	Small Self-Service Restaurant	§ 790.91	P		
4						
5	726.45	Liquor Store	§ 790.55			
6						
7	726.46	Movie Theater	§ 790.64	P		
8						
9	726.47	Adult Entertainment	§ 790.36			
10						
11	726.48	Other Entertainment	§ 790.38	C		
12						
13	726.49	Financial Service	§ 790.110	P		
14						
15	726.50	Limited Financial Service	§ 790.112	P		
16						
17	726.51	Medical Service	§ 790.114	P	C	
18						
19	726.52	Personal Service	§ 790.116	P	C	
20						
21	726.53	Business or Professional Service	§ 790.108	P	C	
22						
23						
24	726.54	Massage Establishment	§ 790.60, § 1900 Health	C		
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2	726.55	Tourist Hotel	§ 790.46	C	C	
3						
4	726.56	Automobile Parking	§§ 790.8, <u>158.I</u> , 160, <u>166</u> ,	C	C	C
5						
6	726.57	Automotive Gas Station	§ 790.14			
7						
8	726.58	Automotive Service Station	§ 790.17			
9						
10	726.59	Automotive Repair	§ 790.15	C		
11						
12	726.60	Automotive Wash	§ 790.18			
13						
14	726.61	Automobile Sale or Rental	§ 790.12			
15						
16	726.62	Animal Hospital	§ 790.6	C		
17						
18	726.63	Ambulance Service	§ 790.2			
19						
20	726.64	Mortuary	§ 790.62	C	C	
21						
22	726.65	Trade Shop	§ 790.124	P	C	
23						
24	726.66	Storage	§ 790.117			
25						

1	726.67	Video Store	§ 790.135	C	C	
2						
3	726.68	Fringe Financial	§ 790.111	#	#	#
4	Institutions and Non-Retail Sales and Services					
5	726.70	Administrative Service	§ 790.106			
6						
7	726.80	Hospital or Medical Center	§ 790.44			
8						
9	726.81	Other Institutions, Large	§ 790.50	P	C	C
10						
11	726.82	Other Institutions, Small	§ 790.51	P	P	P
12						
13	726.83	Public Use	§ 790.80	C	C	C
14						
15	726.84	Medical Cannabis Dispensary	§ 790.141	P		
16						
17	RESIDENTIAL STANDARDS AND USES					
18						
19	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
20						
21	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 <u>No density limit.</u></i>		
22						
23	726.92	Residential Density, Group	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 140 sq. ft. lot area §208 <u>No density limit.</u></i>		
24						
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1		Housing				
2	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)		
3						
4	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	<del>Generally, 1 space for each dwelling unit</del> <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>		
5						
6	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
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**SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT**

TABLE INSET:

17	Article 7 Code Section	Other Code Section	Zoning Controls
20	§ 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 <u>Transit</u> District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the
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		FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
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**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.

The 24th Street -- Mission Neighborhood Commercial Transit District controls are designed to provide potential for new development consistent with the existing scale and character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear yard corridors above the ground story and at residential levels are protected. Most commercial uses are encouraged at the ground story, while service uses are permitted with some limitations at the second story. Special controls are necessary to preserve the unique mix of convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, new bars and fast-food restaurants are prohibited, and limitations apply to the development and operation of ground-

1 story full-service restaurants, take-out food and entertainment uses. Continuous  
 2 retail frontage is maintained and encouraged by prohibiting most automobile and  
 3 drive-up uses, banning curb cuts, and requiring active, pedestrian-oriented ground  
 4 floor uses. Parking is not required, and any new parking required to be set back or below  
 5 ground.

6 Housing development in new buildings is encouraged above the ground  
 7 story. Housing density is not controlled by the size of the lot but by requirements to  
 8 supply a high percentage of larger units and by physical envelope controls. Existing  
 9 housing units are protected by prohibitions on upper-story conversions and  
 10 limitations on demolitions-, mergers, and subdivisions. Given the area's central  
 11 location and accessibility to the City's transit network, accessory parking for residential  
 12 uses is not required.

13 **SEC. 727. 24TH STREET -- MISSION NEIGHBORHOOD COMMERCIAL**  
 14 **TRANSIT DISTRICT**

15 ZONING CONTROL TABLE

			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>

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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	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	<del>Required § 145.1</del> <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)
727.15	Canopy	§ 790.26	P § 136.1(b)
727.16	Marquee	§ 790.58	P § 136.1(c)
727.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
727.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2

1			<i>Generally, none required</i>
2			<i>if occupied floor area is</i>
3	727.22	Off-Street Parking, Commercial/Institutional	<i>less than 5,000 sq. ft.</i>
4			<i>None required. Limits set</i>
5			<i>forth in Section 151.1</i>
6			<del>§§ 151, 161(g)</del>
7	727.23	Off-Street Freight Loading	Generally, none
8			required if gross floor
9			area is less than 10,000
10			sq. ft. §§ 152, 161(b)
11	727.24	Outdoor Activity Area	P if located in front; C if
12			located elsewhere §
13			145.2(a)
14	727.25	Drive-Up Facility	
15	727.26	Walk-Up Facility	P if recessed 3 ft.; C if
16			not recessed § 145.2
17			(b)
18	727.27	Hours of Operation	P 6 a.m.--2 a.m. C 2
19			a.m.--6 a.m.
20	727.30	General Advertising Sign	
21	727.31	Business Sign	P § 607.1(f)2
22			
23	727.32	Other Signs	P § 607.1(c) (d) (g)
24			
25			

TABLE INSET:

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No.	Zoning Category	§ References	24th Street-- Mission		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
727.37 <del>8</del>	Residential Conversion	§§ 790.84 <sub>2</sub> <u>207.7</u>	<u>PC</u>		
727.38 <del>9</del>	Residential Demolition	§§ 790.86 <sub>2</sub> <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 <i>[Not Listed Below]</i>	§ 790.102	P		
727.41	Bar	§ 790.22			
727.42	Full-Service Restaurant	§ 790.92	C		
727.43	Large Fast Food Restaurant	§ 790.90			
727.44	Small Self-Service Restaurant	§ 790.91	C		
727.45	Liquor Store	§ 790.55			

1	727.46	Movie Theater	§ 790.64	P		
2						
3	727.47	Adult	§ 790.36			
4		Entertainment				
5	727.48	Other	§ 790.38	C		
6		Entertainment				
7	727.49	Financial Service	§ 790.110	P		
8						
9	727.50	Limited Financial	§ 790.112	P		
10		Service				
11	727.51	Medical Service	§ 790.114	P	C	
12						
13	727.52	Personal Service	§ 790.116	P	C	
14						
15	727.53	Business or	§ 790.108	P	C	
16		Professional				
17		Service				
18	727.54	Massage	§ 790.60, §	C		
19		Establishment	1900 Health			
20			Code			
21	727.55	Tourist Hotel	§ 790.46	C	C	
22						
23	727.56	Automobile	§§ 790.8,	C	C	C
24		Parking	<u>158.1</u> , <u>160</u> , <u>166</u> ,			
25	727.57	Automotive Gas	§ 790.14			

1		Station				
2	727.58	Automotive Service Station	§ 790.17			
3						
4	727.59	Automotive Repair	§ 790.15	C		
5						
6	727.60	Automotive Wash	§ 790.18			
7						
8	727.61	Automobile Sale or Rental	§ 790.12			
9						
10	727.62	Animal Hospital	§ 790.6	C		
11						
12	727.63	Ambulance Service	§ 790.2			
13						
14	727.64	Mortuary	§ 790.62			
15						
16	727.65	Trade Shop	§ 790.124	P		
17						
18	727.66	Storage	§ 790.117			
19						
20	727.67	Video Store	§ 790.135	C		
21						
22	727.68	Fringe Financial Service	§ 790.111	#	#	#
23						
24	Institutions and Non-Retail Sales and Services					
25						

1	727.70	Administrative Service	§ 790.106			
2						
3	727.80	Hospital or Medical Center	§ 790.44			
4						
5	727.81	Other Institutions, Large	§ 790.50	P	C	C
6						
7	727.82	Other Institutions, Small	§ 790.51	P	P	P
8						
9	727.83	Public Use	§ 790.80	C	C	C
10						
11	727.84	Medical Cannabis Dispensary	§ 790.141	P		
12						
13	RESIDENTIAL STANDARDS AND USES					
14	727.90	Residential Use	§§ <u>145.4</u> , 790.88	<i>P, except NP for frontages listed in §145.4</i>	P	P
15						
16						
17	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 <del>§207.4</del> <u>No density limit.</u></i>		
18						
19						
20	727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 210 sq. ft. lot area <del>§208</del> <u>No density limit.</u></i>		
21						
22						
23	727.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
24						
25						

1 2 3 4 5	727.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	<i>Generally, 1 space for each dwelling <del>unit</del> <u>None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.</u> §§ 151, 161(a) (g), <u>166, 167, 145.1</u></i>		
6 7 8	727.95	Community Residential Parking	<u>§§ 145.1, 151.1(f), 155(r), 166, 790.10</u>	C	C	C

9 SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

10 TABLE INSET:

12 13 14	Article 7 Code Section	Other Code Section	Zoning Controls
15 16 17 18 19 20 21 22 23	§ 727.68	§ 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 24th Street-Mission Neighborhood Commercial <u>Transit</u> District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

1        **SEC. 734.1. NCT-2 -- SMALL-SCALE NEIGHBORHOOD COMMERCIAL**  
2        **TRANSIT DISTRICT.**

3        NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale  
4        commercial uses near transit services. The NCT-2 Districts are mixed use districts that  
5        support neighborhood-serving commercial uses on lower floors and housing above.  
6        These Districts are well-served by public transit and aim to maximize residential and  
7        commercial opportunities on or near major transit services. The District's form is  
8        generally linear along transit-priority corridors, though may be concentric around  
9        transit stations or in broader areas where multiple transit services criss-cross the  
10       neighborhood. Housing density is limited not by lot area, but by the regulations on the  
11       built envelope of buildings, including height, bulk, setbacks, and lot coverage, and  
12       standards for residential uses, including open space and exposure, and urban design  
13       guidelines. There are prohibitions on access (e.g., driveways, garage entries) to off-street  
14       parking and loading on critical stretches of commercial and transit street frontages to  
15       preserve and enhance the pedestrian-oriented character and transit function. Residential  
16       parking is not required and generally limited. Commercial establishments are  
17       discouraged from building excessive accessory off-street parking in order to preserve the  
18       pedestrian-oriented character of the district and prevent attracting auto traffic.

19       NCT-2 Districts are intended to provide convenience goods and services to the  
20       surrounding neighborhoods as well as limited comparison shopping goods for a wider  
21       market. The range of comparison goods and services offered is varied and often includes  
22       specialty retail stores, restaurants, and neighborhood-serving offices. The small-scale  
23       district controls provide for mixed-use buildings, which approximate or slightly exceed  
24       the standard development pattern. Rear yard requirements above the ground story and at  
25       residential levels preserve open space corridors of interior blocks.

1 Most new commercial development is permitted at the ground and second stories.  
 2 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and  
 3 entertainment uses, however, are confined to the ground story. The second story may be  
 4 used by some retail stores, personal services, and medical, business and professional  
 5 offices. Parking and hotels are monitored at all stories. Limits on late-night activity,  
 6 drive-up facilities, and other automobile uses protect the livability within and around the  
 7 district, and promote continuous retail frontage.

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

11 **SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2**

12 **ZONING CONTROL TABLE**

			<u>NCT-2</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<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. &amp; 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)</u>

1			<u>(e)</u>
2	<u>734.13</u>	<u>Street Frontage</u>	<u>§§ 145.1, 145.4</u>
3	-		<u>Required §§ 145.1, 145.4</u>
4	<u>734.13a</u>	<u>Street Frontage, Above-Grade</u>	<u>§ 145.1</u>
5		<u>Parking Setback and Active</u>	<u>Minimum 25 feet on ground</u>
6		<u>Uses</u>	<u>floor, 15 feet on floors</u>
7			<u>above</u>
8			<u>§ 145.1</u>
9	<u>734.13b</u>	<u>Street Frontage, Required</u>	<u>§ 145.4</u>
10		<u>Ground Floor Commercial</u>	<u>Requirements apply</u>
11	<u>734.13c</u>	<u>Street Frontage, Parking and</u>	<u>§ 155(r)</u>
12		<u>Loading access restrictions</u>	<u>Requirements apply</u>
13	<u>734.14</u>	<u>Awning</u>	<u>§ 790.20</u>
14	-		<u>P § 136.1(a)</u>
15	<u>734.15</u>	<u>Canopy</u>	<u>§ 790.26</u>
16	-		<u>P § 136.1(b)</u>
17	<u>734.16</u>	<u>Marquee</u>	<u>§ 790.58</u>
18	-		<u>P § 136.1(c)</u>
19	<u>734.17</u>	<u>Street Trees</u>	<u>—</u>
20	-		<u>Required § 143</u>
21	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>		
22	<u>734.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11,</u>
23	-		<u>123</u>
24	<u>734.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>
25	-		<u>P up to 3,999 sq. ft.; C</u>
			<u>4,000 sq. ft. &amp; above §</u>
			<u>121.2</u>
	<u>734.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 151.1,</u>
	-	<u>Commercial/Institutional</u>	<u>153-157, 159-</u>
			<u>None required. Limits set</u>
			<u>forth in Section 151.1.</u>

1			<u>160, 204.5</u>	
2	<u>734.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153--155,</u>	<u>Generally, none required if</u>
3	-		<u>204.5</u>	<u>gross floor area is less than</u>
4				<u>10,000 sq. ft. §§ 152,</u>
5				<u>161(b)</u>
6	<u>734.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if</u>
7	-			<u>located elsewhere §</u>
8				<u>145.2(a)</u>
9	<u>734.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	—
10				
11	<u>734.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not</u>
12	-			<u>recessed § 145.2(b)</u>
13	<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>
14	-			<u>6 a.m.</u>
15	<u>734.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602--604,</u>	<u>NP § 607.1(e)(1)</u>
16	-		<u>608, 609</u>	
17	<u>734.31</u>	<u>Business Sign</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(f)(2)</u>
18	-		<u>608, 609</u>	
19	<u>734.32</u>	<u>Other Signs</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(c),(d),(g)</u>
20	-		<u>608, 609</u>	

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>NCT-2</u>		
-	-	-	<u>Controls by Story</u>		
-	-	<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>734.37</u>	<u>Residential</u>	<u>§§ 790.84,</u>	<u>C</u>	<u>C</u>	—
-	<u>Conversion</u>	<u>207.7</u>			

1	<u>734.38</u>	<u>Residential</u>	<u>§§ 790.86,</u>			
2	-	<u>Demolition</u>	<u>207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
3	<u>731.39</u>	<u>Residential</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
4		<u>Division</u>				
5	<u>Retail Sales and Services</u>					
6	<u>734.40</u>	<u>Other Retail</u>				
7	-	<u>Sales and</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	-
8		<u>Services [Not</u>				
9		<u>Listed Below]</u>				
10	<u>734.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	-	-
11	-					
12	<u>734.42</u>	<u>Full-Service</u>	<u>§ 790.92</u>	<u>P</u>	-	-
13	-	<u>Restaurant</u>				
14	<u>734.43</u>	<u>Large Fast Food</u>	<u>§ 790.90</u>	<u>C</u>	-	-
15	-	<u>Restaurant</u>				
16	<u>734.44</u>	<u>Small Self-</u>	<u>§ 790.91</u>	<u>P</u>	-	-
17	-	<u>Service</u>				
18		<u>Restaurant</u>				
19	<u>734.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>P</u>	-	-
20	-					
21	<u>734.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	-	-
22	-					
23	<u>734.47</u>	<u>Adult</u>	<u>§ 790.36</u>	-	-	-
24	-	<u>Entertainment</u>				
25	<u>734.48</u>	<u>Other</u>	<u>§ 790.38</u>	<u>P</u>	-	-
	-	<u>Entertainment</u>				
	<u>734.49</u>	<u>Financial</u>	<u>§ 790.110</u>	<u>P</u>	<u>C</u>	-

1	-	<u>Service</u>				
2	<u>734.50</u>	<u>Limited Financial</u>	<u>§ 790.112</u>	<u>P</u>		
3	-	<u>Service</u>			-	-
4	<u>734.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	-
5	-					
6	<u>734.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	-
7	-	-				
8	<u>734.53</u>	<u>Business or</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	-
9	-	<u>Professional</u>				
10		<u>Service</u>				
11	<u>734.54</u>	<u>Massage</u>	<u>§ 790.60, §</u>	<u>C</u>		
12	-	<u>Establishment</u>	<u>1900 Health</u>		-	-
13			<u>Code</u>			
14	<u>734.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
15	-					
16	<u>734.56</u>	<u>Automobile</u>	<u>§§ 790.8,</u>	<u>C</u>	<u>C</u>	<u>C</u>
17	-	<u>Parking</u>	<u>156, 160</u>			
18	<u>734.57</u>	<u>Automotive Gas</u>	<u>§ 790.14</u>	<u>C</u>		
19	-	<u>Station</u>			-	-
20	<u>734.58</u>	<u>Automotive</u>	<u>§ 790.17</u>	<u>C</u>		
21	-	<u>Service Station</u>			-	-
22	<u>734.59</u>	<u>Automotive</u>	<u>§ 790.15</u>	<u>C</u>		
23	-	<u>Repair</u>			-	-
24	<u>734.60</u>	<u>Automotive</u>	<u>§ 790.18</u>	-		
25	-	<u>Wash</u>			-	-
	<u>734.61</u>	<u>Automobile Sale</u>	<u>§ 790.12</u>	-		
	-	<u>or Rental</u>			-	-

1	<u>734.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	—	—
2	-	-				
3	<u>734.63</u>	<u>Ambulance</u>	<u>§ 790.2</u>	—	—	—
4	-	<u>Service</u>				
5	<u>734.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	—	—	—
6	-					
7	<u>734.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	—
8	-					
9	<u>734.66</u>	<u>Storage</u>	<u>§ 790.117</u>	—	—	—
10	-					
11	<u>734.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	—
12	-					
13	<u>Institutions and Non-Retail Sales and Services</u>					
14	<u>734.70</u>	<u>Administrative</u>	<u>§ 790.106</u>	—	—	—
15	-	<u>Service</u>				
16	<u>734.80</u>	<u>Hospital or</u>	<u>§ 790.44</u>	—	—	—
17	-	<u>Medical Center</u>				
18	<u>734.81</u>	<u>Other</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
19	-	<u>Institutions,</u>				
20		<u>Large</u>				
21	<u>734.82</u>	<u>Other</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
22	-	<u>Institutions,</u>				
23		<u>Small</u>				
24	<u>734.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
25	-					
	<u>734.84</u>	<u>Medical</u>	<u>§ 790.141</u>	<u>P #</u>	—	—
	-	<u>Cannabis</u>				

1		<u>Dispensary</u>			
2	<u>RESIDENTIAL STANDARDS AND USES</u>				
3	<u>734.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages</u>	<u>P</u>
4	-			<u>listed in 145.4</u>	<u>P</u>
5				<u>No residential density limit by lot area.</u>	
6				<u>Density restricted by physical envelope</u>	
7				<u>controls of height, bulk, setbacks, open space,</u>	
8	<u>734.91</u>	<u>Residential</u>	<u>§§ 207,</u>	<u>exposure and other applicable controls of this</u>	
9	-	<u>Density, Dwelling</u>	<u>207.1,</u>	<u>and other Codes, as well as by applicable</u>	
10		<u>Units</u>	<u>790.88(a)</u>	<u>design guidelines, applicable elements and</u>	
11				<u>area plans of the General Plan, and design</u>	
12				<u>review by the Planning Department.</u>	
13				<u>§§ 207.4, 207.6</u>	
14				<u>No group housing density limit by lot area.</u>	
15				<u>Density restricted by physical envelope</u>	
16	<u>734.92</u>	<u>Residential</u>	<u>§§ 207.1,</u>	<u>controls of height, bulk, setbacks, open space,</u>	
17	-	<u>Density, Group</u>	<u>790.88(b)</u>	<u>exposure and other applicable controls of this</u>	
18		<u>Housing</u>		<u>and other Codes, as well as by applicable</u>	
19				<u>design guidelines, applicable elements and</u>	
20				<u>area plans of the General Plan, and design</u>	
21				<u>review by the Planning Department.</u>	
22				<u>§ 208</u>	
23	<u>734.93</u>	<u>Usable Open</u>	<u>§§ 135, 136</u>	<u>Generally, either 100 sq. ft. if private, or 133</u>	
24	-	<u>Space [Per</u>	-	<u>sq. ft. if common § 135(d)</u>	
25		<u>Residential Unit]</u>			
		-			
	<u>734.94</u>	<u>Off-Street</u>	<u>§§ 150, 153-</u>	<u>None required. P up to 0.5 parking spaces per</u>	
	-	<u>Parking,</u>	<u>-157, 159--</u>	<u>unit; C up to 0.75 parking spaces per unit..</u>	

1		<u>Residential</u>	<u>160, 204.5</u>	<u>§§ 151.1, 166, 167, 145.1</u>	
2	<u>734.95</u>	<u>Community</u>			
3		<u>Residential</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>
4		<u>Parking</u>			

5 SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

6

7 TABLE INSET:

9	<u>Article 7 Code</u>	<u>Other Code</u>	<u>Zoning Controls</u>
10	<u>Section</u>	<u>Section</u>	
11	<u>§§ 734.84,</u>	<u>Health Code</u>	<u>Medical cannabis dispensaries in NCT-2 District may</u>
12	<u>790.141</u>	<u>§ 3308</u>	<u>only operate between the hours of 8 a.m. and 10 p.m.</u>

13 SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT

14 DISTRICT.

15 The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located  
 16 along the 6<sup>th</sup> Street and Folsom Street corridors in the South of Market. The commercial  
 17 area provides a limited selection of convenience goods for the residents of the South of  
 18 Market. Eating and drinking establishments contribute to the street's mixed-use character  
 19 and activity in the evening hours. A number of upper-story professional and business  
 20 offices are located in the district, some in converted residential units.

21 The SoMa NCT has a pattern of ground floor commercial and upper story  
 22 residential units. Controls are designed to permit moderate-scale buildings and uses,  
 23 protecting rear yards above the ground story and at residential levels. Active,  
 24 neighborhood-serving commercial development is required at the ground story, curb cuts  
 25 are prohibited and ground floor transparency and fenestration adds to the activation of

1 the ground story. While offices and general retail sales uses may locate on the second  
 2 story or above of new buildings, most commercial uses are prohibited above the second  
 3 story. In order to protect the balance and variety of retail use, bars and liquor stores are  
 4 allowed with a conditional use. Continuous retail frontage is promoted by prohibiting  
 5 drive-up facilities, some automobile uses, and new non-retail commercial uses. Above-  
 6 ground parking is required to be setback or below ground. Active, pedestrian-oriented  
 7 ground floor uses are required.

8 Housing development in new buildings is encouraged above the ground story.  
 9 Housing density is not controlled by the size of the lot or by density controls, but by  
 10 bedroom counts. Given the area's central location and accessibility to the City's transit  
 11 network, parking for residential and commercial uses is not required.

12 **SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
 13 **ZONING CONTROL TABLE**  
 14

			<u>SOMA</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<b><u>BUILDING STANDARDS</u></b>			
<u>735.10</u> -	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250--252, 260, 270, 271</u>	<u>See Zoning Map.</u>
<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 10,000 sq. ft. &amp; above § 121.1</u>
<u>735.12</u> -	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u> -	<u>Required at the second story and above and at all</u>

1			<i>residential levels § 134(a),(e)</i>
2			
3	<u>735.13</u>	<u>Street Frontage</u>	<u>§§ 145.1, 145.4</u>
4	-		-
5	<u>735.13a</u>	<u>Street Frontage, Above-Grade</u>	<u>Minimum 25 feet on</u>
6		<u>Parking Setback and Active</u>	<u>ground floor, 15 feet on</u>
7		<u>Uses</u>	<u>floors above</u>
8			<u>§ 145.1</u>
9	<u>735.13b</u>	<u>Street Frontage, Required</u>	<u>§ 145.4</u>
10		<u>Ground Floor Commercial</u>	<u>Requirements apply</u>
11	<u>735.13c</u>	<u>Street Frontage, Parking and</u>	<u>§ 155(r)</u>
12		<u>Loading access restrictions</u>	<u>Requirements apply</u>
13	<u>735.14</u>	<u>Awning</u>	<u>§ 790.20</u>
14	-		<u>P § 136.1(a)</u>
15	<u>735.15</u>	<u>Canopy</u>	<u>§ 790.26</u>
16	-		<u>P § 136.1(b)</u>
17	<u>735.16</u>	<u>Marquee</u>	<u>§ 790.58</u>
18	-		<u>P § 136.1(c)</u>
19	<u>735.17</u>	<u>Street Trees</u>	<u>—</u>
20			<u>Required § 143</u>
21	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>		
22	<u>735.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11,</u>
23	-		<u>123</u>
24	<u>735.21</u>	<u>Use Size [Non-Residential]</u>	<u>2.5 to 1 § 124(a), (b)</u>
25	-		<u>P up to 3,999 sq. ft.; C</u>
			<u>4,000 sq. ft. &amp; above §</u>
			<u>121.2</u>
	<u>735.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 153-157,</u>
			<u>None required. Limits set</u>

1	-	<u>Commercial/Institutional</u>	<u>159-160, 204.5</u>	<u>forth in Section 151.1.</u>
2	<u>735.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153--155,</u>	<u>Generally, none required</u>
3	-		<u>204.5</u>	<u>if gross floor area is less</u>
4				<u>than 10,000 sq. ft. §§ 152,</u>
5				<u>161(b)</u>
6	<u>735.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if</u>
7	-			<u>located elsewhere §</u>
8				<u>145.2(a)</u>
9	<u>735.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	—
10	-			
11	<u>735.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not</u>
12	-			<u>recessed § 145.2(b)</u>
13	<u>735.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--2 a.m.; C 2</u>
14	-			<u>a.m.--6 a.m.</u>
15	<u>735.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602--604,</u>	<u>NP § 607.1(e)(1)</u>
16	-		<u>608, 609</u>	
17	<u>735.31</u>	<u>Business Sign</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(f)(2)</u>
18	-		<u>608, 609</u>	
19	<u>735.32</u>	<u>Other Signs</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(c), (d), (g)</u>
20	-		<u>608, 609</u>	

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>SoMa</u>		
			<u>Controls by Story</u>		
—		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
				-	
<u>735.37</u>	<u>Residential Conversion</u>	<u>§§ 790.84,</u>	<u>C</u>	<u>C</u>	—
-	-	<u>207.7</u>			

1	<u>735.38</u>	<u>Residential Demolition</u>	<u>§§ 790.86,</u>	<u>C</u>	<u>C</u>	<u>C</u>
2	-	-	<u>207.7</u>			
3	<u>731.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
4	<u>Retail Sales and Services</u>					
5	<u>735.40</u>	<u>Other Retail Sales and</u>				
6	-	<u>Services [Not Listed</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	<u>-</u>
7		<u>Below]</u>				
8	<u>735.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>C</u>	<u>-</u>	<u>-</u>
9	-					
10	<u>735.42</u>	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	<u>-</u>	<u>-</u>
11	-	-				
12	<u>735.43</u>	<u>Large Fast Food</u>	<u>§ 790.90</u>	<u>C</u>	<u>-</u>	<u>-</u>
13	-	<u>Restaurant</u>				
14	<u>735.44</u>	<u>Small Self-Service</u>	<u>§ 790.91</u>	<u>P</u>	<u>-</u>	<u>-</u>
15	-	<u>Restaurant</u>				
16	<u>735.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>	<u>-</u>	<u>-</u>
17	-					
18	<u>735.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>-</u>	<u>-</u>
19	-					
20	<u>735.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>-</u>	<u>-</u>	<u>-</u>
21	-					
22	<u>735.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>NP</u>	<u>-</u>	<u>-</u>
23	-					
24	<u>735.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>C</u>	<u>-</u>
25	-					
	<u>735.50</u>	<u>Limited Financial</u>	<u>§ 790.112</u>	<u>P</u>	<u>-</u>	<u>-</u>

1	-	<u>Service</u>				
2	<u>735.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>—</u>
3	-					
4	<u>735.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>—</u>
5	-					
6	<u>735.53</u>	<u>Business or</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>—</u>
7	-	<u>Professional Service</u>				
8	<u>735.54</u>	<u>Massage Establishment</u>	<u>§ 790.60, §</u>	<u>C</u>	<u>—</u>	<u>—</u>
9	-	-	<u>1900 Health</u>			
10	<u>735.55</u>	<u>Tourist Hotel</u>	<u>Code</u>	<u>C</u>	<u>C</u>	<u>C</u>
11	-					
12	<u>735.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156,</u>	<u>C</u>	<u>C</u>	<u>C</u>
13	-		<u>160</u>			
14	<u>735.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	<u>—</u>	<u>—</u>
15	-	-				
16	<u>735.58</u>	<u>Automotive Service</u>	<u>§ 790.17</u>	<u>C</u>	<u>—</u>	<u>—</u>
17	-	<u>Station</u>				
18	<u>735.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>—</u>	<u>—</u>
19	-					
20	<u>735.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>—</u>	<u>—</u>	<u>—</u>
21	-					
22	<u>735.61</u>	<u>Automobile Sale or</u>	<u>§ 790.12</u>	<u>—</u>	<u>—</u>	<u>—</u>
23	-	<u>Rental</u>				
24	<u>735.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>—</u>	<u>—</u>
25	-					

1	<u>735.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	—	—	—
2	-					
3	<u>735.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	—	—	—
4	-					
5	<u>735.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	—
6	-					
7	<u>735.66</u>	<u>Storage</u>	<u>§ 790.117</u>	—	—	—
8	-					
9	<u>735.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>P</u>	<u>P</u>	—
10	-					
11	<u>Institutions and Non-Retail Sales and Services</u>					
12	<u>735.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	—	—	—
13	-					
14	<u>735.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	—	—	—
15	-					
16	<u>735.81</u>	<u>Assembly and Social Service</u>	<u>§ 790.50(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
17	-					
18	<u>735.82</u>	<u>Other Institutions, Large, except Assembly and Social Service</u>	<u>§ 790.50(b) – (e)</u>	<u>C</u>	<u>C</u>	<u>C</u>
19	-					
20	<u>735.83</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
21	-					
22	<u>735.84</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>P</u>	<u>P</u>	<u>P</u>
23	-					
24	<u>735.85</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	—	—
25	-					

RESIDENTIAL STANDARDS AND USES

735.90	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages listed in 145.4</u>	<u>P</u>	<u>P</u>
735.90A	<u>Single-Room Occupancy (SRO) Unit</u>	<u>§ 890.88</u>	<u>P</u>	<u>P</u>	<u>P</u>
735.91	<u>Residential Density, Dwelling Units</u>	<u>§§ 207, 207.1, 790.88(a)</u>	<u>No density limit.</u>		
735.92	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 790.88(b)</u>	<u>No density limit</u>		
735.93	<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>		
735.94	<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. §§ 151.1, 166, 167, 145.1</u>		
735.95	<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</u>	<u>Other Code</u>	<u>Zoning Controls</u>
<u>Code Section</u>	<u>Section</u>	
<u>§§ 735.84, 790.141</u>	<u>Health Code § 3308</u>	<u>Medical cannabis dispensaries in the SoMa NCT District may only operate between the hours of 8 a.m. and 10</u>

1  
2  
3 **SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL**

4 **TRANSIT DISTRICT.**

5 The Mission Street Commercial Transit District is located near the center of San  
6 Francisco in the Mission District. It lies along Mission Street between 15th and Cesar  
7 Chavez (Army) Street, and includes adjacent portions of 17<sup>th</sup> Street, 21<sup>st</sup> Street, 22<sup>nd</sup>  
8 Street, and Cesar Chavez Street. The commercial area of this District provides a  
9 selection of goods serving the day-to-day needs of the residents of the Mission District.  
10 Additionally, this District serves a wider trade area with its specialized retail outlets.  
11 Eating and drinking establishments contribute to the street's mixed-use character and  
12 activity in the evening hours.

13 The District is extremely well-served by transit, including regional-serving BART stations  
14 at 16<sup>th</sup> Street and 24<sup>th</sup> Street, major buses running along Mission Street, and both cross-  
15 town and local-serving buses intersecting Mission along the length of this district. Given  
16 the area's central location and accessibility to the City's transit network, accessory  
17 parking for residential uses is not required. Any new parking is required to be set back or  
18 be below ground.

19 This District has a mixed pattern of larger and smaller lots and businesses, as well as a  
20 sizable number of upper-story residential units. Controls are designed to permit  
21 moderate-scale buildings and uses, protecting rear yards above the ground story and at  
22 residential levels. New neighborhood-serving commercial development is encouraged  
23 mainly at the ground story. While offices and general retail sales uses may locate at the  
24 second story of new buildings under certain circumstances, most commercial uses are

1 prohibited above the second story. Continuous retail frontage is promoted by requiring  
 2 ground floor commercial uses in new developments and prohibiting curb cuts.  
 3 Housing development in new buildings is encouraged above the ground story. Housing  
 4 density is not controlled by the size of the lot but by requirements to supply a high  
 5 percentage of larger units and by physical envelope controls. Existing residential units  
 6 are protected by prohibitions on upper-story conversions and limitations on demolitions,  
 7 mergers, and subdivisions.

8  
 9 **SEC. 736 MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
 10 **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, 106, 250-252, 260, 261.1, 263.18, 270, 271</u>	<u>Varies</u> <u>See Zoning Map</u> <u>Height Sculpting on 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. &amp; above</u> <u>§ 121.1</u>
<u>736.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at residential</u>

1	-			<u>levels only</u> <u>§134(a)(e)</u>
2				
3	<u>736.13</u>	<u>Street Frontage</u>	-	<u>Required</u> <u>§ 145.1</u>
4	-			
5	<u>736.13a</u>	<u>Street Frontage, Above-Grade</u> <u>Parking Setback and Active</u> <u>Uses</u>		<u>Minimum 25 feet on</u> <u>ground floor, 15 feet on</u> <u>floors above</u>  <u>§ 145.1(c), (e)</u>
6				
7				
8				
9	<u>736.13b</u>	<u>Street Frontage, Required</u> <u>Ground Floor Commercial</u>		<u>Required along Mission</u> <u>St. § 145.1(d)</u>
10				
11	<u>736.13c</u>	<u>Street Frontage, Parking and</u> <u>Loading access restrictions</u>		<u>NP along Mission St.</u>  <u>§ 155(r)</u>
12				
13	<u>736.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P</u> <u>§ 136.1(a)</u>
14	-			
15	<u>736.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<u>P</u> <u>§ 136.1(b)</u>
16	-			
17	<u>736.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<u>P</u> <u>§ 136.1(c)</u>
18	-			
19	<u>736.17</u>	<u>Street Trees</u>	-	<u>Required</u> <u>§ 143</u>
20	-			
21	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
22	<u>736.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11,</u> <u>123</u>	<u>3.6 to 1</u> <u>§ 124(a) (b)</u>
23	-			
24	<u>736.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 5,999 sq. ft.;</u> <u>C 6,000 sq. ft. &amp; above</u>
25	-			

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			<u>§ 121.2</u>
<u>736.22</u> -	<u>Off-Street Parking, Commercial/Institutional</u>	<u>§§ 150, 151.1, 153-157, 159-160, 204.5</u>	<u>None required. Limits set forth in Section 151.1</u>  <u>§§ 151.1, 166, 145.1</u>
<u>736.23</u> -	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155, 204.5</u>	<u>Generally, none required if gross floor area is less than 10,000 sq. ft.</u> <u>§§ 152, 161(b)</u>
<u>736.24</u> -	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front;</u> <u>C if located elsewhere</u> <u>§ 145.2(a)</u>
<u>736.25</u> -	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	<u>NP</u>
<u>736.26</u> -	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.;</u> <u>C if not recessed</u> <u>§ 145.2(b)</u>
<u>736.27</u> -	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>No Limit</u>
<u>736.30</u> -	<u>General Advertising Sign</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P</u> <u>§ 607.1(e)2</u>
<u>736.31</u> -	<u>Business Sign</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P</u> <u>§ 607.1(f)3</u>
<u>736.32</u> -	<u>Other Signs</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P</u> <u>§ 607.1(c),(d),(g)</u>

1 2	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Mission Street</u>		
				<u>Controls by Story</u>		
3	-	-	<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
4	<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>
6	<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>
8	<u>731.39</u>	<u>Residential</u> <u>Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
10	<u>Retail Sales and Services</u>					
11	<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>
14	<u>736.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	-
15	<u>736.42</u>	<u>Full-Service</u> <u>Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	<u>P</u>	-
17	<u>736.43</u>	<u>Large Fast Food</u> <u>Restaurant</u>	<u>§ 790.90</u>	-	-	-
19	<u>736.44</u>	<u>Small Self-</u> <u>Service</u> <u>Restaurant</u>	<u>§ 790.91</u>	<u>C</u>	-	-
22	<u>736.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	-	-	-
23	<u>736.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	-
24	<u>736.47</u>	<u>Adult</u> <u>Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	-

1	<u>736.48</u>	<u>Other</u> <u>Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	-
2						
3	<u>736.49</u>	<u>Financial</u> <u>Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	-
4						
5	<u>736.50</u>	<u>Limited</u> <u>Financial</u> <u>Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	-
6						
7	<u>736.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
8		-				
9	<u>736.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
10		-				
11	<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>
12						
13						
14	<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>	-
15						
16	<u>736.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
17						
18	<u>736.56</u>	<u>Automobile</u> <u>Parking</u>	<u>§§ 790.8,</u> <u>156, 158.1,</u> <u>160</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
19						
20	<u>736.57</u>	<u>Automotive Gas</u> <u>Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
21						
22	<u>736.58</u>	<u>Automotive</u> <u>Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
23						
24	<u>736.59</u>	<u>Automotive</u> <u>Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	-
25						

1	<u>736.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>	-	-
2						
3	<u>736.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>	-	-
4						
5	<u>736.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	-
6		-				
7	<u>736.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>	-	-
8						
9	<u>736.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
10	<u>736.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
11	<u>736.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
12	<u>736.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>
13	<del>736.68</del>	<u>Fringe Financial</u>	<u>§ 790.111</u>	<u>#</u>	<u>#</u>	<u>#</u>
14	<u>Institutions and Non-Retail Sales and Services</u>					
15	<u>736.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
16						
17	<u>736.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
18						
19	<u>736.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
20						
21	<u>736.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
22						
23	<u>736.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
24	<u>736.84</u>	<u>Medical</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
25						

1		<u>Cannabis</u>			
2		<u>Dispensary</u>			
3	<u>RESIDENTIAL STANDARDS AND USES</u>				
4	<u>736.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for</u>	<u>P</u>
5				<u>frontages listed in 145.4</u>	<u>P</u>
6	<u>736.90A</u>	<u>Single-Room</u>	<u>§ 890.88</u>	<u>P</u>	<u>P</u>
7		<u>Occupancy</u>			
8		<u>(SRO) Unit</u>			
9			<u>§§ 207,</u>	<u>No residential density limit by lot area.</u>	
10			<u>207.1,</u>	<u>Density restricted by physical envelope</u>	
11			<u>790.88(a)</u>	<u>controls of height, bulk, setbacks, open</u>	
12	<u>736.91</u>	<u>Residential</u>		<u>space, exposure and other applicable</u>	
13		<u>Density,</u>		<u>controls of this and other Codes, as well as</u>	
14		<u>Dwelling Units</u>		<u>by applicable design guidelines, applicable</u>	
15				<u>elements and area plans of the General</u>	
16				<u>Plan, and design review by the Planning</u>	
17				<u>Department.</u>	
18				<u>§ 207.4, 207.6</u>	
19			<u>§§ 207.1,</u>	<u>No group housing density limit by lot area.</u>	
20			<u>790.88(b)</u>	<u>Density restricted by physical envelope</u>	
21	<u>736.92</u>	<u>Residential</u>		<u>controls of height, bulk, setbacks, open</u>	
22		<u>Density, Group</u>		<u>space, exposure and other applicable</u>	
23		<u>Housing</u>		<u>controls of this and other Codes, as well as</u>	
24				<u>by applicable design guidelines, applicable</u>	
25				<u>elements and area plans of the General</u>	
				<u>Plan, and design review by the Planning</u>	
				<u>Department.</u>	
				<u>§ 208</u>	

1 2 3 4	<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>		
5 6 7	<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>		
8 9 10	<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>

11  
12  
13 SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

14 15	<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
16 17 18 19 20 21 22 23 24 25	<u>§ <del>726</del>36.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the 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>

1 <u>§ 736.84</u>	<u>Health Code § 3308</u>	<u>Medical cannabis dispensaries in the Mission</u>
2 <u>§ 790.141</u>		<u>NCT District may only operate between the</u>
3		<u>hours of 8 am and 10 pm.</u>

4

5 **SEC. 801.1. PURPOSE OF ARTICLE 8.**

6 This Article is intended to provide a comprehensive and flexible zoning  
7 system for Mixed Use Districts which is consistent with the objectives and  
8 policies set forth in the San Francisco ~~Master-General~~ Plan. More specifically, the  
9 purposes of this Article are:

10 (a) To provide in one article a complete listing of or cross-reference to all of the  
11 zoning categories, definitions, control provisions, and review procedures which  
12 are applicable to properties or uses in Mixed Use Districts ~~in the vicinity of~~  
13 ~~Downtown~~;

14 (b) To establish a zoning system which will accommodate all classes of Mixed  
15 Use Districts including individual districts which are tailored to the unique  
16 characteristics of specific areas;

17 (c) To provide zoning control categories which embrace the full range of land  
18 use issues in mixed-use neighborhoods ~~in the vicinity of Downtown~~, in order that  
19 controls can be applied individually to each district to address particular land use  
20 concerns in that district.

21 **SEC. 802.1. MIXED USE DISTRICTS.**

22 The following districts are established for the purpose of implementing the  
23 Residence Element, the Commerce and Industry Element, the Downtown Plan,  
24 the Chinatown Plan, the Rincon Hill Plan, ~~and~~ the South of Market Plan, ~~the East~~  
25 ~~SoMa Plan, the Mission Plan, the Showplace Square/Potrero Hill Plan, and the Central~~

1 Waterfront Plan, all of which are parts of the ~~Master-General~~ Plan. Description and  
 2 Purpose Statements outline the main functions of each Mixed Use District in this  
 3 Article, supplementing the statements of purpose contained in Section 101 of this  
 4 Code.

5 Description and purpose statements applicable to each district are set  
 6 forth in Sections 810 through ~~843~~ 820 of this Code. The boundaries of the various  
 7 Mixed Use Districts are shown on the Zoning Map referred to in Section 105 of  
 8 this Code, subject to the provisions of that Section. The following Districts are  
 9 hereby established as Mixed Use Districts.

10

Districts	Section Number
Chinatown -- Community Business District	§ 810
Chinatown -- Visitor Retail District	§ 811
Chinatown -- Residential Neighborhood Commercial District	§ 812
RED -- Residential Enclave District	§ 813
SPD -- South Park District	§ 814
RSD -- Residential/Service District	§ 815
SLR -- Service/Light Industrial/ Residential District	§ 816
SLI -- Service/Light Industrial District	§ 817
SSO -- Service/Secondary Office District	§ 818

25

1	RH-DTR -- Rincon Hill Downtown Residential District	§ 827
2	<i><u>SB-DTR – South Beach Downtown Residential District</u></i>	<u>§ 829</u>
3	<i><u>MUG -- Mixed Use-General District</u></i>	<u>§ 840</u>
4	<i><u>MUR -- Mixed Use-Residential District</u></i>	<u>§ 841</u>
5	<i><u>MUR -- Mixed Use-Residential District</u></i>	<u>§ 841</u>
6	<i><u>MUO -- Mixed Use-Office District</u></i>	<u>§ 842</u>
7	<i><u>UMU -- Urban Mixed Use District</u></i>	<u>§ 843</u>
8		

9 **SEC. 802.3. CHINATOWN MIXED USE DISTRICTS.**

10 Throughout the Planning Code, the term “Chinatown Mixed Use Districts” refers  
 11 to the following districts: Chinatown Community Business (CCB), Chinatown Visitor  
 12 Retail (CVR), and Chinatown Residential/Neighborhood Commercial (CNRC).

13 **SEC. 802.4. EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

14 Throughout the Planning Code, the term “Eastern Neighborhoods Mixed Use  
 15 Districts” refers to the following districts: Mixed Use – General (MUG), Mixed Use –  
 16 Office (MUO), Mixed Use – Residential (MUR), South Park District (SPD), and Urban  
 17 Mixed Use (UMU).

18 **SEC. 802.5. SOUTH OF MARKET MIXED USE DISTRICTS.**

19 Throughout the Planning Code, the term “South of Market Mixed Use Districts”  
 20 refers to the following districts: Residential Enclave District (RED), Residential/Service  
 21 District (RSD), Service/Light Industrial (SLI), Service/Light Industrial/Residential (SLR),  
 22 and Service/Secondary Office (SSO).

23 **SEC. 802.6. DOWNTOWN RESIDENTIAL DISTRICTS**

1            Throughout the Planning Code, the term “Downtown Residential Districts” or  
2            “DTR Districts” refers to the following districts: Rincon Hill Downtown Residential  
3            District (RH-DTR) and South Beach Downtown Residential District (SB-DTR).

4            **SEC. 803. MIXED USE DISTRICT REQUIREMENTS.**

5            The Mixed Use District zoning control categories are listed in Sections  
6            803.2, 803.3 and 825.1 of this Code. Related building standards and permitted  
7            uses are generally stated, summarized or cross-referenced in those Sections or  
8            Sections 810.1 through 819 and 827 through 843 of this Code, for each of the  
9            district classes listed in Section 802.1, or referenced in Section 899 of this Code.

10           **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS**  
11           **MIXED USE DISTRICTS AND SOUTH OF MARKET USE MIXED USE**  
12           **DISTRICTS.**

13           (a) **Use Categories.** A use is the specified purpose for which a property  
14           or building is used, occupied, maintained, or leased. Whether or not a use is  
15           permitted in a specific Eastern Neighborhood Mixed Use District and South of  
16           Market Mixed Use District is generally set forth, summarized or cross-referenced  
17           in Sections 813.3 through 818 and 840 through 843 of this Code for each district  
18           class.

19           (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and  
20           South of Market Mixed Use Districts are either permitted, conditional, accessory,  
21           temporary or are not permitted.

22           (1) **Permitted Uses.** If there are two or more uses in a structure, any use  
23           not classified below under Section 803.3(b)(1)(C) of this Code as accessory will  
24           be considered separately as an independent permitted, conditional, temporary or  
25           not permitted use.

1 (A) **Principal Uses.** Principal uses are permitted as of right in an  
2 Eastern Neighborhood Mixed Use District and South of Market Mixed Use ~~ad~~District,  
3 when so indicated in Sections 813 through 818 and 840 through 843 of this Code  
4 for the district. Additional requirements and conditions may be placed on  
5 particular uses as provided pursuant to Section 803.5 through 803.9 and other  
6 applicable provisions of this Code.

7 (B) **Conditional Uses.** Conditional uses are permitted in an  
8 Eastern Neighborhoods Mixed Use District and South of Market Mixed Use ~~ad~~District,  
9 when authorized by the Planning Commission; whether a use is conditional in a  
10 given district is generally indicated in Sections 813 through 818 and 840 through  
11 843 of this Code. Conditional uses are subject to the applicable provisions set  
12 forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through 803.9 of this  
13 Code.

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

16 (ii) Notwithstanding any other provision of this Article, a change in  
17 use or demolition of a movie theater use, as set forth in Section 890.64, shall  
18 require conditional use authorization. This Section shall not authorize a change in  
19 use if the new use or uses are otherwise prohibited.

20 (iii) Notwithstanding any other provision of this Article, a change in  
21 use or demolition of a general grocery store use, as set forth in Section  
22 890.102(a) and as further defined in Section 790.102(a), shall require conditional  
23 use authorization. This Subsection shall not authorize a change in use if the new  
24 use or uses are otherwise prohibited.

1 (C) **Accessory Uses.** Subject to the limitations set forth below  
2 and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts),  
3 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts), 204.4  
4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as  
5 Accessory Uses) of this Code, an accessory use is a related minor use which is  
6 either necessary to the operation or enjoyment of a lawful principal use or  
7 conditional use, or is appropriate, incidental and subordinate to any such use,  
8 and shall be permitted as an accessory use in an Eastern Neighborhoods Mixed Use  
9 District and South of Market Mixed Use District. In order to accommodate a  
10 principal use which is carried out by one business in multiple locations within the  
11 same general area, such accessory use need not be located in the same  
12 structure or lot as its principal use provided that (1) the accessory use is located  
13 within 1,000 feet of the principal use; and (2) the multiple locations existed on  
14 April 6, 1990 (the effective date of this amendment); ~~and (3) the existence of the~~  
15 ~~multiple locations is acknowledged in writing by the Zoning Administrator within 60 days~~  
16 ~~after the effective date of this amendment.~~ Accessory uses to non-office uses (as defined  
17 in Section 890.70) may occupy space which is non-contiguous or on a different story as  
18 the principal use so long as the accessory use is located in the same building as the  
19 principal use and complies with all other restrictions applicable to such accessory uses.  
20 Any use which does not qualify as an accessory use shall be classified as a  
21 principal use.

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

24 (i) The use of more than one-third of the total occupied floor area  
25 which is occupied by both the accessory use and principal use to which it is

1 accessory, combined, except in the case of accessory off-street parking or  
2 loading which shall be subject to the provisions of Sections 151, 156 and 157 of  
3 this Code;

4 (ii) A hotel, motel, inn, hostel, nighttime entertainment, adult  
5 entertainment, massage establishment, large fast food restaurant, or movie  
6 theater use in a RED, SPD, RSD, SLR, SLI, ~~or~~ SSO, DTR, MUG, MUR, MUO, or  
7 UMU District;

8 (iii) Any take-out food use, except for a take-out food use which  
9 occupies 100 square feet or less (including the area devoted to food preparation  
10 and service and excluding storage and waiting areas) in a restaurant, bar,  
11 catering establishment, bakery, retail grocery or specialty food store.

12 (iv) Any sign not conforming to the limitations of Section  
13 607.2(f)(3).

14 (D) **Temporary Uses.** Temporary uses not otherwise permitted are  
15 permitted in Eastern Neighborhoods Mixed Use Districts and South of Market  
16 Mixed Use Districts to the extent authorized by Sections 205 through 205.3 of  
17 this Code.

18 **SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET AND**  
19 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

20 (a) Uses which are not specifically listed in this Article or Article 6 are not  
21 permitted in South of Market Mixed Use Districts unless they qualify as a  
22 nonconforming use pursuant to Sections 180 through 186.1 of this Code or are  
23 determined by the Zoning Administrator to be permitted uses in accordance with  
24 Section 307(a) of this Code. Uses not permitted in any South of Market District  
25 include, but are not limited to, the following: Adult entertainment, bookstore or

1 theater; amusement game arcade or similar enterprise; shooting gallery; general  
2 advertising signs, except in the South of Market General Advertising Special Sign  
3 District; animal kennel, riding academy or livery stable; automobile, truck, van,  
4 recreational vehicle/trailer or camper sales, lease or rental; auto tow of  
5 inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as  
6 permitted as a conditional use as provided in Planning Code Section 818,  
7 Service/Secondary Office District), motel, hostel, inn, or bed and breakfast  
8 establishment; heavy industry subject to Section 226(e) through (w) of this Code;  
9 junkyard; landing field for aircraft; massage establishment subject to Section  
10 218.1 of this Code; mortuary; movie theater and sports stadium or arena.

11 (b) No use, even though listed as a permitted use or otherwise allowed,  
12 shall be permitted in a South of Market District or Eastern Neighborhood Mixed Use  
13 District which, by reason of its nature or manner of operation, creates conditions  
14 that are hazardous, noxious, or offensive through the emission of odor, fumes,  
15 smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or  
16 excessive noise.

17 (c) The establishment of a use that sells alcoholic beverages, other than  
18 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be  
19 governed by Section 229.

20 **SEC. 803.5. GOOD NEIGHBOR POLICIES ADDITIONAL PROVISIONS**  
21 **GOVERNING USES IN MIXED USE DISTRICTS.**

22 (a) **Bars and Restaurants in the Eastern Neighborhoods Mixed Use**  
23 **Districts and South of Market Mixed Use Districts.** Within the Eastern  
24 Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts, bars  
25 and restaurants, permitted pursuant to ~~zoning categories .32, .33 and .35 of~~ Sections

1 813 through 818, and 840 through 843 of this Code, shall not be allowed except on  
2 conditions which, in the judgment of the City agency, board or commission which  
3 last exercises jurisdiction to apply this Code to a proposed such use, are  
4 reasonably calculated to insure that: (1) the quiet, safety and cleanliness of the  
5 premises and its adjacent area are maintained; (2) adequate off-street parking is  
6 provided, for which purpose the agency, board or commission may require  
7 parking in excess of that required under the provisions of Section 150(c) of this  
8 Code and may include participation in a South of Market Parking Management  
9 Program if and when such a program exists (3) proper and adequate storage and  
10 disposal of debris and garbage is provided; (4) noise and odors are contained  
11 within the premises so as not to be a nuisance to neighbors; and (5) sufficient  
12 toilet facilities are made accessible to patrons, including persons waiting to enter  
13 the establishment.

14 ~~(b) Demolition or Conversion of Group Housing or Dwelling Units in South of~~  
15 ~~Market Districts. Demolition, or conversion to any other use, of a group housing unit or~~  
16 ~~dwelling unit or any portion thereof, in any South of Market District shall be allowed~~  
17 ~~only subject to Section 233(a) and only if approved as a conditional use pursuant to~~  
18 ~~Sections 303 and 316 of this Code, notwithstanding any other provision of this Code.~~  
19 ~~This provision shall extend to any premises whose current use is, or last use prior to a~~  
20 ~~proposed conversion or demolition was, in fact as a group housing unit or dwelling unit~~  
21 ~~as well as any premises whose legal use as shown in the records of the Bureau of~~  
22 ~~Building Inspection is that of a group housing or dwelling unit.~~

23 ~~(c) Preservation of Landmark Buildings, Significant or Contributory Buildings~~  
24 ~~Within the Extended Preservation District and/or Contributory Buildings Within~~  
25 ~~Designated Historic Districts within the South of Market Base District. Within the South~~

1 ~~of Market Base District, any use which is permitted as a principal or conditional use~~  
2 ~~within the SSO District, excluding nighttime entertainment use, may be permitted as a~~  
3 ~~conditional use in (a) a landmark building located outside a designated historic district,~~  
4 ~~(b) a contributory building which is proposed for conversion to office use of an aggregate~~  
5 ~~gross square footage of 25,000 or more per building and which is located outside the~~  
6 ~~SSO District yet within a designated historic district, or (c) a building designated as~~  
7 ~~significant or contributory pursuant to Article 11 of this Code and located within the~~  
8 ~~Extended Preservation District. For all such buildings the following conditions shall~~  
9 ~~apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in~~  
10 ~~addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through~~  
11 ~~316.8, it must be determined that allowing the use will enhance the feasibility of~~  
12 ~~preserving the landmark, significant or contributory building; and (3) the landmark,~~  
13 ~~significant or contributory building will be made to conform with the San Francisco~~  
14 ~~Building Code standards for seismic loads and forces which are in effect at the time of~~  
15 ~~the application for conversion of use.~~

16 ~~A contributory building which is in a designated historic district outside the SSO~~  
17 ~~District may be converted to any use which is a principal use within the SSO District~~  
18 ~~provided that: (1) such use does not exceed an aggregate square footage of 25,000 per~~  
19 ~~building; and (2) prior to the issuance of any necessary permits the Zoning Administrator~~  
20 ~~(a) determines that allowing the use will enhance the feasibility of preserving the~~  
21 ~~contributory building; and (b) the contributory building will be made to conform with the~~  
22 ~~San Francisco Building Code standards for seismic loads and forces which are in effect~~  
23 ~~at the time of the application for conversion of use.~~

24 ~~(d) Automated Bank Teller Machines Within South of Market Districts. All~~  
25 ~~automated bank teller machines (ATMs), whether freestanding structures or walk up~~

1 ~~facilities associated with retail banking operations, shall have adequate lighting, waste~~  
2 ~~collection facilities and parking resources and shall be set back three feet from the front~~  
3 ~~property line.~~

4 ~~(e) Open Air Sales. Flea markets, farmers markets, crafts fairs and all other~~  
5 ~~open air sales of new or used merchandise except vehicles, within South of Market~~  
6 ~~Districts, where permitted, shall be subject to the following requirements: (1) the sale of~~  
7 ~~goods and the presence of booths or other accessory appurtenances shall be limited to~~  
8 ~~weekend and/or holiday daytime hours; (2) sufficient numbers of publicly accessible~~  
9 ~~toilets and trash receptacles shall be provided on site and adequately maintained; and~~  
10 ~~(3) the site and vicinity shall be maintained free of trash and debris.~~

11 ~~(f) Low Income Affordable Housing Within the Service/Light Industrial District.~~  
12 ~~Dwelling units may be authorized in the SLI District as a conditional use pursuant to~~  
13 ~~Sections 303, 316 and 817.14 of this Code provided that such dwellings units shall be~~  
14 ~~rented, leased or sold at rates or prices affordable to a household whose income is no~~  
15 ~~greater than 80 percent of the median income for households in San Francisco ("lower~~  
16 ~~income household"), as determined by Title 25 of the California Code of Regulations~~  
17 ~~Section 6932 and implemented by the Mayor's Office of Housing.~~

18 ~~(1) "Affordable to a household" shall mean a purchase price that a lower income~~  
19 ~~household can afford to pay based on an annual payment for all housing costs of 33~~  
20 ~~percent of the combined household annual net income, a 10 percent down payment, and~~  
21 ~~available financing, or a rent that a household can afford to pay, based on an annual~~  
22 ~~payment for all housing costs of 30 percent of the combined annual net income.~~

23 ~~(2) The size of the dwelling unit shall determine the size of the household in~~  
24 ~~order to calculate purchase price or rent affordable to a household, as follows:~~

25 ~~(A) For a one bedroom unit, a household of two persons;~~

1           ~~(B) For a two bedroom unit, a household of three persons;~~  
2           ~~(C) For a three bedroom unit, a household of four persons;~~  
3           ~~(D) For a four bedroom unit, a household of five persons.~~  
4           ~~(3) No conditional use permit will be approved pursuant to this Subsection~~  
5           ~~803.5(f) unless the applicant and City have agreed upon enforcement mechanisms for the~~  
6           ~~provisions of this Subsection which are acceptable to the City Attorney. Such~~  
7           ~~enforcement mechanisms may include, but not be limited to, a right of first refusal in~~  
8           ~~favor of the City, or a promissory note and deed of trust.~~

9           ~~(4) The owner(s) of dwelling units authorized pursuant to this Subsection shall~~  
10           ~~submit an annual enforcement report to the City, along with a fee whose amount shall be~~  
11           ~~determined periodically by the City Planning Commission to pay for the cost of~~  
12           ~~enforcement of this Subsection. The fee shall not exceed the amount of such costs. The~~  
13           ~~annual report shall provide information regarding rents, mortgage payments, sales price~~  
14           ~~and other housing costs, annual household income, size of household in each dwelling~~  
15           ~~unit, and any other information the City may require to fulfill the intent of this~~  
16           ~~Subsection.~~

17           **(bg) Good Neighbor Policies for Nighttime Entertainment Activities**  
18           **in Eastern Neighborhoods Mixed Use Districts, South of Market Mixed Use Districts**  
19           **and Downtown Residential Districts.** Within Eastern Neighborhoods Mixed Use  
20           Districts, South of Market Mixed Use Districts, and Downtown Residential Districts  
21           where nighttime entertainment activities, as defined by Section 102.17 of this  
22           Code, are permitted as a principal or conditional use shall not be allowed except  
23           on conditions which, in the judgment of the Zoning Administrator or City Planning  
24           Commission, as applicable, are reasonably calculated to insure that the quiet,  
25

1 safety and cleanliness of the premises and vicinity are maintained. Such  
2 conditions shall include, but not be limited to, the following:

3 (1) Notices shall be well-lit and prominently displayed at all entrances to  
4 and exits from the establishment urging patrons to leave the establishment and  
5 neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or  
6 block driveways in the neighborhood; and

7 (2) Employees of the establishment shall be posted at all the entrances  
8 and exits to the establishment during the period from 10:00 p.m. to such time  
9 past closing that all patrons have left the premises. These employees shall insure  
10 that patrons waiting to enter the establishment and those existing in the premises  
11 are urged to respect the quiet and cleanliness of the neighborhood as they walk  
12 to their parked vehicle or otherwise leave the area; and

13 (3) Employees of the establishment shall walk a 100-foot radius from the  
14 premises some time between 30 minutes after closing time and 8:00 a.m. the  
15 following morning, and shall pick up and dispose of any discarded beverage  
16 containers and other trash left by area nighttime entertainment patrons; and

17 (4) Sufficient toilet facilities shall be made accessible to patrons within  
18 the premises, and toilet facilities shall be made accessible to prospective patrons  
19 who may be lined up waiting to enter the establishment; and

20 (5) The establishment shall provide outside lighting in a manner than  
21 would illuminate outside street and sidewalk areas and adjacent parking, as  
22 appropriate; and

23 (6) The establishment shall provide adequate parking for patrons free of  
24 charge or at a rate or manner that would encourage use of parking by  
25 establishment patrons. Adequate signage shall be well-lit and prominently

1 displayed to advertise the availability and location of such parking resources for  
2 establishment patrons; and

3 (7) The establishment shall provide adequate ventilation within the  
4 structures such that doors and/or windows are not left open for such purposes  
5 resulting in noise emission from the premises; and

6 (8) Any indoor and/or outdoor activity allowed as a principal or  
7 conditional use and located within 100 feet of a residential or live/work unit shall,  
8 during the period from 10:00 p.m. to 6:00 a.m., insure that sound levels  
9 emanating from such activities do not exceed the acceptable noise levels  
10 established for residential uses by the San Francisco Noise Ordinance; and

11 (9) The establishment shall implement other conditions and/or  
12 management practices, including the prohibition of dancing to recorded music  
13 (disco dancing), as determined by the Zoning Administrator, in consultation with  
14 Police Department and other appropriate public agencies, to be necessary to  
15 insure that management and/or patrons of the establishments maintain the quiet,  
16 safety, and cleanliness of the premises and the vicinity of the use, and do not  
17 block driveways of neighboring residents or businesses.

18 **(c#) Good Neighbor Policies for Programs Serving Indigent**  
19 **Transient and Homeless Populations Within the Eastern Neighborhoods Mixed**  
20 **Use Districts and South of Market Mixed Use Base-Districts.** Within the Eastern  
21 Neighborhoods Mixed Use Districts and South of Market Mixed Use Base- dDistricts  
22 where social service and shelter/housing programs serving indigent transient  
23 and/or homeless populations are allowed as a Conditional Use pursuant to  
24 Sections 813.15 through ~~816.15~~ 843.15 (Group Housing) and Sections 813.21  
25 through ~~818.21~~ 843.21 (Social Services), some or all of the following conditions

1 shall, when appropriate for specific cases, be placed upon any applicable City  
2 permits for the proposed establishment:

3 (1) Service providers shall maintain sufficient monetary resources to  
4 enable them to satisfy the following "good neighbor" conditions and shall  
5 demonstrate to the Department prior to approval of the conditional use  
6 application that such funds shall be available for use upon first occupancy of the  
7 proposed project and shall be available for the life of the project; and

8 (2) Representatives of the Southern, Mission, and Bayview Stations of the  
9 San Francisco Police Department shall be apprised of the proposed project in a  
10 timely fashion so that the Department may respond to any concerns they may  
11 have regarding the proposed project, including the effect the project may have on  
12 Department resources; and

13 (3) Service providers shall provide adequate waiting areas within the  
14 premises for clients and prospective clients such that sidewalks are not used as  
15 queuing or waiting areas; and

16 (4) Service providers shall provide sufficient numbers of male and female  
17 toilets/restrooms for clients and prospective clients to have access to use on a  
18 24-hour basis. For group housing and other similar shelter programs, adequate  
19 private male and female showers shall be provided along with lockers for clients  
20 to temporarily store their belongings; and

21 (5) Service providers shall maintain up-to-date information and referral  
22 sheets to give clients and other persons who, for any reason, cannot be served  
23 by the establishment; and

24 (6) Service providers shall continuously monitor waiting areas to inform  
25 prospective clients whether they can be served within a reasonable time. If they

1 cannot be served by the provider because of time or resource constraints, the  
2 monitor shall inform the client of alternative programs and locations where s/he  
3 may seek similar services; and

4 (7) Service providers shall maintain the side-walks in the vicinity in a  
5 clean and sanitary condition and, when necessary, shall steam clean the  
6 sidewalks within the vicinity of the project. Employees or volunteers of the project  
7 shall walk a 100-foot radius from the premises each morning or evening and shall  
8 pick up and properly dispose of any discarded beverage and/or food containers,  
9 clothing, and any other trash which may have been left by clients; and

10 (8) Notices shall be well-lit and prominently displayed at all entrances to  
11 and exits from the establishment urging clients leaving the premises and  
12 neighborhood to do so in a quiet, peaceful and orderly fashion and to please not  
13 loiter or litter; and

14 (9) Service providers shall provide and maintain adequate parking and  
15 freight loading facilities for employees, clients and other visitors who drive to the  
16 premises; and

17 (10) The establishment shall implement other conditions and/or  
18 measures as determined by the Zoning Administrator, in consultation with other  
19 City agencies and neighborhood groups, to be necessary to insure that  
20 management and/or clients of the establishment maintain the quiet, safety and  
21 cleanliness of the premises and the vicinity of the use.

22 ~~(i) 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 Base District where housing is permitted or conditional and is approved as a*  
12 *conditional use.*

13 *(j) Legal and Government Office Uses in the Vicinity of the Hall of Justice.*  
14 *Within an approximately 300 foot radius of the 800 Bryant Street entrance to the Hall of*  
15 *Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the*  
16 *Zoning Map, the offices of attorneys, bail and services, government agencies, union halls,*  
17 *and other criminal justice activities and services directly related to the criminal justice*  
18 *functions of the Hall of Justice shall be permitted as a principal use. There shall be a*  
19 *Notice of Special Restriction placed on the property limiting office activities to uses*  
20 *permitted by this Subsection.*

21 *(k) Work Space of Design Professionals. The work space of design professionals,*  
22 *as defined in Section 890.28 of this Code, shall be permitted as a principal use within the*  
23 *SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary*  
24 *permits, the owner(s) of the building shall agree to comply with the following provisions:*  
25 *(1) The occupied floor area devoted to this use per building is limited to the third story or*

1 ~~above; (2) The gross floor area devoted to this use per building does not exceed 3,000~~  
2 ~~square feet per design professional establishment; (3) The space within the building~~  
3 ~~subject to this provision has not been in residential use within a legal dwelling unit at any~~  
4 ~~time within a five year period prior to application for conversion under this Subsection;~~  
5 ~~and (4) The owner(s) of the building comply with the following enforcement and~~  
6 ~~monitoring procedures: (i) The owner(s) of any building with work space devoted to~~  
7 ~~design professional use as authorized pursuant to this Subsection shall submit an annual~~  
8 ~~enforcement report to the Department of City Planning with a fee in an amount to be~~  
9 ~~determined periodically by the City Planning Commission to pay for the cost of~~  
10 ~~enforcement of this Subsection. The fee shall not exceed the amount of such costs. The~~  
11 ~~report shall provide information regarding occupants of such space, the amount of~~  
12 ~~square footage of the space used by each design professional establishment, amount of~~  
13 ~~vacant space, compliance with all relevant City codes, and any other information the~~  
14 ~~Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s)~~  
15 ~~of any building containing work space of design professionals authorized pursuant to this~~  
16 ~~Subsection shall permit inspection of the premises by an authorized City official to~~  
17 ~~determine compliance with the limitations of this Subsection. The City shall provide~~  
18 ~~reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any~~  
19 ~~building containing work space of design professionals authorized pursuant to this~~  
20 ~~Subsection shall record a Notice of Special Restriction, approved by the City Planning~~  
21 ~~Department prior to recordation, on the property setting forth the limitations required by~~  
22 ~~this Subsection. The Department of City Planning shall keep a record available for public~~  
23 ~~review of all space for design professionals authorized by this Subsection.~~

24  
25

1           **SEC. 803.6. FORMULA RETAIL USES IN THE MUG DISTRICT, UMU**  
2           **DISTRICT, AND THE WESTERN SOMA PLANNING AREA SPECIAL USE**  
3           **DISTRICT.**

4           (a) **Findings.**

5           (1) San Francisco is a City of diverse and distinct neighborhoods  
6 identified in large part by the character of their commercial areas.

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

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

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

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

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

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

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

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

20 (b) **Formula Retail Uses; Permitted as a Conditional Use.** Formula  
21 retail uses are permitted in the MUG, UMU, and the Western SoMa Planning Area  
22 Special Use District only as a conditional use.

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

1 maintains two or more of the following features: a standardized array of  
2 merchandise, a standardized facade, a standardized decor and color scheme, a  
3 uniform apparel, standardized signage, a trademark or a servicemark.

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

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

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

12 (4) Decor shall be defined as the style of interior finishings, which may  
13 include but is not limited to, style of furniture, wallcoverings or permanent  
14 fixtures.

15 (5) Color Scheme shall be defined as selection of colors used  
16 throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or  
17 as used on the facade.

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

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

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

1 (9) "Retail sales activity or retail sales establishment" shall include the  
2 following uses, as defined in Article 8 of this Code: "bar," "drive-up facility,"  
3 "eating and drinking use," "restaurant, large fast-food," "restaurant, small fast-  
4 food," "restaurant, full-service," "sales and services, other retail," "sales and  
5 services, nonretail," "movie theater," "amusement game arcade," and "take-out  
6 food."

7 (d) **Determination of Formula Retail Use.** If the City determines that a  
8 building permit application or building permit subject to this section of the Code is  
9 for a "formula retail use," the building permit applicant or holder bears the burden  
10 of proving to the City that the proposed or existing use is not a "formula retail  
11 use."

12 (e) **Permit Application Processing.** After the effective date of this  
13 Ordinance, any building permit application determined by the City to be for a  
14 "formula retail use" that does not identify the use as a "formula retail use" is  
15 incomplete and cannot be processed until the omission is corrected.

16 **SEC. 803.8 HOUSING IN MIXED USE DISTRICTS.**

17 **(a) Demolition or Conversion of Group Housing or Dwelling Units in South of**  
18 **Market Mixed Use Districts. Demolition, or conversion to any other use, of a group**  
19 **housing unit or dwelling unit or any portion thereof, in any South of Market Mixed Use**  
20 **District shall be allowed only subject to Section 233(a) and only if approved as a**  
21 **conditional use pursuant to Sections 303 and 316 of this Code, notwithstanding any other**  
22 **provision of this Code. This provision shall extend to any premises whose current use is,**  
23 **or last use prior to a proposed conversion or demolition was, in fact as a group housing**  
24 **unit or dwelling unit as well as any premises whose legal use as shown in the records of**  
25 **the Bureau of Building Inspection is that of a group housing or dwelling unit.**

1 (b) **Low-Income Affordable Housing Within the Service/Light Industrial**  
2 **District.** Dwelling units and SRO units may be authorized in the SLI District as a  
3 conditional use pursuant to Sections 303, 316, 817.14, and 817.16 of this Code provided  
4 that such dwellings units shall be rented, leased or sold at rates or prices affordable to a  
5 household whose income is no greater than 80 percent of the median income for  
6 households in San Francisco ("lower income household"), as determined by Title 25 of  
7 the California Code of Regulations Section 6932 and implemented by the Mayor's Office  
8 of Housing.

9 (1) "Affordable to a household" shall mean a purchase price that a lower income  
10 household can afford to pay based on an annual payment for all housing costs of 33  
11 percent of the combined household annual net income, a 10-percent down payment, and  
12 available financing, or a rent that a household can afford to pay, based on an annual  
13 payment for all housing costs of 30 percent of the combined annual net income.

14 (2) The size of the dwelling unit shall determine the size of the household in  
15 order to calculate purchase price or rent affordable to a household, as follows:

16 (A) For a one-bedroom unit, a household of two persons;

17 (B) For a two-bedroom unit, a household of three persons;

18 (C) For a three-bedroom unit, a household of four persons;

19 (D) For a four-bedroom unit, a household of five persons.

20 (3) No conditional use permit will be approved pursuant to this Subsection  
21 803.8(b) unless the applicant and City have agreed upon enforcement mechanisms for the  
22 provisions of this Subsection which are acceptable to the City Attorney. Such  
23 enforcement mechanisms may include, but not be limited to, a right of first refusal in  
24 favor of the City, or a promissory note and deed of trust.

1 (4) The owner(s) of dwelling units authorized pursuant to this Subsection shall  
2 submit an annual enforcement report to the City, along with a fee whose amount shall be  
3 determined periodically by the City Planning Commission to pay for the cost of  
4 enforcement of this Subsection. The fee shall not exceed the amount of such costs. The  
5 annual report shall provide information regarding rents, mortgage payments, sales price  
6 and other housing costs, annual household income, size of household in each dwelling  
7 unit, and any other information the City may require to fulfill the intent of this  
8 Subsection.

9 **(c) Housing Requirement in the Residential/Service District.**

10 (1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28,  
11 815.30, 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be  
12 permitted in new construction in the Residential/Service District only if the ratio between  
13 the amount of occupied floor area for residential use to the amount of occupied floor  
14 area of the above-referenced nonresidential use is three to one or greater.

15 (2) Means of Satisfying the Housing Requirement. (A) Live/work units may  
16 satisfy the residential requirement pursuant to this Subsection and, when applicable,  
17 shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The  
18 residential space required pursuant to this Subsection may be satisfied by payment of a  
19 one-time in-lieu fee equal to \$30 per square foot of residential space required by this  
20 Subsection and not provided on-site payable to the City's Affordable Housing Fund  
21 administered by the Mayor's Office of Housing; or (C) The residential space requirement  
22 may be satisfied by providing the required residential space elsewhere within the South  
23 of Market Mixed Use District where housing is permitted or conditional and is approved  
24 as a conditional use.

25 **(d) Housing Requirement in the Mixed Use – Residential (MUR) District.**

1 In the MUR District, three square feet of gross floor area for residential use is required  
2 for every one gross square foot of permitted nonresidential use, subject to Section 841 of  
3 this Code.

4 **SEC. 803.9 COMMERCIAL USES IN MIXED USE DISTRICTS.**

5 **(a) Preservation of Landmark Buildings, Significant or Contributory**  
6 **Buildings Within the Extended Preservation District and/or Contributory Buildings**  
7 **Within Designated Historic Districts within the South of Market Mixed Use Districts.**

8 Within the South of Market Mixed Use District, any use which is permitted as a principal  
9 or conditional use within the SSO District, excluding nighttime entertainment use, may be  
10 permitted as a conditional use in (a) a landmark building located outside a designated  
11 historic district, (b) a contributory building which is proposed for conversion to office  
12 use of an aggregate gross square footage of 25,000 or more per building and which is  
13 located outside the SSO District yet within a designated historic district, or (c) a building  
14 designated as significant or contributory pursuant to Article 11 of this Code and located  
15 within the Extended Preservation District. For all such buildings the following conditions  
16 shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2)  
17 in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through  
18 316.8, it must be determined that allowing the use will enhance the feasibility of  
19 preserving the landmark, significant or contributory building; and (3) the landmark,  
20 significant or contributory building will be made to conform with the San Francisco  
21 Building Code standards for seismic loads and forces which are in effect at the time of  
22 the application for conversion of use.

23 A contributory building which is in a designated historic district outside the SSO District  
24 may be converted to any use which is a principal use within the SSO District provided  
25 that: (1) such use does not exceed an aggregate square footage of 25,000 per building;

1 and (2) prior to the issuance of any necessary permits the Zoning Administrator (a)  
2 determines that allowing the use will enhance the feasibility of preserving the  
3 contributory building; and (b) the contributory building will be made to conform with the  
4 San Francisco Building Code standards for seismic loads and forces which are in effect  
5 at the time of the application for conversion of use.

6 (b) **Preservation of Historic Buildings within the MUG, MUO, and MUR**  
7 **Districts.** The following controls are intended to support the economic viability of  
8 buildings of historic importance within the MUG, MUO, and MUR Districts.

9 (1) This subsection applies only to buildings that are a designated landmark  
10 building or a contributory building within a designated historic district per Article 10 of  
11 the Planning Code, or a building listed on or determined eligible for the California  
12 Register of Historical Resources by the State Office of Historic Preservation.

13 (2) All uses are permitted as of right, provided that:

14 (A) The project does not contain office uses of 25,000 square foot or more  
15 per lot, or nighttime entertainment.

16 (B) Prior to the issuance of any necessary permits, the Zoning  
17 Administrator, with the advice of the Landmarks Preservation Advisory Board,  
18 determines that allowing the use will enhance the feasibility of preserving the building.

19 (C) Residential uses meet the affordability requirements of the Residential  
20 Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

21 (3) Projects containing office use of 25,000 square foot or more per lot may be  
22 permitted as a conditional use. In addition to the conditional use criteria set forth in  
23 Section 303, and with the advice of the Landmarks Preservation Advisory Board, the  
24 Planning Commission must find that allowing the use will enhance the feasibility of  
25 preserving the building.

1 (4) The Landmarks Preservation Advisory Board shall review the proposed  
2 project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7  
3 (2001)) and any applicable provisions of the Planning Code.

4 (c) **Preservation of Historic Buildings within and UMU Districts.** The  
5 following rules are intended to support the economic viability of buildings of historic  
6 importance within the UMU District.

7 (1) This subsection applies only to buildings that are a designated landmark  
8 building, or a building listed on or determined eligible for the California Register of  
9 Historical Resources by the State Office of Historic Preservation.

10 (2) All uses are permitted as of right, provided that:

11 (A) The project does not contain office uses of 25,000 square foot or more  
12 per lot, or nighttime entertainment.

13 (B) Prior to the issuance of any necessary permits, the Zoning  
14 Administrator, with the advice of the Landmarks Preservation Advisory Board,  
15 determines that allowing the use will enhance the feasibility of preserving the building.

16 (C) Residential uses meet the affordability requirements of the Residential  
17 Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

18 (3) Projects containing office use of 25,000 square foot or more per lot may be  
19 permitted as a conditional use. In addition to the conditional use criteria set forth in  
20 Section 303, with the advice of the Landmarks Preservation Advisory Board, the  
21 Planning Commission must find that allowing the use will enhance the feasibility of  
22 preserving the building.

23 (4) The Landmarks Preservation Advisory Board shall review the proposed  
24 project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7  
25 (2001)) and any applicable provisions of the Planning Code.

1 (d) Automated Bank Teller Machines Within South of Market Districts. All  
2 automated bank teller machines (ATMs), whether freestanding structures or walk-up  
3 facilities associated with retail banking operations, shall have adequate lighting, waste  
4 collection facilities and parking resources and shall be set back three feet from the front  
5 property line.

6 (e) Open Air Sales. Flea markets, farmers markets, crafts fairs and all other  
7 open air sales of new or used merchandise except vehicles, within South of Market Mixed  
8 Use and Eastern Neighborhoods Mixed Use Districts, where permitted, shall be subject  
9 to the following requirements: (1) the sale of goods and the presence of booths or other  
10 accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2)  
11 sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided  
12 on-site and adequately maintained; and (3) the site and vicinity shall be maintained free  
13 of trash and debris.

14 (f) Legal and Government Office Uses in the Vicinity of the Hall of Justice. Within an  
15 approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and  
16 Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the  
17 offices of attorneys, bail and services, government agencies, union halls, and other criminal  
18 justice activities and services directly related to the criminal justice functions of the Hall of  
19 Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed  
20 on the property limiting office activities to uses permitted by this Subsection.

21 (g) Work Space of Design Professionals. The work space of design  
22 professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal  
23 use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of  
24 any necessary permits, the owner(s) of the building shall agree to comply with the  
25 following provisions: (1) The occupied floor area devoted to this use per building is

1 limited to the third story or above; (2) The gross floor area devoted to this use per  
2 building does not exceed 3,000 square feet per design professional establishment; (3) The  
3 space within the building subject to this provision has not been in residential use within a  
4 legal dwelling unit at any time within a five-year period prior to application for  
5 conversion under this Subsection; and (4) The owner(s) of the building comply with the  
6 following enforcement and monitoring procedures: (i) The owner(s) of any building with  
7 work space devoted to design professional use as authorized pursuant to this Subsection  
8 shall submit an annual enforcement report to the Department of City Planning with a fee  
9 in an amount to be determined periodically by the City Planning Commission to pay for  
10 the cost of enforcement of this Subsection. The fee shall not exceed the amount of such  
11 costs. The report shall provide information regarding occupants of such space, the  
12 amount of square footage of the space used by each design professional establishment,  
13 amount of vacant space, compliance with all relevant City codes, and any other  
14 information the Zoning Administrator may require to fulfill the intent of this Subsection;  
15 (ii) The owner(s) of any building containing work space of design professionals  
16 authorized pursuant to this Subsection shall permit inspection of the premises by an  
17 authorized City official to determine compliance with the limitations of this Subsection.  
18 The City shall provide reasonable notice to owners prior to inspecting the premises; (iii)  
19 The owner(s) of any building containing work space of design professionals authorized  
20 pursuant to this Subsection shall record a Notice of Special Restriction, approved by the  
21 City Planning Department prior to recordation, on the property setting forth the  
22 limitations required by this Subsection. The Department of City Planning shall keep a  
23 record available for public review of all space for design professionals authorized by this  
24 Subsection.

25 **(h) Vertical Controls for Office Uses.**

1 (1) Purpose. In order to preserve ground floor space for production,  
2 distribution, and repair uses and to allow the preservation and enhancement of a diverse  
3 mix of land uses, including limited amounts of office space on upper stories, additional  
4 vertical zoning controls shall govern office uses as set forth in this Section.

5 (2) Applicability. This Section shall apply to all office uses in the MUG and  
6 UMU Districts, where permitted.

7 (3) Definitions. Office use shall be as defined in Section 890.70 of this Code.

8 (4) Controls.

9 (A) Designated Office Story or Stories. Office uses are not permitted  
10 on the ground floor. Office uses may be permitted on stories above the ground floor if  
11 they are designated as office stories. On any designated office story, office uses are  
12 permitted, subject to any applicable use size limitations. On any story not designated as  
13 an office story, office uses are not permitted.

14 (B) Timing of designation. In the case of new construction, any  
15 designated office story or stories shall be established prior to the issuance of a first  
16 building permit or along with any associated Planning Commission action, whichever  
17 occurs first. In the case of buildings that were constructed prior to the effective date of  
18 this Section, any such story or stories shall be designated prior to the issuance of any  
19 building permit for new or expanded office uses or along with any associated Planning  
20 Commission action, whichever occurs first.

21 (C) Recordation of designation. Notice of the designation of office  
22 stories shall be recorded as a restriction on the deed of the property along with plans  
23 clearly depicting the designated story or stories in relation to the balance of the building.  
24 A designated office story may only be re-allocated when the designated office story is

25

1 first returned to a permitted non-office use and associated building modifications to the  
2 designated office story are verified by the Zoning Administrator.

3 (D) Maximum Number of Designated Stories. The maximum number of  
4 designated office stories shall correspond to the total number of stories in a given  
5 building, as set forth in the table below. The designation of a particular story shall apply  
6 to the total floor area of that story and no partial designation, split designation, or other  
7 such subdivision of designated floors shall be permitted. For the purposes of the  
8 following table, the total number of stories in a given building shall be counted from  
9 grade level at curb and shall exclude any basements or below-grade stories.

10 Table 803.9(h)

<u>Total Number of Stories</u>	<u>Maximum Number of Designated Office Stories</u>
<u>1-story</u>	<u>0 stories (office use NP)</u>
<u>2-4 stories</u>	<u>1-story</u>
<u>5-7 stories</u>	<u>2-stories</u>
<u>8 or more stories</u>	<u>3-stories</u>

17 (E) For projects with multiple buildings, consolidation of permitted office  
18 stories may be permitted, pursuant to the controls set forth in ~~309.2329~~(d)(8).

19 (i) Retail Controls in the MUG, MUO, and UMU Districts. In the MUG, MUO,  
20 and UMU District, up to 25,000 gross square feet of retail use (as defined in Section  
21 890.114 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross  
22 square feet of other uses permitted in that District are required for every one gross  
23 square foot of retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt  
24 from this requirement.

1                   **SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT**  
 2                   **ZONING CONTROLS.**

3                   Mixed Use District controls are set forth in the Zoning Control Tables in  
 4                   Sections 810 through 818, and in Sections 825, 827 *through 843* or referenced in  
 5                   Section 899 of this Code.

6                   (a) The first column in the Zoning Control Table, titled "No." provides a  
 7                   category number for each zoning control category.

8                   (b) The second column in the table, titled "Zoning Control Category," lists  
 9                   zoning control categories for the district in question.

10                  (c) The third column, titled "§ References," contains numbers of other  
 11                  sections in the Planning Code and other City Codes, in which additional relevant  
 12                  provisions are contained.

13                  (d) In the fourth column, the controls applicable to the various Mixed Use  
 14                  Districts are indicated either directly or by reference to other Code Sections  
 15                  which contain the controls.

16                  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.

1 2 3 4	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
5 6	# --	See specific provisions listed by section and zoning category number at the end of the table.
7 8	1st --	1st story and below, where applicable.
9 10	2nd - -	2nd story, where applicable.
11 12	3rd+ --	3rd story and above, where applicable.

**SEC. 813. RED -- RESIDENTIAL ENCLAVE DISTRICT.**

Residential Enclave Districts (RED) encompass the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the *South of Market* SLR and *MUR* Districts. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves and are intended to encourage and facilitate the development of attractive, compatible and economically feasible in-fill housing while providing adequate residential amenities to the site and neighborhood.

1 Dwelling units are permitted as a principal use. Social services and  
 2 institutional uses are permitted as conditional uses. Group housing, retail,  
 3 entertainment, general commercial and services light industrial uses are not  
 4 permitted. Existing commercial activities in nonresidential structures may  
 5 continue as nonconforming uses subject to the termination requirements of  
 6 Sections 185 and 186. Live/work units limited to arts activities are permitted  
 7 within the district as a principal use. Existing live/work units with other  
 8 nonresidential uses may continue as nonconforming uses.

9 **Table 813**

10 **RED -- RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

			Residential Enclave
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
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
<b>USE STANDARDS</b>			
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

1			housing
2	813.04	Non-Residential Density	§§ 102.9, 123, 124, 127
3			Generally, 1.0 to 1 floor area ratio
4	813.05	Usable Open Space for Dwelling Units and Group Housing	§ 135
5			60 sq. ft. per unit, if private, 80 sq. ft. if common
6			
7	813.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2
8			36 sq. ft. per unit
9			
10	813.07	Usable Open Space for Other Uses	§ 135.3
11			Varies by use
12	813.09	Outdoor Activity Area	§ 890.71
13			P
14	813.10	Walk-up Facility, except Automated Bank Teller Machine	§ 890.140
15			P
16	813.11	Automated Bank Teller Machine	§ 803. <u>95(d)</u>
17			NP
18	813.12	Residential Conversion	§ 803. <u>8(a)5(b)</u>
19			C
20	813.13	Residential Demolition	§ 803. <u>8(a)5(b)</u>
21			C
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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
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#

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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
813.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Service			
813.31	All Retail Sales and Service except per § 813.32	§ 890.104	NP
813.32	Retail Sales and Service Use in a Landmark Building or a Contributory Building in an Historic District	§ 803. <del>9(e)</del> 5(e)	C
Assembly, Recreation, Arts and Entertainment			
813.37	Nighttime Entertainment	§ 102.17 <sub>1</sub>	NP

1			<u>803.5(b)</u>	
2	813.38	Meeting Hall, not within §	§ 221(c)	NP
3		813.21		
4	813.39	Recreation Building, not within	§ 221(e)	NP
5		§ 813.21		
6	813.40	Pool Hall, Card Club, not within	§§ 221(f),	NP
7		§ 813.21	803.4	
8	813.41	Theater, falling within § 221(d),	§§ 221(d),	NP
9		except Movie Theater	890.64	
10				
11	Home and Business Service			
12	813.42	Trade Shop	§ 890.124	NP
13				
14	813.43	Catering Services	§ 890.25	NP
15				
16	813.45	Business Goods and	§ 890.23	NP
17		Equipment Repair Service		
18	813.46	Arts Activities, except within a	§ 102.2	NP
19		Live/Work Unit		
20	813.47	Business Services	§ 890.111	NP
21				
22				
23	Office			
24	813.48	Office Uses in Landmark	§ 803. <del>9(a)5(e)</del>	C
25		Buildings or Contributory		

1		Buildings in Historic Districts		
2	813.53	All Other Office Uses	§ 890.70	NP
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4	Live/Work Units			
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6	813.54	Live/Work Unit where the Work Activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P
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10	813.55	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <del>9(a)5(e)</del>	C
11				
12				
13	813.56	All Other Live/Work Units	§§ 102.13, 233	NP
14				
15	Automotive Services			
16	813.57	Vehicle Storage--Open Lot	§ 890.131	NP
17				
18	813.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
19				
20	813.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	NP
21				
22				
23	813.60	Motor Vehicle Repair	§ 890.15	NP
24				
25	813.61	Motor Vehicle Tow Service	§ 890.19	NP

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2	813.62	Non-Auto Vehicle Sales or	§ 890.69	NP
3		Rental		
4	813.63	Public Transportation Facility	§ 890.80	NP
5				
6	Industrial			
7				
8	813.64	Wholesaling, Storage,		
9		Distribution and Open Air	§§ 225, 890.54	NP
10		Handling of Materials and		
11		Equipment, Manufacturing and		
12		Processing		
13	Other Uses			
14	813.65	Animal Service	§ 224	NP
15				
16	813.66	Open Air Sales	§§ 890.38, 803.	NP
17			<del>9(c)5(e)</del>	
18	813.67	Ambulance Service	§ 890.2	NP
19				
20	813.68	Open Recreation and	§ 209.5	P
21		Horticulture		
22	813.69	Public Use, except Public	§ 890.80	C
23		Transportation Facility		
24	813.70	Commercial Wireless	§ 227(h)	C
25				

1		Transmitting, Receiving or		
2		Relay Facility		
3	813.71	Greenhouse or Plant Nursery	§ 227(a)	NP
4				
5	813.72	Mortuary Establishment	§ 227(c)	NP
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7	813.73	General Advertising Sign	§ 607.2(b) &	NP
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SPECIFIC PROVISIONS FOR RED DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 813.23 § 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 RED District.

**SEC. 814. SPD -- SOUTH PARK DISTRICT.**

1 South Park is an attractive affordable mixed-use neighborhood. The South  
 2 Park District (SPD) is intended to preserve the scale, density and mix of  
 3 commercial and residential activities within this unique neighborhood. The district  
 4 is characterized by small-scale, continuous-frontage warehouse, retail and  
 5 residential structures built in a ring around an oval-shaped, grassy park.  
 6 Retention of the existing structures is encouraged, as is a continued mix of uses,  
 7 *family-sized housing units*, and in-fill development which contributes positively to  
 8 the neighborhood scale and use mix.

9 Most retail, general commercial, office, service/light industrial, arts,  
 10 live/work and residential activities are permitted. Group housing, social services,  
 11 and other institutional uses are conditional uses. Hotels, motels, movie theaters,  
 12 adult entertainment and nighttime entertainment are not permitted.

13 **Table 814**

14 **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	<i>Dwelling Unit Residential</i> Density Limit	§§ 124, 207.5, 208	<del>1:600 for dwelling units; 1 bedroom for each 210 sq. ft. of</del>

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			<i>lot area for group housing</i> <u>No density limit</u>
<u>814.04</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<p>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 units.</p> <p><u>At least 40% of all dwelling units must contain two or more bedrooms or 30% of</u></p>

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			<u>all dwelling units must contain three or more bedrooms.</u>
814.05	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally 1.8 to 1 floor area ratio
814.06 <del>5</del>	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>
<del>814.06</del>	<del>Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions</del>	<del>§ 135.2</del>	<del>36 sq. ft. per unit</del>
814.07	Usable Open Space for Other Uses	§ 135.3	<i>Varies by use Required; amount varies based on use; may also pay in-lieu fee</i>
<u>814.08</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144, 145.1</u>	<u>Generally required</u>
814.09	Outdoor Activity Area	§ 890.71	P
<del>814.10</del>	<del>Walk Up Facility, except Automated Bank Teller Machine</del>	<del>§ 890.140</del>	<del>P</del>
<del>814.11</del>	<del>Automated Bank Teller</del>	<del>§ 803.9(b)5(d)</del>	<del>NP</del>

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	<del>Machine</del>	-	
814.10	<u>Off-Street Parking, Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set forth in Section 151.1</u>
814.11	<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>
814.12	Residential Conversion	§ 803. <del>8(a)5(b)</del>	C
814.13	Residential Demolition	§ 803. <del>8(a)5(b)</del>	C
Residential Use			
814.14	Dwelling Units	§ 102.7	P
814.15	Group Housing	§ 890.88(b)	C
814.16	SRO Units	§ 890.88(c)	P
<u>814.16(a)</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
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
<del>Institutions</del>			

1	814.20	Religious Facility	§ 890.50(d)	C
2	814.21	Assembly and Social	§ 890.50(a)	C
3		Service, except Open		
4		Recreation and		
5		Horticulture		
6	814.22	Child Care	§ 890.50(b)	P
7	814.23	Medical Cannabis	§ 890.133	P #
8		Dispensary		
9	Vehicle Parking			
10	814.25	Automobile Parking Lot,	§ 890.7	<del>P</del> - <u>NP</u>
11		Community Residential		
12	814.26	Automobile Parking	§ 890.8	<del>C</del> - <u>NP</u>
13		Garage, Community		
14		Residential		
15	814.27	Automobile Parking Lot,	§ 890.9	<del>P</del> - <u>NP</u>
16		Community Commercial		
17	814.28	Automobile Parking	§ 890.10	<del>C</del> - <u>NP</u>
18		Garage, Community		
19		Commercial		
20	814.29	Automobile Parking Lot,	§ 890.11	<del>P</del> - <u>NP</u>
21		Public		
22	814.30	Automobile Parking	§ 890.12	<del>C</del> - <u>NP</u>
23		Garage, Public		
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Retail Sales and Services			
814.31	<del>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-</del>	§ 890.104	P <u>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>
Assembly, Recreation, Arts and Entertainment			
814.37	Nighttime Entertainment	§ 102.17, <u>803.5(b)</u>	NP
814.38	Meeting Hall, <u>not falling within Category 814.21</u>	§ 221(c)	C
814.39	Recreation Building, not falling within Category 814.21	§ 221(e)	C
814.40	Pool Hall, Card Club, not falling within Category <u>890.50(a)-814.21</u>	§§ 221(f); <del>803.4</del>	NP

1		<i>Theater, falling within §</i>		
2	<del>814.41</del>	<del>221(d), except Movie Theater</del>	<del>§§ 221(d),</del>	<del>NP</del>
3		-	<del>890.64</del>	
4	Home and Business Service			
5	814.42	Trade Shop	§ 890.124	P
6	814.43	Catering Services	§ 890.25	P
7		Business Goods and		
8	814.45	Equipment Repair Service	§ 890.23	P
9				
10		Arts Activities, other than		
11	814.46	Theaters	§ 102.2	P
12				
13	814.47	Business Services	§ 890.111	P
14	Office			
15		<del>Work Space of Design</del>		
16	<del>814.49</del>	<del>Professionals</del>	<del>§ 890.28</del>	<del>P</del>
17				
18	<u>814.49</u>	<u>Offices in historic buildings</u>	<u>§ 803.9(a)</u>	<u>P</u>
19				
20	814.50	All Other Office Uses	§§ 890.70, <u>890.118</u>	<del>NP</del> <u>P</u>
21	Live/Work Units			
22				
23	814.55	All types of Live/Work	§§ 102.2,	<del>P</del> <u>NP</u>
24		Units	102.13, 209.9(f), (g)	
25	Automotive			

1	814.57	Vehicle Storage--Open Lot	§ 890.131	NP
2				
3	814.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	NP
4				
5	814.59	Motor Vehicle Service Station, Automotive Washing	§§ 890.18, 890.20	NP
6				
7				
8	814.60	Motor Vehicle Repair	§ 890.15	NP
9				
10	814.61	Motor Vehicle Tow Service	§ 890.19	NP
11				
12	814.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
13				
14	814.63	Public Transportation Facilities	§ 890.80	NP
15				
16	Industrial			
17	814.64	Wholesale Sales	§ 890.54(b)	P
18				
19	814.65	Light Manufacturing	§ 890.54(a)	P
20				
21	814.66	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, and Manufacturing and Processing Uses	§§ 225, 226	NP
22				
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1	814.67	Storage	§ 890.54(c)	<del>P</del> <u>NP</u>
2	<u>814.67(a)</u>	<u>Laboratory</u>	<u>§ 890.52</u>	<u>NP</u>
3	Other Uses			
4	814.68	Animal Services	§ 224	NP
5			§§ 803.	
6	814.69	Open Air Sales	<del>9(e), 5(f),</del>	P
7			890.38	
8				
9	814.70	Ambulance Service	§ 890.2	NP
10	814.71	Open Recreation and Horticulture	§ 209.5	P
11				
12	814.72	Public Use, except Public Transportation Facility	§ 890.80	C
13				
14	814.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
15				
16				
17	814.74	Greenhouse or Plant Nursery	§ 227(a)	NP
18				
19	814.75	Mortuary Establishment	§ 227(c)	NP
20				
21	814.76	General Advertising Sign	§ 607.2(b) & (e) <i>and 611</i>	NP
22				
23		<u>Walk-Up Facility, except</u>		
24	<u>814.78</u>	<u>Automated Bank Teller</u>	<u>§ 890.140</u>	<u>P</u>
25		<u>Machine</u>		

<u>814.79</u>	<u>Automated Bank Teller Machine</u>	<u>§ 803.9(d)</u>	<u>NP</u>
<u>814.80</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>

**SPECIFIC PROVISIONS FOR SPD DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
§ 814.23 § 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 <u>the</u> South Park District.

**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

1 ~~service/industrial area west of Sixth Street~~. The RSD serves as a *major* housing  
 2 opportunity area within the South of Market Mixed Use Districts. The district  
 3 controls are intended to facilitate the development of high-density, mid-rise  
 4 housing, including residential hotels and live/work units, while also encouraging  
 5 the expansion of retail, business service and commercial and cultural arts  
 6 activities.

7 Residential hotels are subject to flexible standards for parking, rear  
 8 yard/open space and density. Continuous ground floor commercial frontage with  
 9 pedestrian-oriented retail activities along major thoroughfares is encouraged.

10 General office, hotels, nighttime entertainment, adult entertainment,  
 11 massage establishment, movie theaters and heavy industrial uses are not  
 12 permitted.

13 **Table 815**

14 **RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL**  
 15 **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

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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(j)
815.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit if private, 48 sq. ft. if common
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	§ 890.140	P

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	Machine		
815.11	Automated Bank Teller Machine	§ 803. <del>9(b)5(d)</del>	P
815.12	Residential Conversion	§ 803. <del>8(a)5(b)</del>	C
815.13	Residential Demolition	§ 803. <del>8(a)5(b)</del>	C
Residential Use			
815.14	Dwelling Units	§ 102.7	P
815.15	Group Housing	§ 890.88(b)	C
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

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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 Garage, Community Residential	§ 890.8	C, pursuant to § 803. <del>8(c)5(i)</del>
815.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
815.28	Automobile Parking Garage, Community Commercial	§ 890.10	C, pursuant to § 803. <del>8(c)5(i)</del>
815.29	Automobile Parking Lot, Public	§ 890.11	P
815.30	Automobile Parking	§ 890.12	C, pursuant to § 803. <del>8(c)5(i)</del>

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	Garage, Public		
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. <del>8(c)5(i)</del>
Assembly, Recreation, Arts and Entertainment			
815.37	Nighttime Entertainment	§§ 102.17, 181(f), <del>803.5(b)</del>	NP
815.38	Meeting Hall, not falling within Category 815.21	§ 221(c)	C, pursuant to § 803. <del>8(c)5(i)</del>
815.39	Recreation Building, not falling within Category 815.21	§ 221(e)	C, pursuant to § 803. <del>8(c)5(i)</del>
815.40	Pool Hall, Card Club, not falling within Category 815.21	§§ 221(f), 803.4	P, pursuant to § 803. <del>8(c)5(i)</del>
815.41	Theater, falling within §	§§ 221(d),	P, pursuant to § 803. <del>8(c)5(i)</del>

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	221(d), except Movie Theater	890.64	
Home and Business Service			
815.42	Trade Shop	§ 890.124	P, pursuant to § 803. <del>8(c)5(i)</del>
815.43	Catering Services	§ 890.25	P, pursuant to § 803. <del>8(c)5(i)</del>
815.45	Business Goods and Equipment Repair Service	§ 890.23	P, pursuant to § 803. <del>8(c)5(i)</del>
815.46	Arts Activities, other than Theaters	§ 102.2	P, pursuant to § 803. <del>8(c)5(i)</del>
815.47	Business Services	§ 890.111	P, pursuant to § 803. <del>8(c)5(i)</del>
Office			
815.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <del>9(a)5(e)</del>	C
815.49	Work Space of Design Professionals	§§ 890.28, 803. <del>9.(g)5(k)</del>	P, subject to § 803. <del>9.(g)5(k)</del>
815.50	All Other Office Uses	§ 890.70	NP

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Live/Work Units			
815.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
815.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
815.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
815.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <del>9(a)5(e)</del>	C
815.55	All other Live/Work Units		NP
Motor Vehicle Services			
815.57	Vehicle Storage--Open Lot	§ 890.131	NP
815.58	Vehicle Storage--	§ 890.132	P

1		Enclosed Lot or		
2		Structure		
3	815.59	Motor Vehicle Service	§§ 890.18,	P, pursuant to § 803. <del>8(c)5(i)</del>
4		Station, Automotive	890.20	
5		Wash		
6	815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803. <del>8(c)5(i)</del>
7				
8	815.61	Motor Vehicle Tow	§ 890.19	C, § 803. <del>8(c)5(i)</del>
9		Service		
10	815.62	Non-Auto Vehicle Sales	§ 890.69	P, § 803. <del>8(c)5(i)</del>
11		or Rental		
12	815.63	Public Transportation	§ 890.80	C, pursuant to § 803. <del>8(c)5(i)</del>
13		Facilities		
14				
15	Industrial			
16	815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803. <del>8(c)5(i)</del>
17				
18	815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803. <del>8(c)5(i)</del>
19				
20	815.66	Storage	§ 890.54(c)	P
21				
22	815.67	All Other Wholesaling,	§ 225	P
23		Storage, Distribution and		
24		Open Air Handling of		
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	Materials and Equipment		
Other Uses			
815.68	Animal Services	§ 224	NP
815.69	Open Air Sales	§§ 803. <del>95</del> (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 Public Transportation Facility	§ 890.80	C
815.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
815.74	Greenhouse or Plant Nursery	§ 227(a)	NP
815.75	Mortuary Establishment	§ 227(c)	NP
815.76	General Advertising Sign	§ 607.2(b) & (e)	NP

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**SPECIFIC PROVISIONS FOR RSD DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
§ 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 violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.

**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.

1 Housing and live/work units are encouraged over ground floor  
 2 commercial/service/light industrial activity. New residential or mixed use  
 3 developments are encouraged to provide as much mixed-income rental housing  
 4 as possible. Existing group housing and dwelling units would be protected from  
 5 demolition or conversion to nonresidential use by requiring conditional use  
 6 review.

7 General office, hotels, nighttime entertainment, movie theaters, adult  
 8 entertainment and heavy industrial uses are not permitted.

9 **Table 816**

10 **SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT**  
 11 **ZONING CONTROL TABLE**

			Service/Light Industrial/ Residential Mixed Use District
No.	Zoning Category	§ References	Controls
816.01	Height Limit Designation	See Zoning Map	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	As shown on

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		Map, § 270	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 Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
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

1	816.12	Residential Conversion	§ 803. <del>8(a)5(b)</del>	C
2				
3	816.13	Residential Demolition	§ 803. <del>8(a)5(b)</del>	C
4				
5	Residential Use			
6	816.14	Dwelling Units	§ 102.7	P
7				
8	816.15	Group Housing	§ 890.88(b)	C
9				
10	816.16	SRO Units	§ 890.88(c)	P
11				
12	Institutions			
13	816.17	Hospital, Medical Centers	§ 890.44	NP
14				
15	816.18	Residential Care	§ 890.50(e)	C
16				
17	816.19	Educational Services	§ 890.50(c)	P
18				
19	816.20	Religious Facility	§ 890.50(d)	P
20				
21	816.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
22				
23				
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1	816.22	Child Care	§ 890.50(b)	P
2				
3	816.23	Medical Cannabis Dispensary	§ 890.133	P#
4				
5	Vehicle Parking			
6	816.25	Automobile Parking Lot, Community Residential	§ 890.7	P
7				
8	816.26	Automobile Parking Garage, Community Residential	§ 890.8	P
9				
10	816.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
11				
12	816.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
13				
14	816.29	Automobile Parking Lot, Public	§ 890.11	P
15				
16	816.30	Automobile Parking Garage, Public	§ 890.12	C
17				
18	Retail Sales and Services			
19				
20	816.31	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	§ 890.104	P
21				
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1		Services, and Personal		
2		Services		
3	Assembly, Recreation, Arts and Entertainment			
4	816.36	Arts Activity, other than Theater	§ 102.2	P
5				
6	816.37	Nighttime Entertainment	§§ 102.17, 181(f), <u>803.5(b)</u>	NP
7				
8				
9	816.38	Meeting Hall, not falling within Category 816.21	§ 221(c)	C
10				
11				
12	816.39	Recreation Building, not falling within Category 816.21	§ 221(e)	C
13				
14	816.40	Pool Hall, Card Club, not falling within Category 816.21	§§ 221(f), 803.4	P
15				
16	816.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
17				
18	Home and Business Service			
19	816.42	Trade Shop	§ 890.124	P
20				
21	816.43	Catering Service	§ 890.25	P
22				
23	816.45	Business Goods and Equipment Repair Service	§ 890.23	P
24				
25				

1	816.47	Business Service	§ 890.111	P
2				
3	Office			
4	816.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <del>9(a)5(e)</del>	C
5				
6				
7	816.49	Work Space of Design Professionals	§§ 890.28, 803. <del>9.(g)5(k)</del>	P, subject to § 803. <del>9.(g)5(k)</del>
8				
9				
10	816.50	All Other Office Uses	§ 890.70	NP
11				
12	Live/Work Units			
13	816.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
14				
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17	816.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
18				
19				
20	816.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
21				
22				
23	816.54	Live/Work Units in Landmark Buildings or Contributory	§ 803. <del>9(a)5(e)</del>	C
24				
25				

1		Buildings in Historic Districts		
2	816.55	All Other Live/Work Units		NP
3				
4	Motor Vehicle Services			
5	816.57	Vehicle Storage--Open Lot	§ 890.131	NP
6				
7	816.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
8				
9	816.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
10				
11	816.60	Motor Vehicle Repair	§ 890.15	P
12				
13	816.61	Automobile Tow Service	§ 890.19	C
14				
15	816.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
16				
17	816.63	Public Transportation Facilities	§ 890.80	P
18				
19	Industrial			
20				
21	816.64	Wholesale Sales	§ 890.54(b)	P
22				
23	816.65	Light Manufacturing	§ 890.54(a)	P
24				
25				

1	816.66	Storage	§ 890.54(c)	P
2				
3	816.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 255	P
4				
5				
6				
7	Other Uses			
8	816.68	Animal Services	§ 224	NP
9				
10	816.69	Open Air Sales	§§ 803. <u>95(e)</u> , 890.38	P
11				
12				
13	816.70	Ambulance Service	§ 890.2	NP
14				
15	816.71	Open Recreation and Horticulture	§ 209.5	P
16				
17	816.72	Public Use, except Public Transportation Facility	§ 890.80	C
18				
19	816.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
20				
21				
22	816.74	Greenhouse or Plant Nursery	§ 227(a)	NP
23				
24	816.75	Mortuary Establishment	§ 227(c)	NP
25				

1			
2	816.76	General Advertising Sign	§ 607.2(b) & (e)
3			P in South of Market
4			General Advertising
5			Special Sign District,
6			Otherwise NP

**SPECIFIC PROVISIONS FOR SLR DISTRICTS**

8	Article	Other	Zoning Controls
9	Code	Code	
10	Section	Section	
11	§ 816.23	§ 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 SLR District.
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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

1 protected from demolition or conversion to nonresidential use and development  
 2 of group housing and low-income affordable dwelling units are permitted as a  
 3 conditional use. General office, hotels, movie theaters, nighttime entertainment  
 4 and adult entertainment uses are not permitted.

5 **Table 817**

6 **SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

7

			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 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

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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 Bank Teller Machine	§§ 890.140, 803. <del>95(d)</del>	P
817.12	Residential Conversion	§ 803. <del>8(a)5(b)</del>	C
817.13	Residential Demolition	§ 803. <del>8(a)5(b)</del>	C
Residential Use			
817.14	Dwelling Units	§§ 102.7, 803. <del>8(b)5(f)</del>	C, if low-income pursuant to § 803. <del>8(b)5(f)</del> ; otherwise NP
817.15	Group Housing	§ 890.88(b)	C

1	817.16	SRO Units	§§ 890.88(c), <u>803.8(b)</u>	<u>C, if low-income pursuant to § 803. 8(b); otherwise NP</u>
2				
3	Institutions			
4	817.17	Hospital, Medical Centers	§ 890.44	NP
5				
6	817.18	Residential Care	§ 890.50(e)	C
7				
8	817.19	Educational Services	§ 890.50(c)	P
9				
10	817.20	Religious Facility	§ 890.50(d)	P
11				
12	817.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
13				
14	817.22	Child Care	§ 890.50(b)	P
15				
16	817.23	Medical Cannabis Dispensary	§ 890.133	P#
17				
18	Vehicle Parking			
19	817.25	Automobile Parking Lot, Community Residential	§ 890.7	P
20				
21	817.26	Automobile Parking	§ 890.8	P
22				
23				
24				
25				

1		Garage, Community		
2		Residential		
3	817.27	Automobile Parking Lot,		
4		Community Commercial	§ 890.9	P
5				
6	817.28	Automobile Parking		
7		Garage, Community	§ 890.10	P
8		Commercial		
9	817.29	Automobile Parking Lot,		
10		Public	§ 890.11	P
11				
12	817.30	Automobile Parking		
13		Garage, Public	§ 890.12	C
14	Retail Sales and Services			
15		All Retail Sales and		
16		Services which are not		
17		Office Uses or prohibited		
18	817.31	by § 803.4, including		
19		Bars, Full Service and	§ 890.104	P
20		Fast Food Restaurants,		
21		Take Out Food Services,		
22		and Personal Services		
23	817.32			P if gross floor area is up to
24		Financial Services	§ 890.110	4,000 sq. ft. C if gross floor
25				area is equal to or exceeds

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			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, 817.65; otherwise NP
Assembly, Recreation, Arts and Entertainment			
817.37	Nighttime Entertainment	§ 102.17, <u>803.5(b)</u>	NP
817.38	Meeting Hall	§ 221(c)	C
817.39	Recreation Building	§ 221(e)	C
817.40	Pool Hall, Card Club, not falling within Category	§§ 221(f), 803.4	P

1		817.21		
2	817.41	Theater, falling within §	§§ 221(d),	P
3		221(d), except Movie	890.64	
4		Theater		
5	Home and Business Service			
6	817.42	Trade Shop	§ 890.124	P
7				
8	817.43	Catering Service	§ 890.25	P
9				
10	817.45	Business Goods and		P
11		Equipment Repair	§ 890.23	
12		Service		
13	817.46	Arts Activities, other	§ 102.2	P
14		than Theaters		
15	817.47	Business Services	§ 890.111	P
16				
17	Office			
18				
19	817.48	Office Uses in Landmark	§ 803.	C
20		Buildings or Contributory	<del>9(a)5(e)</del>	
21		Buildings in Historic		
22		Districts		
23	817.49	Work Space of Design	§§ 890.28,	P, subject to § 803. <del>9(g)5(k)</del>
24		Professionals	803. <del>9(g)5(k)</del>	
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817.50	Office Uses Related to the Hall of Justice	§§ 803. <del>9(f)5(j)</del> , 822	P in Special Use District, pursuant to § 803. <del>9(f)5(j)</del>
817.51	All Other Office Uses	§ 890.70	NP
Live/Work Units			
817.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
817.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
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. <del>9(a)5(e)</del>	C

1	817.55	All Other Live/Work		NP
2		Units		
3	Automotive Services			
4	817.57	Vehicle Storage--Open	§ 890.131	P
5		Lot		
6	817.58	Vehicle Storage--	§ 890.132	P
7		Enclosed Lot or		
8		Structure		
9	817.59	Motor Vehicle Service	§§ 890.18,	P
10		Station, Automotive	890.20	
11		Wash		
12	817.60	Motor Vehicle Repair	§ 890.15	P
13				
14	817.61	Motor Vehicle Tow	§ 890.19	C
15		Service		
16	817.62	Non-Auto Vehicle Sale	§ 890.69	P
17		or Rental		
18	817.63	Public Transportation	§ 890.80	P
19		Facilities		
20	Industrial			
21				
22	817.64	Wholesale Sales	§ 890.54(b)	P
23				
24	817.65	Light Manufacturing	§ 890.54(a)	P
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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
817.70	Ambulance Service	§ 890.2	P
817.71	Open Recreation and Horticulture	§ 209.5	P
817.72	Public Use, except Public Transportation Facility	§ 890.80	P
817.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C

1	817.74	Greenhouse or Plant Nursery	§ 227(a)	P
2				
3	817.75	Mortuary Establishment	§ 227(c)	NP
4				
5	817.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP
6				
7				
8	817.77	Internet Services Exchange	§ 209.6(c)	C
9				
10				

11 **SPECIFIC PROVISIONS FOR SLI DISTRICTS**

12	Article	Other	
13	Code	Code	Zoning Controls
14	Section	Section	
15			
16	§ 817.23	§	-- Only those medical cannabis dispensaries that can
17			demonstrate to the Planning Department they were in
18			operation as of April 1, 2005 and have remained in
19			continuous operation or that were not in continuous
20	890.133		operation since April 1, 2005, but can demonstrate to the
21			Planning Department that the reason for their lack of
22			continuous operation was not closure due to an actual
23			violation of federal, state or local law, may apply for a
24			medical cannabis dispensary permit in an SLI District.

25 **SEC. 818. SSO -- SERVICE/SECONDARY OFFICE DISTRICT.**

1 The Service/Secondary Office District (SSO) is designed to accommodate  
 2 small-scale light industrial, home and business services, arts activities, live/work  
 3 units, and small-scale, professional office space and large-floor-plate "back  
 4 office" space for sales and clerical work forces. Nighttime entertainment is  
 5 permitted as a conditional use. Dwelling units and group housing are permitted  
 6 as conditional uses. Demolition or conversion of existing group housing or  
 7 dwelling units requires conditional use authorization.

8 Office, general commercial, most retail, service and light industrial uses  
 9 are principal permitted uses. Large hotel, movie theater, adult entertainment and  
 10 heavy industrial uses are not permitted.

11 Small hotels of 75 rooms or less are permitted in this District only as a  
 12 conditional use. Any such conditional use authorization requires a conditional use  
 13 finding that disallows project proposals that displace existing Production,  
 14 Distribution and Repair (PDR) uses.

15 **Table 818**

16 **SSO -- SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL**

17 **TABLE**

18

			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

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			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 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

1	818.09	Outdoor Activity Area	§ 890.71	P
2				
3	818.10	Walk-up Facility, including	§§ 890.140, 803. <del>95</del> (d)	P
4		Automated Bank Teller		
5		Machine		
6	818.11	Residential Conversion	§ 803. <del>8(a)5(b)</del>	C
7				
8	818.12	Residential Demolition	§ 803. <del>8(a)5(b)</del>	C
9				
10	Residential Use			
11				
12	818.14	Dwelling Units	§ 102.7	C
13				
14	818.15	Group Housing	§ 890.88(b)	C
15				
16	818.16	SRO Units	§ 890.88(c)	P
17				
18	Institutions			
19				
20	818.17	Hospital, Medical Centers	§ 890.44	P
21				
22	818.18	Residential Care	§ 890.50(c)	C
23				
24	818.19	Educational Services	§ 890.50(c)	P
25				

1	818.20	Religious Facility	§ 890.50(d)	P
2				
3	818.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
4				
5				
6				
7	818.22	Child Care	§ 890.50(b)	P
8				
9	818.23	Medical Cannabis Dispensary	§ 890.133	P#
10				
11				
12	Vehicle Parking			
13	818.25	Automobile Parking Lot, Community Residential	§ 890.7	P
14				
15	818.26	Automobile Parking Garage, Community Residential	§ 890.8	P
16				
17				
18	818.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
19				
20	818.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
21				
22				
23	818.29	Automobile Parking Lot, Public	§ 890.11	P
24				
25				

1	818.30	Automobile Parking		
2		Garage, Public	§ 890.12	C
3	Retail Sales and Services			
4	818.31	All Retail Sales and		
5		Services which are not		
6		Office Uses or prohibited by		
7		§ 803.4, including Bars, Full		
8		Service and Fast Food	§ 890.104	P
9		Restaurants, Take Out		
10		Food Services, and		
11		Personal Services		
12	Assembly, Recreation, Arts and Entertainment			
13	818.37	Nighttime Entertainment	§§ 102.17, 803.5( <u>ba</u> )	C
14	818.38	Meeting Hall, not falling	§ 221(c)	P
15		within Category 818.21		
16	818.39	Recreation Building, not	§ 221(e)	P
17		falling within Category		
18		818.21		
19	818.40	Pool Hall, Card Club, not	§§ 221(f),	P
20		falling within Category	803.4	
21		818.21		
22	818.41	Theater, falling within §	§§ 221(d),	P
23				
24				
25				

1		221(d), except Movie	890.64	
2		Theater		
3	Home and Business Service			
4	818.42	Trade Shop	§ 890.124	P
5				
6	818.43	Catering Service	§ 890.25	P
7				
8	818.45	Business Goods and	§ 890.23	P
9		Equipment Repair Service		
10				
11	818.46	Arts Activities, other than	§ 102.2	P
12		Theaters		
13	818.47	Business Services	§ 890.111	P
14				
15	Office			
16	818.48	All Office Uses including	§ 890.70	P
17		Work Space of Design		
18		Professionals		
19	Live/Work Units			
20				
21	818.54	Live/Work Units where the	§§ 102.2,	P
22		work activity is an Arts	102.13,	
23		Activity	209.9(f), (g),	
24			233	
25	818.55	Live/Work Units where all	§§ 102.13,	P

1		the work activity is	233	
2		otherwise permitted		
3	Automobile Services			
4	818.57	Vehicle Storage--Open Lot	§ 890.131	NP
5				
6	818.58	Vehicle Storage--Enclosed	§ 890.132	P
7		Lot or Structure		
8				
9	818.59	Motor Vehicle Service	§§ 890.18,	P
10		Station, Automotive Wash	890.20	
11	818.60	Motor Vehicle Repair	§ 890.15	P
12				
13	818.61	Motor Vehicle Tow Service	§ 890.19	C
14				
15	818.62	Non-Auto Vehicle Sale or	§ 890.69	P
16		Rental		
17	818.63	Public Transportation	§ 890.80	P
18		Facilities		
19	Industrial			
20				
21	818.64	Wholesale Sales	§ 890.54(b)	P
22				
23	818.65	Light Manufacturing	§ 890.54(a)	P
24				
25	818.66	Storage	§ 890.54(c)	P

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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 Horticulture	§ 209.5	P
818.72	Public Use, except Public Transportation Facility	§ 890.80	P
818.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
818.74	Greenhouse or Plant Nursery	§ 227(a)	P
818.75	Mortuary Establishment	§ 227(c)	NP

1	818.76	General Advertising Sign	§ 607.2(b) & (e)	NP
2				
3	818.77	Internet Services	§ 209.6(c)	C
4		Exchange		
5	818.78	Hotel, Tourist if 75 rooms or	§ 890.46	C
6		less		

7  
8 **SPECIFIC PROVISIONS FOR SSO DISTRICTS**

9	Article	Other	Zoning Controls
10	Code	Code	
11	Section	Section	
12			
13	§ 818.23	§	<p>-- 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 SSO District.</p>
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17	890.133		
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22 ***SEC. 820. SOUTH OF MARKET BASE DISTRICT.***

23 *The South of Market Base District encompasses all of the individual South of Market Use*  
 24 *Districts governed by Sections 813 through 818 of this Code. The South of Market Base*  
 25 *District is shown on Sectional Map 3SU of the Zoning Map.*

1           **SEC. 822. SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL**  
2 **SERVICES DISTRICT.**

3           The South of Market Special Hall of Justice Legal Services District, as  
4 shown on Sectional Map 8SU of the Zoning Map, is governed by Sections  
5 803.~~9(f)~~~~5(j)~~ and 817.50 of this Code.

6           **SEC. 825. DTR -- DOWNTOWN RESIDENTIAL DISTRICTS.**

7           (a) Description. Downtown Residential (DTR) Districts are transit-oriented,  
8 high-density mixed-use residential neighborhoods in and around downtown.  
9 These areas are generally transitioning from a variety of commercial and  
10 industrial to residential uses. The intent of this district is to enable a mix of new  
11 day and nighttime activities, with an emphasis on encouraging new housing  
12 within walking distance or a short transit-ride of downtown, supported by a mix of  
13 retail, and neighborhood services to meet the needs of residents and the larger  
14 downtown community.

15           High-density residential uses, including residential towers in select  
16 locations, are allowed and encouraged within the limits set by height and bulk  
17 controls. Given the district's proximity to downtown, a range of commercial uses  
18 is permitted on the lower stories, with active pedestrian-oriented retail, service,  
19 and entertainment uses on the ground floor. Along special streets, pedestrian-  
20 oriented uses are required on the first floor. Ground floor entries to individual  
21 dwelling units are encouraged on streets that will become primarily residential.

22           There is generally no pattern of mid-block open space or of rear yards.  
23 While lot coverage is limited for all levels with residential uses, traditional rear  
24 yard open spaces are not required except in the limited instances where there is  
25 an existing pattern of them. Specific height and bulk controls establish

1 appropriate heights for both towers and mid-rise development, and ensure  
2 adequate spacing between towers and preserve light and air to streets and open  
3 spaces. Setbacks are required where necessary to buffer ground floor residential  
4 uses or to ensure sunlight access to streets and open spaces. To support the  
5 intensification of land uses in these districts, detailed traffic, streetscape and  
6 open space improvements will take place over time.

7 Downtown Residential Districts include all of the individual DTR districts  
8 governed by ~~Section 827 of this Code, except t~~The Transbay Downtown Residential  
9 District (TB-DTR), as set forth in Section 828, is governed by the Transbay  
10 Redevelopment Plan and its Development Controls and Design Guidelines.

11 *(b) **Building and Development Standards.** In addition to or in-lieu of the*  
12 *requirements and standards elsewhere in this Code, the following building and*  
13 *development standards are applicable in the Downtown Residential Districts.*

14 *(1) **Street-Facing Use Requirements.** Pedestrian-oriented commercial,*  
15 *residential, institutional uses, and community services are required ground floor uses on*  
16 *all street facing frontages per the standards of Section 145.1 and 145.4, except for the*  
17 *minimum frontage required for fire doors, parking and loading access, and other*  
18 *utilities.*

19 *(2) **Lot Coverage.** The requirements of Section 134 shall not apply in DTR*  
20 *Districts. Except as more specifically limited in the Section governing an individual DTR*  
21 *district, lot coverage is limited to 80 percent at all residential levels except on levels in*  
22 *which all residential units face onto a public right-of-way or mid-block pedestrian path*  
23 *meeting the minimum standards of this Section. The unbuilt portion of the lot shall be*  
24 *open to the sky except for those obstructions permitted in yards pursuant to Section*  
25 *136(c). Exceptions to the 20 percent open area requirement may be granted, pursuant to*

1 the provisions of Section 309.1, for conversions of existing non-residential structures  
2 where it is determined that provision of 20 percent open area would require partial  
3 demolition of the existing non-residential structure.

4 (3) **Dwelling Unit Exposure.** The requirements of Section 140 shall apply.  
5 Reductions in this requirement may be granted though the procedures of Section 309.1.

6 (4) **Lighting.** Pedestrian-scaled lighting shall be provided as an integral element  
7 of all building façades and shall be designed and located to accentuate the uses facing  
8 the street. Pedestrian-scaled lighting shall be incorporated into all façades and  
9 landscaped setback areas in the form of wall sconces, entry illumination and low-level  
10 lighting set into edging features. Lighting should be designed to accentuate ground floor  
11 retail and residential entries. Incandescent or color-corrected lighting sources must be  
12 used.

13 (5) **Sidewalk Treatment.**

14 (A) To carry out policies contained in the San Francisco General Plan  
15 related to sidewalk treatments in an applicable plan area, the Planning Commission may  
16 require an applicant to widen or modify sidewalk alignments and to install lighting,  
17 decorative paving, seating, bicycle racks, landscaping, and other pedestrian amenities on  
18 public sidewalks.

19 (B) The conditions imposed by the Planning Commission and any sidewalk  
20 treatments installed by an applicant shall comply with any applicable ordinances,  
21 adopted streetscape plans, and with any applicable regulations of the Art Commission,  
22 the Department of Public Works and the Bureau of Light, Heat and Power of the Public  
23 Utility Commission regarding street lighting, sidewalk paving, seating and sidewalk  
24 landscaping.

1 (C) The Commission conditions imposed pursuant to subsection (B) shall  
2 require the abutting property owner or owners to hold harmless the City and County of  
3 San Francisco, its officers, agents, and employees, from any damage or injury caused by  
4 reason of the design, construction, use, or maintenance of the sidewalk treatments that  
5 the owner will maintain, and shall require the owner or owners or subsequent owner or  
6 owners of the respective property to be solely liable for any damage or loss occasioned  
7 by any act or negligence with respect to the design, construction, use, or maintenance of  
8 the sidewalk treatments that the owner maintains.

9 (D) Notwithstanding the provisions of this Section, an applicant shall  
10 apply for all required permits related to the legislated sidewalk width changes and  
11 sidewalk treatments and pay all required fees.

12 (E) The owner of the property is required to maintain all those  
13 improvements other than lighting.

14 (6) **Street Trees.** Street trees shall be installed by the owner or developer in the  
15 case of construction of a new building, relocation of a building, or addition of gross floor  
16 area equal to 20 percent or more of the gross floor area of an existing building. Street  
17 trees shall be provided according to the provisions of Section 143(b), (c) and (d).

18 (7) **Off-Street Parking and Loading.** Restrictions on the design and location of  
19 off-street parking and loading and access to off-street parking and loading are necessary  
20 to reduce their negative impacts on neighborhood quality and the pedestrian  
21 environment. Unless specified otherwise in an individual DTR district, the following off-  
22 street parking and loading controls shall apply:

23 (A) **Required Below-Grade.** All off-street parking in DTR districts shall be  
24 built below street grade. The design of parking on sloping sites must be reviewed through  
25 the procedures of Section 309.1, according to the following standards:

1 (i) For sloping sites with a grade change of at least ten feet laterally along  
2 the street, no less than 50 percent of the perimeter of all floors with off-street parking  
3 shall be below the level of said sloping street; and

4 (ii) For sites that slope upwards from a street, no less than 50 percent of  
5 the perimeter of all floors with off-street parking shall be below the average grade of the  
6 site; and

7 (iii) Any above-grade parking shall be set back from the street facing  
8 façades and wrapped with active uses, as defined by Section 145.1, for a depth of no less  
9 than 25 feet at the ground floor and 15 feet on floors above.

10 **(B) Parking and Loading Access.**

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

17 (ii) Sidewalk narrowings or porte cocheres to accommodate passenger  
18 loading and unloading are not permitted. For the purpose of this section, a "porte  
19 cochere" is defined as an off-street driveway, either covered or uncovered, for the  
20 purpose of passenger loading or unloading, situated between the ground floor façade of  
21 the building and the sidewalk.

22 (c) Use. A use is the specified purpose for which a property or building is used,  
23 occupied, maintained, or leased. Uses in Downtown Residential Districts are either  
24 permitted, conditional, accessory, temporary or are not permitted. If there are two or  
25 more uses in a structure, any use not classified in Section 825(c)(1)(C) of this Code as

1 accessory will be considered separately as an independent permitted, conditional,  
2 temporary or not permitted use.

3 **(1) Permitted Uses.**

4 (A) Principal Uses. All uses are permitted as principal uses as of right in a  
5 Downtown Residential district unless otherwise indicated as a Conditional Use or Not  
6 Permitted in this Section 825 of this Code or any other Section governing an individual  
7 DTR District. Additional requirements and conditions may be placed on particular uses  
8 as provided pursuant to Section 803.5 and other applicable provisions of this Code.

9 (B) Conditional Uses. Conditional uses are permitted in a Downtown  
10 Residential district, when authorized by the Planning Commission; whether a use is  
11 conditional in a given district is indicated in the Section of this Code governing the  
12 individual DTR District. Conditional uses are subject to the applicable provisions set  
13 forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 of this Code.

14 (i) Notwithstanding any other provision of this Article, a change in use or  
15 demolition of a movie theater use, as set forth in Section 890.64, shall require conditional  
16 use authorization. This Section shall not authorize a change in use if the new use or uses  
17 are otherwise prohibited.

18 (C) Accessory Uses. Subject to the limitations set forth below, in Section  
19 151.1, and elsewhere in this Code, an accessory use is a related minor use which is either  
20 necessary to the operation or enjoyment of a lawful principal use or conditional use, or is  
21 appropriate, incidental and subordinate to any such use, and shall be permitted as an  
22 accessory use in a Downtown Residential district. In order to accommodate a principal  
23 use which is carried out by one business in multiple locations within the same general  
24 area, such accessory use need not be located in the same structure or lot as its principal  
25 use provided that (1) the accessory use is located within 1,000 feet of the principal use,

1 (2) the multiple locations existed on the effective date of this amendment; and (3)  
2 the existence of the multiple locations is acknowledged in writing by the Zoning  
3 Administrator within 60 days after the effective date of this amendment. Any use, which  
4 does not qualify as an accessory use, shall be classified as a principal use. No use will be  
5 considered accessory to a principal use, which involves or requires any of the following:

6 (i) The use of more than one-third of the total occupied floor area which is  
7 occupied by both the accessory use and principal use to which it is accessory, combined,  
8 except in the case of accessory off-street parking or loading which shall be subject to the  
9 provisions of Sections 151, 151.1, 156 and 157 of this Code;

10 (ii) Nighttime entertainment, massage establishment, large fast food  
11 restaurant, or movie theater use;

12 (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

13 (D) Temporary Uses. Temporary uses not otherwise permitted are  
14 permitted in Downtown Residential districts to the extent authorized by Sections 205  
15 through 205.3 of this Code.

16 (E) Prohibited Uses.

17 (i) Uses which are specifically listed as Not Permitted (NP) in any Section  
18 governing an individual DTR District are not permitted. The use provisions of an  
19 individual DTR District shall apply in case of conflict with use limitations in Section 825.  
20 Signs not specifically permitted in Article 6 are not permitted.

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

1 (iii) The establishment of a use that sells alcoholic beverages, other than  
2 beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by  
3 Section 229.

4 **(2) Residential Use Controls.**

5 Unless otherwise specified in a Section governing an individual DTR district, the  
6 following residential use controls shall apply:

7 (A) Required Residential to Non-Residential Use Ratio. For newly  
8 constructed buildings or additions which exceed 20 percent or more of an existing  
9 structure's gross floor area, at least six occupiable square feet of residential use shall be  
10 provided for each occupiable square foot of non-residential use, excluding accessory  
11 parking, on any lot legally existing. Hotels, inns, or hostels as defined under Section  
12 209.2(d) and (e), time-share or fractional-ownership condominiums, and lawfully  
13 existing live/work units shall be considered as non-residential uses for the purpose of this  
14 section, and do not satisfy the residential requirement. Exemption from the required use  
15 ratio for building additions of less than 20 percent may not be granted for any single lot  
16 if such an exemption would increase the total square footage of the building to an amount  
17 20 percent greater than existed on the lot since the adoption of this Section.

18 (B) For newly constructed buildings or additions, which exceed 20 percent  
19 or more of an existing structure's gross floor area, all building area above 85 feet in  
20 height shall be devoted to residential use.

21 (C) Residential Density. There shall be no density limit for residential uses  
22 in Downtown Residential districts. The provisions of Sections 207 through 208 related to  
23 residential density shall not apply.

24 **(d) Reduction of Ground Level Wind Currents.**

25

1 (1) Requirement. New buildings and additions to existing buildings shall be  
2 shaped, or other wind-baffling measures shall be adopted, so that the developments will  
3 not cause ground-level wind currents to exceed, more than 10 percent of the time year-  
4 round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind  
5 speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in  
6 public seating areas. The term "equivalent wind speed" shall mean an hourly mean wind  
7 speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

8 (2) When preexisting ambient wind speeds exceed the comfort level, or when a  
9 proposed building or addition may cause ambient wind speeds to exceed the comfort  
10 level, the building shall be designed to reduce the ambient wind speeds to meet the  
11 requirements.

12 (3) Exception. The Zoning Administrator may allow the building or addition to  
13 add to the amount of time the comfort level is exceeded by the least practical amount if (i)  
14 it can be shown that a building or addition cannot be shaped and other wind-baffling  
15 measures cannot be adopted to meet the foregoing requirements without creating an  
16 unattractive and ungainly building form and without unduly restricting the development  
17 potential of the building site in question, and (ii) the Zoning Administrator concludes  
18 that, because of the limited amount by which the comfort level is exceeded, the addition is  
19 insubstantial. The Zoning Administrator shall not grant an exception, and, no building or  
20 addition shall be permitted that causes equivalent winds speeds to reach or exceed the  
21 hazard level of 26 miles per hour for a single hour of the year.

22 (4) Procedures. Procedures and methods for implementing this Section shall be  
23 specified by the Environmental Review Officer of the Planning Department.

24 **~~SEC. 825.1. USES PERMITTED IN DOWNTOWN RESIDENTIAL DISTRICTS.~~**

25

1 ~~(a) Use Categories. A use is the specified purpose for which a property or building is~~  
2 ~~used, occupied, maintained, or leased. Whether or not a use is permitted in a specific~~  
3 ~~Downtown Residential District is generally set forth, summarized or cross referenced in~~  
4 ~~Section 827 of this Code for each district class.~~

5 ~~(b) Use Limitations. Uses in Downtown Residential Districts are either permitted,~~  
6 ~~conditional, accessory, temporary or are not permitted.~~

7 ~~(1) Permitted Uses. If there are two or more uses in a structure, any use not classified~~  
8 ~~below under Section 825.1(b)(1)(C) of this Code as accessory will be considered~~  
9 ~~separately as an independent permitted, conditional, temporary or not permitted use.~~

10 ~~(A) Principal Uses. Principal uses are permitted as of right in a Downtown Residential~~  
11 ~~District, when so indicated in Section 827 of this Code for the district. Additional~~  
12 ~~requirements and conditions may be placed on particular uses as provided pursuant to~~  
13 ~~Section 803.5 through 803.9 and other applicable provisions of this Code.~~

14 ~~(B) Conditional Uses. Conditional uses are permitted in a Downtown Residential~~  
15 ~~district, when authorized by the Planning Commission; whether a use is conditional in a~~  
16 ~~given district is generally indicated in Section 827 of this Code. Conditional uses are~~  
17 ~~subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8,~~  
18 ~~and 803.5 through 803.9 of this Code.~~

19 ~~(i) Notwithstanding any other provision of this Article, a change in use or demolition of~~  
20 ~~a movie theater use, as set forth in Section 890.64, shall require conditional use~~  
21 ~~authorization. This Section shall not authorize a change in use if the new use or uses are~~  
22 ~~otherwise prohibited.~~

23 ~~(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and~~  
24 ~~elsewhere in this Code, an accessory use is a related minor use which is either necessary~~  
25 ~~to the operation or enjoyment of a lawful principal use or conditional use, or is~~

1 ~~appropriate, incidental and subordinate to any such use, and shall be permitted as an~~  
2 ~~accessory use in a Downtown Residential District. In order to accommodate a principal~~  
3 ~~use which is carried out by one business in multiple locations within the same general~~  
4 ~~area, such accessory use need not be located in the same structure or lot as its principal~~  
5 ~~use provided that (1) the accessory use is located within 1,000 feet of the principal use,~~  
6 ~~(2) the multiple locations existed on the effective date of this amendment; and (3) the~~  
7 ~~existence of the multiple locations is acknowledged in writing by the Zoning~~  
8 ~~Administrator within 60 days after the effective date of this amendment. Any use, which~~  
9 ~~does not qualify as an accessory use, shall be classified as a principal use.~~

10 ~~No use will be considered accessory to a principal use, which involves or requires any of~~  
11 ~~the following:~~

12 ~~(i) The use of more than one third of the total occupied floor area which is occupied by~~  
13 ~~both the accessory use and principal use to which it is accessory, combined, except in the~~  
14 ~~case of accessory off street parking or loading which shall be subject to the provisions of~~  
15 ~~Sections 151, 151.1, 156 and 157 of this Code;~~

16 ~~(ii) Nighttime entertainment, massage establishment, large fast food restaurant, or~~  
17 ~~movie theater use;~~

18 ~~(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).~~

19 ~~(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in~~  
20 ~~Downtown Residential Districts to the extent authorized by Sections 205 through 205.3 of~~  
21 ~~this Code.~~

22 ~~(E) Prohibited Uses.~~

23 ~~(i) Uses which are not specifically listed in Section 827 or Article 6 are not permitted~~  
24 ~~unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of~~

25

1 ~~this Code or are determined by the Zoning Administrator to be permitted uses in~~  
2 ~~accordance with Section 307(a) of this Code.~~

3 ~~(ii) No use, even though listed as a permitted use or otherwise allowed, shall be~~  
4 ~~permitted in a Downtown Residential District which, by reason of its nature or manner of~~  
5 ~~operation, creates conditions that are hazardous, noxious, or offensive through the~~  
6 ~~emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water carried~~  
7 ~~waste, or excessive noise.~~

8 ~~(iii) The establishment of a use that sells alcoholic beverages, other than beer and wine,~~  
9 ~~concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.~~

10 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE**  
11 **DISTRICT (RH-DTR).**

12 The Rincon Hill Downtown Residential Mixed Use District (RH-DTR), the  
13 boundaries of which are shown in Section Map No. 1 of the Zoning Map, is  
14 established for the purposes set forth below.

15 The RH-DTR District is adjacent to the southern edge of the downtown,  
16 generally bounded by Folsom Street, the Bay Bridge, the Embarcadero, and  
17 Essex Street. High-density residential uses and supporting commercial and  
18 institutional uses are allowed and encouraged within the limits set by height, bulk,  
19 and tower spacing controls. Folsom Street is intended to develop as the  
20 neighborhood commercial heart of the Rincon Hill and Transbay neighborhoods,  
21 and pedestrian-oriented uses are required on the ground floor. Individual  
22 townhouse dwelling units with ground floor entries directly to the street are  
23 required on streets that will become primarily residential, including First, Fremont,  
24 Beale, Main, and Spear Streets.

25

1 While lot coverage is limited for all levels with residential uses that do not  
2 face onto streets or alleys, traditional rear yard open spaces are not required  
3 except in the limited instances where there is an existing pattern of them, such as  
4 smaller lots on the Guy Place block. Specific height, bulk, and setback controls  
5 establish appropriate heights for both towers and mid-rise podium development  
6 and ensure adequate spacing between towers in order to establish a  
7 neighborhood scale and ensure light and air to streets and open spaces.  
8 Setbacks are required where necessary to provide transition space for ground  
9 floor residential uses and to ensure sunlight access to streets and open spaces.  
10 Off-street parking must be located below grade.

11 Given the need for services and open space resulting from new  
12 development, projects will provide or contribute funding for the creation of public  
13 open space and community facilities as described in the Rincon Hill Area Plan of  
14 the General Plan. The Rincon Hill Streetscape Plan, part of the Area Plan,  
15 proposes to enhance and redesign most streets in the district to create  
16 substantial new open space amenities, improve pedestrian conditions, and  
17 improve the flow of local traffic and transit. Detailed standards for the provision of  
18 open spaces, mid-block pathways, and residential entries are provided to ensure  
19 that new buildings contribute to creating a public realm of the highest quality in  
20 Rincon Hill.

21 **Table 827**

22 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING**  
23 **CONTROL TABLE**

24

	Rincon Hill Downtown Residential
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			Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
<b>Building and Siting Standards</b>			
.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 all units face onto streets or alleys. § <del>827(d)(2)</del> , <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. § <del>827(d)(a)(2) and (6)</del> . Upper-story setback of 10 ft. required above a height of 65 feet on both sides of Spear, Main, Beale, Fremont, and First Streets. § <del>827(d)(a)(5)</del> .

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			Sun access plane setback of 50 degrees for all buildings 85' and lower on the south side of east-west mid-block pathways. § <del>827(d)</del> <u>827(a)(5)</u> .
.14	Street-Facing Uses	§§ <u>145.1</u> , <u>145.4</u> , <u>Ground Floor Residential Design Guidelines</u> <del>145.5</del>	Active uses required on all street frontages. See §§ 145.1, 825(b).  Ground-level residential or commercial Rrequirements based on location. See §§ <u>145.4</u> and <u>827(a)(2)</u> . <del>and 827(e)</del> .
.15	Parking and Loading Access: Prohibition	§ 155(r)	Prohibited on Folsom Street from Essex Street to The Embarcadero. § <del>827(a)(8)(d)(7)</del> <u>and 155(r)</u>
.16	Parking and Loading Access: Siting and Dimensions	§§ <u>145.14</u> , <u>151.1</u> , <u>155(r)</u>	No parking permitted aboveground, except on sloping sites. Parking access limited to two openings, max. 11' wide each, loading access limited to one 15' opening. § <del>827(d)(7)</del> <u>825(b)(7) and 827(a)(8)</u> .
.17	Awning	§ 890.21	P, § 136.2(a)
.18	Canopy	§ 890.24	P, § 136.2(b)

1	.19	Marquee	§ 890.58	P, § 136.2(c)
2				
3	Non-Residential Standards and Uses			
4	.20	Required Residential to Non-Residential Use Ratio	§ 102.10	Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § <del>827(b)</del> <u>825(c)(2)</u> .
5				
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8	.21	Use Size [Non-Residential]	§§ 890.130, 145. <u>14</u>	P for non-residential uses up to 25,000 sq. ft., C above. No individual ground floor tenant may occupy more than 75' of frontage for a depth of 25' from Folsom Street. §§ <del>827(d)(5)</del> , 145. <u>14</u> .
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14	.22	Open Space	§§ <del>135</del> , <u>135.3</u>	1 sq. ft. of publicly-accessible open space for every 50 sq. ft. of non-residential use over 10,000 sq. ft. § <del>827(e)</del> <u>135.3</u>
15				
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18	.23	Off-Street Parking [Office uses]	§§ 150, 151, 151.1, 153--157, 204.5	None Required. Parking that is accessory to office space limited to 7% of GFA.
19				
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21	.24	Off-Street Parking [Non-Residential, other than office	§§ 150, 151, 151.1, 153--157, 204.5	None Required. Parking limited as described in Section 151.1.
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1		uses]		
2	.25	Off-Street Freight Loading	§§ 150, 152.2, 153--155, 204.5	None Required. Loading maximums described in Section 152.2.
3				
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5	.26	All Non-Residential Uses Permitted, except as described below.		
6		<u>§825(c)(1)(A)</u>		
7				
8	.27	Drive-Up Facility	§ 890.30	NP
9				
10	.28	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise.
11				
12	.29	Hospital or Medical Center	§ 124.1, 890.44	C
13				
14	.30	Other Institutions	§ 890.50	C
15				
16	.31	Public Use	§ 890.80	C
17				
18	.32	Movie Theater	§ 890.64	C
19				
20	.33	Nighttime Entertainment	§§ 102.17, 803.5(bg)	C
21				
22				
23	.34	Adult Entertainment	§ 890.36	NP
24				
25	.35	Massage	§ 890.60	C

1		Establishment	Article 29	
2			Health Code	
3	.36	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	NP
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7	.37	Automobile Parking Garage, Community Commercial	§ 890.10, 160	<i>NP—C, per the criteria of Section 157.1</i>
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11	.38	Automotive Gas Station	§ 890.14	NP
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14	.39	Automotive Service Station	§ 890.18, 890.19	NP
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16	.40	Automotive Repair	§ 890.15	NP
17				
18	.41	Automotive Wash	§ 890.20	NP
19				
20	.42	Automotive Sale or Rental	§ 890.13	C
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22	.43	Mortuary	§ 890.62	C
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24	.44	Hours of	§ 890.48	C. 2 a.m.--6 a.m.
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	Operation		
.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 ( <del>bd</del> ) <u>Unit Mix Required § 207.6</u>
.48	Residential Density, Group Housing	§ 890.88(b)	No Limit. §§ 207.5 ( <del>bd</del> )
.49	Usable Open Space [Per Residential Unit]	§ 135, 136	75 sq. ft. per unit; up to 50% may be provided off-site if publicly accessible. <u>§ 827(e)-135 and 827(a)(9).</u>
.50	Accessory Off-Street Parking, Residential	§§ 151.1, 153--157, 159--160, 204.5	None Required. Up to one car per 2 dwelling units permitted; up to one car per dwelling unit per procedures and criteria of Sections 151.1 <u>825(b)(7)</u> and <u>827(<del>da</del>)(8)</u> .
.51	Residential Conversions	§ 790.84, Ch. 41 Admin.	C

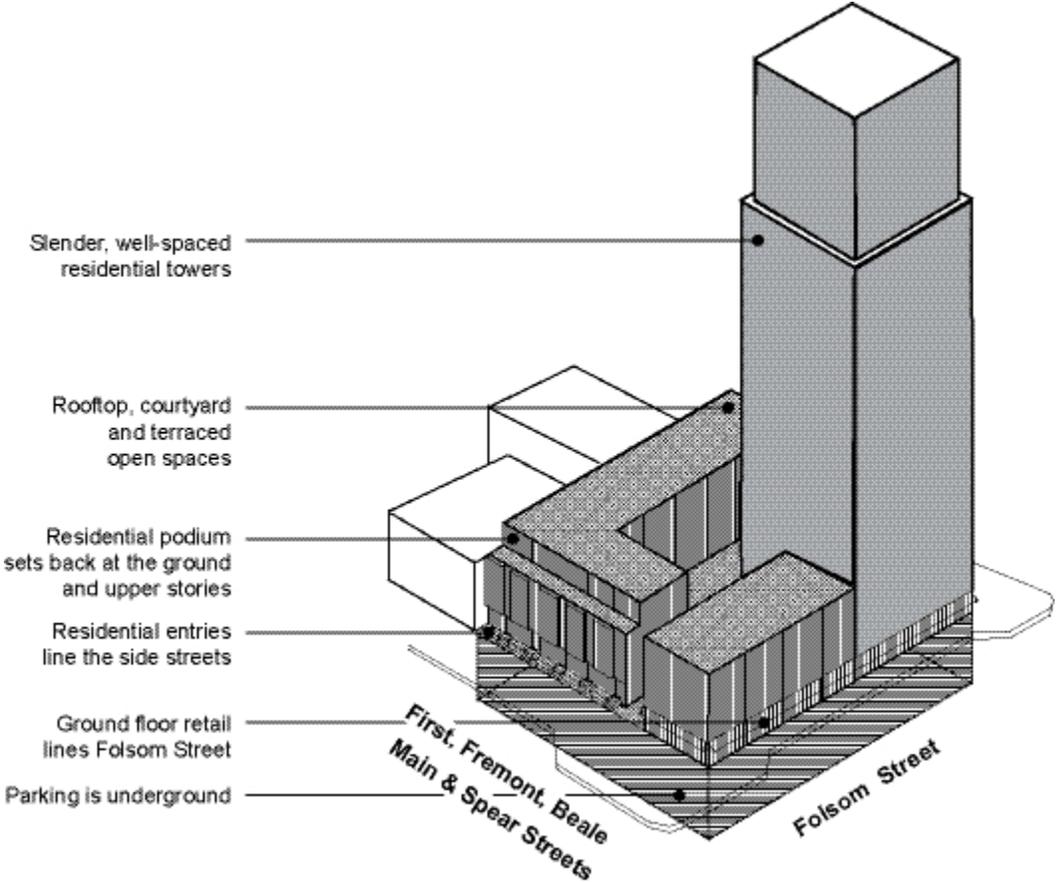
1		Code	
2	.52	Residential	C
3		Demolition	

4 (a) ***Building Standards.***

5 \_\_\_\_\_(1) Development Concept. The development concept is for podium  
6 development up to 85 feet in height, with slender residential towers spaced to  
7 provide ample light and air to the district. New development will contribute to the  
8 creation of a substantial amount of public open space, as well as provide private  
9 common areas, courtyards, and balconies. Streets will be improved to provide  
10 widened sidewalks with substantial public open space. Ground floor uses will be  
11 pedestrian-oriented in character, consisting primarily of retail on Folsom Street,  
12 and individual townhouse-style residential units on First, Fremont, Beale, Main,  
13 and Spear Streets, as well as on alleys and mid-block pathways. Parking will be  
14 located below grade, and building utilities (loading bays, service doors, garage  
15 doors) will be located in sidewalk vaults or on secondary frontages.

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~~(b) Residential Use Controls.~~

~~(1) Residential Density. There shall be no density limit for residential uses, as defined by Section 890.88 of this Code, in the Rincon Hill Downtown Residential District. The provisions of Sections 207 through 208 related to residential density shall not apply.~~

~~(2) Required Residential to Non-Residential Use Ratio. For newly constructed buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, at least six occupiable square feet of residential use shall be provided for each occupiable square foot of non-residential use, excluding accessory parking, on any lot legally existing. Lawfully existing live/work units shall be considered as non-residential uses for the purpose of this section, and do not satisfy the residential requirement. Exemption from the required use ratio for building additions of less than 20 percent may~~

1 ~~not be granted for any single lot if such an exemption would increase the total square~~  
2 ~~footage of the building to an amount 20 percent greater than existed on the lot since the~~  
3 ~~adoption of this Section.~~

4 ~~(3) Required unit size mix. No less than 40 percent of all units on site must have at least~~  
5 ~~two bedrooms or more. Projects are encouraged to have at least 10 percent of all units~~  
6 ~~on site with three bedrooms or more.~~

7 ~~(4) For newly constructed buildings or additions, which exceed 20 percent or more of~~  
8 ~~an existing structure's gross floor area, all building area above 85 feet in height shall be~~  
9 ~~devoted to residential use.~~

10 ~~(5) Housing Requirement for Residential Developments. The requirements of Sections~~  
11 ~~315 through 315.9 shall apply in the RH DTR subject to the following exceptions:~~

12 ~~(A) If constructed on site, a minimum of 12 percent of the total units constructed, and if~~  
13 ~~constructed off site, a minimum of 17 percent of the total units constructed, shall be~~  
14 ~~affordable to and occupied by qualifying persons and families as defined elsewhere in~~  
15 ~~this Code.~~

16 ~~(B) Below market rate units as required by Sections 315 through 315.9 that are built~~  
17 ~~off site must be built within the area bounded by Market Street, the Embarcadero, King~~  
18 ~~Street, Division Street, and South Van Ness Avenue.~~

19 ~~(C) No less than fifty percent (50%) of the fees that are paid due to development in the~~  
20 ~~Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the~~  
21 ~~Citywide Affordable Housing Fund, but the funds shall be separately accounted for and~~  
22 ~~designated exclusively to increase the supply of affordable housing in the SOMA area.~~

23 ~~(D) Fifty percent (50%) of the below market rate units as required by Section 315~~  
24 ~~through 315.9 that are built on or off site must be provided as rental units for the life of~~  
25 ~~the project, as defined in Planning Code Section 315.7(a).~~

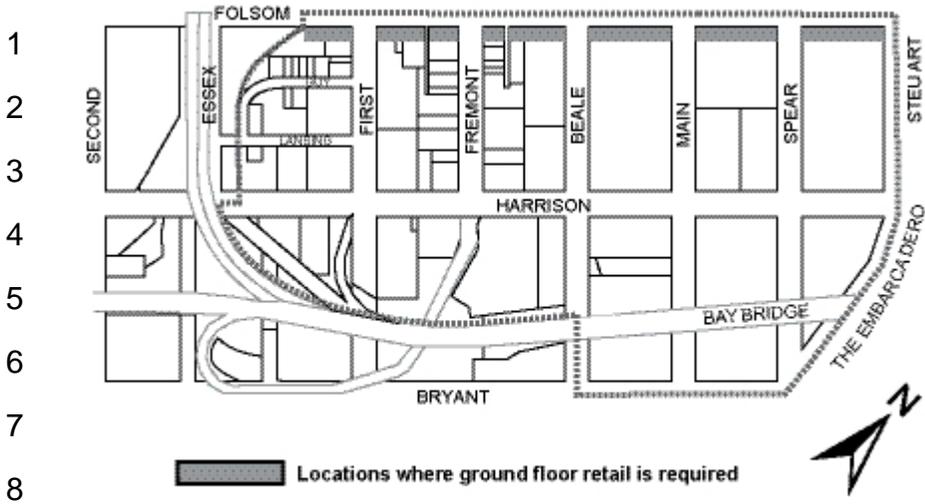
1 ~~(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors~~  
2 ~~with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan~~  
3 ~~prior to any expenditure of the Funds.~~

4 ~~(e)~~ (2) Street-Facing Use Requirements. Pedestrian-oriented retail, residential,  
5 institutional uses, and community services are required ground floor uses on all  
6 street facing frontages, except for the minimum frontage required for fire doors,  
7 parking and loading access, and other utilities.

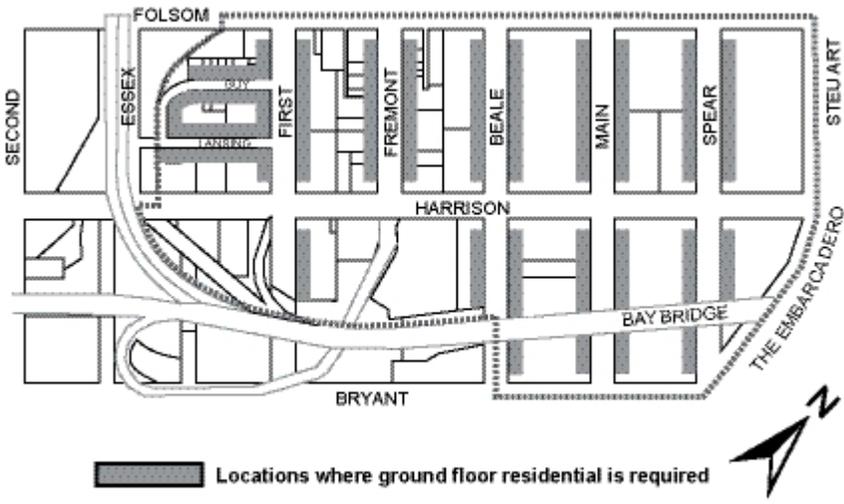
8 ~~(f)~~ (A) Required Ground Floor Retail Spaces. For frontages facing Folsom  
9 Street, ground floor space suitable for retail use is required for no less than 75  
10 percent of all frontages, as specified in Section 145.4.

11 ~~(2)~~ (B) Required Individual Ground Floor Residential Units. For building  
12 frontages facing Fremont, First, Main, Beale and Spear Streets more than 60 feet  
13 from an intersection with Folsom, Harrison, or Bryant Streets, and for building  
14 frontages facing Guy Place and Lansing Street, individual ground floor residential  
15 units with direct pedestrian access to the sidewalk are required at intervals of no  
16 greater than 25 feet, except where residential lobbies, parking and loading  
17 access, utilities, and open space are necessary and provided pursuant to the  
18 allowances of Section 827 and other sections of this Code. Individual ground  
19 floor residential units are also encouraged along Harrison Street, Bryant Street,  
20 and alleys and mid-block pedestrian paths where appropriate.

21 Figure 827(B): Frontages Where Ground Floor Retail Uses Are Required.



10 Figure 827(C): Frontages Where Ground Floor Residential Uses/Entries Are  
11 Required.



22 ~~(d) Building Design Standards.~~

23 ~~(1)~~ **(3) Required Streetwall.** Building area below 85 feet in height is required to  
24 be built to 100 percent of all property lines facing public rights-of-way, except  
25 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(c). 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-

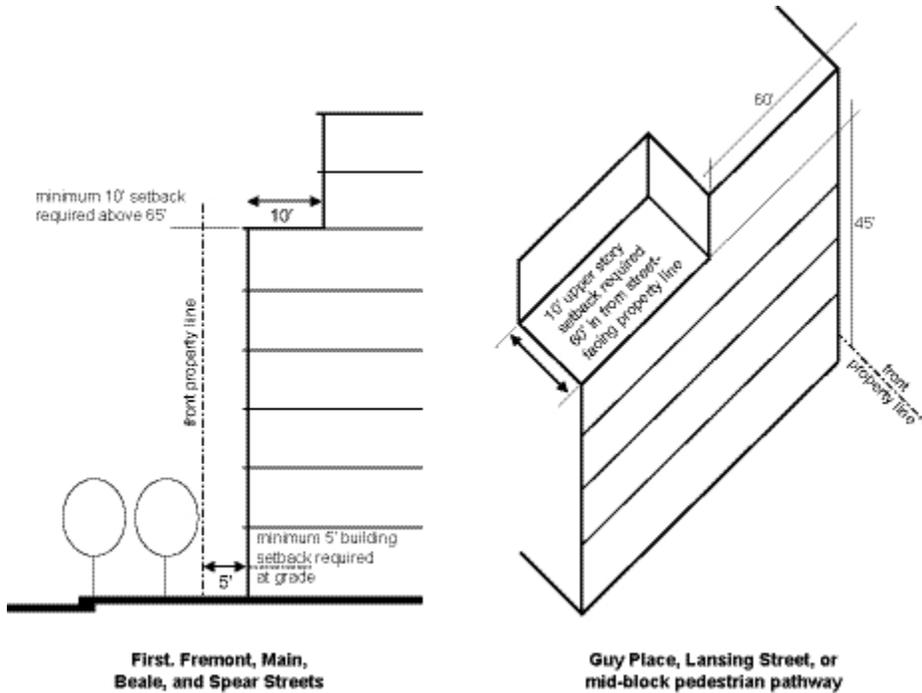
1 block pedestrian pathways, are required to be set back at least 10 feet above 45  
2 feet in height from said right-of-way.

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.

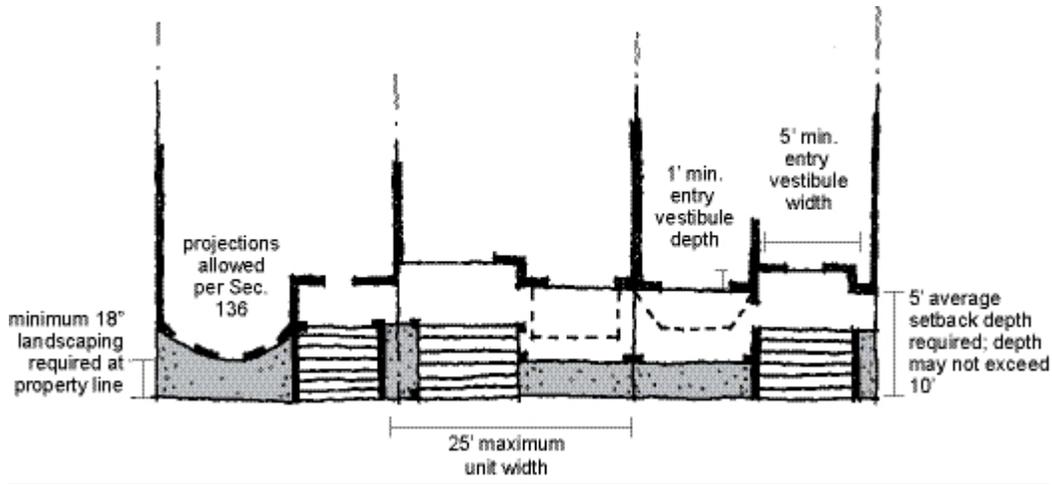
~~(A) Facade Articulation. Individual residential units are required to be vertically articulated at regular intervals of no greater than 25 feet. Changes in vertical massing, architectural projections and recesses may be used to achieve this articulation.~~

~~(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.

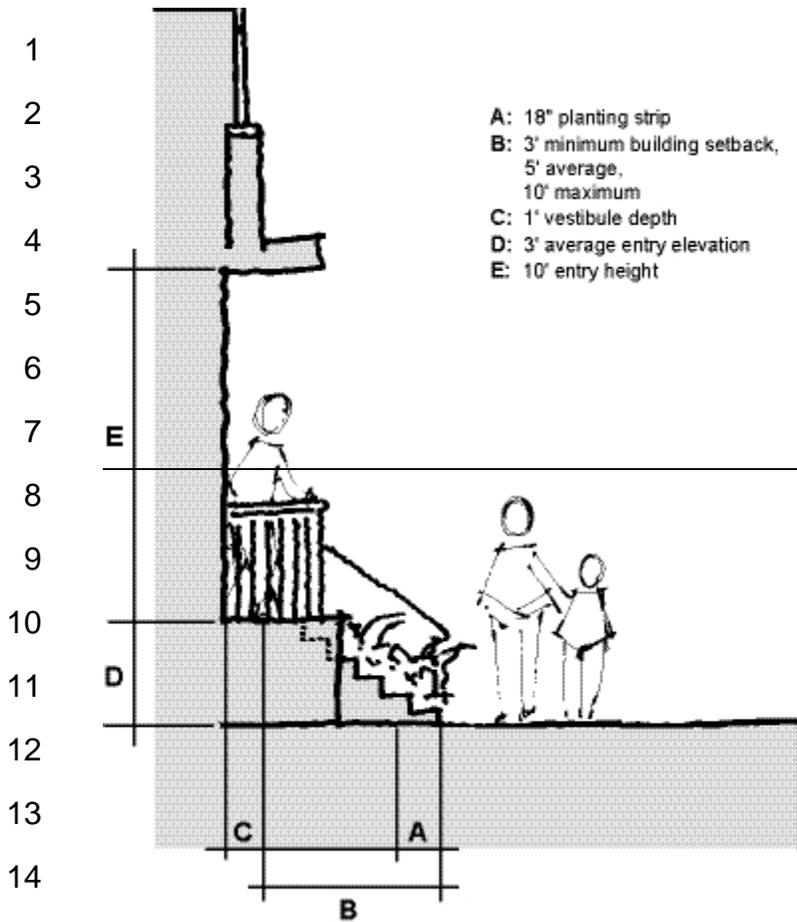
3 *Figure 827(E): Required Dimensions for Building Setbacks.*



13 *(Graphic Deleted)*

14  
15 *Figure 827(F): Required Dimensions for Building Setbacks.*

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(Graphic Deleted)

~~(6) (7) **Ground Floor Commercial Design.** *Ground floor commercial spaces must meet the standards set in Section 145.1 and 145.4.*~~

~~(A) **Minimum Depth.** *Ground floor non-residential spaces along Folsom Street must have a minimum depth of 25 feet from the Folsom Street facade.*~~

~~(B) **Minimum Ceiling Height.** *Ground floor non-residential spaces along Folsom Street must have a minimum 12 foot 6 inch clear ceiling height for the first 25 feet of depth fronting Folsom Street.*~~

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.~~

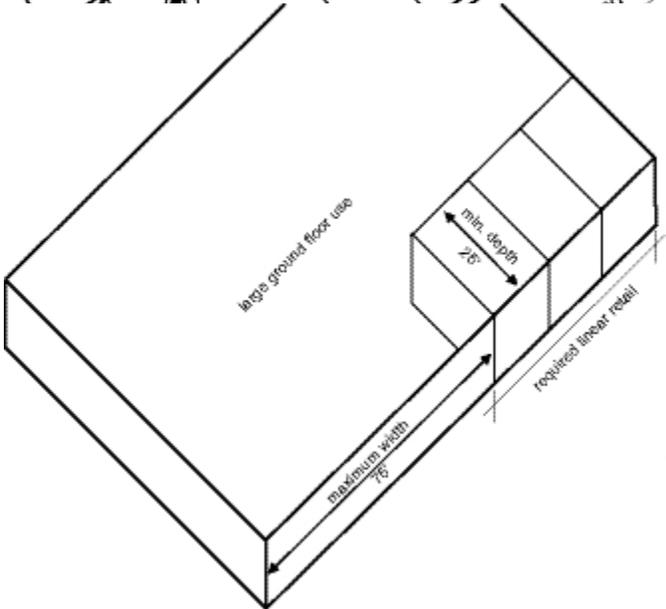
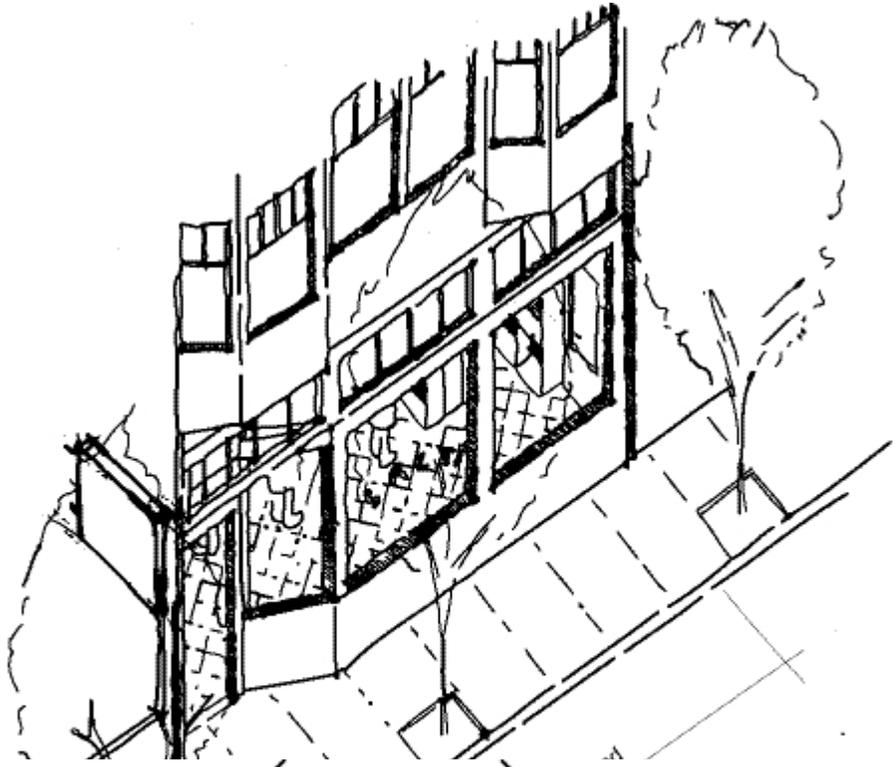
9 ~~(7) Lighting. Pedestrian scaled lighting shall be provided as an integral element of all~~  
10 ~~building facades and shall be designed and located to accentuate the uses facing the~~  
11 ~~street. Pedestrian scaled lighting shall be incorporated into all facades and landscaped~~  
12 ~~setback 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 ~~facade 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 facade 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~~

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 ~~(I)~~ (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.

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 (1) 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).**

The South Beach Downtown Residential Mixed Use District (SB-DTR), the boundaries of which are shown in Section Map No. 1 of the Zoning Map, is established for the purposes set forth below.

The SB-DTR District is adjacent to the southern edge of the downtown, generally bounded by the Bay Bridge, Bryant Street, the Embarcadero, and 2<sup>nd</sup> Street, and is primarily comprised of the former South Beach Redevelopment Area. High-density residential uses and supporting commercial and institutional uses are allowed and encouraged within the limits set by height, bulk, and tower spacing controls. Individual townhouse dwelling units with ground floor entries directly to the street are generally required on streets.

While lot coverage is limited for all levels with residential uses that do not face onto streets or alleys, traditional rear yard open spaces are not required. Specific height, bulk, and setback controls establish appropriate heights for both towers and mid-rise podium development and ensure adequate spacing between towers in order to establish a neighborhood scale and ensure light and air to streets and open spaces. Setbacks are required where necessary to provide transition space for ground floor residential uses and to ensure sunlight access to streets and open spaces. Off-street parking must be located below grade.

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT ZONING CONTROL TABLE

			<u>South Beach Downtown Residential District Zoning</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
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<u>Building and Siting Standards</u>			
<u>.10</u> -	<u>Height and Bulk</u>	<u>§§ 102.12, 105, 106, 250--252, 260, 270</u>	<u>Varies 40--200 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).</u>
<u>.11</u> -	<u>Lot Size [Per Development]</u>	<u>§§ 890.56, 121</u> -	<u>No limit</u>
<u>.12</u> -	<u>Rear Yard/Site Coverage</u>	<u>§ 136</u>	<u>100 percent lot coverage permitted; up to 80 percent for all lots at residential levels where not all units face onto streets or alleys. § 825(b)(2).</u>
<u>.13</u> -	<u>Setbacks</u>	<u>Ground Floor Residential Design Guidelines</u>	<u>Building setback of 3 to 10 ft. for all buildings with residential uses at the ground level per the Ground Floor Residential Design Guidelines.</u>
<u>.14</u> -	<u>Street-Facing Uses</u> -	<u>§§ 145.1, 145.4, 825(b)</u>	<u>Active uses required on all street frontages. See §§ 145.1, 825(b).</u>
<u>.15</u> -	<u>Parking and Loading Access: Prohibition</u>	<u>§ 155(r)</u>	<u>Prohibited on the Embarcadero. §155(r)</u>
<u>.16</u> -	<u>Parking and Loading Access: Siting and</u>	<u>§§ 145.1, 151.1, 155(r)</u>	<u>No parking permitted aboveground, except on sloping sites. Parking access limited to two openings, max. 11' wide</u>

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	<u>Dimensions</u>		<u>each, loading access limited to one 15' opening. § 825(b).</u>
<u>.17</u>	<u>Awning</u>	<u>§ 890.21</u>	<u>P, § 136.2(a)</u>
-			
<u>.18</u>	<u>Canopy</u>	<u>§ 890.24</u>	<u>P, § 136.2(b)</u>
-			
<u>.19</u>	<u>Marquee</u>	<u>§ 890.58</u>	<u>P, § 136.2(c)</u>
-			
<u>Non-Residential Standards and Uses</u>			
<u>.20</u>	<u>Required Residential to Non-Residential Use Ratio</u>	<u>§ 102.10</u>	<u>Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § 825(c)(2).</u>
-			
<u>.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 890.130</u>	<u>P for non-residential uses up to 25,000 sq. ft., C above.</u>
-			
<u>.22</u>	<u>Open Space</u>	<u>§ 135.3</u>	<u>1 sq. ft. of publicly-accessible open space for every 50 sq. ft. of non-residential use over 10,000 sq. ft. § 135.3</u>
-			
<u>.23</u>	<u>Off-Street Parking [Office uses]</u>	<u>§§ 150, 151, 151.1, 153--157, 204.5</u>	<u>None Required. Parking that is accessory to office space limited to 7% of GFA.</u>
-			
<u>.24</u>	<u>Off-Street Parking [Non-Residential]</u>	<u>§§ 150, 151, 151.1, 153--</u>	<u>None Required. Parking limited as described in Section 151.1.</u>
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1		<u>other than office</u>	<u>157, 204.5</u>	
2		<u>uses]</u>		
3	<u>.25</u>	<u>Off-Street Freight</u>	<u>§§ 150, 152.2,</u>	<u>None Required. Loading maximums</u>
4		<u>Loading</u>	<u>153--155,</u>	<u>described in Section 152.2.</u>
5	-		<u>204.5</u>	
6	<u>.26</u>	<u>All Non-Residential Uses Permitted, except as described below. §825(c)(1)(A)</u>		
7				
8				
9	<u>.27</u>	<u>Drive-Up Facility</u>	<u>§ 890.30</u>	<u>NP</u>
10	-			
11	<u>.28</u>	<u>Walk-Up Facility</u>	<u>§ 890.140</u>	<u>P if recessed 3 ft. C otherwise.</u>
12	-			
13	<u>.29</u>	<u>Hospital or Medical</u>	<u>§§ 124.1,</u>	
14	-	<u>Center</u>	<u>890.44</u>	<u>C</u>
15	<u>.30</u>	<u>Other Institutions</u>	<u>§ 890.50</u>	<u>C</u>
16	-			
17	<u>.31</u>	<u>Public Use</u>	<u>§ 890.80</u>	<u>C</u>
18	-			
19	<u>.32</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>C</u>
20	-			
21	<u>.33</u>	<u>Nighttime</u>	<u>§§ 102.17,</u>	
22		<u>Entertainment</u>	<u>803.5(b)</u>	<u>C</u>
23	-			
24	<u>.34</u>	<u>Adult</u>		
25	-	<u>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>
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<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>
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<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>

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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	<u>.50</u>	<u>Accessory Off-</u>	<u>§§ 151.1, 153--</u>	<u>None Required. Up to one car per 4</u>
16	-	<u>Street Parking,</u>	<u>157, 159--160,</u>	<u>dwelling units permitted; up to .75 cars</u>
17		<u>Residential</u>	<u>204.5</u>	<u>per unit or 1 car per unit based on unit</u>
18				<u>size, per procedures and criteria of</u>
19				<u>Section 151.1.</u>
20	<u>.51</u>	<u>Residential</u>	<u>§ 790.84, Ch.</u>	
21	-	<u>Conversions</u>	<u>41 Admin.</u>	<u>C</u>
22			<u>Code</u>	
23	<u>.52</u>	<u>Residential</u>		
24	-	<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>

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<u>840.07</u>	<u>Parking and Loading Access: Siting and Dimensions</u>	<u>§§ 145.1, 151.1, 152.1, 155</u>	<u>Requirements apply</u>
<u>840.08</u>	<u>Off-Street Parking, Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>840.09</u>	<u>Residential to non-residential ratio</u>	<u>§ 803.8(e)</u>	<u>None</u>
<u>840.10</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>840.11</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>840.12</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>840.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P</u>
<u>840.14</u>	<u>General Advertising Sign</u>	<u>§§ 607.2(b) &amp; (e) and 611</u>	<u>NP</u>
<u>Residential Uses</u>			
<u>840.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
<u>840.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
<u>840.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
<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>

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<u>Vehicle Parking</u>			
<u>840.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9, 890.11</u>	<u>NP</u>
<u>840.41</u>	<u>Automobile Parking Garage</u>	<u>§§ 890.8, 890.10, 890.12, 157.1</u>	<u>C; subject to criteria of Sec. 157.1.</u>
<u>Retail Sales and Services</u>			
<u>840.45</u>	<u>All Retail Sales and Services which are not listed below</u>	<u>§§ 890.104, 803.9(i), 121.6</u>	<u>P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.</u>
<u>840.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>C. If approved, subject to size controls in Section 840.45.</u>
<u>840.47</u>	<u>Bar</u>	<u>§ 890.22</u>	<u>C. If approved, subject to size controls in Section 840.45.</u>
<u>840.48</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C. If approved, subject to size controls in Section 840.45.</u>
<u>840.49</u>	<u>Ambulance Service</u>	<u>§§ 890.2, 840.45</u>	<u>C. If approved, subject to size controls in Section 840.45.</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	<u>840.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f)</u>	<u>NP</u>
12			<u>803.5(b)</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>§221 (f)</u>	<u>C</u>
19		<u>within Category 890.50(a)</u>		
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>§§</u>	<u>P</u>
		<u>Buildings in Historic</u>	<u>890.70, 803.9(a)</u>	

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	<u>Districts</u>		
<u>840.66</u>	<u>All Other Office Uses</u>	<u>§§ 803.9(h), 890.70, 890.118</u>	<u>Subject to vertical control of Sec. 803.9(h)</u>
<u>840.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
<u>Motor Vehicle Services</u>			
<u>840.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
<u>840.71</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>840.72</u>	<u>Motor Vehicle Service Station, Automotive Wash -</u>	<u>§§ 890.18, 890.20 -</u>	<u>P</u>
<u>840.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
<u>840.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
<u>840.75</u>	<u>Non-Auto Vehicle Sales or Rental</u>	<u>§ 890.69</u>	<u>P</u>
<u>Industrial, Home, and Business Service</u>			
<u>840.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
<u>840.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
<u>840.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
<u>840.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
<u>840.82</u>	<u>Business Goods and</u>	<u>§ 890.23</u>	<u>P</u>

1		<u>Equipment Repair Service</u>		
2	<u>840.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
3	<u>840.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
4	<u>840.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>NP</u>
5				
6	<u>840.86</u>	<u>Laboratory, not including</u>	<u>§§ 890.52,</u>	<u>P</u>
7		<u>life science laboratory</u>	<u>890.53(a)</u>	
8	<u>840.87</u>	<u>Non-Retail Greenhouse or</u>	<u>§ 227(a)</u>	<u>P</u>
9		<u>Plant Nursery</u>		
10	<u>840.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
11	<u>Other Uses</u>			
12	<u>840.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
13	<u>840.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>NP</u>
14				
15		<u>Public Use, except Public</u>		
16		<u>Transportation Facility,</u>		
17	<u>840.92</u>	<u>Internet Service Exchange,</u>	<u>§§ 890.80,</u>	<u>P</u>
18		<u>and Commercial Wireless</u>	<u>209.6(c), 227(h)</u>	
19		<u>Transmitting, Receiving or</u>		
20		<u>Relay Facility</u>		
21		<u>Commercial Wireless</u>		
22	<u>840.93</u>	<u>Transmitting, Receiving or</u>	<u>§ 227(h)</u>	<u>C</u>
23		<u>Relay Facility</u>		
24	<u>840.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>NP</u>
25	<u>840.95</u>	<u>Public Transportation</u>	<u>§ 890.80</u>	<u>P</u>

1		<u>Facilities</u>	
2	840.96	<u>Open Air Sales</u>	§§ 803.9(c), 890.38
3			<u>P</u>
4	840.97	<u>Open Recreation and Horticulture</u>	§ 209.5
5			<u>P</u>
6	840.98	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	§§ 890.140, 803.9(b)
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) &amp;</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>

1			<i>institutions; P for all other</i>	
2	<u>841.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>P</u>
3		<u>Assembly and Social</u>		
4	<u>841.34</u>	<u>Service</u>	<u>§ 890.50(a)</u>	<u>P</u>
5	<u>841.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
6		<u>Medical Cannabis</u>		
7	<u>841.36</u>	<u>Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>
8				
9	<u>Vehicle Parking</u>			
10	<u>841.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9,</u>	<u>NP</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>	<u>C; subject to criteria of Sec.</u>
14			<u>890.10, 890.12,</u>	<u>157.1.</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>	<u>P</u>
19		<u>listed below</u>		
20	<u>841.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>P</u>
21	<u>841.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
22	<u>841.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
23	<u>841.49</u>	<u>Tourist Hotel</u>	<u>890.46</u>	<u>NP</u>
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<u>Assembly, Recreation, Arts and Entertainment</u>			
<u>841.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
<u>841.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f)</u> <u>803.5(b)</u>	<u>NP</u>
<u>841.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
<u>841.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
<u>841.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
<u>841.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
<u>841.61</u>	<u>Pool Hall not falling</u> <u>within Category</u> <u>890.50(a)</u>	<u>§221 (f)</u>	<u>P</u>
<u>841.62</u>	<u>Recreation Building, not</u> <u>falling within Category</u> <u>841.21</u>	<u>§ 221(e)</u>	<u>P</u>
<u>Office</u>			
<u>841.65</u>	<u>Office Uses in Landmark</u> <u>Buildings or Contributory</u> <u>Buildings in Historic</u> <u>Districts</u>	<u>§§</u> <u>890.70, 803.9(a)</u>	<u>P</u>
<u>841.66</u>	<u>All Other Office Uses</u>	<u>§§ 890.70, 890.118</u> <u>-</u>	<u>P</u>
<u>841.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
<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>841.86</u>	<u>Laboratory, not including</u>	<u>§§ 890.52,</u>	<u>P</u>
3		<u>life science laboratory</u>	<u>890.53(a)</u>	
4	<u>841.87</u>	<u>Non-Retail Greenhouse or</u>	<u>§ 227(a)</u>	<u>P</u>
5		<u>Plant Nursery</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 2	<u>841.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c), 890.38</u>	<u>P</u>
3 4	<u>841.97</u>	<u>Open Recreation and Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
5 6 7	<u>841.98</u>	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</u>

**SEC. 842. MUO – MIXED USE – OFFICE DISTRICT.**

*The Mixed Use – Office (MUO) runs predominantly along the 2<sup>nd</sup> 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>842.02</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>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 Access: Prohibition</u>	<u>§ 155(r)</u>	<u>4<sup>th</sup> Street between Bryant and Townsend Streets</u>
<u>842.07</u>	<u>Parking and Loading Access: Siting and Dimensions</u>	<u>§§ 145.1, 151.1, 152.1, 155</u>	<u>Requirements apply</u>
<u>842.08</u>	<u>Off-Street Parking, Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>842.09</u>	<u>Residential to non-residential ratio</u>	<u>§ 803.8(e)</u>	<u>None</u>
<u>842.10</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>842.11</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>842.12</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>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) &amp; (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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			<del>three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling 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.</del>
<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>842.36</u>	<u>Medical Cannabis</u>	<u>§ 890.133</u>	<u>NP</u>
3		<u>Dispensary</u>		
4	<u>Vehicle Parking</u>			
5	<u>842.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9,</u>	<u>NP</u>
6			<u>890.11</u>	
7	<u>842.41</u>	<u>Automobile Parking</u>	<u>§§ 890.8, 890.10,</u>	<u>C; subject to criteria of</u>
8		<u>Garage</u>	<u>890.12, 157.1</u>	
9	<u>Sec. 157.1.</u>			
10	<u>Retail Sales and Services</u>			
11	<u>842.45</u>	<u>All Retail Sales and</u>	<u>§§ 890.104,</u>	<u>P up to 25,000 gross sq.ft.</u>
12				<u>Services which are not</u>
13	<u>listed below</u>	<u>803.9(i), 121.6</u>	<u>permitted only if the ratio</u>	<u>of other permitted uses to</u>
14				<u>retail is at least 3:1.</u>
15	<u>842.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>P</u>
16				
17	<u>842.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
18	<u>842.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
19	<u>842.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>C if less than 75 rooms</u>
20	<u>Assembly, Recreation, Arts and Entertainment</u>			
21	<u>842.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
22	<u>842.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f),</u>	<u>C</u>
23			<u>803.5(b)</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>falling within Category</u>		
9	<u>842.62</u>	<u>842.21</u>	<u>§ 221(e)</u>	<u>P</u>
10				
11	<u>Office</u>			
12		<u>Office Uses in Landmark</u>		
13		<u>Buildings or Contributory</u>	<u>§§</u>	
14	<u>842.65</u>	<u>Buildings in Historic</u>	<u>890.70, 803.9(a)</u>	<u>P</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>Vehicle Storage--Enclosed</u>		
23	<u>842.71</u>	<u>Lot or Structure</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of</u> <u>Sec. 157.1.</u>
24		<u>Motor Vehicle Service</u>	<u>§§ 890.18, 890.20</u>	
25	<u>842.72</u>	<u>Station, Automotive Wash</u>	<u>-</u>	<u>P</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		<u>Non-Auto Vehicle Sales or</u>		
5	<u>842.75</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		<u>Business Goods and</u>		
13	<u>842.82</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		<u>Laboratory, not including</u>	<u>§§ 890.52,</u>	
19	<u>842.86</u>	<u>life science laboratory</u>	<u>890.53(a)</u>	<u>P</u>
20		<u>Non-Retail Greenhouse or</u>		
21	<u>842.87</u>	<u>Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
22				
23	<u>842.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
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>	<u>§§ 890.140,</u>	<u>P</u>
20	<u>842.98</u>	<u>including Automated Bank</u>	<u>803.9(b)</u>	
21		<u>Teller Machine</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>843.02</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>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			
2	<u>843.10</u>	<u>Off-Street Parking,</u> <u>Non-Residential</u>	<u>§§ 150, 151,</u> <u>151.1, 153-157,</u> <u>204.5</u>
3			<u>None required. Limits set</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>and Group Housing</u>	<u>§ 135</u> <u>per unit if publicly</u> <u>accessible</u>
6			
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> <u>in-lieu fee</u>
9			
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>Sign</u>	<u>§§ 607.2(b) &amp;</u> <u>(e) and 611</u> <u>NP</u>
14			
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	<del>843.22</del>	<del>SRO Units</del>	<del>§ 890.88(c)</del> <del>P</del>
19	<u>843.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u> <u>NP</u>
20	<del>843.22-23.23</del>	<del>Student Housing</del>	<del>§ 315.1(38)</del> <del>C</del>
21			
22	<del>843.23</del> <u>24</u> <u>24</u>	<u>Dwelling Unit Density</u> <u>Limit</u>	<u>§§ 124, 207.5,</u> <u>208</u> <u>No density limit</u>
23			
24	<del>843.24</del> <u>25</u> <u>25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u> <u>At least 40% of all</u> <u>dwelling units must</u>
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			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>
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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>843.27</u>	<u>Residential</u>	
7		<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>843.30</u>	<u>Hospital, Medical</u>	
11		<u>Centers</u>	<u>NP</u>
12	<u>843.31</u>	<u>Residential Care</u>	<u>C</u>
13	<u>843.32</u>	<u>Educational Services</u>	<u>C for post-secondary</u>
14		-	<u>institutions; P for all other</u>
15	<u>843.33</u>	<u>Religious Facility</u>	<u>P</u>
16	<u>843.34</u>	<u>Assembly and Social</u>	
17		<u>Service</u>	<u>P</u>
18	<u>843.35</u>	<u>Child Care</u>	<u>P</u>
19	<u>843.36</u>	<u>Medical Cannabis</u>	
20		<u>Dispensary</u>	<u>NP</u>
21	<u>Vehicle Parking</u>		
22	<u>843.40</u>	<u>Automobile Parking</u>	
23		<u>Lot</u>	<u>NP</u>
24		<u>§§ 890.7, 890.9,</u>	
25		<u>890.11</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>P, when primarily open to</u>
20		<u>Services,</u>		<u>the general public on a</u>
21	<u>843.50</u>	<u>Professional; Services</u>	<u>§§ 890.108,</u>	<u>retail basis; subject to the</u>
22		<u>Financial; Services</u>	<u>890.110, 890.114</u>	<u>use size limits in Section</u>
23		<u>Medical</u>		<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>
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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>
6			<u>P</u>
7	<u>843.56</u>	<u>Nighttime</u>	<u>§§ 102.17, 181(f).</u>
8		<u>Entertainment</u>	<u>803.5(b)</u>
9	<u>843.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>
10	<u>843.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>
11	<u>843.59</u>	<u>Massage</u>	
12		<u>Establishment</u>	<u>§ 890.60</u>
13	<u>843.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>
14			<u>P, up to three screens</u>
15	<u>843.61</u>	<u>Pool Hall not falling</u>	
16		<u>within Category</u>	<u>§221(f)</u>
17		<u>890.50(a)</u>	<u>P</u>
18	<u>843.62</u>	<u>Recreation Building,</u>	
19		<u>not falling within</u>	<u>§ 221(e)</u>
20		<u>Category 843.21</u>	<u>P</u>
21	<u>Office</u>		
22	<u>843.65</u>	<u>Office Uses in</u>	
23		<u>Landmark Buildings</u>	<u>§§</u>
24		<u>or Contributory</u>	<u>890.70, 803.9(a)</u>
25		<u>Buildings in Historic</u>	<u>P</u>

1		<b>Districts</b>		
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>		
10	<u>843.71</u>	<u>Enclosed Lot or</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of Sec.</u>
11		<u>Structure</u>		<u>157.1.</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>843.74</u>	<u>Automobile Tow</u>	<u>§ 890.19</u>	<u>C</u>
17		<u>Service</u>		
18	<u>843.75</u>	<u>Non-Auto Vehicle</u>	<u>§ 890.69</u>	<u>P</u>
19		<u>Sales or Rental</u>		
20	<u>843.76</u>	<u>Automobile Sale or</u>	<u>§ 890.13</u>	<u>P; subject to size controls in</u>
21		<u>Rental</u>		<u>Section 843.45.</u>
22	<u>843.77</u>	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>C</u>
23				
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>

1	<u>843.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
2	<u>843.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
3	<u>843.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
4		<u>Business Goods and</u>		
5	<u>843.82</u>	<u>Equipment Repair</u>	<u>§ 890.23</u>	<u>P</u>
6		<u>Service</u>		
7				
8	<u>843.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
9	<u>843.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
10	<u>843.85</u>	<u>Laboratory, life</u>	<u>§890.53(a)</u>	<u>NP</u>
11		<u>science</u>		
12		<u>Laboratory, not</u>		
13	<u>843.86</u>	<u>including life science</u>	<u>§§ 890.52,</u>	<u>P</u>
14		<u>laboratory</u>	<u>890.53(a)</u>	
15		<u>Non-Retail</u>		
16	<u>843.87</u>	<u>Greenhouse or Plant</u>	<u>§ 227(a)</u>	<u>P</u>
17		<u>Nursery</u>		
18	<u>843.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
19				
20		<u>Other Uses</u>		
21	<u>843.90</u>	<u>Mortuary</u>	<u>§ 227(c)</u>	<u>NP</u>
22		<u>Establishment</u>		
23	<u>843.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
24	<u>843.92</u>	<u>Public Use, except</u>	<u>§§ 890.80,</u>	<u>P</u>
25		<u>Public Transportation</u>	<u>209.6(c), 227(h)</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>
23		-		

**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  
25

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,  
25

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  
25

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  
25

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  
25

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. \_\_\_\_\_).  
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. \_\_\_\_\_, a copy of which is on file  
19 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ 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