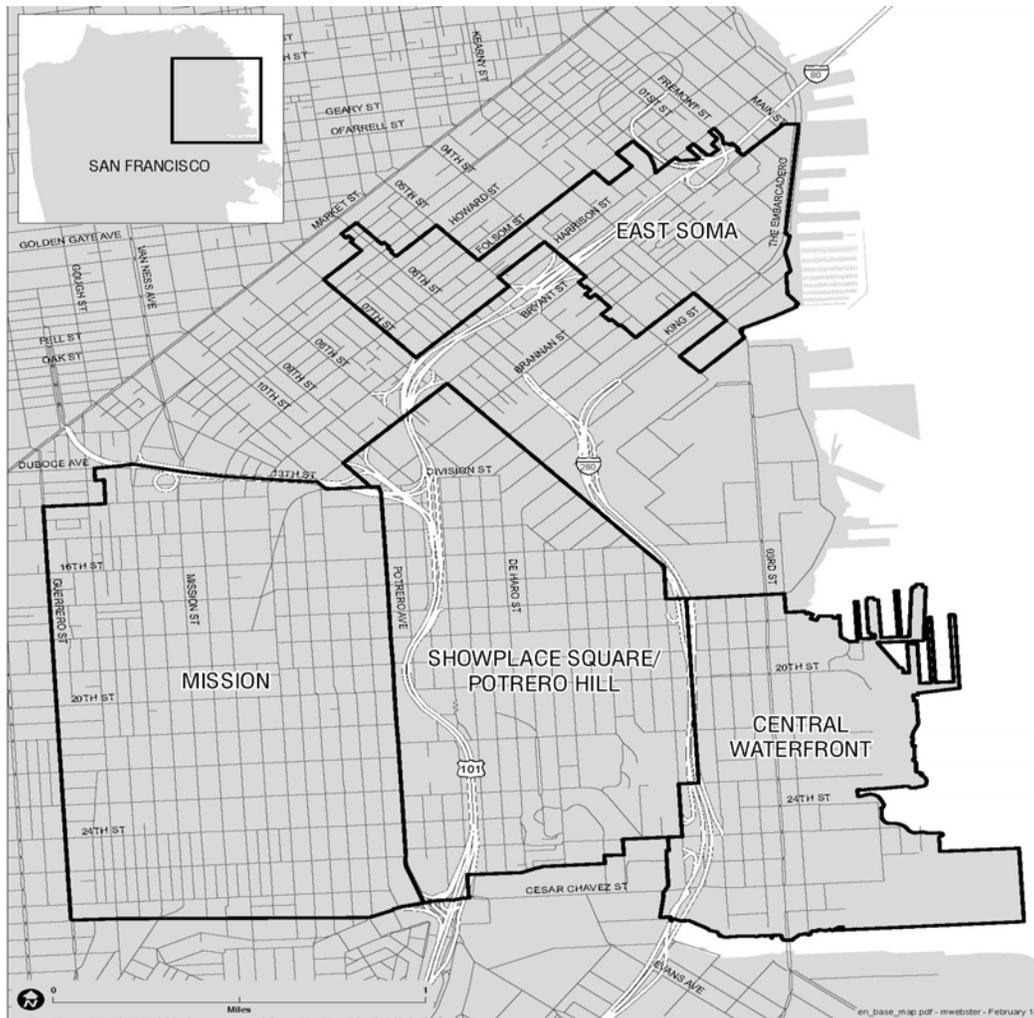


# Materials for Eastern Neighborhoods Area Plans Approvals Hearing

Case No. 2004.0160EMTUZ



For Hearing on July 31, 2008

## VOLUME 1

- I. Staff Report [provided separately]
- II. General Plan Amendments
- III. Planning Code Amendments



## SAN FRANCISCO PLANNING COMMISSION

An electronic copy of this package is available on our website at: <http://en-hearings.sfplanning.org>. If you want a printed or CD copy of the material, please call 415.575.9097 or via email [Eastern.Neighborhoods@sfgov.org](mailto:Eastern.Neighborhoods@sfgov.org).

# EASTERN NEIGHBORHOODS ADOPTION PACKAGE

7/31/08

## TABLE OF CONTENTS

### VOLUME 1

I.	Staff Report and Maps for Reference [ <b>provided separately</b> ]	
	I-1A Staff Report.....	
	I-3A Updated Zoning and Heights Maps & Zoning Matrix?	
II.	General Plan Amendments	1
	II-2A Proposed General Plan Amendments Adoption Resolution	
	II-3A Draft General Plan Amendments Ordinance	
	II-7A Table of General Plan and Area Plan amendments	
	II-8A Additional Area Plan and General Plan Amendments Language	
III.	Planning Code Amendments –	30
	III-2A Planning Code Amendments Adoption Resolution	
	III-3A Planning Code Amendments DRAFT Ordinance – changes to Existing Sections, New Sections, and Fee Ordinance	

### VOLUME 2

IV.	Zoning Map Amendments –	554
	IV-2A Zoning Map Amendments Adoption Resolution	
	IV-3A Zoning Map Amendments DRAFT Ordinance PART 1	

### VOLUME 2a

	IV-3A Zoning Map Amendments DRAFT Ordinance PART 2	954
--	--	-----

### VOLUME 3

V.	Historic Preservation Interim Procedures	1415
	V-2A Resolution on Interim Procedures and Integration of Surveys for the Eastern Neighborhoods Area Plans	
	V-3A Interim Procedures Document	
VI.	Implementation Program Document	1421
	VI-2A Resolution on Monitoring and Review of the Eastern Neighborhoods Area Plans Implementation	
	VI-3A Ordinance Amending the Administrative Code to Provide the Eastern Neighborhoods Monitoring, Review and Implementation Program	
	VI-4A Needs Assessment	
	VI-5A Nexus Studies & Financial Analysis	
VII.	Interim Policies Governing Development “Pipeline” Projects	1696
	VII-1 Resolution on Interim Policies Governing “Pipeline” Projects	
	VII-2 Resolution on Interim PDR Demolition and Replacement Policy	

## Exhibit II-2A Proposed General Plan Amendments Resolution

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

**WHEREAS**, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend to the Board of Supervisors for approval or rejection of proposed amendments to the General Plan.

The San Francisco Planning Department is seeking to implement the four Eastern Neighborhoods Area Plans, comprised of the East South of Market, the Mission, the Central Waterfront and the Showplace Square/Potrero Hill Area Plans, which seek to reduce land use conflicts between industry and other competing uses, such as office and housing in areas designated as Production, Distribution and Repair (PDR); retain existing jobs in the area; and encourage diverse and affordable housing, mixed-used areas, and complete neighborhoods.

On February 12<sup>th</sup> 2004, the Planning Commission established by Resolution 16727 interim policies and procedures (hereinafter "Interim Policies") for development proposals in sections of the Eastern Neighborhoods; which replaced the interim policies established by Resolution 16202 in August 2001 where there was overlap. The approval of the Eastern Neighborhoods General Plan and Planning Code Amendments would supersede both Resolutions by establishing permanent policies and controls for the Eastern Neighborhoods Areas, excluding the area now called "West SoMa," which is undergoing a separate process.

The Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill neighborhoods are places where much of the City's industrially-zoned land is found. For the last 10 to 15 years, these neighborhoods have been changing and have seen growing land use conflicts, where residential and office development has begun to compete with industrial uses. Resolving these difficult questions – with an emphasis on *balance* -- is at the heart of the Eastern Neighborhoods Program.

The Eastern Neighborhoods community planning process began in 2001 with the goal of developing new zoning controls for the industrial portions of these neighborhoods. A series of workshops were conducted in each area where stakeholders articulated goals for their neighborhood, considered how new zoning might

promote these goals, and created several rezoning options representing variations on the amount of industrial land to retain for employment and business activity. These proposed zoning alternatives were presented to the Planning Commission on March 3, 2003 in the report titled *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook*.

In February 2004, the Planning Commission established interim policies patterned after Option B for East SoMa, the Mission, and Showplace Square/Potrero (Resolution 16727).

Starting in 2005, the community planning process expanded to address other issues critical to these communities including affordable housing, transportation, parks and open space, urban design, and community facilities. The Planning Department began working with the neighborhood stakeholders to create Area Plans for each neighborhood to articulate a vision for the future.

The planning process resulted in four Area Plans, as listed above, which contain policies and proposals, including those for land use, urban design, housing, economic development, transportation, community facilities and historic preservation.

Work products from this process have included, but are not limited to: *Profiles of Community Planning Areas: San Francisco's Eastern Neighborhoods* (January 2002), *Industrial Land in San Francisco: Understanding Production, Distribution, and Repair* (July 2002), *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook* (February 2003), *Supply/Demand Study for Production, Distribution, and Repair (PDR) in San Francisco's Eastern Neighborhoods (EPS)*, April 2005), *Eastern Neighborhoods Proposed Permanent Zoning Controls: An Overview* (October 2005) and *San Francisco's Eastern Neighborhoods Rezoning Socioeconomic Impacts Assessment Report* (2007).

While these studies have been ongoing, the Planning Commission has adopted several Resolutions establishing interim policies and controls to preserve land for industrial uses, including Resolution 14861 (June 1999) that established Industrial Protection Zones in various locations in the City's Eastern Neighborhoods, and Resolution 16202 that carried forth the intent and objectives of these controls and policies (August 2001). Furthermore, by Resolution No. 20-07, the Board of Supervisors established City and County of San Francisco Policy for the Eastern Neighborhoods Rezoning and Community Area Plans, which overall calls for the Area Plans to be consistent with the General Plan; to facilitate affordable housing production; to protect and provide open space, transit, mixed-use neighborhood commercial retail; to protect Production, Distribution and Repair (PDR) businesses, building and space; to protect and promote arts venues spaces; to protect landmarks; and to provide an array of public benefits to mitigate the impact of new development.

The Draft Area Plans, together with the General Plan Revisions, provide a comprehensive set of policies and implementation programming to realize the vision for the four Eastern Neighborhoods, including an overall land use plan, which balances the land use goals of permitting housing development in industrially zoned areas while protecting an adequate supply of land for PDR, a strategy for encouraging housing affordable to range of city residents, an overall heights plan together with a strategy for specific urban design standards and for preservation of historic resources, an economic development strategy for local jobs and local business assistance, a framework to guide the implementation of street and transportation improvements, as well as for open space amenities and community facilities.

Overall, policies envisioned for the four Eastern Neighborhoods Area Plans would be consistent with the General Plan. However, a number of amendments to the General Plan, **attached in an Ordinance hereto as Exhibit II-3A** including the addition of the East South of Market, Mission, Central Waterfront and Showplace Square/Potrero Hill Area Plans and revisions to other Elements, Area Plans and the Land Use Index of the General Plan are required to achieve the vision and goals for the Eastern Neighborhoods. The City Attorney's Office has reviewed the draft ordinance (II-3) and approved it as to form.

On April 17, 2008, pursuant to Planning Code Section 340(c), the Planning Commission approved Resolution No. 17585, a Resolution of intention to initiate amendments to the General Plan. Subsequent to adopting Res. No. 17585, the Planning Commission authorized the Department to provide appropriate notice for a series of public hearings on the proposed amendment. The Commission held a series of public hearings to consider the proposed amendment and to receive public comment, including hearings on May 15, 2008, May 22, 2008, June 5, 2008, June 12, 2008, June 19, 2008, June 26, 2008, July 3, 2008 July 10, 2008, July 24, 2008, July 31, 2008 and August 7, 2008.

In response to the public and the Planning Commission during the approval hearings the staff has prepared and incorporated changes to the proposed General Plan amendments and the Area Plans as contained in the staff report attached hereto and incorporated herein by reference. The Planning Commission hereby directs staff to work in consultation with the City Attorney's office to make these changes and any additional changes that the Commission specifically identifies as part of its approval action, to be forwarded to the Board of Supervisors.

Staff recommends adoption of the draft resolution adopting amendments to the General Plan, which includes adding four new Area Plans - the Mission, East SoMa, Central Waterfront and Showplace Square/Potero Hill Area Plans, and making related amendments to the Commerce and Industry and the Recreation and Open Space Elements, the South of Market Area Plan, the Northeastern Waterfront Area Plan, the Central Waterfront Area Plan and the Land Use Index.

Each of the Area Plans articulates a holistic vision for the neighborhood. The Plans encourage the development of new housing, in particular housing affordable to a range of City residents, while protecting an adequate supply of land and buildings for PDR employment and businesses. The Plans will ensure that new development is directed to the appropriate places and will help resolve land use conflict in these areas.

The Area Plans support the General Plan's vision of building where transit and services can accommodate growth; encouraging public transit use over trips by private automobile; expanding housing opportunities along neighborhood commercial, mixed-use, transit and existing residential areas; strengthening neighborhood-serving commercial areas; maintaining our diverse economic base by protecting our industrial and service sectors from displacement as well as by providing adequate space for different economic activities; preserving landmarks and historic buildings as well as integrating good urban design standards for new development; and providing and improving open space, community facilities and streets and transportation in the neighborhoods.

The Plans lay the policy foundation for additional changes that are detailed in the Planning Code, Zoning Map and other implementation measures. The following Key Principles inform all the objectives and policies contained in the Plans:

*People and Neighborhoods:*

- 1) Encourage new housing at appropriate locations and make it as affordable as possible to a range of City residents
- 2) Plan for transportation, open space, community facilities and other critical elements of complete neighborhoods

*The Economy and Jobs:*

- 3) Reserve sufficient space for production, distribution and repair activities, in order to support the City's economy and provide good jobs for residents
- 4) Take steps to provide space for new industries that bring innovation and flexibility to the City's economy

In addition, a detailed implementation program that leverages funding for public improvements from new private development, existing funding streams, and innovative community strategies will accompany the Area Plans.

Planning Code Section 101.1(b) establishes eight priority policies and is a basis by which differences between competing policies in the General Plan are resolved. The project is consistent with the eight priority policies in that:

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

*The Area Plans will preserve and enhance neighborhood serving retail uses. The Plans support existing and new retail commerce by encouraging ground floor retail in commercial areas and through a number of proposed improvements to the pedestrian realm. New development, enabled by the Eastern Neighborhoods Plans, will enhance the neighborhood commercial districts along Mission Street and Valencia Street in the Mission, 6<sup>th</sup> Street in the East SoMa, and in the mixed-used areas of the neighborhoods providing potential employment and ownership opportunities for San Francisco residents. The proposed amendments will support the creation of new housing units in mixed-used areas, provide a market for increased retail uses along these corridors and allow expansion of the customer base for neighborhood serving businesses.*

*In addition, the Plans direct the Planning Department to work closely with the Mayor's Office of Economic and Workforce Development and other relevant City agencies to ensure economic development programs and policies are in place to protect and promote small, existing business and to support and provide employment and skills training for residents.*

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

*The Plans protect and enhance the existing neighborhood character by applying appropriate height and bulk limits, protecting landmark and other historic buildings, reinforcing neighborhood commercial districts, preserving and enhancing cultural and community institutions, and detailing key design principles. The proposed height and bulk controls emphasize consistency with current development patterns and focus on protecting sunlight access for streets and alleyways.*

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

*The Plans will have a positive effect on the City's affordable housing stock. They will enable the creation of new housing units in all four of the neighborhoods; positively affecting the City's housing supply. The Eastern Neighborhoods proposals would result in about 7,500 to 10,000 new housing units over the next 20 years. Projections estimate that approximately 30% of these units will be below market rate and affordable to a range of incomes, including units provided for very low and low income households, moderate income households, and middle-income households. The Plans reflect a variety of strategies to ensure that a substantial portion of new housing is affordable to individuals or families with a range of incomes. These strategies include: 1) effective use of existing tools and funding streams to dedicate revenue for affordable housing towards the Plans' Areas; 2) identifying new funding sources for affordable housing within the Plans' Areas such as an impact fee, tax increment, and new sources of dedicated City revenue; and 3) establishing new zoning districts in formerly industrial areas that require a deeper level of affordability in housing development.*

*In areas where there will be no upzoning, projects with over five units will still be subject to produce 15 to 20 percent of these units as permanently affordable pursuant to the City's existing inclusionary housing requirement.*

*Additional mechanisms to ensure permanent housing affordability include preservation of existing housing stock, unbundling parking from housing, and flexibility in density controls.*

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

*The Plans would not result in commuter traffic impeding Muni transit service or overburdening the streets or neighborhood parking. To mitigate the impacts of traffic that new residents and employees create, the Plans support improvements to an already strong existing public transit infrastructure. The Plans support the design and implementation of transit service improvements to increase Muni's speed, reliability and ridership. New parking requirements are designed to discourage private automobile trips in areas highly accessible by public transit. In addition, the Plans contain policies and recommendations aimed at reducing congestion by promoting walking, bicycling, car-sharing and transportation demand management programs.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial

office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*On balance, the Plans would not inappropriately affect the industrial sector or service sectors. In the Plans, these sectors are referred to as production, distribution, and repair (PDR) businesses and services. Compared to existing zoning, the Plans would protect PDR businesses and activities by restricting competing uses and creating clearer land use controls throughout the non-residential districts of the Plans' Areas. Specifically, as compared to existing code requirements, new provisions limiting office development in industrial and mixed-use areas will help curtail displacement due to commercial office development.*

*The Plans direct the Planning Department to work with the Mayor's Office of Economic and Workforce Development to develop and strengthen programs to attract appropriate businesses in these sectors and train workers for employment in them.*

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

*The Plans would not adversely affect preparedness against injury and loss of life in an earthquake and would comply with applicable safety standards. New residential buildings would be subject to the City's Building Code, Fire Code and other applicable safety standards.*

7. That landmarks and historic buildings be preserved.

*The Plans would not adversely affect on the preservation of landmarks and historic buildings. The four Eastern Neighborhoods Area Plans call for the protection of existing landmarks and historic buildings and establish interim policies for their preservation, while full historic surveys of the plan areas are completed to ensure that no historic resources are in conflict with the Plans. The plans strengthen protection for historic resources and potential historic districts.*

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

*The Plans would have a positive effect on parks and open space, and would not adversely affect existing open spaces or their access to sunlight and vistas. The Plans include recommendations for a series of open space improvements: a new neighborhood park in each of the four neighborhoods, as well as the addition of open space amenities to*

*sidewalks, streets and alleys. Additionally, the controls have a focus on protecting sunlight access for streets and alleyways and increasing open space requirements where they are currently deficient.*

The Eastern Neighborhoods planning process built on existing General Plan policies. Analysis of applicable General Plan Objectives and Policies has determined that the proposed action is, on balance, consistent with the General Plan as it is proposed to be amended. The proposed actions offer a compelling articulation and implementation of many of the concepts outlined in the General Plan, especially the Residence, Housing, Air Quality, Urban Design, Commerce and Industry, Transportation, Recreation and Open Space, and Arts Elements. New Area Plans' policies and zoning controls formulate these directive policies with specific consideration for the neighborhood conditions of the Eastern Neighborhoods. Below are specific policies and objectives that support the proposed actions.

NOTE: General Plan Elements are in **CAPITAL, BOLDED ITALICS**  
General Plan Objectives are in CAPITAL LETTERS  
General Plan Policies are in Arial standard font  
Key Policies and Objectives are **Bolded**  
Staff comments are in *italics*

### **1990 RESIDENCE ELEMENT**

*The Area Plans contain policies and call for land use controls that would encourage new, well-designed housing development that conserves neighborhood character; retain and enhance existing housing; provide opportunities for higher density housing near transit; and reduce the cost of building housing through various strategies such as unbundling parking requirements from housing. The Plans also would encourage below-market rate housing throughout the Planning Areas, affordable to a range of incomes.*

*In addition, the proposed controls and policies would increase the housing supply without overcrowding or adversely affecting the prevailing character of the existing neighborhoods. The removal of density limits in some areas is replaced by bedroom unit-mix requirements as well as clear set-backs and open space requirements.*

OBJECTIVE 1 TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT GROWTH

POLICY 1.1 Promote development of permanently affordable housing on surplus, underused and vacant public lands.

**POLICY 1.2 Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing uses.**

POLICY 1.4 Locate infill housing on appropriate sites in established neighborhoods.

POLICY 1.5 Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households.

POLICY 1.6 Discourage development of new housing in areas unsuitable for residential occupancy, or on sites containing existing housing worthy of retention.

POLICY 1.8 Encourage construction of new single room occupancy residential hotels.

**POLICY 2.2 Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.**

POLICY 2.3 Allow flexibility in the number and size of units within permitted volumes of larger multi unit structures, especially if the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.

**OBJECTIVE 3 TO RETAIN THE EXISTING SUPPLY OF HOUSING.**

POLICY 3.1 Discourage the demolition of sound existing housing.

POLICY 3.2 Control the merger of residential units.

POLICY 3.3 Consider legalization of existing illegal secondary units where there is neighborhood support and the units can conform to minimum Code standards of safety and livability and the permanent affordability of the units is assured.

POLICY 3.4 Restrict the conversion of rental housing to condominiums or other forms of tenure or occupancy.

POLICY 3.7 Preserve the existing stock of residential hotels.

**OBJECTIVE 5 TO MAINTAIN AND IMPROVE THE PHYSICAL CONDITION OF HOUSING WHILE MAINTAINING EXISTING AFFORDABILITY LEVELS.**

**POLICY 5.5 Preserve landmark and historic residential buildings.**

**OBJECTIVE 6 TO IMPROVE THE CITYWIDE AFFORDABLE HOUSING DELIVERY SYSTEM.**

**POLICY 6.1 Reorganize and coordinate governmental activity related to affordable housing**

POLICY 6.4 Create greater public awareness of the affordable housing problem and support for affordable housing.

**OBJECTIVE 7 TO INCREASE LAND AND IMPROVE BUILDING RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING.**

**POLICY 7.1 Create more housing opportunity sites for permanently affordable housing.**

POLICY 7.2 Include affordable units in larger housing projects.

**POLICY 7.4 Promote more economical housing construction to achieve affordable housing.**

POLICY 7.5 Encourage energy efficiency in new residential development and weatherization in existing housing to reduce overall housing costs.

POLICY 7.7 Allow construction of unconventional housing types that reduce cost, if quality can be maintained.

**OBJECTIVE 8 TO EXPAND FINANCIAL RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING**

POLICY 8.1 Enhance existing revenue sources for permanently affordable housing.

POLICY 8.2 Create new sources of revenue for permanently affordable housing.

POLICY 8.3 Provide new mechanisms to assure long-term financing for permanently affordable housing.

POLICY 8.4 Develop greater investment in and support for affordable housing programs by corporations, churches, unions and financial institutions.

**OBJECTIVE 9 TO IMPROVE THE FOCUS OF AFFORDABLE HOUSING PROGRAMS**

POLICY 9.2 Make affordable housing permanently affordable.

**OBJECTIVE 10 TO PROTECT THE EXISTING AFFORDABILITY OF HOUSING.**

POLICY 10.1 Preserve affordability of existing affordable units.

POLICY 10.2 Protect existing buildings at risk of losing their subsidies or being converted to market rate housing.

**OBJECTIVE 11 TO ACHIEVE AFFORDABILITY THROUGH VARIOUS FORMS OF OWNERSHIP.**

POLICY 11.2 Support new affordable ownership programs.

**OBJECTIVE 12 TO PROVIDE A QUALITY LIVING ENVIRONMENT.**

POLICY 12.1 Assure housing is provided with adequate public improvements, services and amenities.

POLICY 12.2 Allow appropriate neighborhood-serving commercial activities in residential areas.

POLICY 12.4 Promote construction of well designed housing that conserves existing neighborhood character.

POLICY 12.5 Relate land use controls to the appropriate scale for new and existing residential areas.

**OBJECTIVE 13 TO PROVIDE MAXIMUM HOUSING CHOICE.**

POLICY 13.3 Increase the availability of units suitable for special user groups with special housing needs including large families, the elderly, and the homeless.

POLICY 13.5 Encourage economic integration in housing by ensuring that new permanently affordable housing is located in all of the City's neighborhoods, and by requiring that all new large market rate residential developments include affordable units.

POLICY 13.7 Expand opportunities for home ownership without significantly diminishing the supply of rental housing.

***2004 HOUSING ELEMENT***

*The Area Plans contain policies and call for land use controls that would encourage new, well-designed housing development; retain and enhance existing housing; provide opportunities for higher density housing near transit; and reduce the cost of building housing through various strategies such as unbundling parking requirements from housing. The Plans also would encourage below-market rate housing throughout the Planning Areas, affordable to a range of incomes.*

**OBJECTIVE 1 TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.**

**POLICY 1.1 Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects,**

**especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhood support.**

**POLICY 1.2 Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.**

**POLICY 1.3 Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.**

POLICY 1.4 Locate in-fill housing on appropriate sites in established residential neighborhoods.

*POLICY 1.5 Support development of affordable housing on surplus public lands.*

POLICY 1.6 Create incentives for the inclusion of housing, including permanently affordable housing, in new commercial development projects.

POLICY 1.8 Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households

**OBJECTIVE 2 RETAIN THE EXISTING SUPPLY OF HOUSING.**

POLICY 2.1 Discourage the demolition of sound existing housing.

POLICY 2.2 Control the merger of residential units to retain existing housing.

POLICY 2.3 Restrict the conversion of rental housing to other forms of tenure or occupancy.

POLICY 2.4 Retain sound existing housing in commercial and industrial areas.

POLICY 2.5 Preserve the existing stock of residential hotels.

POLICY 2.6 Consider legalization of existing illegal secondary units where there is neighborhood support and the units can conform to minimum Code standards of safety and livability and the permanent affordability of the units is assured.

**OBJECTIVE 3 ENHANCE THE PHYSICAL CONDITION AND SAFETY OF HOUSING WITHOUT JEOPARDIZING USE OR AFFORDABILITY.**

POLICY 3.1 Ensure that existing housing is maintained in a decent, safe, and sanitary condition, without increasing rents or displacing low-income households.

**POLICY 3.6 Preserve landmark and historic residential buildings.**

**OBJECTIVE 4 SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.**

**POLICY 4.1 Actively identify and pursue opportunity sites for permanently affordable housing.**

POLICY 4.2 Include affordable units in larger housing projects.

POLICY 4.3 Encourage the construction of affordable units for single households in residential hotels and "efficiency" units.

POLICY 4.5 Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

POLICY 4.6 Support a greater range of housing types and building techniques to promote more economical housing construction and achieve greater affordable housing production.

**OBJECTIVE 5 INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.**

POLICY 5.3 Create greater public awareness about the quality and character of affordable housing projects and generate community-wide support for new affordable housing.

**POLICY 5.4 Coordinate governmental activities related to affordable housing.**

**OBJECTIVE 6 PROTECT THE AFFORDABILITY OF EXISTING HOUSING.**

POLICY 6.1 Protect the affordability of units in existing buildings at risk of losing their subsidies or being converted to market rate housing.

POLICY 6.2 Ensure that affordable housing is kept affordable.

POLICY 6.4 Achieve permanent affordability through non-profit and limited equity housing ownership and management.

POLICY 6.5 Monitor and enforce the affordability of units provided as a condition of approval of housing projects.

**OBJECTIVE 7 EXPAND THE FINANCIAL RESOURCES AVAILABLE FOR PERMANENTLY AFFORDABLE HOUSING.**

POLICY 7.1 Enhance existing revenue sources for permanently affordable housing.

POLICY 7.2 Create new sources of revenue for permanently affordable housing, including dedicated long-term financing for housing programs.

POLICY 7.3 Develop greater investments in and support for affordable housing programs by corporations, churches, unions, foundations, and financial institutions.

**OBJECTIVE 8 ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.**

POLICY 8.1 Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable units wherever possible.

POLICY 8.2 Employ uniform definitions of affordability that accurately reflect the demographics and housing needs of San Franciscans.

POLICY 8.4 Encourage greater economic integration within housing projects and throughout San Francisco.

POLICY 8.5 Prevent housing discrimination.

POLICY 8.10 Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

**OBJECTIVE 9**

**AVOID OR MITIGATE HARDSHIPS IMPOSED BY DISPLACEMENT**

POLICY 9.2 Offer displaced households the right of first refusal to occupy replacement housing units that are comparable in size, location, cost, and rent control protection.

**OBJECTIVE 11 IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO CONTINUE SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.**

POLICY 11.2 Ensure housing is provided with adequate public improvements, services, and amenities.

POLICY 11.3 Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

POLICY 11.10 Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

**URBAN DESIGN ELEMENT**

*The Area Plans would emphasize and reinforce the existing scale and character of the neighborhoods through implementation of design standards, alley controls and architectural guidelines. The Area Plans include policies and guidelines to preserve historic and potentially historic resources. The Plans also encourage a number of*

*proposed improvements to the pedestrian realm. Proposed height and bulk controls emphasize consistency with current development patterns and focus on protecting sunlight access for streets and alleyways.*

**OBJECTIVE 1: EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

POLICY 1.3 Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

POLICY 1.6 Make centers of activity more prominent through design of street features and by other means.

POLICY 1.8 Increase the visibility of major destination areas and other points for orientation.

POLICY 2.4 Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

**POLICY 2.6 Respect the character of older development nearby in the design of new buildings.**

POLICY 3.1 Promote harmony in the visual relationships and transitions between new and older buildings.

**OBJECTIVE 4: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.**

POLICY 4.10 Encourage or require the provision of recreation space in private development.

**POLICY 4.11 Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.**

POLICY 4.13 Improve pedestrian areas by providing human scale and interest.

## **TRANSPORTATION ELEMENT**

*A key strategy of the Area Plans is to capitalize on the availability of transit and improve non-auto modes of travel in the neighborhoods. The Plans support improvements to the existing transit infrastructure and encourage a number of proposed improvements to the pedestrian realm. The plans also contain policies and recommendations aimed at reducing congestion by promoting walking, bicycling, car-sharing and transportation demand management programs.*

POLICY 1.1 Involve citizens in planning and developing transportation facilities and services, and in further defining objectives and policies as they relate to district plans and specific projects.

POLICY 1.2 Ensure the safety and comfort of pedestrians throughout the city.

POLICY 1.3 Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

POLICY 1.6 Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

### **OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

POLICY 2.5 Provide incentives for the use of transit, carpools, vanpools, walking and bicycling and reduce the need for new or expanded automobile and automobile parking facilities.

### **OBJECTIVE 3: MAINTAIN AND ENHANCE SAN FRANCISCO'S POSITION AS A REGIONAL DESTINATION WITHOUT INDUCING A GREATER VOLUME OF THROUGH AUTOMOBILE TRAFFIC.**

OBJECTIVE 4: MAINTAIN AND ENHANCE SAN FRANCISCO'S POSITION AS THE HUB OF A REGIONAL, CITY-CENTERED TRANSIT SYSTEM.

### **OBJECTIVE 11: ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.**

POLICY 11.2 Continue to favor investment in transit infrastructure and services over investment in highway development and other facilities that accommodate the automobile.

POLICY 12.1 Develop and implement strategies which provide incentives for individuals to use public transit, ridesharing, bicycling and walking to the best advantage, thereby reducing the number of single occupant auto trips.

OBJECTIVE 14: DEVELOP AND IMPLEMENT A PLAN FOR OPERATIONAL CHANGES AND LAND USE POLICIES THAT WILL MAINTAIN MOBILITY AND SAFETY DESPITE A RISE IN

TRAVEL DEMAND THAT COULD OTHERWISE RESULT IN SYSTEM CAPACITY DEFICIENCIES.

POLICY 14.2 Ensure that traffic signals are timed and phased to emphasize transit, pedestrian, and bicycle traffic as part of a balanced multi-modal transportation system.

POLICY 14.3 Improve transit operations by implementing strategies that facilitate and prioritize transit vehicle movement and loading.

POLICY 14.4 Reduce congestion by encouraging alternatives to the single occupant auto through the reservation of right-of-way and enhancement of other facilities dedicated to multiple modes of transportation.

POLICY 14.7 Encourage the use of transit and other alternatives modes of travel to the private automobile through the positioning of building entrances and the convenient location of support facilities that prioritizes access from these modes.

**OBJECTIVE 15: ENCOURAGE ALTERNATIVES TO THE AUTOMOBILE AND REDUCED TRAFFIC LEVELS ON RESIDENTIAL STREETS THAT SUFFER FROM EXCESSIVE TRAFFIC THROUGH THE MANAGEMENT OF TRANSPORTATION SYSTEMS AND FACILITIES.**

POLICY 15.2 Consider partial closure of certain residential streets to automobile traffic where the nature and level of automobile traffic impairs livability and safety, provided that there is an abundance of alternative routes such that the closure will not create undue congestion on parallel streets.

POLICY 20.2 Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.

**OBJECTIVE 23: IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.**

**OBJECTIVE 24: IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

POLICY 24.4

Preserve pedestrian-oriented building frontages.

**OBJECTIVE 26: CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

POLICY 26.1

Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

POLICY 26.3

Encourage pedestrian serving uses on the sidewalk.

OBJECTIVE 30: ENSURE THAT THE PROVISION OF NEW OR ENLARGED PARKING FACILITIES DOES NOT ADVERSELY AFFECT THE LIVABILITY AND DESIRABILITY OF THE CITY AND ITS VARIOUS NEIGHBORHOODS.

### **COMMERCE AND INDUSTRY ELEMENT**

*The Area Plans propose development densities, design guidelines, and pedestrian improvements that encourage and increase active ground floor-retail and neighborhood commercial uses within walking distance of residences and other major uses. The Area Plans also support and encourage existing and new retail commerce by encouraging ground floor retail in commercial areas. The proposed amendments will support the creation of new housing units in mixed-used areas, providing a market for increased retail uses along these corridors and allowing expansion of the customer base for neighborhood serving businesses.*

*The Area Plans also would encourage maintaining a diverse economic base by protecting industrial businesses and activities through the limitation of competing uses and the creation of clearer land use controls in areas designated as production, distribution and repair (PDR). Specifically, the Plans contain provisions to limit office and housing development in industrial areas and mixed-use areas to limit displacement of the City's industrial and service sectors, while seeking to balance this by providing sufficient space to accommodate emerging new economic activities.*

POLICY 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

POLICY 1.3 Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2 MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**POLICY 2.1 Seek to retain existing commercial and industrial activity and to attract new such activity to the city.**

**OBJECTIVE 3 PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

**POLICY 3.1 Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.**

POLICY 3.3 Emphasize job training and retraining programs that will impart skills necessary for participation in the San Francisco labor market.

POLICY 3.4 Assist newly emerging economic activities.

OBJECTIVE 4 IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

POLICY 4.2 Promote and attract those economic activities with potential benefit to the City.

**POLICY 4.3 Carefully consider public actions that displace existing viable industrial firms.**

POLICY 4.4 When displacement does occur, attempt to relocate desired firms within the city.

**POLICY 4.5 Control encroachment of incompatible land uses on viable industrial activity.**

**POLICY 4.11 Maintain an adequate supply of space appropriate to the needs of incubator industries.**

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1 Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.2 Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.3 Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.6 Adopt specific zoning districts which conform to a generalized neighborhood commercial land use and density plan.

POLICY 6.7 Promote high quality urban design on commercial streets.

## **RECREATION AND OPEN SPACE ELEMENT**

*The new Area Plans provide for new publicly accessible open space, improved open space requirements, joint open space requirements, as well as improved access to open space and recreation. The Plans recommend a new neighborhood park in each of the four areas as well as the addition of open space amenities to sidewalks, streets and alleys.*

POLICY 2.1 Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

POLICY 2.3 Preserve sunlight in public open spaces.

**POLICY 2.7 Acquire additional open space for public use.**

POLICY 2.9 Maintain and expand the urban forest.

POLICY 2.12 Expand community garden opportunities throughout the City.

## **OBJECTIVE 4 PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.**

POLICY 4.1 Make better use of existing facilities.

**POLICY 4.4 Acquire and develop new public open space in existing residential neighborhoods, giving priority to areas which are most deficient in open space.**

POLICY 4.5 Require private usable outdoor open space in new residential development.

POLICY 4.6 Assure the provision of adequate public open space to serve new residential development.

## **COMMUNITY FACILITIES ELEMENT**

*The Area Plans encourage the support and maintenance of existing community facilities, and provision of new facilities in the neighborhoods to meet the needs of projected growing populations and to address the impact of new development. The Plans call for the appropriate location of facilities. They encourage that child care be located in schools or near transit; the consideration of school spaces in some neighborhoods to meet projected growth; the funding of other community improvements such as library materials, maintenance of public health facilities and new spaces for non-profits that serve the neighborhoods. The Plans also support efforts to preserve and enhance social and cultural institutions to can help create a strong sense of community and identity and contribute to creating vibrant neighborhoods.*

OBJECTIVE 3 ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

POLICY 3.1 Provide neighborhood centers in areas lacking adequate community facilities.

POLICY 3.4 Locate neighborhood centers so they are easily accessible and near the natural center of activity.

POLICY 3.6 Base priority for the development of neighborhood centers on relative need.

OBJECTIVE 4 PROVIDE NEIGHBORHOOD CENTERS THAT ARE RESPONSIVE TO THE COMMUNITY SERVED.

OBJECTIVE 8 ASSURE THAT PUBLIC SCHOOL FACILITIES ARE DISTRIBUTED AND LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.

### **AIR QUALITY ELEMENT**

*The Area Plans contain a number of policies that would lower negative impacts on air quality by encouraging the use of transit, improving the quality of open space, encouraging "green" development and proposing transit improvements. The Plans encourage new development in areas that are well served by transit, do not require residential parking and encourage more density along the transit corridors. The Area Plans' goals to enhance non-auto travel would reduce emissions from automobiles.*

OBJECTIVE 2: REDUCE MOBILE SOURCES OF AIR POLLUTION THROUGH IMPLEMENTATION OF THE TRANSPORTATION ELEMENT OF THE GENERAL PLAN.

*The transportation element of the general plan calls for the following:*

- reducing congestion on roadways;
- giving priority to public transit, as mandated by the "Transit First" POLICY;
- encouraging the use of modes of travel other than single occupant vehicles such as transit, carpooling, walking, and bicycling;
- promoting coordination between land use and transportation to improve air quality; and

OBJECTIVE 3: DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

POLICY 3.1 Take advantage of the high density development in San Francisco to improve the transit infrastructure and also encourage high density and compact development where an extensive transportation infrastructure exists.

**POLICY 3.2 Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.**

POLICY 3.4 Continue past efforts and existing policies to promote new residential development in and close to the downtown area and other centers of employment, to reduce the number of auto commute trips to the city and to improve the housing/job balance within the city.

POLICY 3.5 Continue existing growth management policies in the city and give consideration to the overall air quality impacts of new development including its impact on the local and regional transportation system in the permit review process. Ensure that growth will not outpace improvements to transit or the circulation system.

POLICY 3.6 Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

POLICY 3.9 Encourage and require planting of trees in conjunction with new development to enhance pedestrian environment and select species of trees that optimize achievement of air quality goals.

## **ARTS ELEMENT**

*The Plans require high design standards and the implementation of architectural guidelines. The Plans also encourage support of existing cultural venues and creating space for new cultural and social institutions as well as creating a system to demarcate important cultural and social resources in the neighborhoods.*

POLICY I.3.3 Strive for the highest standards of design of public buildings and grounds and structures placed in the public right of way.

POLICY II.2.3 Continue to increase City support for organizations and developing institutions which reflect the diverse cultural traditions of the San Francisco population.

Prior to considering relevant amendments to the General Plan, Planning Code and Zoning Map on August 7th 2008, the Planning Commission adopted Motion No.\_\_\_\_. In that action, the Commission certified the Eastern Neighborhoods Environmental Impact Report. The Planning Commission also adopted Motion No.\_\_\_\_, adopting California Environmental Quality Act Findings related to the Eastern Neighborhoods Area Plans project.

**NOW THEREFORE BE IT RESOLVED**, the Commission adopts and incorporates by reference the CEQA findings in Commission Resolution No.\_\_\_\_;

**AND BE IT FURTHER RESOLVED**, that pursuant to Planning Code Section 340(d), the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the General Plan;

**AND BE IT FURTHER RESOLVED**, that the Commission adopts, as amendments to the General Plan, the four proposed Eastern Neighborhoods Area Plans as attached hereto and incorporated herein by reference.

**AND BE IT FURTHER RESOLVED**, that the Planning Commission specifically authorizes the following additional changes to the General Plan Amendments legislation and directs staff to work with the City Attorney's Office to prepare a new version of the General Plan Amendment legislation to reflect these changes and submit the new version to the Board of Supervisors for its consideration: 1) add technical changes to address typographical errors, insert Area Plan language adopted prior to approval, and similar technical changes; and 2) incorporate any additional changes to the Eastern Neighborhoods Area Plans or the General Plan that the Planning Commission specifically identifies as part of its approval action on August 7, 2008;

**AND BE IT FURTHER RESOLVED**, that the Planning Commission adopts a Resolution approving amendments to the General Plan of the City and County of San Francisco, in order to implement the proposed four Eastern Neighborhoods Plans – Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill Area Plans, as contained in a draft ordinance approved as to form by the City attorney and contained in Exhibit II-3A, as though fully set forth herein;

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on August, 7, 2008.

**Linda Avery**  
Commission Secretary

1 [Approving General Plan Amendments Related to the Eastern Neighborhoods Area Plans –  
2 the Mission, East SoMa, Showplace Square/Potrero Hill and Central Waterfront Area Plans.]

3 **Ordinance amending the San Francisco General Plan by adding four new area plans,**  
4 **entitled the Mission Area Plan, the East South of Market (East SoMa) Area Plan, the**  
5 **Showplace Square/Potrero Hill Area Plan and the Central Waterfront Area Plan and**  
6 **approving General Plan amendments to implement the four aforementioned Eastern**  
7 **Neighborhoods Area Plans by amending the Commerce and Industry and Recreation**  
8 **and Open Space Elements, the Land Use Index, and the South of Market, Northeastern**  
9 **Waterfront, and Central Waterfront Area Plans; making environmental findings and**  
10 **findings that the proposed amendments are consistent with the General Plan and the**  
11 **eight priority policies of the Planning Code Section 101.1.**

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

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

17 Section 1. Findings.

18 A. Section 4.105 of the Charter of the City and County of San Francisco provides  
19 that the Planning Commission shall periodically recommend to the Board of Supervisors, for  
20 approval or rejection, proposed amendments to the General Plan.

21 B. On \_\_\_\_\_, the Board of Supervisors received from the Planning  
22 Department the proposed General Plan amendments including the addition of four new  
23 Eastern Neighborhoods Area Plans: the Mission Area Plan, the East SoMa Area Plan, the  
24 Showplace Square/Potrero Hill and the Central Waterfront Plan, and related General Plan  
25 amendments to the Commerce and Industry and Recreation and Open Space Elements, the  
Land Use Index , and the South of Market, Northeastern Waterfront, and Central Waterfront

1 Area Plans, collectively, the "Eastern Neighborhoods Area Plan Amendments". These  
2 Amendments are on file with the Clerk of the Board of Supervisors in File No.\_\_\_\_\_ and are  
3 incorporated herein by reference.

4 C. Section 4.105 of the City Charter further provides that if the Board of  
5 Supervisors fails to Act within 90 days of receipt of the proposed Eastern Neighborhoods Area  
6 Plans Amendments, then the proposed amendments shall be deemed approved.

7 D. San Francisco Planning Code Section 340 provides that the Planning  
8 Commission may initiate an amendment to the General Plan by a resolution of intention,  
9 which refers to, and incorporates by reference, the proposed General Plan amendments.  
10 Section 340 further provides that Planning Commission shall adopt the proposed General  
11 Plan amendments after a public hearing if it finds from the facts presented that the public  
12 necessity, convenience and general welfare require the proposed amendment or any part  
13 thereof. If adopted by the Commission in whole or in part, the proposed amendments shall be  
14 presented to the Board of Supervisors, which may approve or reject the amendments by a  
15 majority vote.

16 E. On April 17, 2008, in Motion No. 17585 the Planning Commission initiated  
17 amendments to the General Plan, the Eastern Neighborhoods Area Plans Amendments, after  
18 a duly noticed public hearing. Said motion is on file with the clerk of the Board of Supervisors  
19 and incorporated herein by reference.

20 F. On July 31, 2008, at a duly noticed public meeting, the Planning Commission  
21 certified the Final Environmental Impact Report (EIR) for the proposed Eastern  
22 Neighborhoods Area Plans (the "Project") by Motion No. \_\_\_\_\_ finding the Final EIR  
23 reflected the independent judgment and analysis of the City and County of San Francisco, is  
24 adequate, accurate and objective, contains no significant revisions to the Draft EIR, and the  
25

1 content of the report and the procedures through which the Final EIR was prepared,  
2 publicized and reviewed comply with the provisions of the California Environmental Quality  
3 Act ("CEQA") (California Public Resources Code Section 21000 et seq.), the CEQA  
4 Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco  
5 Administrative Code. Copies of the Planning Commission Motion and Final EIR are on file  
6 with the Clerk of the Board in File No. \_\_\_\_\_ and are incorporated  
7 herein by reference.

8 G. The Project evaluated in the Final EIR includes amendments to the General  
9 Plan, Planning Code and Zoning Map related to the Project that the Planning Department has  
10 proposed. The Eastern Neighborhoods Area Plans Amendments is an action proposed by the  
11 Planning Department that is within the scope of the Project evaluated in the Final EIR.

12 H. At the same hearing during which the Planning Commission certified the Final  
13 EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the  
14 proposed Eastern Neighborhoods Area Plans Amendments in Motion \_\_\_\_\_ and  
15 adopted the Eastern Neighborhoods Area Plans Amendments in Resolution \_\_\_\_\_,  
16 finding in accordance with Planning Code Section 302 that the public necessity, convenience  
17 and general welfare required the proposed amendments. The letter from the Planning  
18 Department transmitting the proposed Eastern Neighborhoods Area Plans Amendments to  
19 the Board of Supervisors, the Final EIR and supplemental material described above, the  
20 CEQA Findings adopted by the Planning Commission with respect to the approval of the  
21 Eastern Neighborhoods Area Plans Amendments, including a mitigation monitoring and  
22 reporting program and a statement of overriding considerations, the Eastern Neighborhoods  
23 Area Plans Amendments and the Resolution approving the Eastern Neighborhoods Area  
24 Plans Amendments are on file with the Clerk of the Board in File

25

1 No. \_\_\_\_\_ . These and any and all other documents referenced  
2 in this Ordinance have been made available to the Board of Supervisors and may be found in  
3 either the files of the Planning Department, as the custodian of records, at 1650 Mission  
4 Street in San Francisco, or in File No. \_\_\_\_\_ with the Clerk of the  
5 Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco and are incorporated  
6 herein by reference.

7 I. The Board of Supervisors has reviewed and considered the Final EIR and the  
8 environmental documents on file referred to herein. The Board of Supervisors has reviewed  
9 and considered the CEQA Findings adopted by the Planning Commission in support of the  
10 approval of the Eastern Neighborhoods Area Plans Amendments, including the mitigation  
11 monitoring and reporting program and the statement of overriding considerations, and hereby  
12 adopts as its own and incorporates the CEQA Findings contained in Planning Commission  
13 Motion No. \_\_\_\_\_ by reference as though such findings were fully set forth in this  
14 Ordinance.

15 J. The Board of Supervisors endorses the implementation of the mitigation  
16 measures identified in the Planning Commission's CEQA Findings including those for  
17 implementation by other City Departments and recommends for adoption those mitigation  
18 measures that are enforceable by agencies other than City agencies, all as set forth in the  
19 CEQA Findings, including the mitigation monitoring and reporting program contained in the  
20 referenced CEQA Findings.

21 K. The Board of Supervisors finds that no substantial changes have occurred in the  
22 Project proposed for approval under this Ordinance that will require revisions in the Final EIR  
23 due to the involvement of new significant environmental effects or a substantial increase in the  
24 severity of previously identified significant effects, no substantial changes have occurred with  
25

1 respect to the circumstances under which the Project proposed for approval under the  
2 Ordinance are undertaken which will require major revisions to the Final EIR due to the  
3 involvement of new environmental effects or a substantial increase in the severity of effects  
4 identified in the Final EIR and no new information of substantial importance to the Project as  
5 proposed for approval in the Ordinance has become available which indicates that (1) the  
6 Project will have significant effects not discussed in the Final EIR, (2) significant  
7 environmental effects will be substantially more severe, (3) mitigation measure or alternatives  
8 found not feasible which would reduce one or more significant effects have become feasible  
9 or (4) mitigation measures or alternatives which are considerably different from those in the  
10 Final EIR would substantially reduce one or more significant effects on the environment.

11 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the  
12 Eastern Neighborhoods Area Plans Amendments set forth in the documents on file with the  
13 Clerk of the Board in File No. \_\_\_\_\_ will serve the public necessity,  
14 convenience and general welfare for the reasons set forth in Planning Commission Resolution  
15 No. \_\_\_\_\_ and incorporates those reasons herein by reference.

16 N. The Board of Supervisors finds that the Eastern Neighborhoods Area Plans  
17 Amendments are, on balance, in conformity with the General Plan, as it is amended by this  
18 Ordinance, and the eight priority policies of Planning Code Section 101.1 for the reasons set  
19 forth in Planning Commission Resolution No. \_\_\_\_\_. The Board hereby adopts the  
20 findings set forth in Planning Commission Resolution No. \_\_\_\_\_.

21  
22 Section 2. The Board of Supervisors hereby approves the proposed Eastern Neighborhoods  
23 Area Plans Amendments, an amendment to the General Plan, as recommended to the Board  
24 of Supervisors by the Planning Commission in Resolution No. \_\_\_\_\_, and directs the  
25

1 Planning Department to update the General Plan's Land Use Index to reflect these  
2 Amendments.

3

4

APPROVED AS TO FORM:

5

DENNIS J. HERRERA, City Attorney

6

7

By:

8

\_\_\_\_\_  
John D. Malamut  
Deputy City Attorney

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## Exhibit III-2A Planning Code Amendments Resolution

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

**WHEREAS**, Section 4.105 of the Charter of the City and County of San Francisco provides to the Planning Commission the opportunity to periodically recommend amendments to the Planning Code to the Board of Supervisors; and

As a means to implement both the goals of the General Plan that are specific to the Eastern Neighborhoods Area Plans, and the citywide effort to encourage new housing at appropriate locations affordable to a range of city residents while preserving sufficient land for necessary production, distribution and repair (PDR) businesses and activities, the Department is proposing Planning Code amendments that would apply new districts and standards and district revisions.

The Planning Code governs permitted land uses and planning standards in the area. Thus, conforming amendments to the Planning Code are required in order to implement the Eastern Neighborhoods Area Plans and in order for development to proceed in the areas consistent with the Plans.

On April 17, 2008, pursuant to Planning Code Section 302(b) and 306.3, the Planning Commission held a public hearing approved Resolution No. 17586, a Resolution of intention to initiate amendments to the Planning Code. Subsequent to adopting Res. No. 17586, the Planning Commission authorized the Department to provide appropriate notice for a series of public hearings on the proposed amendments. The Commission held a series of public hearings to consider the proposed amendments and to receive public comment, including hearings on May 15, 2008, May 22, 2008, June 5, 2008, June 12, 2008, June 19, 2008, June 26, 2008, July 3, 2008, July 10, 2008, July 24, 2008, July 31, 2008 and August 7, 2008.

In response to the public and the Planning Commission during the approval hearings the staff has prepared and incorporated changes to the proposed Planning Code amendments, as contained in a draft ordinance approved as to form by the City Attorney and attached hereto in Exhibit III-3A and incorporated herein by reference. The Planning Commission hereby directs staff to work in consultation with the City Attorney's office to make those changes that the Commission specifically identifies as part of its approval action, to be forwarded to the Board of Supervisors. In addition, Planning staff has proposed further Planning Code amendments in response to public

input, these changes are contained in Exhibit III-3B and are incorporated herein by reference.

The proposed Planning Code amendments contain proposals for changes to standards from those currently established by the Planning Code; including but not limited to those for land use, height and bulk, building design, density, open space, and parking. Proposed Planning Code text and map amendments will: a) establish 17 new zoning districts; b) amend the South Park District, RTO District, NCT Districts, Downtown Residential Districts, and PDR Districts; c) update height and bulk districts; and d) make related revisions to the Planning Code necessary to implement the General Plan as proposed to be amended and make related Planning Code Amendments pursuant to the Eastern Neighborhoods Area Plans.

The proposed new districts would include:

1. PDR-1-General (PDR-1-G)
2. PDR-1-Design (PDR-1-D)
3. PDR-2-Central Waterfront (PDR-2-CW)
4. Mission Street Neighborhood Commercial Transit District (Mission Street NCT)
5. Valencia Street Neighborhood Commercial Transit District (Valencia Street NCT)
6. Small Scale Neighborhood Commercial Transit District (NCT-2)
7. SoMa Neighborhood Commercial Transit District (SoMa NCT)
8. 24<sup>th</sup> Street - Neighborhood Commercial Transit District (24<sup>th</sup> Street-Mission NCT)
9. South Beach Downtown Residential (SB-DTR)
10. Mixed Use-General (MUG)
11. Mixed Use-Residential (MUR)
12. Mixed Use-Office (MUO)
13. Urban Mixed Use (UMU)
14. Residential Transit Oriented - Mission (RTO-M)
15. Life Science and Medical Special Use District
16. Innovative Industries Incubator Special Use District
17. 16<sup>th</sup> Street Retail Special Use District

The draft ordinance, attached hereto as Exhibit III-3A has been drafted in order to revise the Planning Code necessary to implement the Eastern Neighborhoods Area Plans, including adding Sections 102.29, 102.30, 145.4, 145.5, 157.1, 175.6, 206.5, 207.8, 210.9, 210.10, 210.12, 219.1, 222.1, 249.36, 249.37, 249.38, 263.21, 270.1, 270.2, 309.2, 319, 319.1., 319.2, 319.3, 319.4, 327, 327.1, 327.2, 327.3, 327.4, 327.5, 327.6, 327.7, 734.1, 735.1, 736.1, 802.3, 802.4, 802.5, 802.6, 803.8, 803.9, 829, 840, 841, 842, 843, 890.52, 890.53, Appendix I to Article 10, and Appendix L to Article 10 and by amending Planning Code Sections 102.5, 102.9, 121.1, 121.2, 121.5, 121.8, 121.9, 124, 132, 134, 135, 135.3, 136, 136.1, 136.2, 140, 141, 142, 143, 144, 145.1, 145.4, 147, 150, 151.1, 152, 152.1, 153, 154, 155, 161, 163, 166, 175.6, 181, 182, 201, 202, 204, 204.4, 205, 205.1, 205.3, 206, 207.1, 207.4, 207.5, 207.6, 208, 209.1, 209.2, 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 210, 210.8, 210.11, 215, 216, 217, 218,

218.1, 219, 220, 221, 222, 223, 224, 225, 226, 227, 231, 233, 234.2, 260, 261.1, 263.19, 270, 271, 304, 305, 306.2, 307, 309.1, 311, 312, 315.4, 316, 603, 607, 607.1, 607.2, 608.1, 702.1, 703.2, 726.1, 727.1, 801.1, 802.1, 803, 803.3, 803.4, 803.5, 803.6, 809, 813, 814, 815, 816, 817, 818, 820, 822, 825, 825.1, 827, 890.54, 890.70, 890.88, and 890.111 to implement the Eastern Neighborhoods Area. The City Attorney's Office has reviewed the draft ordinance and approved it as to form;

In related actions, the Commission is making amendments to the Zoning Map and to the General Plan, which include adding four new area plans, the East South of Market, Central Waterfront, Mission and Showplace Square / Potrero Hill Area Plans, and making related amendments to the Commerce and Industry, Recreation and Open Space, the South of Market Area Plan, the Northeastern Waterfront Area Plan, the Central Waterfront Area Plan and the Land Use Index to implement the four Eastern Neighborhoods Plans.

The Planning Commission finds that the Eastern Neighborhoods Planning Code Amendments are, on balance, in conformity with the General Plan and the eight Priority Policies of Planning Code Section 101.1 and with the General Plan as proposed to be amended for the reasons set forth in Planning Commission Resolution No. 17585 of Intention to Initiate Amendments to the General Plan, which accompanies this Motion, and incorporates said findings herein by reference.

Prior to considering the relevant amendments to the Planning Code, and related General Plan and Zoning Map amendments, on August 7, 2008, the Planning Commission adopted Motion No. \_\_\_\_\_. In that action, the Commission certified the Eastern Neighborhoods Environmental Impact Report. The Planning Commission also adopted Motion No. \_\_\_\_\_, adopting California Environmental Quality Act Findings related to the Eastern Neighborhoods Area Plans project. Said motions are incorporated herein by reference

**NOW, THEREFORE BE IT RESOLVED**, that the Commission considered the draft Planning Code amendment ordinance and the issues raised by the Planning staff in oral presentations and written memos on April 17, May 15, May 22, June 5, June 12, June 19, June 26, July 3, July 10, July 24, July 31 and August 7, in particular the issues set forth in the Planning staff memos dated July 3, July 10, July 24, and July 31, 2008 and incorporates said draft ordinance, presentations and memos herein by reference;

**AND BE IT FURTHER RESOLVED**, that pursuant to Planning Code Section 302 (c), the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the approval of the proposed Planning Code amendments;

**AND BE IT FURTHER RESOLVED**, that the Planning Commission wishes to adopt amendments to the Planning Code, making changes to standards from those currently established by the Planning Code; including but not limited to those related to

land use, height and bulk, density, building design, residential demolition and parking. Proposed Planning Code text and map amendments are contained in the draft ordinance approved as to form by the City Attorney in Exhibit III-3A. The Commission also recommends this legislation to the Board of Supervisors;

**AND BE IT FURTHER RESOLVED**, that the Planning Commission specifically authorizes the following additional changes to the Planning Code amendment legislation and directs staff to work with the City Attorney's Office to prepare a new version of the Planning Code amendment legislation to reflect these changes and submit the new version to the Board of Supervisors for its consideration: 1) add technical changes to address typographical errors, internal references, section titles, insert Planning Code language adopted prior to approval, and similar technical changes; 2) incorporate the additional code changes that the Planning Commission specifically identified on August 7, 2008; and 3) codify the Eastern Neighborhoods Historic Resources Interim Procedures, which are part of the Commission Initiation packet as Exhibit V-3A and incorporated herein by reference, as Planning Code amendments.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on August 7, 2008.

Linda Avery  
Commission Secretary

[Planning Code amendments to implement the Eastern Neighborhoods Area Plans.]

**Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.**

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

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

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

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

(b) Under Planning Code Section 101.1, the Board of Supervisors finds that this ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the Planning Code and with the General Plan as proposed to be amended in companion legislation and hereby adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. \_\_\_\_\_. A copy of said

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

(c) In accordance with the actions contemplated herein, this Board adopted Resolution No. \_\_\_\_\_, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by reference herein.

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

Section 2. The San Francisco Planning Code is hereby amended by adding and amending Sections 102.5, 102.9, 102.29, 102.30, 121.1, 121.2, 121.5, 121.8, 121.9, 124, 132, 134, 135, 135.3, 136, 136.1, 136.2, 140, 141, 142, 143, 144, 145.1, 145.4, 145.5, 147, 150, 151.1, 152, 152.1, 153, 154, 155, 157.1, 161, 163, 166, 175.6, 181, 182, 201, 202, 204, 204.4, 205, 205.1, 205.3, 206, 206.5, 207.1, 207.4, 207.5, 207.6, 207.8, 208, 209.1, 209.2, 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 210, 210.8, 210.9, 201.10, 210.11, 210.12, 215, 216, 217, 218, 218.1, 219, 219.1, 220, 221, 222, 222.1, 223, 224, 225, 226, 227, 231, 233, 234.2, 249.36, 249.37, 249.38, 260, 261.1, 263.19, 263.21, 270, 270.1, 270.2, 271, 304, 305, 306.2, 307, 309.1, 309.2, 311, 312, 315.4, 316, 319, 319.1, 319.2, 319.3, 319.4, 327, 327.1, 327.2, 327.3, 327.4, 327.5, 327.6, 327.7, 603, 607, 607.1, 607.2, 608.1, 702.1, 703.2, 726.1, 727.1, 734.1, 735.1, 736.1, 801.1, 802.1, 802.3, 802.4, 802.5, 802.6, 803, 803.3, 803.4, 803.5, 803.6, 803.8, 803.9, 809, 813, 814, 815, 816, 817, 818, 820, 822, 825, 825.1, 827, 829, 840, 841, 842,

843, 890.52, 890.53, 890.54, 890.70, 890.88, 890.111, Appendix I to Article 10 and Appendix L to Article 10, to read as follows:

## Article 1.0 – General Zoning Provisions

### SEC. 102.5. DISTRICT.

A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G, PDR-2 or PDR-2-CW District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown R/NC, ~~or South of Market RSD, SPD, SLR, SLI or SSO~~ District

named in Section 802.1. The term "South of Market *Mixed Use* Districts" shall refer to all RED, RSD, ~~SPD~~, SLR, SLI, or SSO Districts ~~contained entirely within the area designated as the South of Market Mixed Use Base District named in Section 802.1 shown on Sectional Maps 3SU of the Zoning Map.~~ The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU named in Section 802.1. The term "DTR District" or "Downtown Residential District" shall refer to any Downtown Residential District identified by street or area name in Section 825, 827, 828, and 829.

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

In districts other than C-3, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

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

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

- (1) Basement and cellar space, including tenants' storage areas and all other space except that used only for storage or services necessary to the operation or maintenance of the building itself;
- (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each floor;
- (3) Floor space in penthouses except as specifically excluded in this definition;

- (4) Attic space (whether or not a floor has been laid) capable of being made into habitable space;
  - (5) Floor space in balconies or mezzanines in the interior of the building;
  - (6) Floor space in open or roofed porches, arcades or exterior balconies, if such porch, arcade or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;
  - (7) Floor space in accessory buildings, except for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and
  - (8) Any other floor space not specifically excluded in this definition.
- (b) "Gross floor area" shall not include the following:
- (1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;
  - (2) Attic space not capable of being made into habitable space;
  - (3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances and areas necessary to the operation or maintenance of the building itself, if located at the top of the building or separated there from only by other space not included in the gross floor area;
  - (4) Mechanical equipment, appurtenances and areas, necessary to the operation or maintenance of the building itself (i) if located at an intermediate story of the building and forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate stories occupying less than a full floor level, provided that the mechanical equipment, appurtenances and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average floor as determined by the Zoning Administrator;
  - (5) Outside stairs to the first floor of occupancy at the face of the building which the stairs serve, or fire escapes;
  - (6) Floor space used for accessory off-street parking and loading spaces as described in Section 204.5 of this Code and up to a maximum of one hundred fifty percent (150%) of the off-street accessory parking permitted by right in Section 151.1 of this Code for C-3 Districts, and driveways and maneuvering areas incidental thereto;
  - (7) Arcades, plazas, walkways, porches, breezeways, porticos and similar features (whether roofed or not), at or near street level, accessible to the general public and not substantially enclosed by exterior walls; and accessways to public transit lines, if open

for use by the general public; all exclusive of areas devoted to sales, service, display, and other activities other than movement of persons;

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

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

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions, (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof eaves, cornices or belt courses which project no more than two feet from the face of the building wall), and (2) the area may have roofed areas along its perimeter which are also excluded from gross floor area if the minimum clear open space between any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure without walls may cover up to 10 percent of such open space without being counted as gross floor area.

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

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

(10) One-third of that portion of a window bay conforming to the requirements of Section 136(d)(2) which extends beyond the plane formed by the face of the facade on

either side of the bay but not to exceed seven square feet per bay window as measured at each floor;

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

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

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

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

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

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

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

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

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

- (A) Owned and operated by a nonprofit corporation or institution, or
- (B) Are made available rent free for occupancy only by nonprofit corporations or institutions for such functions. Building area subject to this subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for the purpose of calculating the off-street parking and freight loading requirements for the project;
- (16) In C-3 Districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building or buildings;
- (17) Floor space in mezzanine areas within live/work units where the mezzanine satisfies all applicable requirements of the San Francisco Building Code;
- (18) Floor space suitable primarily for and devoted exclusively to exhibitions or performances by live/work tenants within the structure or lot, provided that such facilities will be available rent-free to live/work tenants within the property for the life of the structure; and
- (19) In South of Market *Mixed Use* ~~RED, RSD, SPD, SLR, SLI and SSO~~ Districts, live/work units and any occupied floor area devoted to mechanical equipment or appurtenances or other floor area accessory to live/work use provided that:
  - (A) The nonresidential use within each live/work unit shall be limited to uses which are principal permitted uses in the district or otherwise are conditional uses in the district and are approved as a conditional use,
  - (B) The density, enforcement, open space, parking and freight loading and other standards specified in Sections 124(j), 135.2, 151 and 152.1 shall be satisfied, along with all other applicable provisions of this Code, and
  - (C) For the purpose of calculating the off-street parking and freight loading requirement for the project, building area subject to this subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code.

**SEC. 102.29. BEDROOM.**

*A “sleeping room”, as defined in the Building Code.*

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

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

## Article 1.2 – Dimensions, Areas, and Open Spaces

### SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.

In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as conditional uses subject to the provisions set forth in Sections 316 through 316.8 of this Code.

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, <i>Mission Street</i>	
<i>SoMa</i>	
Hayes-Gough,	
Upper Market Street,	
Polk Street,	
Valencia Street	
NC-S	Not Applicable

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

- (1) The mass and facade of the proposed structure are compatible with the existing scale of the district.
- (2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

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

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

District	Lot Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	

Upper Fillmore Street	
Haight Street	
Sacramento Street	
Union Street	
24th Street-Mission	
24th Street-Noe Valley	
West Portal Avenue	
NC-1	3,000 sq. ft.
Broadway	
Hayes-Gough	
Upper Market Street	
Polk Street	
Valencia Street	
NC-2, <i>NCT-2, SoMa</i>	4,000 sq. ft.
NC-3, NCT-3, <i>Mission Street</i>	6,000 sq. ft.
NC-S	

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

- (1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.
  - (2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.
  - (3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.
- (b) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this

Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 or Other Entertainment use as defined in Section 790.38 in a building existing prior to November 1, 1999, that was originally constructed as a multi-story, single-tenant commercial occupancy. The use area shall be measured as the gross floor area for each individual nonresidential use.

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

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

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

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

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

- (1) The mass and articulation of the proposed structures are compatible with the intended scale of the district.
- (2) For development sites greater than ½-acre, the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the

scale of the site, continue the surrounding existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.

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

**SEC. 121.58. USE SIZE LIMITS (NON-RESIDENTIAL), PDR DISTRICTS.**

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

These use size maximum limits shall not apply to accessory uses, as 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- <u>B</u>	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

**SEC. 121.79. SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.**

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

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

- (1) The proposed parcelization will support light industrial activities in the district.
- (2) If the resulting parcelization will require demolition of a structure, the demolition of the structure complies with the replacement requirement per Section 230.
- (3) The uses proposed for the parcels, if any, comply with the cumulative use size limits per Section 121.57, and other requirements of this Code.

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

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

TABLE 124

**BASIC FLOOR AREA RATIO LIMITS**

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	
West Portal	
NC-2, <u>NCT-2</u> , <u>SoMa</u>	2.5 to 1
Broadway	
Upper Fillmore	
Polk	
Valencia	

24th Street-Mission	
Castro	3.0 to 1
Hayes-Gough	
Upper Market	
Union	
NC-3, NCT-3, <i>Mission Street</i>	3.6 to 1
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1
C-1, C-2	3.6 to 1
C-2-C	4.8 to 1
C-3-C	6.0 to 1
C-3-O	9.0 to 1
C-3-R	6.0 to 1
C-3-G	6.0 to 1
C-3-S	5.0 to 1
C-3-O (SD)	6.0 to 1
C-3-S (SU)	7.5 to 1
C-M	9.0 to 1
M-1, M-2	5.0 to 1
SLR, SLI	2.5 to 1
SSO and in a 40 or 50 foot height district	3.0 to 1
SSO and in a 65 or 80 foot height district	4.0 to 1
SSO and in a 130 foot height district	4.5 to 1

<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, PDR-2, and PDR-2-CW in a 40 or 45 foot height district</u>	<u>3.0 to 1</u>
<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, PDR-2, and PDR-2-CW in a 50, 55, or 58 foot height district</u>	<u>4.0 to 1</u>
<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, PDR-2, and PDR-2-CW in a 65 or 68 foot height district</u>	<u>5.0 to 1</u>
<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, PDR-2, and PDR-2-CW in a 85 foot height district</u>	<u>6.0 to 1</u>
<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, PDR-2, and PDR-2-CW in a height district over 85 feet</u>	<u>7.5 to 1</u>

(b) In R, NC, and Mixed Use Districts the above floor area ratio limits shall not apply to dwellings or to other residential uses. In NC Districts, the above floor area ratio limits shall also not apply to nonaccessory off-street parking. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

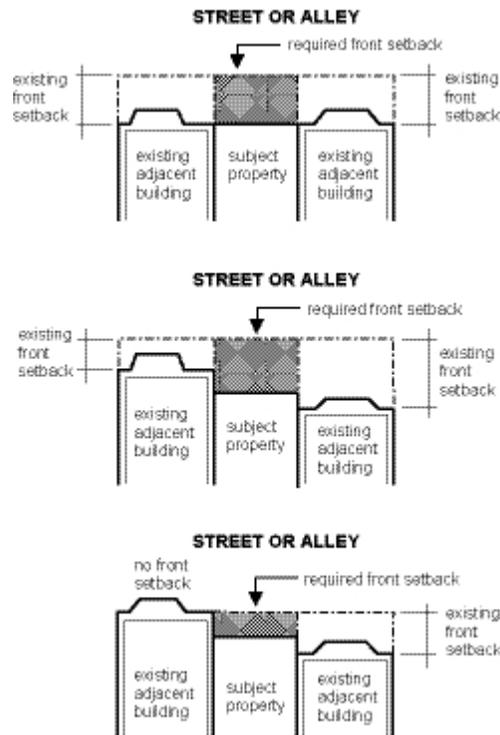
(2) The parking requirement for live/work units subject to this subsection shall be equal to that required for dwelling units within the subject district.

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

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

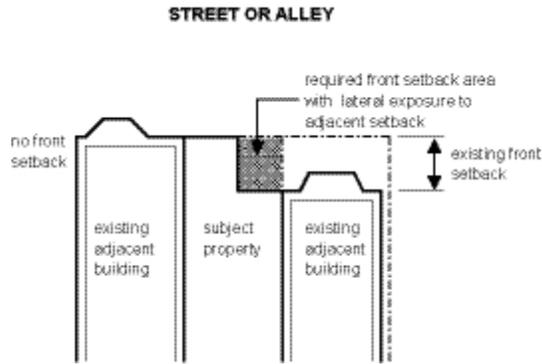
(a) Basic Requirement. Where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an "adjacent building,"

but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building."



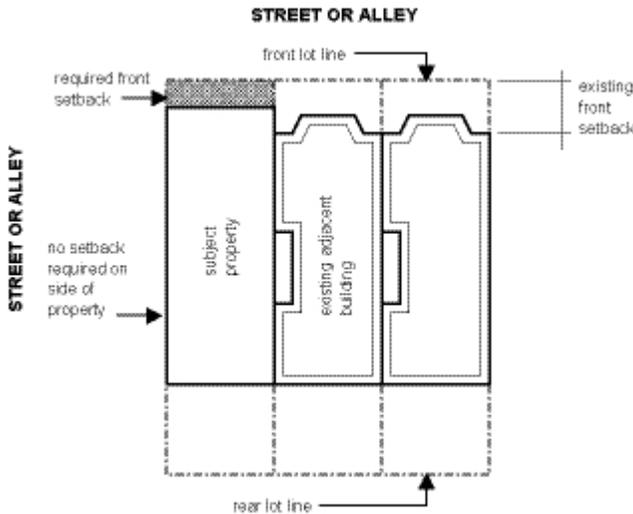
(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the street or alley times the setback depth required by Subsections (a) and (c) of this Section; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of Subsection (c) below relating to

subsequent development on an adjacent site shall be considered to be as required by Subsection (a) above, in the form of a single line parallel to the street or alley.



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

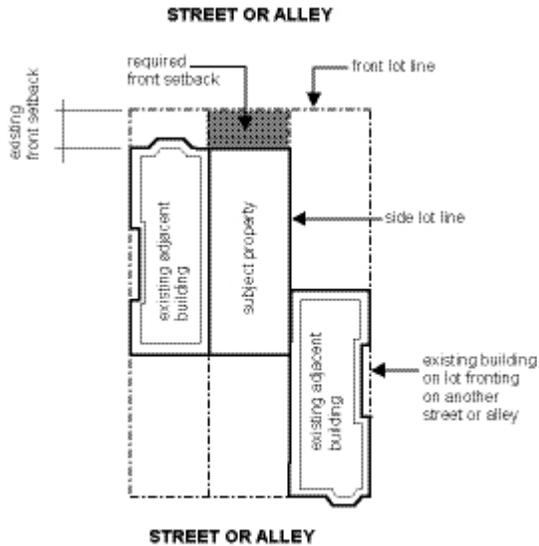
(d) Applicability to Special Lot Situations.

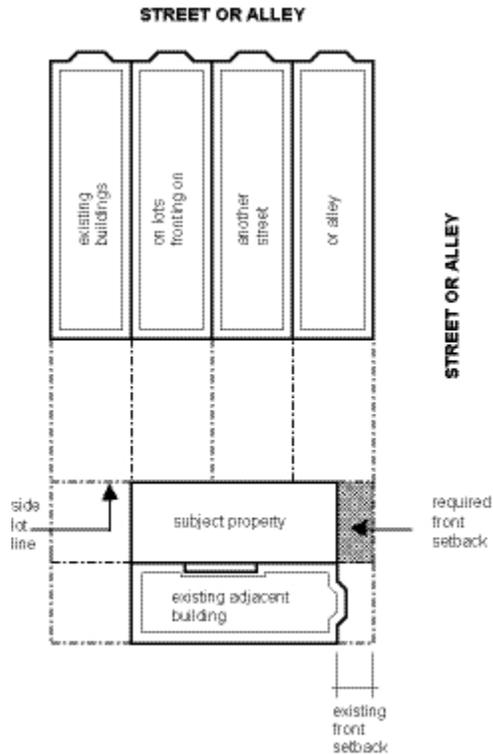


(1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area shall be required only along the street or alley elected by the owner as the front of the

property. Along such street or alley, the required setback for the subject lot shall be equal to 1/2 the front setback of the adjacent building.

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





(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 obstruction shall be constructed, placed or maintained within any such area. No motor vehicle, trailer,

boat or other vehicle shall be parked or stored within any such area, except as specified in Section 136.

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

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

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

The rear yard requirements established by this Section 134 shall apply to every building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection (a), except those buildings which contain only single room occupancy (SRO) or live/work units and except in the Bernal Heights Special Use District and Residential Character Districts to the extent these provisions are inconsistent with the requirements set forth in Section 242 of this Code. With the exception of dwellings in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts ~~base-area~~, containing only SRO units, the rear yard requirements of this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-2, NC-3, NCT-3, Individual Area Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

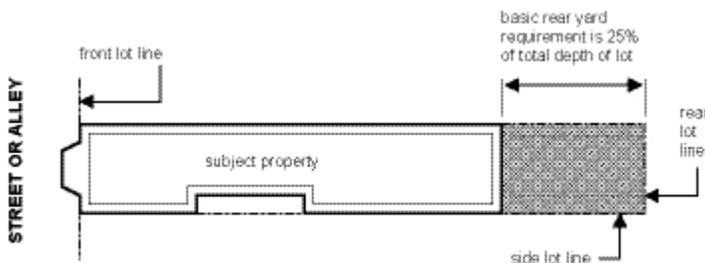
(a) Basic Requirements. The basic rear yard requirements shall be as follows for the districts indicated:

(1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M, MUG, MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts. The minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. For buildings containing only SRO units in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts ~~base-area~~, the

minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in Subsection (c) below.

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

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

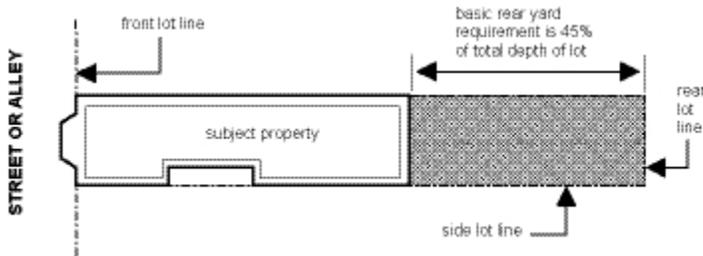


(C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, ~~and~~ SSO, MUR, MUG, MUO, and UMU Districts. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

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

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

below. Rear yards shall be provided at grade level and at each succeeding level or story of the building.



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

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

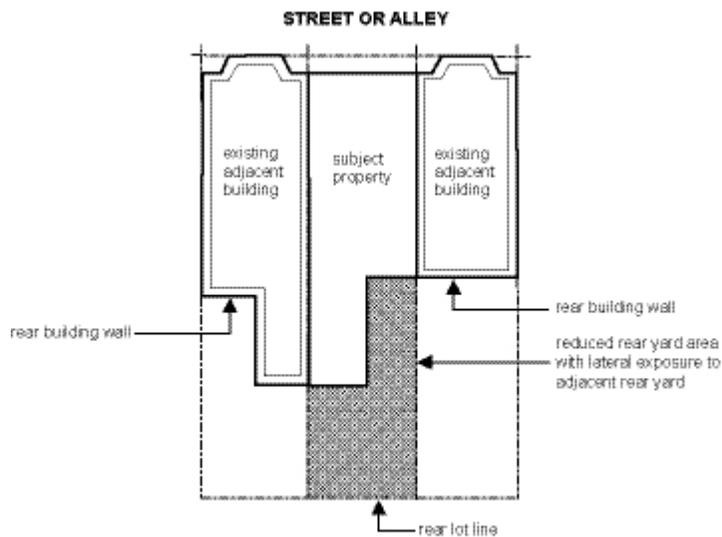
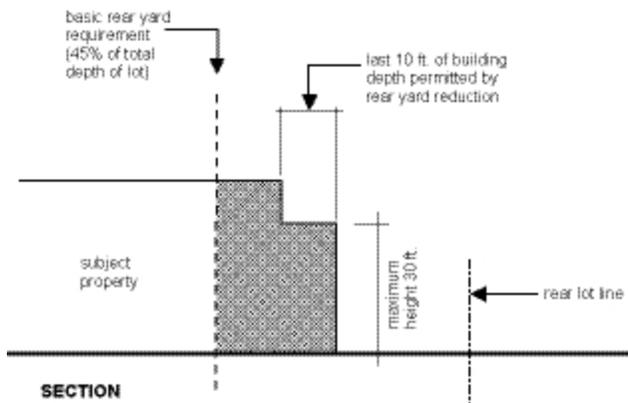
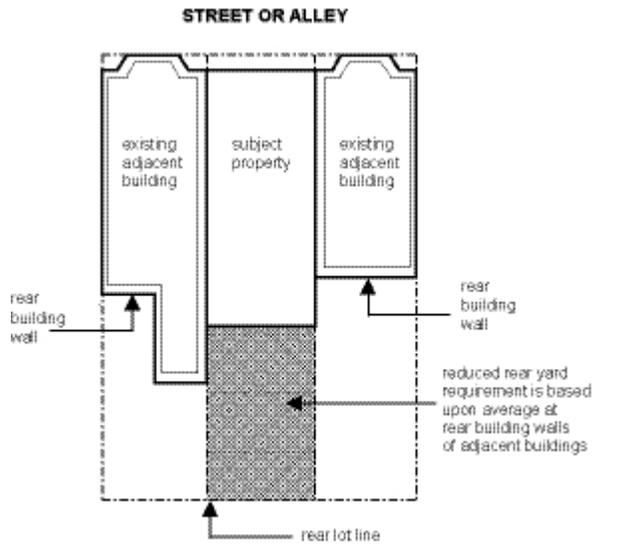
(1) General Rule. In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for single room occupancy buildings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

(2) Alternative Method of Averaging. If, under the rule stated in Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be

averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

(3) Method of Measurement. For purposes of this Subsection (c), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least 1/2 the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75percent of the total depth of the subject lot.

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

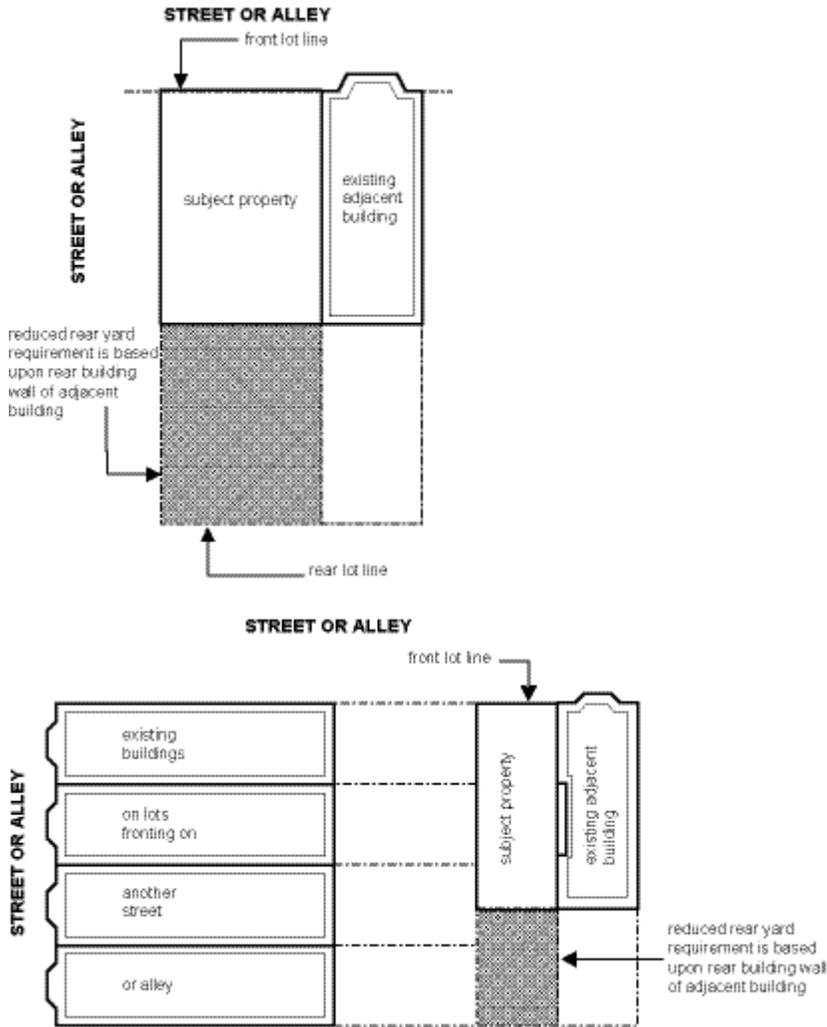


(A) Corner Lots and Lots at Alley Inter-sections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge

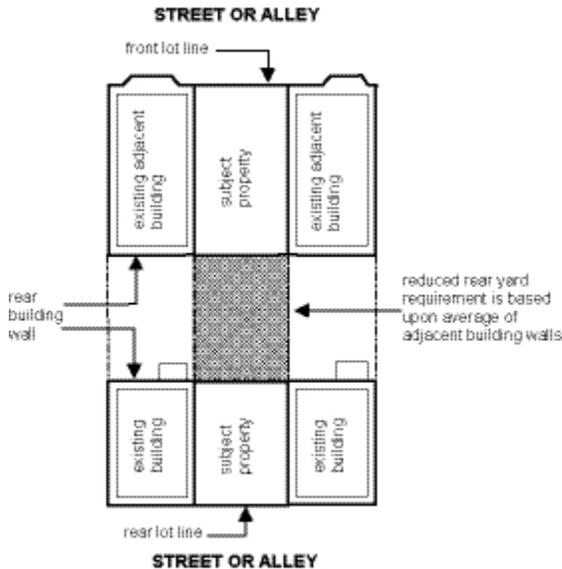
of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

(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 shall be disregarded, and 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 fronting on the same street or alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25 percent of the total depth of the subject lot, or 15 feet, whichever is greater.

(C) Through Lots Abutting Properties that Contain Two Buildings. Where a lot 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 are also through lots, each containing two dwellings or group housing structures that front at opposite ends of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided all the other requirements of this Code are met. In such cases the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the street or alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of Section 132 of this Code for front setback areas shall be 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
- (B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and
- (C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

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

- (A) Each horizontal dimension of the open area shall be a minimum of 15 feet.
- (B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.
- (C) The open area will provide for the access to light and air to and views from adjacent properties.
- (D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

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

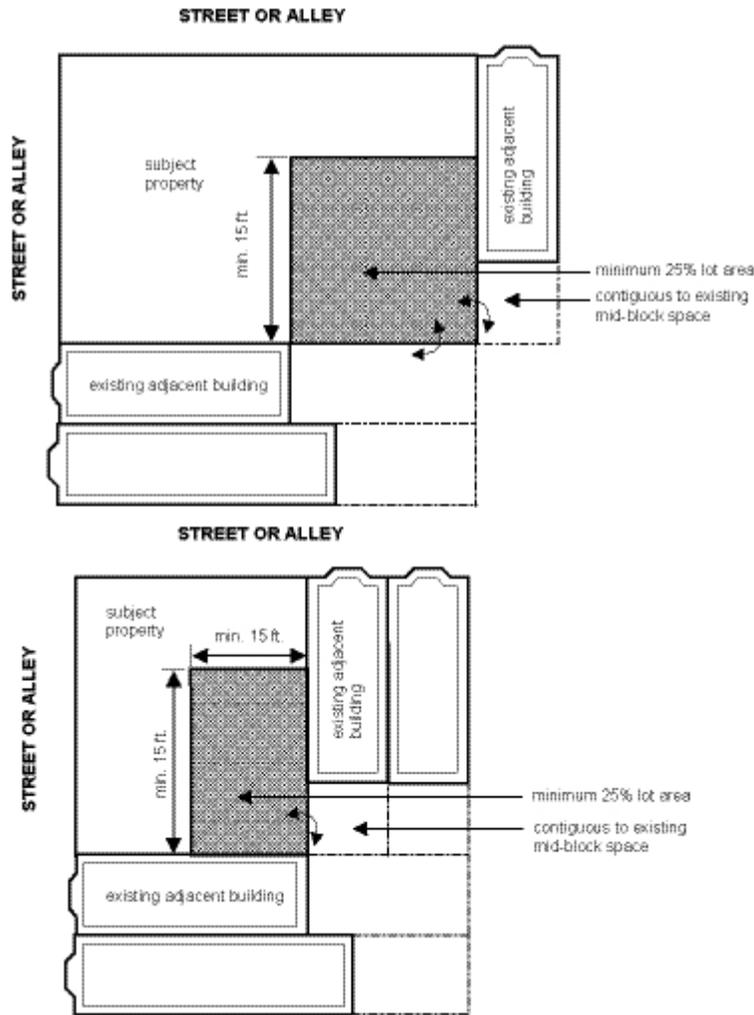
*(f) Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission pursuant to Section 309.2 for project that apply, and by the Zoning Administrator pursuant to the procedures and criteria set forth in Section 307(h) for other projects, provided that:*

- (1) Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot or within the development;*
- (2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties; and*
- (3) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.*

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

- (1) The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and
- (2) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.

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



**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.

(a) Character of Space Provided. Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this Section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms

in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing).

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

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

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

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

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

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

(1) For dwellings other than SRO dwellings, except as provided in Paragraph (d)(3) below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of ~~the~~ Table 135A if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be

provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of ~~the~~ Table 135A. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

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

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

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

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, <u>RTO-M</u>	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, <u>NCT-2</u> , NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street,	80	1.33

24th Street-Mission, 24th Street-Noe Valley, NCT-3, <i>SoMa, Mission Street</i>		
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
<i>Rincon Hill</i> DTR	This table not applicable. 75 square feet per dwelling. See Sec. <del>827</del> <u>135(d)(4)</u> .	

<u>TABLE 135B</u>		
<u>MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS</u>		
<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>
<i>80 square feet</i>	<i>54 square feet</i>	<i>50%</i>

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

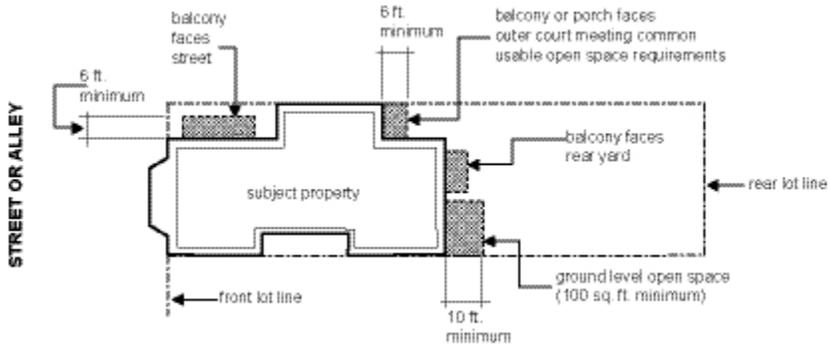
(f) Private Usable Open Space: Additional Standards.

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

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

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

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



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

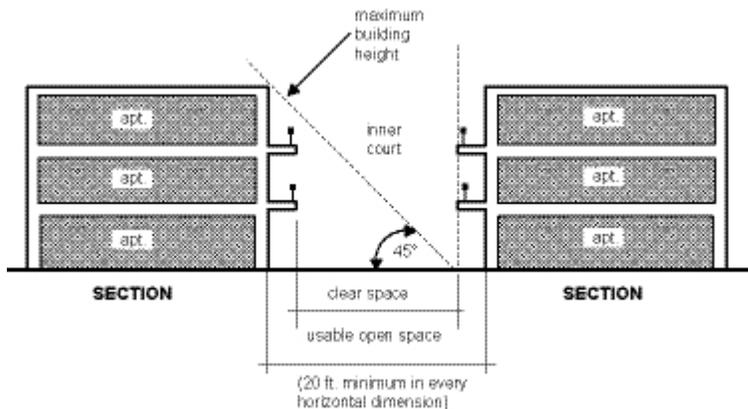
(3) Fire Escapes as Usable Open Space. Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open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

(4) Use of Solariums. In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

(g) Common Usable Open Space: Additional Standards.

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

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



(3) Use of Solariums. The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

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

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

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

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

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

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

(2) Open space shall meet the following standards:

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

(B) Be appropriately landscaped;

(C) Be protected from uncomfortable winds;

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

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

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

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

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

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

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

(4) Informational Plaque: Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the site of any publicly-accessible open space. The plaque shall identify said open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats or other defining features) and stating the name, telephone

number, and address of the owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless specifically reduced by the Zoning Administrator in cases where the nature, size, or other constraints of the open space would make the proscribed dimensions inappropriate.

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

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

(1) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement, subject to Section 309.2 for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. No more than 50 percent of a project's required usable open space shall be off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

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

(A) At least 36 square feet per residential unit of required open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.

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

*(j) Payment in Cases of Variance or Exception. In the Eastern Neighborhoods Mixed Use Districts, should a Variance from usable open space requirements for residential uses be granted by the Zoning Administrator, or an exception be granted for those projects subject to the 309.2 process, a fee of \$327 shall be required for each square foot of usable open space not provided pursuant to that Variance. This fee shall be adjusted in accordance with Section 327.3(d). This fee shall be paid into the Eastern Neighborhoods Public Benefits Fund, as described in Section 327. Said fee shall be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use Districts.*

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

(a) Amount of Open Space Required. All newly constructed structures, all structures to which gross floor area equal to 20 percent or more of existing gross floor area is added, and all structures in the SSO and Eastern Neighborhoods Mixed Use Districts within which floor area is converted to office use other than office use accessory to a non-office use

shall provide and maintain usable open space for that part of the new, additional or converted square footage which is not subject to Sections 135.1 and 135.2 as follows:

**TABLE 135.3**

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

Use	Square Feet of Usable Open Space Required
Retail, eating and/or drinking establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses	1 sq. ft. per 250 sq. ft. of occupied floor area of new or added square footage
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
<i>Manufacturing and light industrial, storage without distribution facilities, and like uses in the Eastern Neighborhoods Mixed Use Districts</i>	<i>None required</i>
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
<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</i>

	<u>footage</u>
<u>All non-residential uses in DTR Districts</u>	<u>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</u>

(1) Open space shall be provided for uses not listed in this subsection and Table (other than live/work units, dwelling units and group housing whose open space requirements are specified in Sections 135 and 135.2 of this Code), in the amount required for the listed use determined by the Zoning Administrator to be most similar to the unlisted use in question. Private or public parking structures and change of use or additions to an existing structure which are limited to uses operating solely during nighttime hours and for which public access to open space cannot feasibly be provided during daytime hours pursuant to Subsection (c)(4), shall be exempt from this open space requirement.

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

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

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

(C) Up to 50 percent of the publicly accessible open space may be provided off-site, subject to Section 309.2 for projects to which that Section applies and Section 307(h) for other projects.

Any such space shall meet the publicly accessible open space standards set forth Section 135(h) and be provided within 800 feet of the project. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

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

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

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

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

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

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

- (1) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;
- (2) Be appropriately landscaped;
- (3) Be protected from uncomfortable wind;
- (4) Incorporate ample seating and, if appropriate, access to food service, which will enhance public use of the area;
- (5) Be well signed and accessible to the public during daylight hours;
- (6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;
- (7) Be well lighted if the area is of the type requiring artificial illumination;
- (8) Be designed to enhance user safety and security;
- (9) Be of sufficient size to be attractive and practical for its intended use; and

(10) Have access to toilets, if feasible.

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

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

(e) Alternative Means of Satisfying the Open Space Requirement in the Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts, the open space requirement may be satisfied through payment of a fee of \$76 for each square foot of usable open space not provided pursuant to that Variance. This fee shall be adjusted in accordance with Section 327.3(d). This fee shall be paid into the Eastern Neighborhoods Public Benefits Fund, as

described in Section 327. Said fee shall be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use districts.

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

~~(f) [Reserved.]~~

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

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

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

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 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

				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 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

				<p>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).</p>
				<p>(A) The minimum headroom shall be 7 1/2 feet.</p>
				<p>(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be 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.</p>
				<p>(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.</p>

				<p>(D) The maximum length of each bay 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, 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-</p>

				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 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;
		x	x	(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).
				(A) The minimum headroom shall be 7 1/2 feet.
				(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 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 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 regulated by the Building Code and other portions of the Municipal Code;
x				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
x	x			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;
x	x			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;
x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
x	x			(12) Marquees, awnings and canopies in P, NC, C, M, <u>MUG</u> , <u>MUO</u> , <u>MUR</u> , <u>UMU</u> , <del>and</del> RSD, SPD, SLR, SLI, <u>DTR</u> and SSO districts, as regulated by the Building 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 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 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 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 floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,
				(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light,

				air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:
				(i) The deck shall be designed to provide the minimum obstruction to light, air, view 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,
				(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 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;
	x			(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;
	x			(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 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 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 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 horizontally.
				(2) Bay Windows. Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed 1/2 of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.

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

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

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

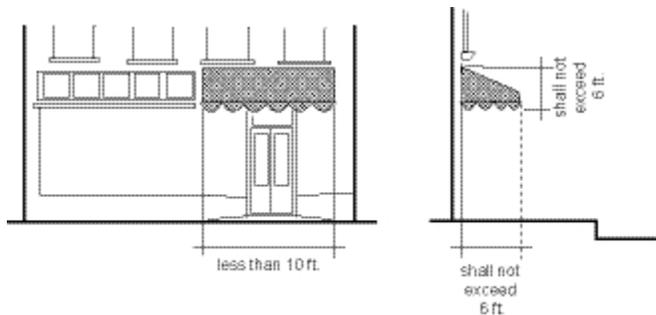
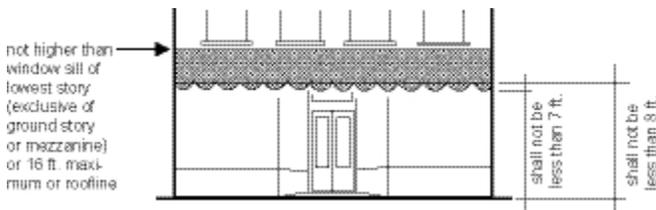
All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which shall not be less than seven feet above the

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

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

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

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



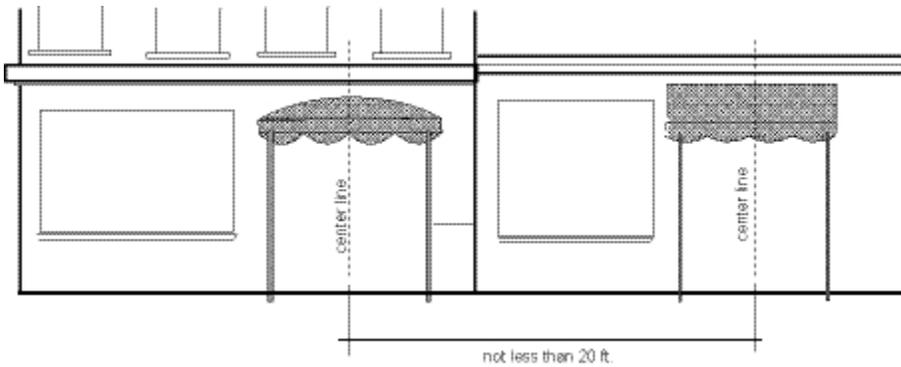
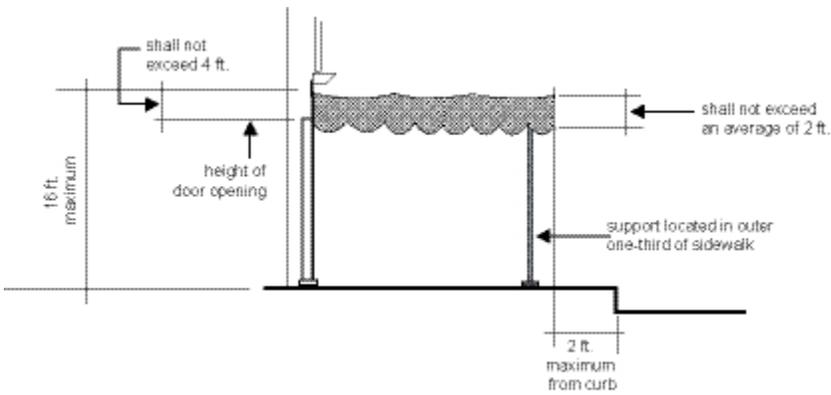
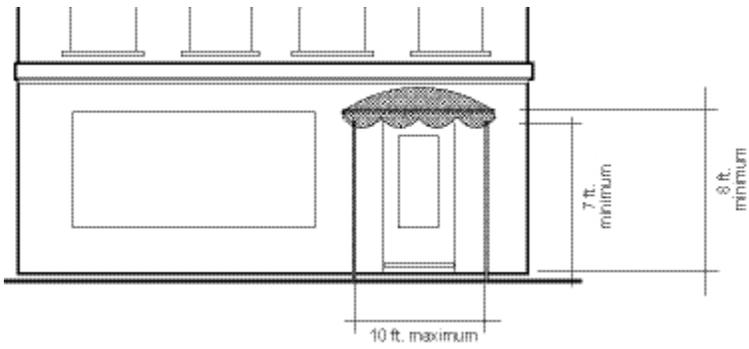


(b) Canopies. Canopies, as defined in Section 790.26 of this Code, shall be regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

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

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



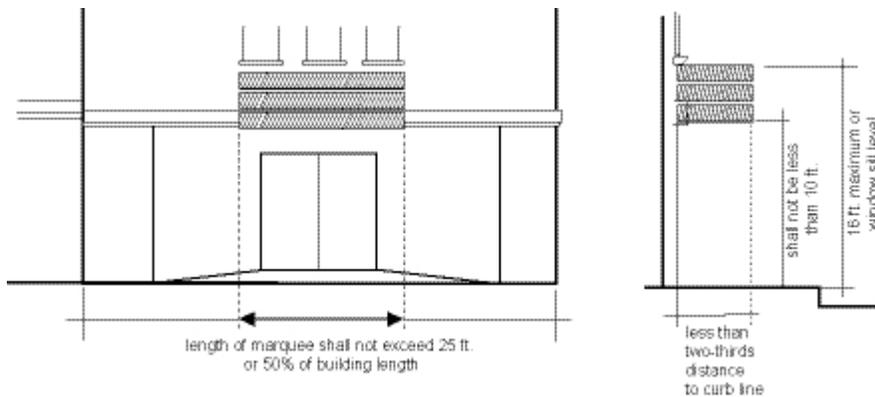
(c) Marquees. Marquees, as defined in Section 790.58 of this Code, shall be regulated in NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts below.

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

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

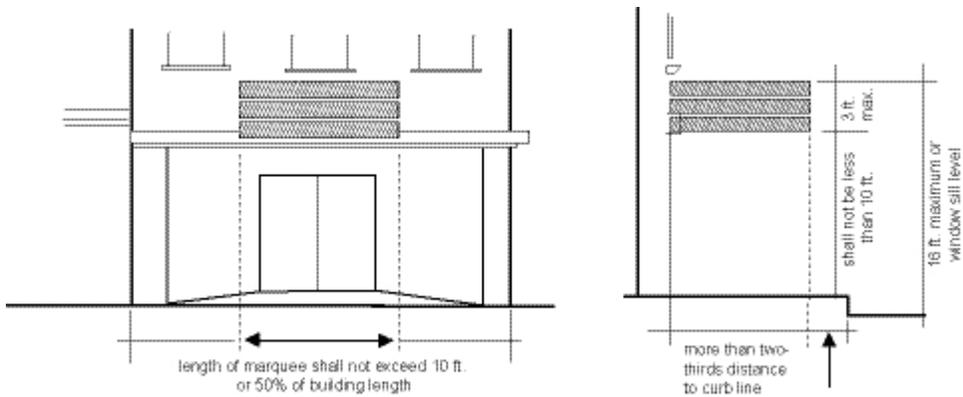
(A) A marquee projecting more than of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height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

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



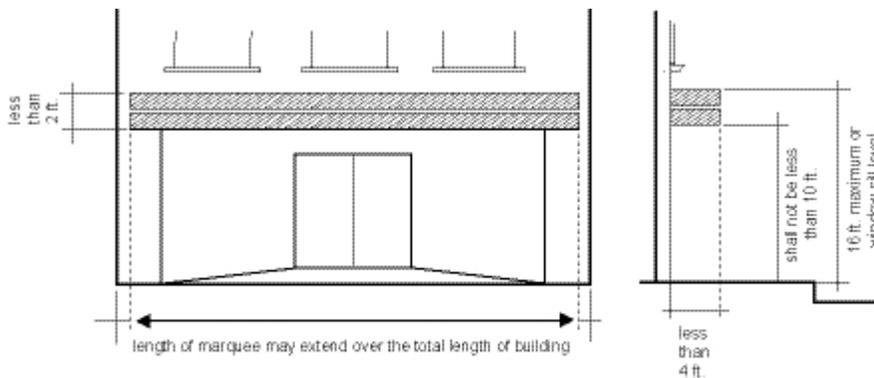
(B) A marquee projecting less than of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above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

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



(C) A marquee projecting less than four feet from the property line and not exceeding two feet in thickness may extend over the total length of the building along the direction of the street. All portions of such marquee shall not be 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 ground story and mezzanine. Each building frontage shall be considered separately.

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



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

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

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

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

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

(b) Canopies.

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

(2) All Other Mixed Use Districts. The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point 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 two feet, including any valance. All portions of any canopy, excluding the column supports and excluding any valance which may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than twenty feet from each other, measured from centerline to centerline.

(c) Marquees.

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

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

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

(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 of windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. A separate building permit for a marquee shall be required for each building frontage.

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

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

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

(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code)

and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, except for single room occupancy buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The species of trees selected shall be suitable for the site, and, in the case of trees installed in the public right-of-way, the species and locations shall be subject to approval by the Department of Public Works. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

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

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

(f) In Eastern Neighborhoods Mixed Use Districts, street trees shall be installed along all street frontages in the public right of way as set forth in subsection (b). Street tree basins shall be edged with decorative treatment, such as pavers or cobbles, in accordance with City standards. In the event that the Department of Public Works does not approve for any reason the installation

of the number of trees required as set forth in subsection (b), an in-lieu fee for each missed street tree, in an amount set forth in Article 16 of the Public Works Code, shall be paid to the Adopt A Tree Fund. When a pre-existing site constraint prevents the installation of a street tree, as an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the installation of sidewalk landscaping in accordance with all adopted standards and requirements.

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

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

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

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

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

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

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

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

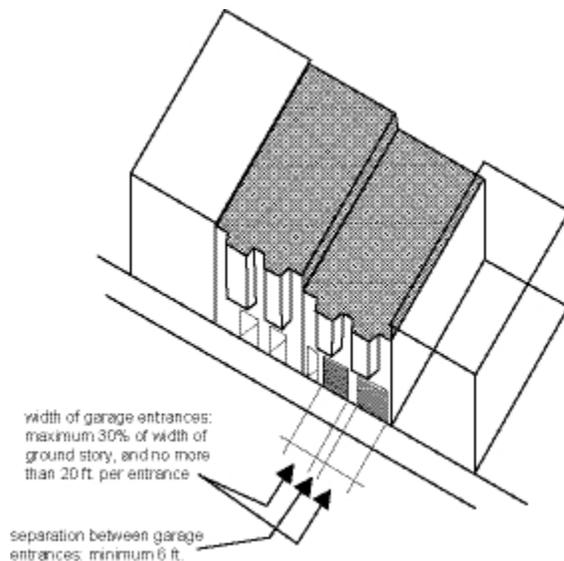
(8) be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.

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

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

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

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



(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.

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

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

*(b) Definitions.*

*(1) Development lot. A “development lot” shall mean:*

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

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

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

*(2) Active use. An “active use”, shall mean any principal, conditional, or accessory use which by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles. Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the*

linear residential street frontage at the ground level features walk-up dwelling units which provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

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

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

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

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

(b1) Standards Applicable in all Districts

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

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

If such structures contain any of the permitted uses in the Zoning Control Categories listed below, at least 1/2 the total width of such new or altered structures at the commercial street frontage shall be devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such

windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

No.	Zoning Control Category
.40	Other Retail Sales and Services
.41	Bar
.42	Full-Service Restaurant
.43	Small Fast Food Restaurant
.44	Large Fast Food Restaurant
.45	Take-Out Food
.46	Movie Theater
.49	Financial Service
.50	Limited Financial Service
.51	Medical Service
.52	Personal Service
.53	Business or Professional Service
.55	Tourist Hotel
.61	Automobile Sale or Rental
.62	Animal Hospital
.65	Trade Shop
.70	Administrative Service

*(b) In all NC Districts other than NC-S Districts, no more than 1/3 of the width of such new or altered structure, parallel to and facing such street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress exceed 20 feet in width or be less in width than eight feet for garages containing up to three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50 cars. Development lots in NCT districts are limited to a total of 20 feet per block frontage devoted to entrances to off street parking. A "development lot" shall be any lot containing a proposal for new construction, building alterations which*

~~would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking.~~

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

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

(eA) Above-Grade Parking Setback. ~~In NCT districts, off-street parking at or above street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any façade facing a street at least 30 feet in width. Space for active uses as defined in subsection (c) and permitted by the specific district in which it is located shall be provided along the frontages for the above mentioned setback depth.~~ Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes ~~louvers and other~~ mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. ~~A “development lot” shall be any lot containing a proposal for new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking.~~

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

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

(i) Ground floor non-residential uses in UMU Districts shall have a minimum unobstructed ceiling height of 15 feet, as measured from floor level. Ground floor non-residential uses in all NCT, DTR, MUG, MUR, and MUO Districts shall have a minimum unobstructed ceiling height of 12 feet, as measured from floor level.

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Table 145.1</i>	
<i>Other Retail Sales and Services —[Not Listed Below]</i>	<i>§ 790.102</i>
<i>Bar</i>	<i>§ 790.22</i>
<i>Full Service Restaurant</i>	<i>§ 790.92</i>
<i>Large Fast Food Restaurant</i>	<i>§ 790.90</i>
<i>Small Self Service Restaurant</i>	<i>§ 790.91</i>
<i>Liquor Store</i>	<i>§ 790.55</i>

<i>Other Entertainment</i>	§ 790.38
<i>Financial Service</i>	§ 790.110
<i>Limited Financial Service</i>	§ 790.112
<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.**~~

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

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

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

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

~~(2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial Special Use District.~~

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

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

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

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

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

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

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

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

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

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

~~(D) Automobile Sale or Rental are only considered as active uses meeting the requirements of subsection (b) for frontages in the Van Ness and Market Downtown Residential Special Use District, and if no curb cuts, garage doors, or loading access are required on Van Ness Avenue or Market Street, such sales or rental activity is entirely within an enclosed building and does not~~

encroach on surrounding sidewalks or open spaces. Such sales or rental activity shall not include auto repair or vehicle servicing functions for frontages required for active commercial uses.

Table 145.4

<del>Code 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>
<del>890.34</del>	<del>Eating and Drinking Use</del>
<del>890.37</del>	<del>Entertainment, Other</del>
<del>890.39</del>	<del>Gift Store Tourist Oriented</del>
<del>890.50</del>	<del>Institutions, Other</del>
<del>890.51</del>	<del>Jewelry Store</del>
<del>890.68</del>	<del>Neighborhood Serving Business</del>
<del>890.69*</del>	<del>Non Auto Vehicle Sales or Rental</del>
<del>890.80*</del>	<del>Public Use</del>
<del>890.88*</del>	<del>Residential Use</del>
<del>890.90</del>	<del>Restaurant, Fast Food (Small)</del>
<del>890.91</del>	<del>Restaurant, Fast Food (Large)</del>

<del>890.92</del>	<del>Restaurant, Full Service</del>
<del>890.102</del>	<del>Sales and Service, Other Retail</del>
<del>890.104</del>	<del>Sales and Services, Retail</del>
<del>890.112</del>	<del>Service, Limited Financial</del>
<del>890.116</del>	<del>Service, Personal</del>
<del>890.122</del>	<del>Take-Out Food</del>
<del>890.124</del>	<del>Trade Shop</del>
<del>890.140</del>	<del>Walk-Up Facility</del>

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

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

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

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

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

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

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

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

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

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

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

- (8) Hayes Street, for the entirety of the Hayes-Gough NCT;
- (9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;
- (10) Market Street, for the entirety of the NCT-3 and Upper Market NCT Districts;
- (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;
- (12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2 District;
- (13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District;
- (14) Mission Street, for the entirety of the Mission Street NCT District;
- (15) 24th Street, for the entirety of the 24th Street-Mission NCD;
- (16) 16th Street, between Guerrero and Capp Streets;
- (17) 22nd Street, between Valencia and Mission Streets;
- (18) 6th Street for its entirety within the SoMa NCT District;

(c) Definitions.

“Active commercial uses” shall include those uses specifically identified below in Table 145.4, and:

- (1) Shall not include uses oriented to motor vehicles except for automobile sale or rental where curb-cuts, garage doors, or loading access are not utilized or proposed, and such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces;
- (2) Shall include public uses except for utility installations; and
- (3) Shall not include residential care uses as defined in Sections 790.50, 790.51, and 890.50.

Table 145.4

<u>Reference for Neighborhood Commercial Districts</u>	<u>Reference for Mixed Use Districts</u>	<u>Use</u>
<u>790.4</u>	<u>890.4</u>	<u>Amusement Game Arcade</u>
<u>790.6</u>	<u>890.6</u>	<u>Animal Hospital</u>
<u>790.12</u>	<u>890.13</u>	<u>Automobile Sale or Rental (see qualification, above)</u>
<u>790.22</u>	<u>890.22</u>	<u>Bar</u>
<u>N/A</u>	<u>890.23</u>	<u>Business Goods and Equipment Sales and Repair Service</u>

<u>790.34</u>	<u>890.34</u>	<u>Eating and Drinking Use</u>
<u>790.38</u>	<u>890.37</u>	<u>Entertainment, Other</u>
<u>N/A</u>	<u>890.39</u>	<u>Gift Store-Tourist Oriented</u>
<u>790.50, 790.51</u>	<u>890.50</u>	<u>Institutions, Other (see qualification, above)</u>
<u>N/A</u>	<u>890.51</u>	<u>Jewelry Store</u>
<u>790.68</u>	<u>890.68</u>	<u>Neighborhood-Serving Business</u>
<u>N/A</u>	<u>890.69</u>	<u>Non-Auto Vehicle Sales or Rental (see qualification, above)</u>
<u>790.80</u>	<u>890.80</u>	<u>Public Use (see qualification, above)</u>
<u>790.91</u>	<u>890.90</u>	<u>Restaurant, Fast-Food (Small)</u>
<u>790.90</u>	<u>890.91</u>	<u>Restaurant, Fast-Food (Large)</u>
<u>790.92</u>	<u>890.92</u>	<u>Restaurant, Full-Service</u>
<u>790.102</u>	<u>890.102</u>	<u>Sales and Service, Other Retail</u>
<u>790.104</u>	<u>890.104</u>	<u>Sales and Services, Retail</u>
<u>790.110</u>	<u>890.110</u>	<u>Service, Financial</u>
<u>790.112</u>	<u>890.112</u>	<u>Service, Limited Financial</u>
<u>790.114</u>	<u>890.114</u>	<u>Service, Medical</u>
<u>790.116</u>	<u>890.116</u>	<u>Service, Personal</u>
<u>790.122</u>	<u>890.122</u>	<u>Take-Out Food</u>
<u>790.124</u>	<u>890.124</u>	<u>Trade Shop</u>
<u>790.140</u>	<u>890.140</u>	<u>Walk-Up Facility</u>

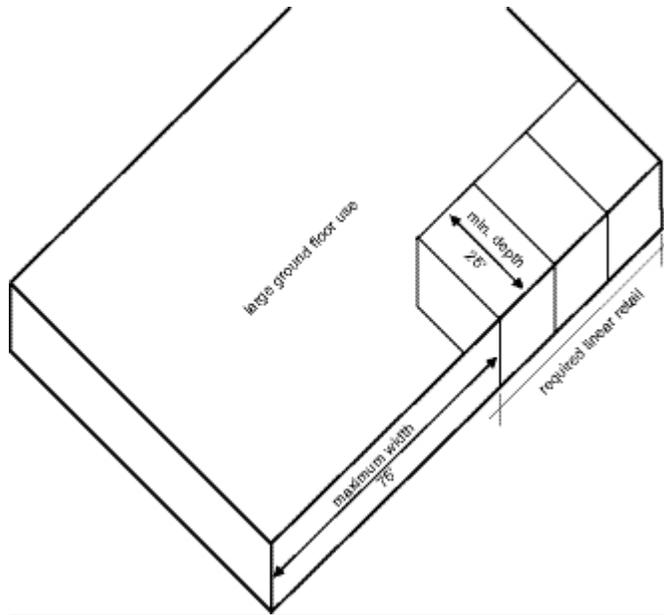
(d) Controls.

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

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

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

Figure 145.4



(e) Modifications. Modifications to the requirements of this Section are not permitted in DTR Districts. In Neighborhood Commercial Districts, modifications to the requirements of this Section may be granted through the Conditional Use process, as set forth in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the requirements of this Section may be granted through the procedures of Section 309.2 for projects subject to that Section or through an Administrative Modification from the Zoning Administrator for other projects, as set forth in Section 307(g).

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

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

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

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

## Article 1.5 – Off-Street Parking and Loading

### SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(a) General. This Article 1.5 is intended to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the San Francisco ~~Master~~ General Plan, as part of a balanced transportation system that makes suitable provision for use of both private vehicles and transit. With respect to off-street parking, this Article is intended to require needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of public transit as an alternative to travel by private automobile.

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

(c) Additions to Structure and Uses.

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

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

(3) Successive additions made after the effective date of an off-street parking or loading requirement shall be considered cumulative, and at the time such additions become major in their total, off-street parking and loading spaces shall be provided as required for such major addition.

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

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

(e) Conditional Use Cases. When authorizing a conditional use under Section 303 of this Code, the ~~City~~ Planning Commission may require such additional off-street parking and loading spaces, and apply such other standards in addition to those stated in this Article 1.5, as are in its opinion necessary to secure the objectives of this Code.

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

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

~~(b) Controls. Off-street accessory parking shall not be required for any use, and, as specified in Section 151.1 herein. The quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of off-street parking that may be provided as accessory to the uses specified. For non-residential and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of off-street parking that may be provided as accessory shall be 50% greater than indicated in Table 151.1. For uses in DTR, NCT, and RTO districts not described in Table 151.1, the off-street requirements specified in Table 151 and set forth in Section 204.5 of this Code shall serve as maximums for the total amount of accessory parking that may be provided. For uses in C-3 Districts not described in Table 151.1, Section 204.5 shall determine the maximum permitted accessory parking that may be provided. Variances from accessory off-street parking limits, as described in this Section, may not be granted in C-3, NCT and RTO above the maximum specified in this Section 151.1. Where off-street parking is provided that exceeds the quantities specified in Table 151.1 or as explicitly permitted by this Section set forth in Section 204.5 of this Code, such parking shall be classified not as accessory parking but as either a principally permitted or conditional use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 157 and 157.1 of this Code.~~

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

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

Table 151.1

**OFF-STREET PARKING ALLOWED PERMITTED AS ACCESSORY**

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in <u>RH-DTR</u> Districts, <i>except as specified below</i> —	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1 (d); NP above one space per unit.
Dwelling units in C-3 <u>and SB-DTR</u> , Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 <u>and SB-DTR</u> , Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one car for each dwelling unit.
Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above two cars for each four dwelling units.
<u>Dwelling units and SRO units in MUG, MUR, MUO, SPD Districts, except as specified below</u>	<u>P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.</u>
<u>Dwelling units in MUG, MUR, MUO, SPD Districts with at least 2</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 conditions</u>

<u>bedrooms and at least 1,000 square feet of occupied floor area</u>	<u>and procedures of Section 151.1(f); NP above one car for each dwelling unit.</u>
Dwelling units in NCT Districts	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in RTO Districts, except as specified below	P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
<u>Dwelling units and SRO units in UMU Districts, except as specified below</u>	<u>P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(f); NP above.</u>
<u>Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area</u>	<u>P up to 1 car for each dwelling unit and subject to the conditions of 151.1(f); NP above.</u>
Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
<del>SRO units</del>	<del>P up to one car for each 20 units, plus one for the manager's dwelling unit, if any. NP above.</del>
<u>All non-residential uses in C-3 Districts</u>	<u>Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.</u>
<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</u>	<u>P up to one for each 16 guest excluding bassinets or for</u>

<u>institution</u>	<u>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>
<u>All office uses in C-3, DTR, SPD, MUG, MUR, and MUO Districts</u>	<u>P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.</u>
<u>Office uses in UMU, PDR-1-D, and PDR-1-G Districts, except as specified below</u>	<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); NP above.</u>
<u>Office uses in UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than 1/4-mile from Market, Mission, 3<sup>rd</sup> and 4<sup>th</sup> Streets</u>	<u>P up to one car per 500 square feet of gross floor area; NP above.</u>

Non-residential uses in RTO districts permitted under Sections 209.8(e) and 231θ.	None permitted.
All non-residential uses in NCT districts except as specified below	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(f). NP above.
Retail grocery store uses in NCT districts with over 20,000 square feet of occupied floor area	P up to 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.
<u>Restaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise</u>	<u>P up to one for each 200 square feet of occupied floor area.</u>
<u>Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture</u>	<u>P up to one for each 1,000 square feet of occupied floor area.</u>
<u>Greenhouse or plant nursery</u>	<u>P up to one for each 4,000 square feet of occupied floor area.</u>
<u>Other retail space</u>	<u>P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.</u>
<u>Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts</u>	<u>P up to one for each 1,000 square feet of occupied floor area.</u>

<u>Mortuary</u>	<u>P up to five.</u>
<u>Storage or warehouse space, and space devoted to any use first permitted in an M-2 District</u>	<u>P up to one for each 2,000 square feet of occupied floor area.</u>
<u>Arts activities and spaces except theater or auditorium spaces</u>	<u>P up to one for each 2,000 square feet of occupied floor area.</u>
<u>Laboratory</u>	<u>P up to one for each 1,500 square feet of occupied floor area.</u>
<u>Other manufacturing and industrial uses</u>	<u>P up to one for each 1,500 square feet of occupied floor area.</u>

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

- (1) All parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible method that maximizes space efficiency and discourages use of vehicles for commuting or daily errands;
- (2) Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;
- (3) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;
- (4) All parking in the project is set back from facades facing streets and alleys and lined with active uses, and that the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and
- (5) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

(e) In C-3 Districts any request for accessory parking in excess of what is permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning

Commission, subject to the procedures set forth in Section 309 of this Code. In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Planning Commission shall make the following affirmative findings:

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

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

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

(4) All parking meets the active use and architectural screening requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code.

(f) In RTO and NCT districts, any request for accessory parking in excess of what is principally permitted in Table 151.1, *but which does not exceed the maximum amount stated in Table 151.1*, shall be reviewed ~~on a case-by-case basis~~ by the Planning Commission as a Conditional Use. *In MUG, MUR, MUO, and SPD Districts, any project subject to Section 309.2 and that requests residential accessory parking in excess of that which is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission according to the procedures of Section 309.2. Projects that are not subject to Section 309.2 shall be reviewed under the procedures detailed in subsection (g), below.* In granting such Conditional Use *or exception per 309.2* for parking in

excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

(1) Parking for all uses

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

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

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

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

(2) Parking for Residential Uses

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

(3) Parking for Non-Residential Uses

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

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

shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet.

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

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

(g) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project that is not subject to the requirements of Section 309.2 and that requests residential accessory parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount stated in Table 151.1, only if the Zoning Administrator determines that all of the following conditions are met:

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

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

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

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

In districts other than C-3, Eastern Neighborhoods Mixed Use Districts, and the South of Market Mixed Use Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 152.2 and Section 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that nonaccessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

**Table 152**

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

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
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 309.2, the Planning Commission may waive these requirements per the procedures of Section 309.2 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 309.2, 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 309.2.

**Table 152.1**

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

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Offices and Banks		0.1 space per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)

Retail stores, restaurants, bars, nighttime entertainment and drugstores	0--10,000	0
	10,001--30,000	1
	30,001--50,000	2
	over 50,000	1 space per 25,000 sq. ft. of gross floor area (to closest whole number per Section 153)
Wholesaling, manufacturing, and all other uses primarily engaged in handling goods, and live/work units within existing buildings, within <u>Eastern Neighborhoods Mixed Use Districts</u> , and South of Market <u>Mixed Use Districts</u>	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)
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 space for each additional 400,000 sq. ft.

### **SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.**

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

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

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

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

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

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

(6) In C-3, MUG, MUR, MUO, UMU, and South of Market Districts, substitution of two service vehicle spaces for each required off-street freight loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Where the 50 percent allowable substitution results in a fraction, the fraction shall be disregarded.

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

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

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

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

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

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

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

(4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed without having to move another vehicle under its own power shall be deemed to be independently accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as may be imposed by the Zoning Administrator to insure the availability of attendant service at the time the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be deemed to be

independently accessible. Any conditions imposed by the Zoning Administrator pursuant to this Section shall be recorded as a Notice of Special Restrictions.

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

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

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

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

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

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

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

Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this

Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the ~~Department of City~~ Planning Department.

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

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

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

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

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

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-G, DTR, MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined by the Zoning Administrator to be primarily used for building service, up to four off-street freight or loading spaces may be allowed to be individually accessible directly from such a street or alley, pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, ~~or~~ the provisions of Section 307(g) in a South of Market Mixed Use District, the provisions of

Section 309.1 in a DTR District, the provisions of Section 309.2 for projects subject to Section 309.2 in a MUO, MUG, or MUR District, or by administrative decision of the Zoning Administrator for projects that do are not subject to Section 309.2 in a MUO, MUG, or MUR District, up to four spaces may be allowed to be individually accessible directly from such a street or alley.

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

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

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

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

- (i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for handicapped persons.
- (j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-street parking spaces provided, one space shall be provided for parking of a bicycle. The most restrictive provisions of 155(j) or 155.4 shall prevail.
- (k) Off-street parking and loading facilities shall be arranged, designed and operated so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means of the layout and operation of facilities and by use of bumper or wheel guards or such other devices as are necessary.
- (l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.
- (m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.
- (n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.
- (o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.
- (p) Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.
- (q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.
- (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-accessible streets and alleys) shall be regulated on development lots as follows on the following street frontages:

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

(2) *Not permitted:* The entire portion of Market Street in the C-3, NCT-3 and Upper Market NCT Districts, Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3 and Upper Market NCT Districts, Van Ness Avenue from Hayes Street to Mission Street, Mission Street from 10<sup>th</sup> Street to Division Street, Octavia Street from Hayes Street to Fell Street, ~~not permitted.~~ *Embarcadero in the DTR Districts, 22<sup>nd</sup> Street between 3<sup>rd</sup> Street and Minnesota Streets within the NCT-2 District, Valencia Street between 15<sup>th</sup> and 23<sup>rd</sup> Streets in the Valencia Street NCT District, Mission Street for the entirety of the Mission Street NCT District, 24th Street for the entirety of the 24th Street-Mission NCT, 16th Street between Guerrero and Capp Streets within the Valencia Street NCT and Mission Street NCT Districts, 16<sup>th</sup> St between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts, 6<sup>th</sup> Street for its entirety within the SoMa NCT District, 3<sup>rd</sup> Street, in the UMU districts for 100 feet north and south of Mariposa and 100 feet north and south of 20<sup>th</sup> Streets, and 4<sup>th</sup> Street between Bryant and Townsend in the SLI and MUO District.*

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

(4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official city bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street. Where an alternative frontage is not available, parking or loading access along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official city bicycle lane or bicycle route, may be allowed on streets not listed in subsection (2) above as an

exception in the manner provided in Section 309 for C-3 Districts and in Section 303 for NCT and RTO districts in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

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

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

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

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

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

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

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

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

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

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

(A) As a conditional use in accordance with the criteria set forth in Section 303, provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-

party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the conditional use permit application.

(B) As a conditional use in accordance with the criteria set forth in Section 303, provided the site contains an existing non-accessory off-street surface parking lot with valid permits for such parking as of the effective date of the ordinance enacting this subsection and the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this subsection.

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

(5) Parking and Loading Access.

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

(B) Porte cocheres to accommodate passenger loading and unloading are not permitted except as part of a hotel, inn or hostel use. For the purpose of this Section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the

purpose of passenger loading or unloading, situated between the ground floor facade of the building and the sidewalk.

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

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

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

(c) Criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) In recognition of the close neighborhood orientation of the uses provided for in Residential-Commercial Combined Districts of high density, no off-street parking shall be required for any principal use in an RC-4 District for which the form of measurement is occupied floor area, where the occupied floor area of such use does not exceed 10,000 square feet.

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

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

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

- (3) Minimization of conflict of vehicular and pedestrian movements;
  - (4) The service patterns of forms of transportation other than the automobile;
  - (5) The pattern of land uses and the availability of parking in the vicinity;
  - (6) The policies set forth in the Northeastern Waterfront Plan, including policies concerning the relative emphasis that should be given to pedestrian and vehicular movement; and
  - (7) Such other criteria as may be deemed appropriate in the circumstances of the particular case.
- (g) In instances in which all public agencies involved have certified by resolution that the requirements of this Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed for a special assessment district or upon any other basis, or (ii) in C-3 and NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed sufficient to provide for the future construction of the required number of parking stalls, off-street parking required for individual buildings and uses may be correspondingly reduced if the total off-street parking supply in the area will nevertheless meet the requirements of this Code for all buildings and uses in the area.
- (h) The off-street parking requirements for dwelling units in the North of Market Residential Special Use District, as described in Section 249.5 of this Code, may be reduced by the Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:
- (1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and
  - (2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.
- (i) In recognition of the fact that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision of freight loading and service vehicle spaces for

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

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

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

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

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

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

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

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

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

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

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

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

Mixed Use Base District. Said fee, and any interest accrued by such fee, shall be used for the purposes stated herein unless it is demonstrated that it is no longer needed. This payment shall be paid in full to the City prior to the issuance of any temporary or other certificate of occupancy for the subject property.

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

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

(o) Within the South of Market Mixed Use Base District, upon approval by the Zoning Administrator pursuant to Section 307(g), the required off-street parking for bars, restaurants, arts, nighttime entertainment, pool halls, and neighborhood-serving retail or personal service activities may be modified, reduced or waived through participation in a Parking Management Program approved by the Zoning Administrator which may include, but need not be limited to, participation in a coordinated off-site satellite parking facilities program, shuttle service, specified signage and designated advertising procedures.

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

(a) Purpose. This Section is intended to assure that adequate measures are undertaken and maintained to minimize the transportation impacts of added office

employment in the downtown and South of Market area, in a manner consistent with the objectives and policies of the ~~Master-General~~ Plan, by facilitating the effective use of transit, encouraging ridesharing, and employing other practical means to reduce commute travel by single-occupant vehicles.

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

- (1) To promote and coordinate effective and efficient use of transit by tenants and their employees, including the provision of transit information and sale of transit passes on-site;
- (2) To promote and coordinate ridesharing activities for all tenants and their employees within the structure or use;
- (3) To reduce parking demand and assure the proper and most efficient use of on-site or off-site parking, where applicable, such that all provided parking conforms with the requirements of Article 1.5 of this Code and project approval requirements;
- (4) To promote and encourage project occupants to adopt a coordinated flex-time or staggered work hours program designed to more evenly distribute the arrival and departure times of employees within normal peak commute periods;
- (5) To participate with other project sponsors in a network of transportation brokerage services for the respective downtown, ~~or~~ South of Market area, or other area of employment concentration in the Eastern Neighborhoods Mixed Use Districts;

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

#### **SEC. 166. CAR SHARING.**

(a) Findings. The Board hereby finds and declares as follows: One of the challenges posed by new development is the increased number of privately-owned automobiles it brings to San Francisco's congested neighborhoods. Growth in the number of privately-owned automobiles increases demands on the City's limited parking supply and often contributes to increased traffic congestion, transit delays, pollution and noise. Car-sharing can mitigate the negative impacts of new development by reducing the rate of individual car-ownership per household, the average number of vehicle miles driven per household and the total amount of automobile-generated pollution per household. Accordingly, car-sharing services should be supported through the Planning Code when a car-sharing organization can demonstrate that it reduces: (i) the number of individually-owned automobiles per household; (ii) vehicle miles traveled per household; and (iii) vehicle emissions generated per household.

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

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

(2) A "certified car-share organization" is any public or private entity that provides a membership-based car-share service to the public and manages, maintains and insures motor vehicles for shared use by individual and group members. To qualify as a certified car-share organization, a car-share organization shall submit a written report prepared by an independent third party academic institution or transportation consulting firm that clearly demonstrates, based on a statistically significant analysis of quantitative data,

that such car-sharing service has achieved two or more of the following environmental performance goals in any market where they have operated for at least two years: (i) lower household automobile ownership among members than the market area's general population; (ii) lower annual vehicle miles traveled per member household than the market area's general population; (iii) lower annual vehicle emissions per member household than the market area's general population; and (iv) higher rates of transit usage, walking, bicycling and other non-automobile modes of transportation usage for commute trips among members than the market area's general population. This report shall be called a Car-sharing Certification Study and shall be reviewed by Planning Department staff for accuracy and made available to the public upon request. The Zoning Administrator shall only approve certification of a car-share organization if the Planning Department concludes that the Certification Study is technically accurate and clearly demonstrates that the car-share organization has achieved two or more of the above environmental performance goals during a two-year period of operation. The Zoning Administrator shall establish specific quantifiable performance thresholds, as appropriate, for each of the three environmental performance goals set forth in this subsection.

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

(4) An "off-street car-share parking space" is any parking space generally complying with the standards set forth for the district in which it is located and dedicated for current or future use by any car share organization through a deed restriction, condition of approval or license agreement. Such deed restriction, condition of approval or license agreement must grant priority use to any certified car-share organization that can make use of the space, although such spaces may be occupied by other vehicles so long as no certified car-share organization can make use of the dedicated car-share spaces. Any off-street car-share parking space provided under this Section must be provided as an independently accessible parking space. In new parking facilities that do not provide any independently accessible spaces other than those spaces required for disabled parking, off-street car-share parking may be provided on vehicle lifts so long as the parking space is easily accessible on a self-service basis 24 hours per day to members of the certified

car-share organization. Property owners may enact reasonable security measures to ensure such 24-hour access does not jeopardize the safety and security of the larger parking facility where the car-share parking space is located so long as such security measures do not prevent practical and ready access to the off-street car-share parking spaces.

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

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

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

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

Table 166

**REQUIRED CAR SHARE PARKING SPACES**

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>

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

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

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

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

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

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

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

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

(~~2~~) The Planning Department shall maintain a publicly-accessible list, updated quarterly, of all projects approved with required off-street car share parking spaces. The list shall contain the Assessor's Block and Lot number, address, number of required off-street car share parking spaces, project sponsor or property owner contact information and other pertinent information as determined by the Zoning Administrator.

## Article 1.7 - Compliance

### **SEC. 175.6. EFFECTIVE DATE OF SOUTH OF MARKET ZONING CONTROL AMENDMENTS.**

*Any permit, including a building permit, site permit, police permit, conditional use, variance or other license, for property located in the South of Market Base District for which any application was filed prior to March 31, 1990 and approved by the Department of City Planning no later than December 31, 1990 shall be governed by the provisions of the City Planning Code in effect prior to adoption of the South of Market zoning control amendments to the Planning Code; provided, however, that such permit or permit application is subject to any City Planning Commission discretionary review policy in effect upon the date of application for any such permit; such permit is subject to any time limits imposed pursuant to the Building Code or as a condition of approval of the project; and further provided that modifications in the project which exceed the scope of such approval shall be subject to any then applicable laws.*

### **SEC. 175.6. EFFECTIVE DATE OF THE EASTERN NEIGHBORHOODS ZONING CONTROLS.**

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

*(b) Applicability. This Section applies only to the specific types of development projects identified herein and that are subject to changed regulations or procedures as a result of the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods Mixed Use District, an SLI District, or any PDR, R, or NC District located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(1). This Section shall not apply to any other project.*

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

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

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

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

(4) 'Code Conforming Application' shall mean a Development Application, excepting an environmental review application, for which a Project Approval could have been issued or authorized in accordance with the provisions of the Planning Code in effect when such application was filed with the Planning Department.

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

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

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

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

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

(2) all current provisions of the Planning Code exclusive of the Eastern Neighborhood Controls.

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

(1) For projects that filed a Development Application with the Planning Department prior to January 19, 2007:

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

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

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

(2) For projects that filed a Development Application with the Planning Department between January 19, 2007 and April 17, 2008:

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

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

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

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

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

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

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

(1) Ordinary maintenance and minor repairs shall be permitted where necessary to keep the structure in sound condition, as well as minor alterations, where such work is limited to replacement of existing materials with similar materials placed in a similar manner.

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

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

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

(c) A dwelling or other housing structure exceeding the permitted density of dwelling units or other housing units set forth in Sections 207.5, 208, 209.1, ~~or~~ 209.2, or 215 of

this Code for the district in which it is located shall be classified as a nonconforming use under Section 180 of this Code, but only to the extent that such dwelling or other housing structure exceeds the permitted density. This Section 181 shall apply with respect to enlargements, alterations and reconstruction of the nonconforming portion of such dwelling or other housing structure, consisting of those dwelling units or other housing units which exceed the permitted density. Any dwelling unit or other housing unit coming within the density limit shall not be affected by this Section 181. Except as provided in Sections 181(h) and 182(e), no dwelling or other housing structure exceeding the permitted density of dwelling units or other housing units shall be altered to increase the number of dwelling units or other housing units therein, or to increase or create any other nonconformity with respect to the dwelling unit or other housing unit density limitations of Section 209.1 or Section 209.2.

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

For purposes of this Subsection, any dwelling unit or other housing unit in a structure that has, in whole or substantial part, been determined by the Director of Public Works to be unsafe to occupy or that will require substantial repair due to damage caused by the earthquake that occurred in San Francisco on October 17, 1989 and its associated aftershocks, may be restored and recorded as a lawfully permitted unit even if its prior lawful existence cannot be established if (1) the permit applicant can demonstrate to the satisfaction of the Zoning Administrator that the unit has been occupied within one year prior to the earthquake, and (2) the unit is brought into compliance with the Building Code, Housing Code, Fire Code and any applicable requirements of State and Federal law. Any dwelling unit or other housing unit legalized pursuant to this Subsection shall be offered to the previous tenant, or if that tenant does not desire to reoccupy such unit, to any tenant on reoccupancy at the rent which was

charged prior to the earthquake. If the amount of rent cannot be established to the satisfaction of the Zoning Administrator, the Zoning Administrator shall set a rent that is affordable to households making 80 percent of the median income in San Francisco, according to guidelines established by the Mayor's Office of Housing.

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

(f) A nighttime entertainment use within the ~~South of Market~~-RSD, MUG, MUR, or SLR Districts may be enlarged, intensified, extended or expanded, including the expansion to an adjacent lot or lots, provided that: (1) the enlargement, intensification, extension or expansion is approved as a conditional use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole meets the parking and signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of this Code which would apply if the use were a permitted one; and (3) the provisions of Section 803.5(~~b4~~) of this Code are satisfied.

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

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

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

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

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

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

(1) A nonconforming use in a Residential District (other than a Residential-Commercial Combined District or an RED District), which use is located more than 1/4 mile from the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, may change to another use which is permitted as a principal use at the first story and below in an NC-1 District, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District only upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail sales establishment which is also a formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use limitations of NC-1 Districts, as set forth in Sections 710.10 through 710.95 of this Code.

If the nonconforming use is located within 1/4 mile from any Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the nonconforming use may change to another use which is permitted as a principal use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Restricted Use Subdistrict or Districts within 1/4

mile of the use, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Districts within 1/4 mile of the use only upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail sales establishment which is also a formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use limitations of NC-1 Districts and any Individual Area NC District or Districts located within 1/4 mile of the use, as set forth in Article 7 of this Code.

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

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

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

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

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

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

(e) A nonconforming use in an R District subject to termination under the provisions of Section 185 of this Code may be converted to a dwelling unit without regard to the requirements of this Code with respect to dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or off-street parking under Article 1.5, provided the nonconforming use is eliminated by such conversion, provided further that the structure is not enlarged, extended or moved to another location, and provided further that the requirements of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met.

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

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

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

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

(3) Upon restoration of a previous nonconforming use as permitted by Subsection (1) or (2) above, any modification, enlargement, extension, or change of use, from circumstances which last lawfully existed prior to the creation of the live/work unit, or prior to the change from office use, shall be subject to the provisions of this Article, and the restored nonconforming use shall be considered to have existed continuously since its original establishment, prior to the live/work unit or change to office use, for purposes of this Article.

(h) If a nonconforming use has been wrongfully changed to another use in violation of any of the foregoing provisions, and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a

discontinuance or abandonment of the nonconforming use under Section 183 of this Code.

## Article 2.0 – Use Districts

### SEC. 201. CLASSES OF USE DISTRICTS.

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

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
RM-4	Residential, Mixed Districts, High Density
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
RTO	Residential Transit-Oriented Neighborhood Districts
<i>RTO-M</i>	<i>Residential Transit-Oriented – Mission Neighborhood Districts</i>

Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial District	
Inner Clement Street Neighborhood Commercial District	
Outer Clement Street Neighborhood Commercial District	
Upper Fillmore Street Neighborhood Commercial District	
Haight Street Neighborhood Commercial District	
Hayes-Gough Neighborhood Commercial District	
Inner Sunset Neighborhood Commercial District	
Upper Market Street Neighborhood Commercial District	

North Beach Neighborhood Commercial District	
Polk Street Neighborhood Commercial District	
Sacramento Street Neighborhood Commercial District	
Union Street Neighborhood Commercial District	
<del>Valencia Street Neighborhood Commercial District</del>	
<del>24th Street Mission Neighborhood Commercial District</del>	
24th Street-Noe Valley Neighborhood Commercial District	
West Portal Avenue Neighborhood Commercial District	
Neighborhood Commercial Transit Districts (NCT)	
<u>NCT-2</u>	<u>Small-Scale Neighborhood Commercial Transit District</u>
NCT-3	Moderate Scale Neighborhood Commercial Transit District
Individual Area Neighborhood Commercial Transit (NCT) Districts	
Hayes-Gough NCT	
Upper Market NCT	
<u>Valencia Street NCT</u>	
<u>24<sup>th</sup> Street – Mission NCT</u>	

<i>Mission Street NCT</i>	
<i>SoMa NCT</i>	
<i>Chinatown Mixed Use Districts</i> <del>(Also see Article 8)</del>	
<del>CCB</del>	<del>Chinatown Community Business District</del>
<del>CRNC</del>	<del>Chinatown Residential/Neighborhood Commercial District</del>
<del>CVR</del>	<del>Chinatown Visitor Retail District</del>
<u>Commercial Districts</u>	
C-1	Neighborhood Shopping Districts
C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
<u>Industrial Districts</u>	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts
<u>PDR-1-B</u>	<u>Production Distribution and Repair – Light Industrial Buffer</u>
<u>PDR-1-D</u>	<u>Production Distribution and Repair – Design</u>

<u>PDR-1-G</u>	<u>Production Distribution and Repair - General</u>
<u>PDR-2</u>	<u>Core Production Distribution and Repair – Bayview</u>
<u>PDR-2-CW</u>	<u>Core Production Distribution and Repair – Central Waterfront</u>
<u>Chinatown Mixed Use Districts</u>	
<u>(Also see Article 8)</u>	
—	
<u>CCB</u>	<u>Chinatown Community Business District</u>
<u>CR/NC</u>	<u>Chinatown Residential/Neighborhood Commercial District</u>
<u>CVR</u>	<u>Chinatown Visitor Retail District</u>
South of Market Use <u>Mixed Use</u> Districts	
(Also see Article 8)	
RED	Residential Enclave Districts
<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>	
<u>(Also see Article 8)</u>	
<u>SPD</u>	<u>South Park District</u>

<u>MUG</u>	<u>Mixed Use – General</u>
<u>MUO</u>	<u>Mixed Use – Office</u>
<u>MUR</u>	<u>Mixed Use – Residential</u>
<u>UMU</u>	<u>Urban Mixed Use</u>
Downtown Residential Districts (Also see Article 8)	
RH-DTR	Rincon Hill Downtown Residential
<u>SB-DTR</u>	<u>South Beach Downtown Residential</u>
Mission Bay Districts (Also see Article 9)	
MB-R-1	Mission Bay Lower Density Residential District
MB-R-2	Mission Bay Moderate Density Residential District
MB-R-3	Mission Bay High Density Residential District
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
MB-O	Mission Bay Office District
MB-CI	Mission Bay Commercial-Industrial District
MB-H	Mission Bay Hotel District
MB-CF	Mission Bay Community Facilities District
MB-OS	Mission Bay Open Space District

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

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

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

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

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

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

(c) No use shall be permitted in any R District, C District, PDR-1 Districts or M-1 District which by reason of its nature or manner of operation creates conditions that are hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

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

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

Subject to the limitations set forth in this Code, and especially as specified in Sections 204.1 through 204.5, a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use, and (c) in the case of Internet Services Exchange as defined in Section 209.6(c) which use does not exceed 25,000 gross square feet of floor area or use more than two megawatts of back-up power generators, shall be permitted as an accessory use when located

on the same lot; provided, however, that in the Outer Clement Neighborhood Commercial District the storage of materials for a commercial use shall be permitted as an accessory use if the storage occurred prior to 1985, if it is within 200 feet of the use to which it is accessory, if it is accessible to the principal permitted use without the use of a public sidewalk or other public right-of-way, and if the provision of storage would not conflict with the provisions of Section 145.1 relating to street frontage in N-C Districts. In PDR Districts, accessory uses to non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses.

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

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

(b) In any NC, ~~C<sub>1</sub>~~ ~~M~~, PDR, or Eastern Neighborhood Mixed Use District, dwelling units which are integrated with the working space of artists, artisans and other craftspersons shall be permitted as an accessory use to such working space, when such dwelling units are occupied by a group of persons including no more than four adults, and where the occupancy meets all applicable provisions of the Building Code and Housing Code.

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

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

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

(b) Action upon such uses shall be by the ~~City~~ Planning Commission, subject to all the requirements for conditional uses in Sections 303 and 306 through 306.5 of this Code; except that uses listed in Section 205.1, uses listed in Section 205.2 if located in a PDR, ~~C<sub>1</sub>~~ or M

District, and uses listed in Section 205.3 within the South of Market Mixed Use Districts and Eastern Neighborhoods Mixed Use Districts, may be authorized by the Zoning Administrator without a public hearing.

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

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

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

- (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an organized group of residents in the vicinity or, in PDR, C<sub>1</sub> or M Districts, sponsored by property owners or businesses in the vicinity;
- (b) Booth for charitable, patriotic or welfare purposes;
- (c) Open air sale of agriculturally produced seasonal decorations, including, but not necessarily limited to, Christmas trees and Halloween pumpkins.

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

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

- (a) A performance, exhibition, dance, celebration or festival requiring a liquor license, dance hall keeper or live entertainment police permit and/or other City permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or
- (b) A performance, dance or party requiring a liquor license, dance, live entertainment and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by a

residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.

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

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

## **SEC. 206. DESCRIPTION AND PURPOSE OF RESIDENTIAL DISTRICTS.**

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

- (a) Preservation, improvement and maintenance of the existing housing stock through protection of neighborhood environments and encouragement of sound ownership practices and rehabilitation efforts;
- (b) Recognition and protection of the architectural characteristics and densities of existing residential areas;
- (c) Maximizing of housing choice by assuring the availability of quality owner and rental housing of various kinds, suitable for a whole range of household types, lifestyles and economic levels;
- (d) Encouragement of residential development that will meet outstanding community needs, provide adequate indoor and outdoor spaces for its occupants, and relate well to the character and scale of existing neighborhoods and structures; and
- (e) Promotion of balanced and convenient neighborhoods having appropriate public improvements and services, suitable nonresidential activities that are compatible with housing and meet the needs of residents, and other amenities that contribute to the livability of residential areas.

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

**Sec. 206.5. RTO-M (Residential, Transit-Oriented - Mission Neighborhood) District.**

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

A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity of retail and services within walking distance, many households do not own cars; it is common that not every dwelling unit has a parking space and overall off-street residential parking is limited. Open space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.

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

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

- (a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot. Fractional numbers shall be adjusted downward to the next lower whole number of dwelling units.
- (b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this Code, two or more of the dwelling and other housing uses specified in said sections may be located on a

single lot, either in one structure or in separate structures, provided that the specified density limits are not exceeded by the total of such combined uses. Where dwelling units and group housing are combined, the maximum permitted density for dwelling units and for group housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

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

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

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

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

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

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

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

The dwelling unit density in Neighborhood Commercial Districts shall be at a density ratio not exceeding the number of dwelling units permitted in the nearest Residential District, provided that the maximum density ratio shall in no case be less than the amount set forth in the following table. The distance to each Residential District shall be measured from the midpoint of

the front lot line or from a point directly across the street therefrom, whichever permits the greater density.

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> –	
24th Street-Mission	
24th Street-Noe Valley	
Broadway	One dwelling unit for each 400 sq. ft. of lot area.

<i>Hayes-Gough</i>	
Upper Market Street	
North Beach	
Polk Street	

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

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

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

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

**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 Density Limits
Residential Enclave (RED)	One dwelling unit for each 400 sq. ft. of lot area
<del>South Park (SPD)</del>	<del>One dwelling unit for each 600 sq. ft. of lot area</del>
Residential Service (RSD) Service/Light Industrial/Residential (SLR), Service/Secondary Office (SSO)	One dwelling unit for each 200 sq. ft. of lot area except that which project above 40 feet in height, a higher density may be allowed as a conditional use in accordance with the provisions of 303(c) of this Code.

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

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

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

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

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

(b) Applicability.

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

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

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

(c) Controls.

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

(2) For all other RTO and NCT districts, as well as DTR and Eastern Neighborhoods Mixed Use Districts, 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.

(d) Modifications.

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

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

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

(2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be waived in return for provision of family-sized affordable units, pursuant to Section 319.4(b). To receive this waiver, 100 percent of the total number of inclusionary units required under Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also in Eastern Neighborhoods Mixed Use Districts, these requirements may be waived or modified through the Variance process set forth in Section 305, or in the case of projects subject to Section 309.2, through the procedures of that section.

(3) In DTR Districts, these requirements may be modified per the procedures of Section 309.1. The Planning Commission may waive the requirements of subsection (b) via Conditional Use procedures with one or more of the following affirmative findings:

(1) the project demonstrates a need or mission to serve unique populations, or (2) the project site or subject building features physical constraints that make it unreasonable to fulfill the requirement.

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

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

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

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

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

**SEC. 207.8. DIVISION OF DWELLING UNITS IN THE RTO AND NCT DISTRICTS.**

In order to ensure an adequate supply of family-sized units in existing and new housing stock, the subdivision of existing units is restricted. The division of any existing dwelling unit into two or more units in RTO and NCT districts shall be permitted only if it meets both of the following conditions:

- (a) The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms; and
- (b) At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in size.

**SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.**

Except for single room occupancy units in the South of Market Mixed Use Districts Special Use District, the density limitations for group housing, as described in Sections 209.2(a), (b), and (c), 790.88(b) and 890.88(b) of this Code, shall be as follows:

- (a) The maximum number of bedrooms on each lot shall be as specified in the following table for the district in which the lot is located, except that in RTO, RTO-M, UMU, MUG, MUR, MUO, SPD, DTR and all NCT districts the density of group housing shall not be limited by lot area, and except that for lots in NC Districts, the group housing density shall not exceed the number of bedrooms permitted in the nearest Residential District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located.

**Table 208  
MAXIMUM DENSITY FOR GROUP HOUSING**

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	
Upper Fillmore Street	
Haight Street	
Union Street	
<del>Valencia Street</del>	
<del>24<sup>th</sup> Street Mission</del>	
24 <sup>th</sup> Street-Noe Valley	
Broadway	140
Upper Market Street	
North Beach	

Polk Street	
Chinatown Community Business	70
Chinatown Residential	
Neighborhood Commercial	
Chinatown Visitor Retail	
RED	140
RSD, SLR, SLI and SSO	70
<del>SPD</del>	<del>210</del>

(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.**

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	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(a) One-family dwelling having side yards
	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Other one-family dwelling.
		P	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.
			P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(d) Other two-family dwelling.
				P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Three-family dwelling.
	C	C	NA	NA	NA	NA	NA	NA	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.
			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.
							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.

P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(m) Dwelling specifically designed for and occupied by senior citizens or physically handicapped persons, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district. Such dwellings shall be limited to such occupancy for the actual lifetime of the building by the requirements of State or Federal programs for housing for senior citizens or physically handicapped persons, or otherwise by design features and by legal arrangements approved as to form by the City Attorney and satisfactory to the Department of City Planning.
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---



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 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 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	C	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

															and housing six or more persons in a space not defined by this Code as a dwelling unit, where such facility is affiliated with and operated by a medical or educational institution as defined and regulated by Sections 209.3(a), (g), (h) and (i) of this Code but not located on the same lot as such institution and not used for inpatient care. Such housing shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(d) Hotel, inn or hostel 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.

**SEC. 209.3. INSTITUTIONS.**

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

															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 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: (a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in Section 209.4(a) of this Code, unless not required by State law, and, regardless of	













															space used for horticultural or passive recreational purposes which is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include but not necessarily be limited to a park, playground, 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 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).)

**SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.**

RH-	RH-	RH-	RH-	RH-	RM-	RM-	RM-	RM-	RTO	<del>RTO-</del>	RC-	RC-	RC-	RC-	
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----------------	-----	-----	-----	-----	--

1 (D)	1	1 (S)	2	3	1	2	3	4		<u>M</u>	1	2	3	4	
P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Utility 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 connects occupants,

																customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---

**SEC. 209.7. VEHICLE STORAGE AND ACCESS.**

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	NP	<u>NP</u>	C	C	C	C	(a) Community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the requirements of Article 1.5 of this Code.
NA	NA	NA	NA	NA	NA	NA	NA	NA	C	<u>C</u>	NA	NA	NA	NA	(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section

															155(r) and 144., and the car share requirements of section 166.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(c) Access driveway to property in C or M District, or to property in an R District in which the permitted dwelling unit density is greater than that permitted in 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 provisions of Section 204.5 of this Code, in terms of its location and amount. Such





															establishment by private motor vehicle.
												P	P	P	(c) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
												C	C	C	(d) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located 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.**

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

C	C	C	C	C	C	C	C	C	C	<u>C</u>						(e) Any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that:
																(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and
																(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.



											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.
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).

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.
---	---	---	---	---	---	---	---	---	---	----------	---	---	---	---	---

**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, supplementing the statements of purpose contained in Section 101 of this Code. The emphasis, in the case of these districts, is upon the allocation of adequate areas in proper locations for the carrying on of business and industry to serve City, regional and national needs and provide San Francisco with a sound and growing economic base.

*The description and purpose statement for Neighborhood Commercial Districts are listed in Article 7, Sections 710.1 through 728.1. The description and purpose statements for South of Market Districts are listed in Article 8, Sections 813 through 818 of this Code.*

**SEC. 210.8 PDR-1-B DISTRICTS: LIGHT INDUSTRIAL BUFFER.**

*The intent of this ~~These~~ districts ~~is~~ ~~are~~ intended to create a buffer area between residential neighborhoods and light industrial areas, primarily in the Bayview Hunters Point neighborhood. Thus, this district prohibits residential uses and limits office, retail, and institutional uses. Generally, all other uses are permitted. This zone allows for less intensive production, distribution, and repair PDR activities that will not compromise the quality of life of nearby residents. These uses generate less external noise, odors, and vibrations and engage in fewer trucking activities than those permitted in PDR-2 districts. Uses in this district are generally conducted completely within enclosed structures. Small-scale retail and office uses are permitted, as are other activities that may serve well to buffer existing residential neighborhoods from areas of concentrated industrial operations. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

**SEC. 210.9. PDR-1-D DISTRICT: DESIGN.**

*The intention of this district is to retain and encourage less-intensive production, distribution, and repair businesses, especially the existing clusters of design-related businesses. Thus, this district prohibits residential uses (except for student housing) and limits office, retail, and institutional uses. Additionally, this district prohibits heavy industrial uses, which generate external noise, odors, and vibrations and engage in frequent trucking activities. Generally, all other uses are permitted. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

**SEC. 210.10. PDR-1-G DISTRICT: GENERAL.**

*The intention of this district is to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this district prohibits residential uses and limits office, retail, and institutional uses. Additionally, this district allows for more intensive production, distribution, and repair activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all other uses are permitted. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

**SEC. 210.911. PDR-2 DISTRICTS: CORE PRODUCTION, DISTRIBUTION, AND REPAIR - BAYVIEW.**

*The intent of this ~~These~~ districts is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities in the Bayview. Thus, this district, while prohibiting new housing, large office developments, large-scale retail, and the heaviest of industrial uses, such as incinerators. Generally, all other uses are permitted. The conservation of existing flexible industrial buildings is also encouraged. These districts permit certain non-industrial, non-residential uses, including small-scale retail and office, entertainment, certain institutions, and similar uses that would not create conflicts with the primary industrial uses or are compatible with the operational characteristics of businesses in the area. Light industrial uses in these districts may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. These uses may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law. Within the requirements of local, state, and federal health and safety regulations, and within the stipulation of this code, which may impose additional use size maximums and minimum distance requirements on certain activities, raw materials used for production, manufacturing, repair, storage, research, and distribution may be stored on site and may include chemical, biological, and other hazardous, explosive, or flammable materials. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

**SEC. 210.12. PDR-2-CW DISTRICT: CORE PRODUCTION, DISTRIBUTION, AND REPAIR - CENTRAL WATERFRONT.**

*The intent of this district is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities in the Central Waterfront. Thus, this district prohibits new housing, large office developments, large-scale retail, and the heaviest of industrial uses, such as incinerators. Generally, all other uses are permitted. The conservation of existing flexible industrial buildings is also encouraged. These districts permit certain non-industrial, non-residential uses, including small-scale retail and office, entertainment, certain institutions, and similar uses that would not create conflicts with the primary industrial uses or are compatible with the operational characteristics of businesses in the area. Light industrial uses in these districts may be conducted entirely*

within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. These uses may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law. Within the requirements of local, state, and federal health and safety regulations, and within the stipulation of this code, which may impose additional use size maximums and minimum distance requirements on certain activities, raw materials used for production, manufacturing, repair, storage, research, and distribution may be stored on site and may include chemical, biological, and other hazardous, explosive, or flammable materials. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

**SEC. 215. DWELLINGS.**

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	<u>PDR-2-CW</u>	
														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 than for an RM-4 District, and the maximum density ratio in a C-





C	NA		NA	NA	NA	NA	NA	NA											(c) Motel, including an auto court, motor lodge, tourist court or other facility similarly identified, containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside; provided, that the entrance to such motel is within 200 feet of and immediately accessible from a major thoroughfare as designated in the <del>Master-General</del> Plan.
	C			C	C	C	C	C											(d) Motel, as described in Subsection 216(c) above but without restrictions as to location of the entrance.

**SEC. 217. INSTITUTIONS.**

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	<u>PDR-2-CW</u>	
														SEC. 217. INSTITUTIONS.
C	C	C	C	C	C	C	C							(a) Hospital, medical center or other 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	C	P	P								(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
P	P	P	P	P	P	P	P	P	<i>P under 5,000 gsf.</i>	<i>P under 5,000 gsf.</i>	P under 7,500 gsf	P under 5,000 gsf	<i>P under 5,000 gsf</i>		(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 under				(d) Social service or

									<u>P under 5,000 gsf</u>	<u>P under 5,000 gsf</u>	5,000 gsf	P under 5,000 gsf	<u>P under 5,000 gsf</u>	philanthropic facility providing assistance of a charitable or public service nature.
P	P	P	P	P	C	P	P			<u>P</u>				(e) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
P	P	P	P	P	P	P	P			<u>P under 20,000 gsf if no housing</u>	P under 20,000 gsf if no housing			(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P			<u>P under 20,000 gsf if no housing</u>	P under 20,000 gsf if no housing			(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P			<u>P under 20,000 gsf if no housing</u>	P under 20,000 gsf if no housing			(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education, which <u>is</u>













														specifically listed in a subsequent Section of this Code.
P	NA	NA	NA	NA	NA	(a) Retail business or personal service establishment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.								
	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf per</u> <u>lot</u>	<u>P</u> <u>under 5,</u> <u>000 gsf</u> <u>per lot.</u>	P under 2,500 gsf per lot*#	P under 2,500 gsf per lot*#	<u>P under</u> <u>2,500 gsf per</u> <u>lot*#</u>	(b) Retail business or personal service establishment not limited to sales or services primarily for residents in the immediate vicinity, and not restricted to sale of new commodities.



**SEC. 218.1. MESSAGE ESTABLISHMENTS.**

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	PD R-2-CW	
														SEC. 218.1. MESSAGE ESTABLISHMENTS.
C	C	C	C	C	C	C	C	C	<u>C</u>	<u>C</u>	C	C	<u>C</u>	<p>Massage establishments, as defined by Section 1900 of the San Francisco Health Code provided that: (a) the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, except that such proviso shall not apply where: (1) massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar</p>





														OFFICES.
P	P	P	P	P	P	P	P	P	<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i>	<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i>	P*	P*	<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i> *#	(a) Professional and business offices, <i>as defined in 890.70</i> , not more than 5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	C	P	P	P	P	P	<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i>	<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i>			<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i>	(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>P</u> <i>(subject to vertical zoning controls in 219.1)</i>	<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i>	P under 5,000 gsf per use *	P under 5,000 gsf per use *	<u>P</u> <i>(subject to vertical zoning controls in 219.1)</i>	(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 the district's

														primary function as an area for comparison shopper retailing and direct consumer services.
P	P	C		C	C	P	P	P	<i>NP</i>	<i>NP</i>	P under 5,000 gsf per use *	P under 5,000 gsf per use *	<i>NP</i>	(d) Other professional and business offices, <i>as defined in 890.70</i> , at or below the ground floor.
									<i>P</i>	<i>P</i>			<i>P</i>	<i>(e) Offices in designated landmark buildings</i>
														* Subject to the limitations of Section 121.58.
														<del># Use size control shall apply to all types of "Office use" as listed in Section 313.1(35)(A) and (B).</del>

**SEC. 219.1 VERTICAL CONTROLS FOR OFFICE USES.**

*(a) Purpose. In order to preserve ground floor space for production, distribution, and repair uses and to allow the preservation and enhancement of a diverse mix of land uses, including limited amounts of office space on upper stories, additional vertical zoning controls shall govern office uses as set forth in this Section.*

(b) Applicability. This Section shall apply to all office uses in the PDR-1-D, PDR-1-G, and PDR-2-CW Districts, where permitted.

(c) Definitions. Office use shall be as defined in Section 890.70 of this Code.

(d) Controls.

(1) Designated Office Story or Stories. Office uses are not permitted on the ground floor, (i.e., . Office uses may be permitted on stories above the ground floor if they are designated as office stories. On any designated office story, office uses are permitted, subject to any applicable use size limitations. On any story not designated as an office story, office uses are not permitted.

(2) Timing of designation. In the case of new construction, any designated office story or stories shall be established prior to the issuance of a first building permit or along with any associated Planning Commission action, whichever occurs first. In the case of buildings which were constructed prior to the effective date of this Section, any such story or stories shall be designated prior to the issuance of any building permit for new or expanded office uses or along with any associated Planning Commission action, whichever occurs first.

(3) Recordation of designation. Notice of the designation of office stories shall be recorded as a restriction on the deed of the property along with plans clearly depicting the designated story or stories in relation to the balance of the building. Such designation shall remain in place for the lifetime of the building. Under no circumstance may the designation of an office story be rescinded or otherwise re-allocated.

(4) Maximum Number of Designated Stories. The maximum number of designated office stories shall correspond to the total number of stories in a given building, as set forth in the table below. The designation of a particular story shall apply to the total floor area of that story and no partial designation, split designation, or other such subdivision of designated floors shall be permitted. For the purposes of the following table, the total number of stories in a given building shall be counted from grade level at curb and shall exclude any basements or below-grade stories.

Table 219.1

<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>

*(5) For projects with multiple buildings, consolidation of permitted office stories may be permitted, pursuant to the controls set forth in 309.2(d)(8).*

**SEC. 220. LAUNDERING, CLEANING AND PRESSING.**

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	<u>PDR-2-CW</u>	
														SEC. 220. LAUNDERING, CLEANING AND PRESSING.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(a) Automatic laundry, as defined in Part II, Chapter V (Health Code) of the San Francisco Municipal Code.
	P	P	P	P	P	P	NA	NA	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(b) Establishment for hand-ironing only, not employing more than five persons.
P	NA	NA	NA	NA	NA	NA	NA	NA	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	<u>P</u>	(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:
														(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 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	NA	NA	<u>P</u>	<u>P</u>	P under		<u>P</u>	(d) Dry-cleaning establishment,

											2,500 gsf	P	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:
													(1) The establishment has only a central cleaning unit with a rated load factor of no more than 60 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 16 and their total aggregate capacity does not exceed 80 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 60 pounds, and no more than eight self-service units the aggregate capacity of which shall not exceed 40 cubic feet.
							P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(e) Steam laundry, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
							P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(f) Cleaning or dyeing plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
							P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	<u>P</u>	(g) Bag, carpet or rug cleaning, when conducted within a completely enclosed building; provided, that no part of a building so



														nightclub, 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 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	<u>P</u>	(g) Private noncommercial recreational open use.







														SERVICES.	
														The term "shop" as used in this section shall include only the establishments of artisans dealing at retail directly with the consumer and concerned primarily with custom trade.	
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(a) Household repair shop.
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(b) Interior decorating shop.
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(c) Upholstering shop.
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(d) Sign-painting shop.
	P			P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(e) Carpenter shop.
	P			P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest-control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used. (See also Section 225.)
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P P under 5,000 gsf	P	<u>P</u>	(g) Catering establishment
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	<u>P</u>	(h) Printing shop.
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	<u>P</u>	(i) Newspaper publication.
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under	P	<u>P</u>	(j) Blueprinting shop.

											2,500 gSf			
<u>P</u>	<u>P</u>	<u>P</u>	<u>(k) Hardware stores and contractor supply operations</u>											

**SEC. 222.1. CONVERSION OF BUSINESS SERVICES TO OFFICE USES IN THE PDR DISTRICTS.**

*(a) Applicability. This section applies to uses that meet all of the following requirements:*

- (1) Located within the PDR-1-D, PDR-1-G, or PDR-2-CW District;*
- (2) Have an Occupancy Classification of “B” under the Building Code; and*
- (3) Requested and received classification as a business service use through a Zoning Administrator’s written letter of determination, building permit, environmental determination, or other entitlement, when such request was made prior to August 9, 2000.*

*(b) Controls. Uses that meet the applicability standards may convert to an office use, as defined in Section 890.70, irrespective of any prohibition or vertical restriction on office uses. Any such conversion shall be subject to all applicable requirements contained elsewhere in this Code.*

**SEC. 223. AUTOMOTIVE.**

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	<u>PDR-2-CW</u>	
														SEC. 223. AUTOMOTIVE.
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(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	<u>P</u>	(b) Sale or rental of new or used trucks, when conducted entirely











C	P	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	C	<u>C</u>	(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.		
C*	C*	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	C	<u>C</u>	(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.		
P*	P*	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.		
C	P	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	C	<u>C</u>	(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.		











**SEC. 226. MANUFACTURING AND PROCESSING.**

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	<u>PDR-2-CW</u>	
														SEC. 226. MANUFACTURING AND PROCESSING.
		P	P	P	P	P	NA	NA	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	<u>P</u>	(a) Light manufacturing uses, involving only the assembly, packaging, 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 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	P	<u>P</u>	(b) Light manufacturing which occupies not more than 1/2 the ground story of the building and involves or

											gsf			requires no machine that has more than five 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	<u>P</u>	(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 required by law, within 20 feet of any R District.
							P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	<u>P</u>	(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	<u>P</u>	(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		<del>(f) Experimental laboratory.</del> -
						P	P	P				<u>C</u>	C	(g) Battery manufacture, if conducted on premises not less than 200 feet from any R District.
							P	P	<u>C</u>	<u>C</u>		<u>C</u>	C	(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



								P	<u>C</u>	<u>C</u>			C	<u>C</u>	(j) Flour mill.
								P	<u>C</u>	<u>C</u>			C	<u>C</u>	(k) Sugar refinery.
								P	<u>C</u>	<u>C</u>			C	<u>C</u>	(l) Wool pulling or scouring.
								C	<u>C</u>	<u>C</u>			C	<u>C</u>	(m) Blast furnace, rolling mill, smelter.
								C					C	<u>C</u>	(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	<u>C</u>	(o) Production or refining of petroleum products.
								P	P	<u>C</u>			C	<u>C</u>	(p) Steam power plant.
								P					C	<u>C</u>	(q) Shipyard.
							P	P	P				C	<u>C</u>	(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				C	<u>C</u>	(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.
									C						(t) Stockyard, livestock feed yard, abattoir.
								C	C	<u>C</u>			C	<u>C</u>	(u) Rendering or reduction of fat, bones or other animal material, where adequate provision is made for the control of odors through the use of surface condensers



**SEC. 227. OTHER USES.**

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	<u>PDR-2-CW</u>	
														SEC. 227. OTHER USES.
P*	P*				P	P	P	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	(a) Greenhouse or plant nursery.
P*	P*					P	P	P	<u>P</u>	<u>P</u>	P under 10,000 <i>gsf</i>	P	<u>P</u>	(b) Truck gardening, horticulture.
	C			C	C	P	P	P	<u>P</u>		P	P	<u>P</u>	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	P	P	P	P	P	P	P	P	<u>C</u>	<u>C</u>	C	C	<u>C</u>	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
P*	P*	C	C	P	P	P	P	P	<u>P</u>	<u>P</u>	C	P	<u>P</u>	(e) Utility installation, excluding Internet Services Exchange (see Section 227(t)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.
C*	C*	C	C	C	C	C	C	C	<u>C</u>	<u>C</u>		C	<u>C</u>	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes:









(d) Use Size. No more than 1,200 occupied square feet of commercial area shall be allowed per corner lot, except those lots which occupy more than one corner on a given block and which may provide an additional 1,200 occupied square feet of commercial area per additional corner, so long as the commercial space is distributed equitably throughout appropriate parts of the parcel or project. There is an aggregate maximum use size of 1,200 gross square feet per corner lot, as illustrated in Figure 230.

(e) Formula Retail Uses. All uses meeting the definition of "formula retail" use per Section 703.3(b) shall not be permitted except by Conditional Use through the procedures of Section 303.

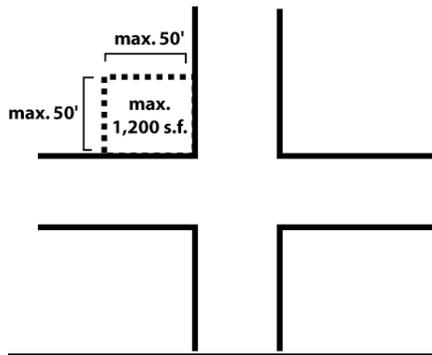


Figure 231 $\theta$ . Limitations on Corner Retail in RTO Districts

(fe) Parking. No accessory parking shall be permitted for uses permitted under this Section.

(gf) Operating Hours. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.

(lg) Conditions. Any uses described above shall meet all of the following conditions:

- (1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood.
- (2) Any signs on the property shall comply with the requirements of Article 6 of this Code pertaining to NC-1 districts.
- (3) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features
- (4) Noise, odors and other nuisance factors shall be adequately controlled; and
- (5) The use shall comply with all other applicable provisions of this Code.

**SEC. 233. LIVE/WORK UNITS.**

~~(a) After the effective date of this ordinance, n~~No City official, department, board or commission shall issue or approve a building permit or other land use entitlement authorizing a new live/work unit as defined in Section 102.13 of this Code, except as authorized as an accessory use under Section 204.4. Lawfully approved live/work units ~~existing on the that date shall comply with the Code provisions in effect at the time they were authorized, as set forth below and in other sections of this Code applicable to live/work units, and shall further be~~ are subject to the nonconforming use provisions of Section 181 of this Code

~~(b) If a live/work unit would occupy any space last used as a dwelling unit or group housing, or whose legal use as shown in the permit records of the City is as a dwelling unit or group housing, the live/work unit shall not be permitted in any RH or RM District, and shall require conditional use approval in any RC, C, M or South of Market District, notwithstanding Sections 209.9 or 227 of this Code.~~

~~(c) Live/work units satisfy the conditions of this subsection if:~~

~~(1) They are part of a project which will result in issuance of a certificate or certificates of occupancy for 10 or more new or additional live/work units; and~~

~~(2) The project is sponsored by one or more organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, each of whose articles of incorporation state as a principal purpose providing living quarters to artists, and each of whose articles of incorporation require that at least 51 percent of the members of the board of directors must be artists engaging in one or more arts activities falling within the definition of Section 102.2 of this Code; and~~

~~(3) The qualified sponsoring organization or organizations will, until completion of the project:~~

~~(A) Own the project,~~

~~(B) Own an interest of 51 percent or more in a joint tenancy or tenancy in common which owns the project,~~

~~(C) Have a right to 51 percent or more of the net income and of all distributions, including distributions on liquidation, of a partnership or joint venture which owns the project, or~~

~~(D) Be the only general partner or only general partners, or only managing general partner, in a limited partnership which will qualify the project for complete or partial exemption from property tax under California Revenue and Taxation Code Section 214(g) or a successor provision; and~~

~~(4) All permits for the project are issued on the application of, and in the name of, a corporation described in Subsection (2) above or a partnership described in Subsection (3)(C) or (3)(D); and~~

~~(5) The project will, under federal or State law, or local legal authority other than this Code, be required to rent, lease or sell at least 20 percent of the live/work units in the project at rates or prices affordable to households whose incomes are no greater than 50 percent of the median income for households in San Francisco as determined under California Administrative Code Section 6932, or its successor provision, or, alternatively, be so required to rent, lease or sell a minimum of 40 percent of the live/work units at rates or prices affordable to households whose incomes are no greater than 60 percent of said median income; and~~

~~(6) All non arts activity other than residential in the project is otherwise permitted in the district, or is otherwise conditional in the district and is approved as a conditional use pursuant to this Code; and~~

~~(7) The subject live/work units are marketed on a preferential basis for arts activities as defined in Section 102.2 of this Code. For the purpose of this subsection, "preferential marketing" shall consist of:~~

~~(A) Advertising the initial leasing of all newly created units in publications which are oriented to audiences engaged in arts activities for a minimum of three months in advance of other advertising and, for subsequent vacancies, advertising in similar publications promptly after future vacancies are known to the owner or the owner's representatives, but in no event less than one month in advance of other advertising, and~~

~~(B) Notification of organizations concerned with arts activities a minimum of three months in advance of initial leasing activities and, for subsequent vacancies, promptly after future vacancies are known to the owner or owner's representative, but in no case less than one month in advance of other advertising.~~

~~(d) The location of each live/work unit in a multi-unit structure in a C or M District shall be marked by a plaque, diagram or other device visible to emergency personnel from the exterior building face of the structure containing the unit.~~

~~(e) Each person, other than a person applying as owner of a fee interest, who applies to erect or alter a live/work unit, or to change use or occupancy in order to authorize a live/work unit, shall submit on a form approved by the Department of Public Health, a disclosure signed by a fee owner of the property in question stating what hazardous materials, if any, are known to exist in the vicinity of the unit.~~

## **SEC. 234.2. CONDITIONAL USES, P DISTRICTS.**

The following uses shall be subject to approval by the City Planning Commission, as provided in Section 303 of this Code:

(a) Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j); 209.4(a); 209.5(a), (b); 209.6(b); 209.6(c); 209.9(c); and 234.2(c) and (d) of this Code.

(b) With respect to any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of Article 7.

(c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code when located within any P district within the Eastern Neighborhoods Mixed Use District, the South of Market Mixed Use Base District, the Market and Octavia Plan Area, and within the right-of-way of any State or federal highway.

(d) In any P District which is within the Eastern Neighborhoods Mixed Use District and the South of Market Mixed Use Base District, if the use is located within the right-of-way of any State or federal highway, the following uses:

(1) Retail and personal service uses primarily meeting the needs of commuters on nearby streets and highways or persons who work or live nearby, provided that:

(A) The space is on the ground floor of a publicly-accessible parking garage;

(B) The total gross floor area per establishment does not exceed 2,500 square feet;

(C) The space fronts on a major thoroughfare; and

(D) The building facade incorporates sufficient fenestration and lighting to create an attractive urban design and pedestrian-oriented scale.

(2) Open-air sale of new or used merchandise, except vehicles, located within a publicly-accessible parking lot, provided that:

(A) The sale of goods and the presence of any booths or other accessory appurtenances are limited to weekend and/or holiday daytime hours;

(B) Sufficient numbers of publicly-accessible toilets and trash receptacles are provided on-site and are adequately maintained; and

(C) The site and vicinity are maintained free of trash and debris.

**SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.**

(a) Purpose. The Life Science and Medical Special Use District is intended to support uses that benefit from proximity to the University of California, San Francisco (UCSF) campus at Mission Bay. These uses include medical office and life science (biotechnology) uses.

(b) Geography. The boundaries of the Life Science and Medical Special Use District are shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area 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 the east. Within this area, the Dogpatch Historic District is generally excluded.

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except as otherwise provided in this Section:

(1) Medical Services. Medical services, including medical offices and clinics, as defined in Section 890.114, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)). For the purposes of this Section, a medical service use may be affiliated with a hospital or medical center as defined in 890.44.

(2) Life Science Offices. Office uses that contain Life Science facilities, as defined in Section 890.53, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

(3) Life Science Laboratories. Laboratories that engage in life science research and development, as defined in Section 890.52, are a principally permitted use and are exempted from use size limitation, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

**SEC. 249.37. INNOVATIVE INDUSTRIES SPECIAL USE DISTRICT.**

(a) Purpose. The purpose of the Innovative Industries Special Use District is to provide affordable office space to small firms and organizations which are engaged in innovative activities, including incubator businesses and microenterprises.

(b) Geography. The boundaries of the Life Science Special Use District are shown on Sectional Map No. 8SU of the Zoning Map.

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except that:

(1) office uses shall be principally permitted uses on all stories above the ground story.

(2) retail uses shall be subject to the size controls applicable in the Urban Mixed Use District, as stated in Sec. 843.45.

**SEC. 249.38. 16<sup>th</sup> ST. RETAIL SPECIAL USE DISTRICT.**

(a) Purpose. The 16th St. Retail Special Use District is intended to support street activity along 16th St. between the Mission and Central Waterfront.

(b) Geography. The boundaries of the 16th St. Retail Special Use District include all parcels along 16th St. that are in PDR districts.

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except that the amount and types of retail sales and services allowed on a parcel will be controlled in the same manner as in the UMU District.

**ARTICLE 2.5 – HEIGHT AND BULK DISTRICTS**

**SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

(a) Method of Measurement. The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:

(1) The point above which such measurements shall be taken shall be as specified in the definition of "height" in this Code.

(2) The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a feature not exempted under Subsection (b) below.

(3) In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height," as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

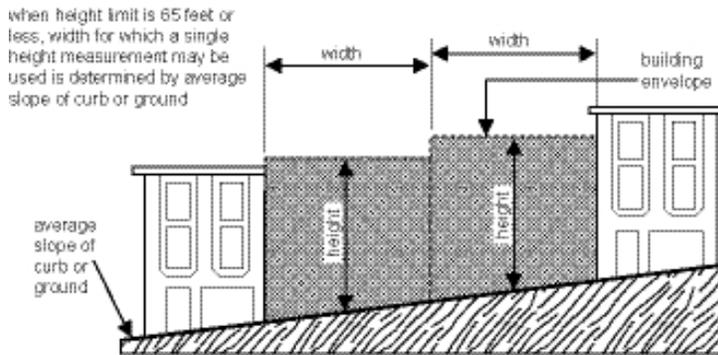
**TABLE 260**

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

TABLE INSET:

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement

More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet



(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 the horizontal area of the roof above which they are situated, or, in C-3 Districts, and in the Rincon Hill Downtown Residential District, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and provided further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal areas of all such features located within the first 10 feet of depth of the building, as measured from the front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this Paragraph (b)(1) may be equal but not exceed 20 percent of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

Any such sum of 20 percent heretofore described may be increased to 30 percent by unroofed screening designed either to obscure the features listed under (A)

and (B) below or to provide a more balanced and graceful silhouette for the top of the building or structure.

(A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy and window-washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. The design of all elevator penthouses in Residential Districts shall be consistent with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission.

The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse for a building with a height limit of more than 65 feet but only to the extent that the Zoning Administrator determines that such an exemption is required to meet state or federal laws or regulations. All requests for height exemptions for elevator penthouses located in Residential or Neighborhood Commercial Districts shall be subject to the neighborhood notification requirements of Sections 311 and 312 of this Code.

(C) Stage and scenery lofts.

(D) Ornamental and symbolic features of public and religious buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy.

(E) In any C-3 District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(F) In any C-3, Eastern Neighborhoods Mixed Use Districts, or South of Market Mixed Use District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable

to this subsection but shall meet the requirements of Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to 3/4 of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 20.

(G) In any C-3 District, vertical extensions to buildings, such as spires, which enhance the visual appearance of the structure and are not used for human occupancy may be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height otherwise allowed. The extension shall not be subject to the percentage coverage limitations otherwise applicable to this subsection, provided that the extension is less than 100 square feet in cross-section and 18 feet in diagonal dimension.

(H) In the Rincon Hill Downtown Residential District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(I) In the Rincon Hill Downtown Residential District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the requirements of Section 141, shall not exceed 10 percent of the total height of any building taller than 105 feet, shall have a horizontal area not more than 85 percent of the total area of the highest occupied floor, and shall contain no space for human occupancy. The features described in (b)(1)(B) shall not be limited to 16 feet for buildings taller than 160 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by this Subsection.

(J) In the Van Ness Special Use District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above and to provide additional visual interest to the roof of the structure. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection, but shall meet the requirements of Section 141 and shall not exceed 10 feet in height where the height limit is 65 feet or less or 16 feet where the height limit is more than 65 feet, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to 3/4 of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 10 where the height limit is 65 feet or less or times 16 where the height limit is more than 65 feet.

(K) In the Northeast China Basin Special Use District, light standards for the purpose of lighting the ballpark.

(L) In the Candlestick Point Special Use District, light standards for the purpose of the lighting the stadium, scoreboards associated with the stadium, and flagpoles and other ornamentation associated with the stadium.

(2) The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed:

(A) Railings, parapets and catwalks, with a maximum height of four feet.

(B) Open railings, catwalks and fire escapes required by law, wherever situated.

(C) Unroofed recreation facilities with open fencing, including tennis and basketball courts at roof level, swimming pools with a maximum height of four feet and play equipment with a maximum height of 10 feet.

(D) Unenclosed seating areas limited to tables, chairs and benches, and related windscreens, lattices and sunshades with a maximum height of 10 feet.

(E) Landscaping, with a maximum height of four feet for all features other than plant materials.

(F) Short-term parking of passenger automobiles, without additional structures or equipment other than trellises or similar overhead screening for such automobiles with a maximum height of eight feet.

(G) Amusement parks, carnivals and circuses, where otherwise permitted as temporary uses.

(H) Flagpoles and flags, clothes poles and clotheslines, and weathervanes.

(I) Radio and television antennae where permitted as accessory uses and towers and antennae for transmission, reception, or relay of radio, television or other electronic signals, where permitted as principal or conditional uses, subject to the limitations of Subsections 227(h) and (i) of this Code and limitations imposed by the City Planning Commission.

(J) Warning and navigation signals and beacons, light standards and similar devices, not including any sign regulated by this Code.

(K) Public monuments owned by government agencies.

(L) Cranes, scaffolding and batch plants erected temporarily at active construction sites.

(M) Structures and equipment necessary for the operation of industrial plants, transportation facilities, public utilities and government installations, where otherwise

permitted by this Code and where such structures and equipment do not contain separate floors, not including towers and antennae for transmission, reception, or relay of radio, television, or other electronic signals where permitted as principal or conditional uses by this Code.

(N) Buildings, structures and equipment of the San Francisco Port Commission, where not subject to this Code due to provisions of the San Francisco Charter or State law.

(O) Additional building height, up to a height of five feet above the otherwise applicable height limit, where the uppermost floor of the building is to be occupied solely by live/work units located within a South of Market District.

(P) Enclosed recreational facilities up to a height of 10 feet above the otherwise applicable height limit when located within ~~both an SSO District and~~ a 65-U Height and Bulk District and either an MUO or SSO District, and only then when authorized by the ~~City~~ Planning Commission as a conditional use pursuant to Sections 303 and 316 of this Code, provided that the project is designed in such a way as to reduce the apparent mass of the structure above a base 50 foot building height.

(Q) Historic signs within an historic sign district permitted pursuant to Sections 302, 303 and 608.14 of this Code.

(R) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility sheds of not more than 100 square feet, exclusively for the storage of landscaping and gardening equipment for adjacent rooftop landscaping, with a maximum height of 8 feet above the otherwise applicable height limit.

**SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN RTO, ~~AND NCT, DISTRICTS AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.~~**

(a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in width or narrower) and alleys is an important and unique component of the City and certain neighborhoods in particular. The scale of these streets should be preserved to ensure they do not become overshadowed or overcrowded. Heights along alleys and narrow streets are hereby limited to provide ample sunlight and air, as follows:

**(b) Definitions.**

(1) "Narrow Street" shall be defined as a public right of way less than or equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width created under the requirements of Section 270.2.

(2) “Subject Frontage” shall mean any building frontage in an RTO, NCT or Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60 feet from an intersection with a street wider than 40 feet.

(3) “East-West Narrow Streets” shall mean all Narrow Streets, except those created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

**(c) Controls.**

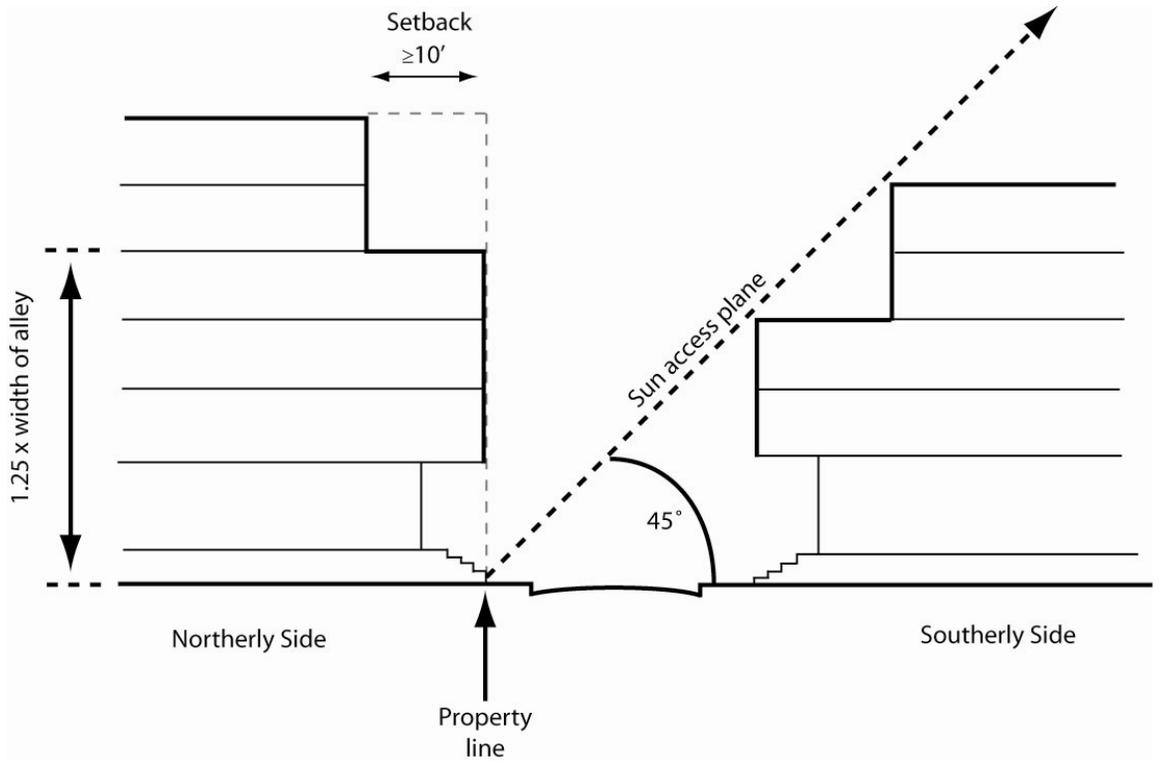
(1) **General Requirement.** All building frontages Except as described below, all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street.

(2) **Southern Side of East-West Streets.** All subject frontages on the southerly side of an East-West Narrow Street~~(e)~~ on the southerly southern side of those right-of-ways streets and alleys listed in this subsection ~~(b)(1)~~ and that are ~~greater~~ more than 60 feet from an intersection with another street right-of-way wider than 40 feet, shall have upper stories which are ~~be~~ set back at the property line such that they avoid penetration of a sun access plane defined by an angle of 45 degrees extending from the most directly opposite northerly property line ~~50 degrees from a line 5 feet southerly and of parallel to the northern right-of-way line~~ (as illustrated in Figure 261.1A. ~~For example, for a 35-foot wide right of way, this would a 50-degree setback at the property line above a height of approximately 36 feet.~~) No part or feature of a building, including but not limited to any feature listed in Sections 260(b), may penetrate the required setback plane. ~~(1) Streets and alleys with required sun angle setback on south side include: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets, and all streets narrower than 40 feet within the Eastern Neighborhoods Mixed Use Districts, RED, or within any RTO or NCT district.~~

(3) **Mid-block Passages.** Subject frontages abutting a mid-block passage provided per the requirements of Section 270.2 shall have upper story setbacks as follows:

(A) for mid-block passages between 20 and 30 feet in width, a setback of not less than 10 feet above a height of 25 feet.

(B) for mid-block passages between 30 and 40 feet in width, a setback of not less than 5 feet above a height of 35 feet.



*Figure 261.1A*

**SEC. 263.19. HEIGHT LIMITS: PERMITTED PODIUM AND TOWER HEIGHTS IN THE R BULK DISTRICT.**

(a) Intent. As described in Section 827(a), the general development concept for Rincon Hill is of podium buildings up to 85 feet in height, with adequately spaced slender towers up to 550 feet in height rising above the podium buildings. *In South Beach, towers up to 200 feet in height are permitted to rise in limited locations above a podium height that varies from 65 to 105 feet.* This urban form is implemented in the R height and bulk district, mapped in all portions of the Rincon Hill and South Beach Downtown Residential Districts where towers are permitted.

(b) Maximum Height Controls for Podiums and Towers. In the R bulk district, as designated on Sectional Map No. 1H of the Zoning Map, maximum permitted building heights for both podiums and towers are expressed as two numbers separated by a

slash, including 65/200-R, 105/200-R, 85/150-R, 85/200-R, 85/250-R, 65/400-R, 85/400-R, 45/450-R, and 45/550-R. The number preceding the slash represents the height limit for podium buildings. The number following the slash represents the height limit for towers. No building may exceed the podium height limit except for towers meeting the bulk and tower spacing controls established in Section 270(e).

**SEC. 263.21. SPECIAL HEIGHT EXCEPTIONS: VERTICAL NON-HABITABLE ARCHITECTURAL ELEMENTS IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

(a) Purpose. In order to allow for vertical architectural elements on large lots which will mitigate the effect of long, monotonous individual buildings and create visual focal points that build upon the architectural tradition and character of an area, certain architectural elements may be excepted from otherwise applicable height limits. The mostly topographically flat Eastern Neighborhoods, particularly the South of Market, Showplace, and Mission Districts have a strong tradition of larger and longer buildings incorporating vertical architectural elements above the predominant roofline. These vertical elements are proportioned to the building and are generally not visible on the skyline or distant views.

(b) Applicability. This Section shall apply to all projects subject to Section 309.2 in the Eastern Neighborhoods Mixed Use Districts which are also located in Height and Bulk Districts of 85 feet or less.

(c) Controls. Additional height for non-habitable architectural building elements, as illustrated in Figure 263.21, may be permitted subject to the 309.2 procedure for exemptions subject to the following criteria:

(1) Only one such element shall be permitted per lot;

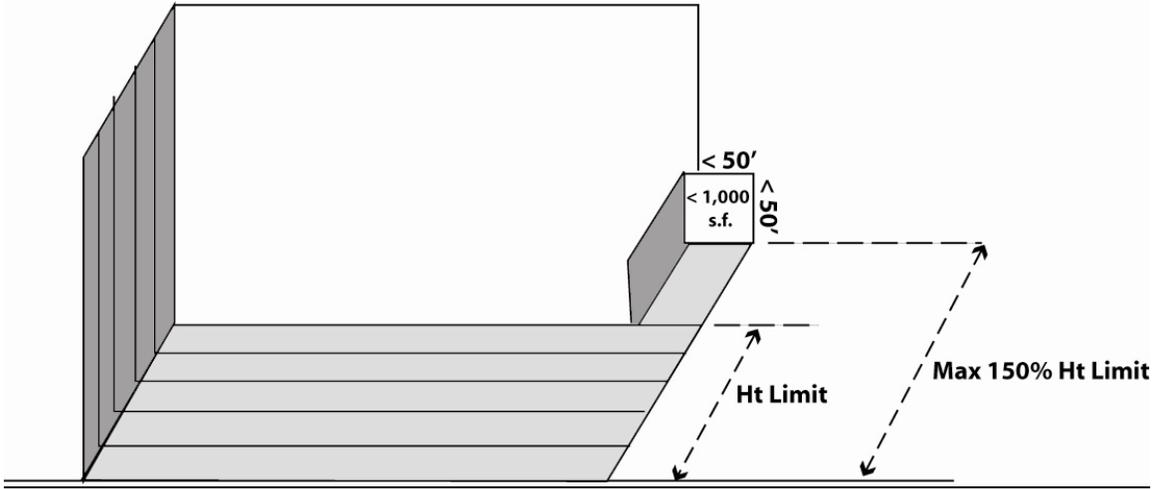
(2) Such element shall not exceed 1,000 square feet in gross floor area;

(3) Such element shall not have a plan dimension greater than 50 feet;

(4) The height of such element shall not exceed a height equal to 50 percent of the applicable height limit; and

(5) Such elements shall be consistent with the design, materials and character of the building.

Figure 263.21



**SEC. 270. BULK LIMITS: MEASUREMENT.**

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE INSET:

TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125

B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

(c) Maximum plan lengths and diagonal dimensions do not apply to cornices or other decorative projections.

(d) The bulk limits contained in this subsection shall apply in S Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

(1) Base. The base is the lowest portion of the building extending vertically to a streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more. There are no length or diagonal dimension limitations applicable to the base. The building base shall be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means.

(2) Lower Tower.

(A) Dimensions. Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B. For buildings of less than 160 feet in height, the lower tower controls are the only bulk controls above the base of the building. The bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.

(B) Additional Bulk for Elevators. Solely in order to accommodate additional elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000 square feet without a corresponding reduction in upper floor size.

(3) Upper Tower.

(A) Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the height shown on Chart B, which height excludes the vertical attachment and other features exempted by Section 260 and excludes the extended upper tower height exceptions provided for in Section 263.7 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5-foot intervals.

(B) Volume Reduction. When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to Section 263.7 and is shown on Chart C. In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

(C) Extensions. Extension of the upper tower above the otherwise allowable height limits may be permitted as provided in Section 263.9.

(D) Termination of the Tower. The top of the tower shall be massed in a manner that will create a visually distinctive roof or other termination of the building facade. Modifications to a proposed project may be required, in the manner provided in Section 309, to achieve this purpose.

(e) Rincon Hill and South Beach. In Bulk District R (Rincon Hill and South Beach DTR Districts), bulk limitations are as follows:

(1) There are no bulk limits below ~~a height of 85 feet~~ the podium height as described in Section 263.19, except for the lot coverage limitations and setback requirements described in Sections ~~825 and 827~~.

(2) Tower Bulk and Spacing. ~~All portions of s~~Structures above 85 feet in height the podium height as described in Section 263.19 shall meet the following bulk limitations, as illustrated in Chart C.

(A) Buildings between ~~85-the podium height limit~~ and 240 feet in height may not exceed a plan length of 90 feet and a diagonal dimension of 120 feet, and may not exceed a maximum average floor area of 7,500 gross square feet.

(B) Buildings between 241 and 300 feet in height may not exceed a plan length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor area of 8,500 gross square feet.

(C) Buildings between 301 and 350 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 9,000 gross square feet.

(D) Buildings between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 10,000 gross square feet.

(E) To allow variety in the articulation of towers, the floor plates of individual floors may exceed the maximums described above by as much as 5 percent, provided the maximum average floor plate is met.

(F) To encourage tower sculpting, the gross floor area of the top one-third of the tower shall be reduced by 10 percent from the maximum floor plates described in (A)--(D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

(G) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 110 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 110 feet in height. Any project that is permitted pursuant to the exception described in Section 270(e)(3) shall not be considered for the purposes of measuring tower spacing pursuant to this Section.

(H) The procedures for granting special exceptions to bulk limits described in Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and 270(e)(4).

(I) Additional setback, lot coverage, and design requirements for the ~~Rincon Hill~~ DTR Districts are described in Sections 825 and 827.

(3) Exceptions to tower spacing and upper tower sculpting requirements in Rincon Hill DTR. An exception to the 115 feet tower spacing requirement and the upper tower sculpting requirement described in (F) and (G) above may be granted to a project only on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code provided that projects meet the following criteria:

(i) Applications for environmental review and conditional use related to a building above 85 feet in height on the subject lot have been filed with the Department prior to March 1, 2003 and February 1, 2005, respectively;

(ii) Given the 115 tower spacing requirement described in (F) above, the existence of an adjacent building greater than 85 feet in height precludes the development of a tower on the subject lot;

(iii) The subject lot has a total area of no less than 35,000 square feet;

(iv) The proposed project is primarily residential and has an area of no more than 528,000 gross square feet;

(v) The proposed project conforms to all other controls described or referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

(vi) For the purposes of subsection (iv) above, the term "gross square feet" shall be the sum of the gross areas of all floors of a building or buildings above street grade measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings, excluding area below street grade. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separated from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

(4) Allowance for limited reduction in spacing from existing towers *in Rincon Hill DTR*. To allow limited variation in tower placement from towers for which a certificate of occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described in (G) above may be granted pursuant to the procedures described in 309.1 of this Code if all the following criteria are met:

(i) For every percent reduction from the maximum average floor area as described in (2) above, an equal percent reduction in tower separation may be granted subject to the following limits:

(ii) Up to a height of one-and-one-half times the maximum permitted podium height, tower spacing described in (G) above may be reduced by not more than 15 percent; (iii) up to a height of 180 feet, tower spacing described in (G) above may be reduced by not more than 10 percent; and (iv) all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in (G) above. A project may average the tower separation of all floors below 180 feet so long as the requirements of (iii) and (iv) are satisfied.

**SEC. 270.1. SPECIAL BULK LIMITATIONS: HORIZONTAL MASS REDUCTIONS IN LARGE LOTS IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

(a) Purpose. There is a disproportionately high number of large lots in historically industrial and mixed-use areas, particularly in the South of Market, Showplace Square, Mission and Central Waterfront areas, which could be developed with long, monotonous and massive buildings. In recognition of this, special controls to allow for appropriate building articulation and mass reduction are provided in this Section.

(b) Applicability. This Section applies to all buildings in the Eastern Neighborhoods Mixed Use Districts with street frontage greater than 200 feet in length, and that receive their first site or building permit after the effective date of this Section.

(c) Controls. Buildings subject to this Section must incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. As illustrated in Figure 270.1A, such mass reduction breaks shall:

(1) be not less than 30 feet in width;

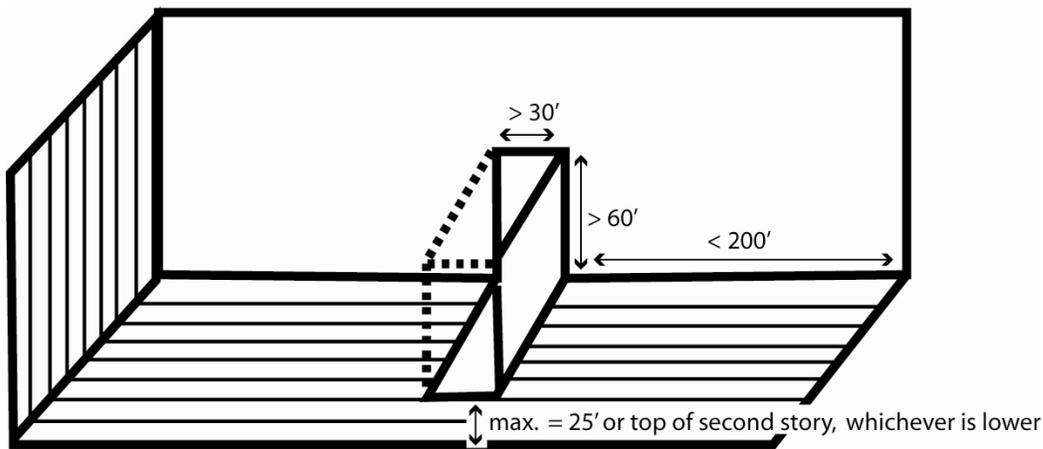
(2) be not less than 60 feet in depth from the street-facing building façade;

(3) extend up to the sky from a level not higher than 25 feet above grade or the third story, whichever is lower; and

(4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200 feet.

Bays, balconies or other obstructions permitted over streets and alleys in Section 136(c), shall not be considered for the calculation of the above dimensions.

Figure 270.1A Required Horizontal Mass Reduction



(d) Modifications. The Planning Commission may modify or waive this requirement through the process set forth in Section 309.2. When considering any such application, the Commission shall consider the following criteria:

(1) no more than 50% of the required mass is reduced unless special circumstances are evident;

(2) the depth of any mass reduction breaks provided is not less than 15 feet from the front façade, unless special circumstances are evident;

(3) the proposed building envelope can be demonstrated to achieve a distinctly superior effect of reducing the apparent horizontal dimension of the building; and

(4) the proposed building achieves unique and superior architectural design.

**SEC 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE AND DTR DISTRICTS.**

(a) Findings. The historically industrial parts of the City, including the South of Market, Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width; in Showplace Square and the Central Waterfront blocks extend up to 800 feet in length and greater; and in the Mission many blocks are over 500 feet in length. In areas of the City historically developed as moderate and high-density residential and commercial environments, the block pattern is much smaller, with many alternate and redundant paths of travels, service alleys, and public mid-block pedestrian walkways and stairways: the typical North of Market block is 275 feet in width and not more than 412.5 feet in length, often with minor alleys bisecting these blocks further into smaller increments.

Large blocks inhibit pedestrian movement and convenience by significantly lengthening walking distances between points, thereby reducing the ability and likelihood of people to walk between destinations, including reducing access to and likelihood of using transit. Academic studies have shown that the likelihood of people to walk for trips of all purposes, including walking to transit stops, declines substantially above distances as low as 1/5<sup>th</sup> of a mile, and that the propensity to walk is very elastic for distances of one mile or less and heavily dependent on distance and route barriers (Berman, Journal of American Planning Literature, May 1996). People are generally willing to walk not more than 1/3-mile to access rail transit, and less to access bus transit. In the Eastern Neighborhoods Mixed Use and DTR Districts, longer walking distances due to large blocks generally lengthens walking distances by up to 1,000 feet or more for even the shortest trips, a major factor in reduced use of transit in these areas. In areas with large blocks, walking distances between destinations can be between 50% and 300% longer than for areas with smaller

blocks and more route choices (Hess, Places, Summer 1997). In the South of Market area, for example, the distance between destinations for walking trips can be as much as 2.5 times longer than a trip between destinations similarly situated apart north of Market Street. Given equivalent densities and distributions of development, where walking distances are greater due to longer and larger blocks, residents have access to up to 50% fewer destinations (e.g. shops, services, transit) for equal walking distances (Hess, Places, Summer 1997). Greater walking distances and fewer route choices also severely degrade accessibility to transit, services, and shops for people with disabilities and the elderly (Kulash, Development, July/August 1990). Because there are fewer pedestrian route choices and people must walk on fewer, more-highly trafficked and busier streets for longer distances, the quality of the pedestrian experience is severely diminished and there are more conflicts with motor vehicles, with corresponding heightened concerns for pedestrian safety on major streets.

Large blocks also increase vehicular and service demand on streets. Where there are no secondary streets or service alleys, all vehicular functions (including service loading as well as private vehicular access to off-street parking) are concentrated onto fewer streets, increasing traffic volumes on these streets and creating significant and frequent conflicts with automobile traffic, transit, bicycles, and pedestrian activity.

Where industrial uses with low densities of workers and residents remain in place, the condition of large blocks is not a problem. However, where land use changes occur with new development and the intensity and density of residential and employment population are increased by new development, there is thus a significant new need created to improve pedestrian and vehicular circulation by mitigating the size the blocks, providing alternate and redundant paths of travel, and creating a more pedestrian-accessible environment.

(b) **Purpose** The mid-block alley requirements of this Section are intended to ameliorate the conditions and impacts described in the Findings of subsection (a) above and make the subject areas appropriate for a higher density of activity and population in areas being targeted for more intense development.

(c) **Applicability.** This Section applies to all new construction on parcels that have one or more street frontage of over 200 linear feet on a block face longer than 400 feet between intersections,

and are in the Eastern Neighborhoods Mixed Use Districts or DTR Districts, except for parcels in the RH DTR District, which are subject to Section 827.

(d) Requirements.

(1) New construction on lots with greater than 300 linear feet of street frontage shall provide a publicly-accessible mid-block alley for the entire depth of the property, generally located toward the middle of the subject block face, perpendicular to the subject frontage and connecting to any existing streets and alleys. For development lots with frontage on more than one street that exceeds the above dimensions, one such mid-block alley will be required per frontage.

(2) For new construction on lots with frontage greater than 200 linear feet but less than 300 feet the project shall provide a publicly-accessible mid-block alley for the entire depth of the property where any of the following criteria are met:

(A) There is an opportunity to establish a through-block connection between two existing alleys or streets, or

(B) A portion of the subject frontage extends over the central half of the block face, or

(C) Where it is deemed necessary by the Planning Department and Commission to introduce alleys to reduce the scale of large development, particularly in areas with a surrounding pattern of alleys.

(e) Design and Performance Standards. The alleys provided per subsections (a) and (b) above shall meet the following standards:

(1) Generally be located as close to the middle portion of the subject block face as possible, perpendicular to the subject frontage and connect to existing adjacent streets and alleys;

(2) Provide pedestrian access;

(3) Provide no, limited or full vehicular access, as specific conditions warrant;

(4) Have a minimum width of 20 feet from building face to building face, exclusive of those obstructions allowed pursuant to Section 136, and a minimum clearance height from grade of 15 feet at all points;

(5) Have a minimum clear walking width of 10 feet free of any obstructions in the case of a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in width with not less than 4 feet minimum clear walking width in the case of an alley with vehicular access;

(6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the sky, including those encroachments permitted in front setbacks by Section 136 of this Code;

(7) Provide such ingress and egress as will make the area easily accessible to the general public;

- (8) Be protected from uncomfortable wind, as called for elsewhere in this Code;
- (9) Be un gated and publicly accessible 24 hours per day, as defined elsewhere in this Section;
- (10) Be provided with appropriate paving, furniture, and other amenities that encourage pedestrian use, and be landscaped to greatest extent feasible;
- (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;
- (12) Be free of any changes in grade or steps not required by the underlying natural topography and average grade; and
- (13) Be fronted by active ground floor uses, as defined in Section 145.1, to the extent feasible.
- (14) New buildings abutting mid-block alleys provided pursuant to this Section 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.

(f) Maintenance. Mid-block paths and alleys required under this Section shall be maintained at no public expense. The owner of the property on which the alley is located shall maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state of repair. Conditions intended to assure continued maintenance of the right-of-way for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.1 for DTR or 309.2 for Eastern Neighborhoods Mixed Use Districts.

(g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the right of the public to pass through the alley and stating the name and address of the owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size.

(h) Property owners providing a pathway or alley under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of the right-of-way, and are solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the right-of-way.

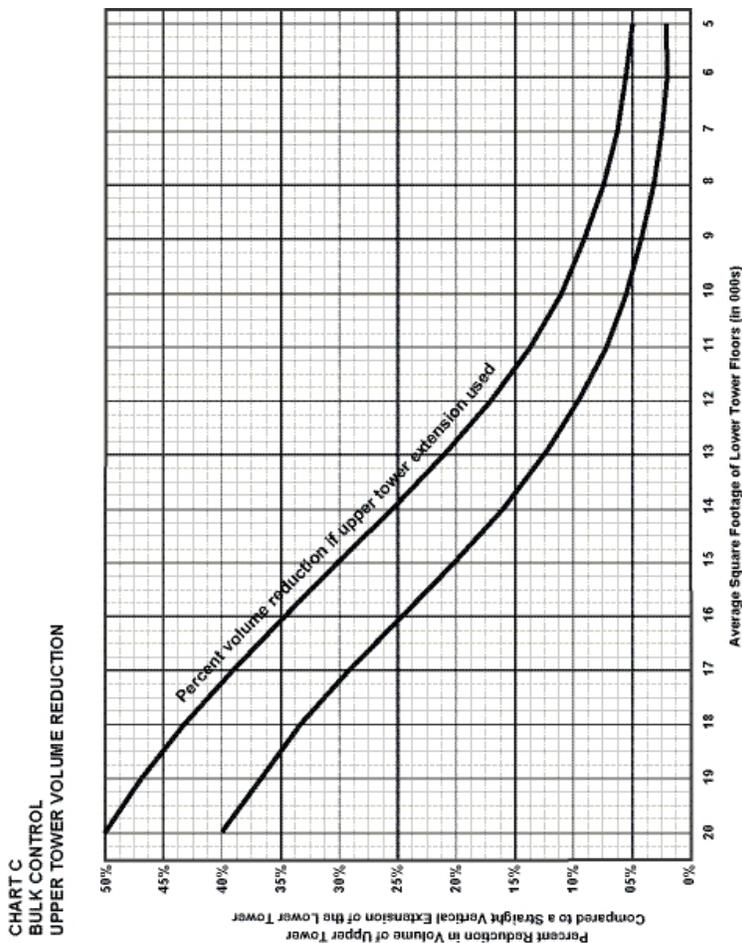
(i) Any non-vehicular portions of such a pathway or alley, including sidewalks or other walking areas, seating areas, or landscaping, may count toward any open space requirements of this Code which permit publicly-accessible open space, provided that such space meets the standards of Section 135.

SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS, IN DISTRICTS OTHER THAN

C-3.

(a) General. The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in districts other than C-3. There may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree; however, following public review and exploration of alternatives, provided there are adequate compensating factors. Such deviation might occur, when the criteria of this Section are met, for one or both of the following positive reasons:

(1) Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the 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 309.2 of this Code for subject projects in the Eastern Neighborhoods Mixed Use Districts.*

(c) Criteria. In acting upon any application for a conditional use *or modification* to permit the bulk limits to be exceeded under this section, the City Planning Commission shall consider the following standards and criteria in addition to those stated in Section 303(c) *and 309.2* of this Code:

(1) The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

(C) Differences in materials, colors or scales of the facades that produce separate major elements;

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

(2) In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

(3) While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

## Article 3.0 – Zoning Procedures

### SEC. 304. PLANNED UNIT DEVELOPMENTS.

In districts other than C-3, *the Eastern Neighborhoods Mixed Use Districts*, *the DTR Districts*, or the South of Market *Mixed Use Base Districts*, the ~~City~~ Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this Section. After review of any proposed development, the City Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

(a) Objectives. The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.

(b) Nature of Site. The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.

(c) Application and Plans. The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

(d) Criteria and Limitations. The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

- (1) Affirmatively promote applicable objectives and policies of the ~~Master~~General Plan;
- (2) Provide off-street parking adequate for the occupancy proposed;
- (3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
- (4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;
- (5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 231~~0~~ of this Code;
- (6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;
- (7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code; and
- (8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.
- (9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

### **SEC. 305. VARIANCES.**

- (a) General. The Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in this

Code. He shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Code and in accordance with the general and specific rules contained herein, and he shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Section. No variance shall be granted in whole or in part which would have an effect substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type or size or height of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Code; or which would change a definition in this Code; or which would waive, reduce or adjust the inclusionary housing requirements of Sections 315 through 315.9; or which would reduce or waive any portion of the usable open space fees applicable under certain circumstances in the Eastern Neighborhoods Mixed Use Districts pursuant to Section 135(j) and 135.3(d) . The procedures for variances shall be as specified in this Section and in Sections 306 through 306.5.

(b) Initiation. A variance action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the variance is sought.

(c) Determination. The Zoning Administrator shall hold a hearing on the application, provided, however, that if the variance requested involves a deviation of less than 10 percent from the Code requirement, the Zoning Administrator may at his option either hold or not hold such a hearing. No variance shall be granted in whole or in part unless there exist, and the Zoning Administrator specifies in his findings as part of a written decision, facts sufficient to establish:

- (1) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
- (2) That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
- (3) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

- (4) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
- (5) That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

Upon issuing his written decision either granting or denying the variance in whole or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2.

(d) Conditions. When considering an application for a variance as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the San Francisco Administrative Code, the Zoning Administrator, or the Board of Appeals on appeal, shall comply with that Chapter which requires, among other things, that the Zoning Administrator and the Board of Appeals not base any decision regarding the development of "dwellings" in which "protected class" members are likely to reside on information which may be discriminatory to any member of a "protected class" (as all such terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, in granting any variance as provided herein, the Zoning Administrator, or the Board of Permit Appeals on appeal, shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Code. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within a reasonable time.

#### **SEC. 306.2. SCHEDULING OF HEARINGS.**

When an action for an amendment to the Planning Code, conditional use or variance has been initiated by application or otherwise, except as provided by Sections 316.2 through 316.5, the Zoning Administrator shall set a time and place for a hearing thereon within a reasonable period. In the case of an application for a variance, such period shall not exceed 30 days from the date upon which the application is accepted for

filing. The procedures for scheduling of hearings and determinations on conditional use applications where such authorization is required in any South of Market *or Eastern Neighborhoods Mixed Use* District, or pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 for each Neighborhood Commercial District, are set forth in Sections 316.2 through 316.8 of this Code. When an action for an amendment to the General Plan has been initiated by the Planning Commission, the Planning Department shall set a time and place for a hearing thereon within a reasonable period.

### **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

In addition to those specified in Sections 302 through 306, and Sections 316 through 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Planning Director, who shall be kept informed of the actions of the Zoning Administrator.

(a) Rules, Regulations and Interpretations. The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Code and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code. Such rules and regulations, and any such interpretations that will be of general application in future cases, shall be made a part of the permanent public records of the Department of City Planning. The Zoning Administrator shall respond to all written requests for determinations regarding the classification of uses and the interpretation and applicability of the provisions of this Code.

(b) Compliance with This Code. The Zoning Administrator shall have authority to take appropriate actions to secure compliance with this Code, through review of permit applications, surveys and record-keeping, enforcement against violations as described in Section 176, and other means.

(c) Inspection of Premises. In the performance of any prescribed duties, the Zoning Administrator and employees of the Department of City Planning authorized to represent the Zoning Administrator shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any

building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(d) Code Maintenance. The Zoning Administrator shall periodically review and study the effectiveness and appropriateness of the provisions of this Code, for the purpose of recommending necessary changes to the Planning Director and the City Planning Commission.

(e) Exercise of Powers and Duties by Others. In cases where absence, incapacity, vacancy of the office, conflict of interest or other sufficient reasons prevent action by the Zoning Administrator, the Planning Director may designate any officer or employee of the Department to carry out any function of the Zoning Administrator so affected.

(f) Cooperation With Other Departments. The Zoning Administrator shall furnish to the various departments, officers and employees of the City vested with the duty or authority to issue permits or licenses (including but not limited to the Department of Public Works, Department of Public Health, Police Department and Fire Department) such information as will insure the proper administration of this Code and of all the rules, regulations, interpretations and other determinations of the Department of City Planning relative thereto. It shall be the duty of said departments, officers and employees to cooperate with the Zoning Administrator in the performance of the Zoning Administrator's duties, and to assist in the enforcement of the provisions of this Code.

(g) Exceptions from Certain Specific Code Standards through Administrative Review. ~~In~~ in the Chinatown Mixed Use Districts and the South of Market Mixed Use Districts, ~~The~~ Zoning Administrator may allow complete or partial relief from parking, rear yard, open space and wind and shadow standards as authorized in the applicable sections of this Code, when modification of the standard would result in a project better fulfilling the criteria set forth in the applicable section. The procedures and fee for such review shall be the same as those which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2.

*(h) Exceptions from Certain Specific Code Standards through Administrative Review in the Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts, the Zoning Administrator may allow complete or partial relief from certain standards specifically identified below and elsewhere in this Code when modification of the standard would result in a project fulfilling the criteria set forth below and in the applicable section.*

*(1) Applicability. For projects not subject to Section 309.2, relief may be provided for the following requirements: rear yard; non-residential open space; off-street loading requirements;*

and off-street parking limits up to the maximum quantities described in Section 151.1. Relief may also be provided for dwelling unit exposure requirements for buildings which are designated landmark buildings or contributory buildings within designated historic districts per Article 10 of the Planning Code, and/or buildings recorded with the State Historic Preservation Office as eligible for the California Register, when the following criteria are met: (i) literal enforcement of Section 140 would result in the material impairment of the historic resource; and (ii) the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this Code.

(2) Procedures. The review of a modification requested under this Section shall be conducted as part of, and incorporated into, a related building permit application or other required project authorizations; no additional fee shall be required. Under no circumstance shall such modification provide relief from any fee, including those related to usable open space pursuant to Sections 135(j) and 135.3(d). The provisions of this Subsection (h) shall not preclude such additional conditions as may be deemed necessary by the Zoning Administrator to further the purposes of this Section or other Sections of this Code.

### **SEC. 309.1. PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.**

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for the construction or substantial alteration of structures in Downtown Residential districts, the granting of exceptions to requirements of this Code, and the imposition of modifications necessary to achieve the objectives and policies of the General Plan and the purposes of this Code as provided for in Sections 825, 827 and elsewhere. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered.

(a) Design Review.

(1) In addition to the standard permit review process, the design of projects greater than 50,000 gross square feet or 85 feet in height shall be subject to design review and approval by Department staff. A detailed design review will be initiated by Department staff working with the project sponsor, at the time an application for 309.1 review or building permit is filed, and may take place in advance of filing a building permit application. This comprehensive review shall resolve issues related to the project's design, including the following:

(A) Overall building massing and scale;

- (B) Architectural treatments, facade design and building materials;
  - (C) The design of lower floors, including building setback areas, townhouses, entries and parking and loading access;
  - (D) On sloping sites, parking provided above ground pursuant to Section ~~827(7)(A)~~ 825(b)(6);
  - (E) The provision of required open space, both on- and off-site;
  - (F) Streetscape and other public improvements, including tree planting, street furniture, and lighting;
  - (G) Circulation, including streets, alleys and mid-block pedestrian pathways
  - (H) Other changes necessary to bring a project into conformance with the Rincon Hill Plan and other elements and area plans of the General Plan.
- (2) If the project sponsor opposes project modifications and conditions recommended by the Planning Director pursuant to the design review, the Director shall prepare a report of recommended modifications which shall be presented to the Planning Commission for a hearing pursuant to Subsection (e) and which shall be available to the public upon mail notification of said hearing.
- (b) Exceptions.
- (1) Exceptions to the following provisions of this Code may be granted as provided for below:
- (A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the criteria described in Section 270(e)(3) and 270(e)(4).
  - (B) Provision for exceeding *an accessory residential parking ratio of 0.5 off street car parking spaces per dwelling unit, up to a maximum of one car parking space per dwelling unit, pursuant to the criteria described in Section 151.1. the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein.*
  - (C) Exceptions to the lot coverage requirements of Section ~~827(d)(2)(a)(4)~~ for conversions of existing non-residential structures to residential use.
  - (D) Reductions in the dwelling unit exposure requirements of Section 140.
  - (E) Allowing parking access from Folsom Street, pursuant to ~~827(d)(7)(a)(8)~~ and 155(r).
  - (F) Reduction of required on-site residential open space of 36 square feet per unit described in Section ~~827(e)(2)(A)~~ 825(b)(5) to create additional off-site publicly-accessible open space and superior building design.

(G) Design, location, and size of publicly-accessible open space as allowed by Section 827(e) and equivalence of proposed publicly-accessible open space in size and quality with required on-site open space.

(H) Modifications to the required upper story setback above a height of 45 feet on the north side of mid-block pedestrian pathways as allowed in Section ~~827(d)(4)(C)(i)~~ 827(a)(5).

(c) Hearing and Determination on Design Modifications and Applications for Exceptions.

(1) Hearing. The Planning Commission shall hold a public hearing for all projects greater than 50,000 gross square feet, for all projects 85 feet in height or greater, and for applications that require exceptions as provided in Subsection (b).

(2) Notice of Hearing. Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. Such notice shall also be published at least once in an official newspaper of general circulation at least 10 days prior to the date of the hearing. The notice shall state that the written recommendation of the Planning Director regarding design modifications to the project and regarding any requests for exceptions is available for public review at the office of the Planning Department.

(3) Director's Recommendations on Modifications and Exceptions. At the hearing, the Planning Director shall review for the Commission key urban design issues related to the project based on the design review pursuant to Subsection (a) and recommend to the Commission modifications to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (b).

(4) Decision and Imposition of Conditions. The Commission may, after public hearing and, after making appropriate findings, approve, disapprove or approve subject to conditions, the project and any applications for exception. In addition to the requirements set forth in this Code, additional requirements, modifications, and limitations may be imposed on a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the General Plan or the purposes of this Code, including any modifications recommended by the Planning Director arising from design review. If pursuant to the provisions of this Section, the Planning Commission determines that

conditions should be imposed on the approval of a building or site permit application or an application for exceptions to conform the building to the standards and intent of the Rincon Hill Plan and other elements of the General Plan and the applicant agrees to comply, the Commission may approve the application subject to those conditions.

(5) Appeal. The decision of the Planning Commission on the granting of any exceptions pursuant to Subsection (b) may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

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

(7) Discretionary Review. No requests for discretionary review, other than through the procedures set forth in this Subsection, shall be accepted by the Planning Department or heard by the Planning Commission for permits in a DTR district.

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

(e) Unbuilt Tower Projects; Progress Requirement and Approval Revocation.

(1) Construction of any development in an "R" bulk district containing a building taller than 110 feet (herein referred to as a "tower project") shall commence within 24 months of the date the tower project is first approved by the Planning Commission or Board of Appeals pursuant to the provisions of this Section. For tower projects that contain more than one tower structure, each tower structure shall be considered as a separate phase of development, with a requirement for commencement of construction for each subsequent tower phase of 18 months beginning after the Certificate of Final Completion and Occupancy is issued on the previous tower phase. Failure to begin construction work within that period, or thereafter to carry the development diligently to completion, shall be grounds for the Planning Commission to revoke approval of the tower project or

phase. Neither the Department of Public Works nor the Board of Permit Appeals shall grant any extension of time inconsistent with the requirements of this Subsection (e)(1). For the purposes of this Subsection, "carry the development diligently to completion" shall mean continuous construction work without significant stoppage toward the completion of a tower structure beyond any site clearance, grading, excavation, or demolition of existing buildings on the project site.

(2) The Department of Building Inspection shall notify the Planning Department in writing of its approval for issuance and issuance of a site or building permit for any tower project and of the revocation, cancellation, or expiration of any such permit.

(3) At the first regularly scheduled Planning Commission meeting after the time period described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for any tower project or tower phase, the Planning Commission shall hold a hearing requiring the tower project sponsor to report on the construction progress of the subject tower project or phase. If the Commission finds that the tower project or phase does not meet the progress requirement of Subsection (e)(1), the Commission may revoke or extend, up to a maximum of 12 months for each extension, the approvals for the tower project or phase.

(4) Appeals of Planning Commission decisions pursuant to this Subsection (e) shall be conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

**SEC. 309.2. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

*(a) Purpose. The purpose of this Section is to ensure that all large projects proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in an effort to achieve the objectives and policies of the General Plan, the Eastern Neighborhoods Design Guidelines, and the purposes of this Code.*

*(b) Applicability. This Section applies to all new construction and proposed alterations of existing buildings in the Eastern Neighborhoods Mixed Use Buildings that meet at least one of the following criteria:*

*(1) The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an existing building resulting in a total building height greater than 75 feet; or*

(2) The project involves a net addition or new construction of more than 25,000 gross square feet; or

(3) The project has 200 or more linear feet of contiguous street frontage on any public right of way; or

(c) Planning Commission Design Review: As set forth in Subsection (e), below, the Planning Commission shall review and evaluate all physical aspects of a proposed project at a public hearing. At such hearing, the Director of Planning shall present any recommended project modifications or conditions to the Planning Commission, including those which may be in response to any unique or unusual locational, environmental, topographical or other relevant factors. The Commission may subsequently require these or other modifications or conditions, or disapprove a project, in order to achieve the objectives and policies of the General Plan or the purposes of this Code. This review shall address physical design issues including but not limited to the following:

(1) Overall building massing and scale;

(2) Architectural treatments, facade design and building materials;

(3) The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

(4) The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

(5) The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2

(6) Streetscape and other public improvements, including tree planting, street furniture, and lighting;

(7) Circulation, including streets, alleys and mid-block pedestrian pathways;

(8) Bulk limits;

(9) Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.

(d) Exceptions. As a component of the review process under this Section 309.2, projects may seek specific exceptions to the provisions of this Code as provided for below:

(1) Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;

(2) Exception from residential usable open space requirements. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).

(3) Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).

(4) Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.

(5) Exception to height limits for vertical non-habitable architectural elements described in Section 263.21 and pursuant to the criteria therein;

(6) Provision of the required minimum dwelling unit mix, as set forth in Section 207.6, pursuant to the criteria of Section 305(c);

(7) Exception for rear yards, pursuant to the requirements of Section 134(f);

(8) The number of Designated Office Stories for projects which are subject to vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one building on the project site, so long as

(A) an increase in the number of Designated Office Stories would result in a total square footage of office space no greater than that which would otherwise be permitted by the project,

(B) office uses are consolidated within a lesser number of buildings than would otherwise be the case, and

(C) the resulting location and mix of uses increases the project's consistency with nearby land uses;

(9) Where not specified elsewhere in this Subsection (d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located.

(e) Hearing and Decision.

(1) Hearing. The Planning Commission shall hold a public hearing for all projects that are subject to this Section.

(2) Notice of Hearing. Notice of such hearing shall be provided pursuant to the same requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8.

(3) Director's Recommendations on Modifications and Exceptions. At the hearing, the Planning Director shall review for the Commission key issues related to the project based on the review of the project pursuant to Subsection (c) and recommend to the Commission modifications, if any, to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (d).

(4) Decision and Imposition of Conditions. The Commission, after public hearing and, after making appropriate findings, may approve, disapprove or approve subject to conditions, the project and any associated requests for exception. As part of its review and decision, the Planning Commission may impose additional conditions, requirements, modifications, and limitations on a proposed project in order to achieve the objectives, policies, and intent of the General Plan or of this Code.

(5) Appeal. The decision of the Planning Commission may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(6) Discretionary Review. No requests for discretionary review shall be accepted by the Planning Department or heard by the Planning Commission for projects subject to this Section.

(7) Change of Conditions. Once a project is approved, authorization of a change in any condition previously imposed by the Planning Commission shall require approval by the Planning Commission subject to the procedures set forth in this Section.

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

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

(b) Applicability. Except as indicated herein, all building permit applications for demolition and/or new construction, and/or alteration of residential buildings in RH, RM, and RTO districts shall be subject to the notification and review procedures required by this Section. Subsection 311(e) regarding demolition permits and approval of replacement structures shall apply to all R Districts.

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

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

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

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

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

Written notice shall be mailed to the notification group which shall include the project sponsor, relevant neighborhood organizations as described in Subparagraph 311(c)(2)(C) below, all individuals having made a written request for notification for a specific parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical, occupants, of properties in the notification area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The demolition of any building whether or not historically and architecturally important may be approved administratively where the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation with the Zoning Administrator, that an imminent safety hazard exists, and the Director of the Department of Building Inspection determines that

demolition or extensive alteration of the structure is the only feasible means to secure the public safety.

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

**SEC. 312. ~~NEIGHBORHOOD COMMERCIAL~~ PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

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

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

(c) Changes of Use. In NC Districts, Aall building permit applications for a change of use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a walkup facility, as defined in Section 790.140, other large institutions, as defined in Section 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small self-service restaurant, as defined in Section 790.91, a massage establishment, as defined in Section 790.60, an outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined in Sections 790.36 and 790.38, or a fringe financial service use, as defined in Section 790.111, shall be subject to the

provisions of Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit applications for a change of use from any one land use category to another land use category shall be subject to the provisions of Subsection 312(d). For the purposes of this Subsection, 'land use category' shall mean those categories used to organize the individual land uses which appear in the use tables in Article 8, immediately preceding a group of individual land uses, and include the following: residential use, institutional use, retail sales and service use, assembly, recreation and entertainment use, office use, motor vehicle services use, industrial home and business service use, or other use.

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

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

(2) Notification. Upon determination that an application is in compliance with the development standards of the Planning Code, the Planning Department shall cause a notice to be posted on the site pursuant to rules established by the Zoning Administrator and shall cause a written notice describing the proposed project to be sent in the manner described below. This notice shall be in addition to any notices required by the Building Code and shall have a format and content determined by the Zoning Administrator. It shall include a description of the proposal compared to any existing improvements on the site with dimensions of the basic features, elevations and site plan of the proposed project including the position of any adjacent buildings, exterior dimensions and finishes,

a graphic reference scale, existing and proposed uses and commercial or institutional business name, if known. The notice shall describe the project review process and shall set forth the mailing date of the notice and the expiration date of the notification period. Written notice shall be mailed to the notification group which shall include the project sponsor, relevant neighborhood organizations as described in Subparagraph 312(d)(2)(C) below, all individuals having made a written request for notification for a specific parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical, occupants, of properties in the notification area.

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

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

(C) The Planning Department shall maintain a list, updated every six months with current contact information, available for public review, and kept at the Planning Department's Planning Information Counter, and reception desk, as well as the Department of Building Inspection's Building Permit Counter, of neighborhood organizations which have indicated an interest in specific properties or areas. The organizations having indicated an interest in the subject lot or its area shall be included in the notification group for the proposed project. Notice to these groups shall be verified by a declaration of mailing signed under penalty of perjury. In the event that such an organization is not included in the notification group for a proposed project as required under this subsection, the proposed project must be re-noticed.

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

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

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

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

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

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

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

(g) Wireless Telecommunications Services Facility as Accessory Use, Notification and Review Required. Building permit applications for new construction of a wireless

telecommunications services facility as an accessory use under Article 7 or 8 of the Planning Code in all NC or Eastern Neighborhoods Mixed Use Districts shall be subject to the notification and review procedures required by this Section.

#### **SEC. 315.4. ON-SITE HOUSING REQUIREMENT AND BENEFITS.**

Except as provided in Section 315.4(e), all housing projects subject to this Program through the application of Section 315.3 shall be required to construct on-site units subject to the following requirements:

(a) *Number of Units:*

(1) (A) For any housing development of any height that is located in an area with a specific inclusionary housing requirement, the more specific inclusionary housing requirement shall apply. In addition, the following provisions shall apply only to the following Area Plans as provided below:

(i) Market and Octavia Area Plan: The requirements of Sections 315 through 315.9 shall apply in the Plan Area subject to the following:

An additional affordable housing requirement shall apply in the Market and Octavia Plan Area as follows:

Definitions. The definitions in Section 326.2 and 318.2 shall apply.

Amount of fee: All projects that have not received Planning Department or Commission approval as of the effective date of this legislation and that are subject to the Residential Inclusionary Affordable Housing Program shall pay an additional affordable housing fee per square foot of Residential Space Subject to the Community Improvements Impact Fee as follows; \$8.00 in the Van Ness Market Special Use District; \$4.00 in the NCT District; and \$0.00 in the RTO District. A project applicant shall not pay a fee for any square foot of space designated as a below market rate unit under this inclusionary affordable housing program or any other unit that is designated as an affordable housing unit under a Federal, State, or local restriction in a manner that maintains affordability for a term no less than 50 years.

Timing of payment: The fee shall be paid before the City issues a first certificate of occupancy for the project.

Use of Fee: The additional affordable housing requirement specified in this Section for the Market and Octavia Plan Area shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. MOH shall expend the funds according to the following priorities: First, to increase the supply of housing affordable to qualifying households in the Market and Octavia Plan Area; second, to increase the supply of housing affordable to qualifying households within 1 mile of the boundaries of the Plan Area; third, to increase the supply of housing affordable to qualifying households in the City and County of San Francisco. The funds may also be used for monitoring and administrative expenses subject to the process described in Section 315.6(e).

Other fee provisions: This additional affordable housing fee shall be subject to the following provisions of Sections 326 et seq.; the inflation adjustment provisions of Section 326.3(d); the waiver and reduction provisions of Section 326.3(h); the lien proceedings in Section 326.4; and the refund provisions of Section 326.5. This additional affordable housing fee may not be met through the in-kind provision of community improvements or Community Facilities (Mello Roos) financing options of Sections 326.3(e) and (f).

Findings: The Board of Supervisors hereby finds that the additional affordable housing requirements of this Section are supported by the Nexus Study performed by Keyser Marston and Associates referenced in Section 315.2(12) and found in Board File No. \_\_\_\_\_. The Board of Supervisors has reviewed the study and staff analysis and report of the study and, on that basis finds that the study supports the current inclusionary housing requirements combined with the additional affordable housing fee. Specifically, the Board finds that the study: identifies the purpose of the additional fee to mitigate impacts on the demand for affordable housing in the City; identifies the use to which the additional fee is to be put as being to increase the City's affordable housing supply; and establishes a reasonable relationship between the use of the additional fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Moreover, the Board finds that the current inclusionary requirements combined with the additional fee are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the current inclusionary requirements and additional fee do not duplicate other City requirements or fees.

Furthermore, the Board finds that generally an account has been established, funds appropriated, and a construction schedule adopted for affordable housing projects funded through the Inclusionary Housing program and the additional fee or that the in lieu fees and the additional fee will reimburse the City for expenditures on affordable housing that have already been made.

Furthermore, the Board finds that a major Market and Octavia Area Plan objective is to direct new market rate housing development to the area. That new market rate development will greatly out number both the number of units and potential new sites within the plan area for permanently affordable housing opportunities. The City and County of San Francisco has adopted a policy in its General Plan to meet the affordable housing needs of its general population and to require new housing development to produce sufficient affordable housing opportunities for all income groups, both of which will not be met by the projected housing development in the plan area. In addition, the "Draft Residential Nexus Analysis City and County of San Francisco" of December 2006 indicates that market rate housing itself generates additional lower income affordable housing needs for the workforce needed to serve the residents of the new market rate housing proposed for the plan area. In order to meet the demand created for affordable housing by the specific policies of the Plan and to be consistent with the policy of the City and County of San Francisco it is found that an additional affordable housing fee need be included on all market rate housing development in the Plan Area with priority for its use being given to the Plan area.

*(ii) Eastern Neighborhoods Project Area: The requirements of Sections 315 through 315.9 shall apply in the Plan Area subject to the following: An additional option for compliance with Section 319, for a square foot in lieu fee shall be made available to small development projects that are subject to changed regulations or procedures as a result of the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods Mixed Use District , an SLI District, or any PDR, R, or NC District located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(1), subject to the following and subject to any stated exceptions elsewhere in this Code, including the specific provisions in Section 319:*

Definitions:

"Gross square footage" shall have the meaning set forth in Section 102.9.

"Development Application" shall have the meaning set forth in Section 175.6.

"Eastern Neighborhood Controls" shall have the meaning set forth in Section 175.6.

Amount of Fee: All projects consisting of 20 units or less or less than 20,000 gross square feet, which is subject to the Eastern Neighborhood Controls as defined in Section 175.6 (e), may choose to [pay a square foot in lieu fee instead of the in lieu fee provided for in Section 315.6 as follows. If this option is selected, the project applicant shall pay \$40.00 per gross square foot of net new residential development. Gross square footage shall be as defined in Section 102.9, In addition to the exempted area set forth in Section 102.9(b), any ground floor retail, commercial, or PDR uses, residential tenants' storage areas, and all other space used only for storage and services necessary to the operation or maintenance of the building itself are also exempted.

Timing of Payment: The project applicant shall pay the fee prior to issuance by DBI of the first site or building permit for the project. At the project applicant's option, it may choose to pay only 50% of the fee prior to issuance by DBI of the first site or building permit and, prior to issuance of the first site or building permit, the City shall impose a lien on the property for the remaining 50% of the fee through the procedures set forth in Section 315.6(f) [except that no interest will accrue]. The project applicant shall pay the remaining 50% of the fee prior to issuance by DBI of a first certificate of occupancy. When 100% of the fee is paid, including interest if applicable, the City shall remove the lien.

Findings: The Board of Supervisors hereby finds that the fee provisions of this Section are equivalent to or less than the fees for developments of over 20 units previously adopted by the Board in Ordinance No. ----- and are also supported by the Nexus Study performed by Keyser Marston and Associates referenced in Section 315.2(12) and found in Board File No. \_\_\_\_\_.  
The Board of Supervisors has reviewed the study and staff analysis prepared by the Mayor's Office of Housing dated -----, 2008 in Board File No. \_\_\_\_\_ and on that basis finds that the study supports the current proposed changes to the inclusionary housing requirements for projects of 20 units or less in the Eastern Neighborhood Area Plan. Specifically, the Board finds that the study and staff memo: identifies the purpose of the additional fee to mitigate impacts on the demand for affordable housing in the City; identifies the use to which the additional fee is to be put as being to increase the City's affordable housing supply; and establishes a reasonable relationship between the use of the additional fee for affordable housing and the need for

affordable housing and the construction of new market rate housing. Moreover, the Board finds that the new inclusionary requirements are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the inclusionary requirements do not duplicate other City requirements or fees.

Furthermore, the Board finds that generally an account has been established, funds appropriated, and a construction schedule adopted for affordable housing projects funded through the Inclusionary Housing program and the in lieu fees will reimburse the City for expenditures on affordable housing that have already been made.

Furthermore, the Board finds that small scale development faces a number of challenges in the current development climate, including limited access to credit and often, a higher land cost per unit for the small sites on which they develop. Because of these and other variations from larger-scale development, they operate under a somewhat unique development model which cannot be fully encapsulated within the constraints of the Eastern Neighborhoods Financial Analysis, prepared to assess the financial feasibility of increasing housing requirements and impact fees in the Plan Areas. To address these challenges, staff recommends a number of slight modifications to the affordable housing requirements of the Eastern Neighborhoods, to apply to small projects (defined as 20 units or fewer, or less than 25,000 gross square feet).

**SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION IN NEIGHBORHOOD COMMERCIAL, EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS AND FOR LIVE/WORK UNITS IN RH AND RM DISTRICTS.**

In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this Code, the following procedures set forth in this and the following sections shall govern applications for conditional use authorization where this authorization is required pursuant to Sections 178, 179, 181(f) or (g), 209.9(f), 209.9(h), 260(b)(2)(P) or 263.11 of this Code; zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 of this Code for each Neighborhood Commercial District; ~~or~~ Sections 813 through 818 for the South of Market Mixed Use Districts; or Section 840 through 843 for the Eastern Neighborhoods Mixed Use Districts. The criteria for determinations on such applications are set forth in Section 303(c) of this Code. Additional criteria for determinations on applications pursuant to zoning categories .10, .11, and .21 of Article

7 are set forth in the Section of this Code containing the control. Additional criteria for determinations on certain applications within Mixed Use South of Market Districts are set forth in Sections 263.11 and 803.5 through 803.9 of this Code.

**SEC. 319. HOUSING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT  
PROJECTS IN THE UMU ZONING DISTRICTS OF THE EASTERN NEIGHBORHOODS.**

**SEC. 319.1. FINDINGS.**

*(a) Need for New Housing and Other Land Uses. San Francisco is experiencing a severe shortage of housing available to people at all income levels. In addition, San Francisco has an ongoing affordable housing crisis. Many future San Francisco workers will be earning below 80% of the area's median income, and even those earning moderate or middle incomes, above the City's median, are likely to need assistance to continue to live in San Francisco. In 2007, the median income for a family of four in the city was about \$86,000. Yet median home prices suggest that nearly twice that income is needed to be able to a dwelling suitable for a family that size. Only an estimated 10% of households in the city can afford a median-priced home.*

*The Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND) forecasts that San Francisco must produce over 31,000 new units in the next five years, or over 6,000 new units of housing annually, to meet projected needs. At least 60%, or over 18,000, of these new units should be available to households of very low, low, and moderate incomes. With land in short supply in the City, it is increasingly clear that the City's formerly industrial areas offer a critical source of land where this great need for housing, particularly affordable housing, can be partially addressed.*

*(b) Target Area For New Housing. San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offers an opportunity to achieve higher affordability, and meet a greater range of need. The Mission, Showplace Square – Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to meet San Francisco's housing needs, through higher affordability requirements and through greater flexibility in the way those requirements can be met.*

New affordable units are currently funded through a variety of sources, including inclusionary housing and in lieu fees leveraged by new market rate residential development pursuant to Sections 313 and 315; as well as City, State, and federal funding. Using these existing sources, the Planning Department projects that approximately 1,000 to 1,500 new units of affordable housing will be developed in the Eastern Neighborhoods.

Recognizing that this number of affordable units is not sufficient, the Plans call for further measures beyond the existing inclusionary requirements and Citywide funding, including new funding sources for affordable housing programs such as an impact fee; and new zoning districts in formerly industrial areas which require deeper affordability.

(c) Requirements for New Development To Contribute Towards Housing Objectives. A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with “complete neighborhoods” that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying for a reasonable share of their impact on the neighborhood’s infrastructure. They further require new development in transitioning formerly industrial areas to contribute a higher share towards the City’s exponentially high affordability needs.

To address the full range of housing needs of all income categories, including low, moderate and middle income families and individuals, the Plans provide programs which address all of these income levels, as follows:

(1) Low: Current housing programs funded by federal and State funds, private equity raised through Low-Income Housing Tax Credits, and local funds such as inclusionary in-lieu and Jobs-Housing Linkage fees and run by the Mayor’s Office of Housing and the San Francisco Redevelopment Agency fund affordable housing primarily at very low and low income levels, to households making below 80% of the area median income; but due to the low supply and high costs of land in the City, are at a disadvantage for sites upon which to provide such housing. An alternative to the city’s Inclusionary Housing Program will allow developers to dedicate sites for very low and low income level units.

(2) Moderate: The City’s Inclusionary Housing Program funds affordable housing primarily at the moderate income levels through on-site provision of below-market rate units, to households making between 80% and 120% of the San Francisco median income. Continuation and expansion of the Inclusionary Housing Program will allow provision of these moderate income units to increase.

(3) Middle: The City has no current programs to fund affordable housing to those at “middle” income levels, below the 200% area median income level estimated to be required to purchase market rate housing yet above the 120% threshold required for the City’s Inclusionary Housing Program. An alternative to the city’s Inclusionary Housing Program will allow developers to provide “middle” income level units.

The Eastern Neighborhoods Plans structure requirements and fees by tiers to ensure feasibility. This feasibility amount remains below the nexus established in the Residential Nexus Analysis, April 2007, on file with the Planning Department. The following housing requirement tiers are created in the UMU Zoning Districts of the Eastern Neighborhoods, and included as a notation on each parcel in the Planning Department’s Parcel Information System:

- Tier A. Sites within the UMU which do not receive zoning changes that increase heights, as compared to allowable height prior to the rezoning (May 2008).
- Tier B. Sites within the UMU which receive zoning changes that increase heights by one to two stories.
- Tier C. Sites within the UMU which receive zoning changes that increase heights by three or more stories.

Within these districts, new development of market-rate housing will be required to meet affordable housing requirements above the City’s ordinary affordable housing requirements for Residential And Live/Work Development Projects (Section 315), as described in Sections 319.2-319.4. These housing requirements may be met through increased inclusionary requirements under the City’s traditional Inclusionary Program, or through alternative methods contained herein.

### **SEC. 319.2. DEFINITIONS.**

The following definitions shall supplement the definitions contained within Section 315.1, and shall govern interpretation of this ordinance:

- (a) “Middle Income Household” shall mean a household whose combined annual gross income for all members is between 120 percent and 150 percent of the local median income for the City and County of San Francisco, as calculated by the Mayor’s Office of Housing using data from the United States Department of Housing and Urban Development (HUD) and adjusted for household size or, if data from HUD is unavailable, as calculated by the Mayor’s Office of Housing using other publicly available and credible data and adjusted for household size.

- (b) “Total developable site area” shall mean that part of the site that can be feasibly developed as residential development, excluding land already substantially developed, parks, required open spaces, streets, alleys, walkways or other public infrastructure.
- (c) “Dedicated” shall mean legally transferred to the City and County of San Francisco, including all relevant legal documentation, at no cost to the City.
- (d) “Dedicated site” shall mean the portion of site proposed to be legally transferred at no cost to the City and County of San Francisco under the requirements of this section.
- (e) “Principal site” shall mean the total site proposed for development, including the portion of site proposed to be legally transferred to the City and County of San Francisco under the requirements of this section.
- (f) “Affordable to qualifying middle income households” shall mean:
  - (1) With respect to owned units, the average purchase price on the initial sale of all qualifying middle income units shall not exceed the allowable average purchase price deemed acceptable for households with an annual gross income equal to or less than the qualifying limits for a household of middle income, adjusted for household size. This purchase price shall be based on household spending of 35% of income for housing, and shall only apply to initial sale, and not for the life of the unit.
  - (2) With respect to rental units, the average annual rent-- including the cost of utilities paid by the tenant according to the HUD utility allowance established by the San Francisco Housing Authority -- for qualifying middle income units shall not exceed the allowable average purchase price deemed acceptable for households with an annual gross income equal to or less than the qualifying limits for a household of middle income, adjusted for household size. This price restriction shall exist for the life of the unit.

**SEC. 319.3. APPLICATION.**

Section 319.3 of this Ordinance shall apply to any housing project located in the UMU Zoning District of the Eastern Neighborhoods, that is subject to the requirements of Section 315 et seq.

**SEC. 319.4. HOUSING REQUIREMENTS FOR UMU DISTRICTS.**

(a) Requirements for the Inclusionary Housing Component. The requirements of Sections 315 through 315.9 shall apply subject to the following exceptions:

- (1) For all project sites designated as Tier A, a minimum of 18 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined

elsewhere in this Code, so that a project applicant must construct .18 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project applicant elects pursuant to Section 315.4(e), to build off-site units to satisfy the requirements of this program, the project applicant shall construct 23 percent so that a project applicant must construct .23 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu fee to satisfy the requirements of this program, the applicant shall meet the requirements of Section 315 according to the number of units required above if the project applicant were to elect to meet the requirements of this section by off-site housing development. For the purposes of this section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure as required by Section 315.5(a).

(2) For all project sites designated Tier B, a minimum of 20 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code, so that a project applicant must construct .20 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project applicant elects pursuant to Section 315.4(e), to build off-site units to satisfy the requirements of this program, the project applicant shall construct 25 percent so that a project applicant must construct .25 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu fee to satisfy the requirements of this program, the project applicant shall meet the requirements of Section 315 according to the number of units required above if the project applicant were to elect to meet the requirements of this section by off-site housing development. For the purposes of this

section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure as required by Section 315.5(a).

(3) For all project sites designated Tier C, a minimum of 22 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code, so that a project applicant must construct .22 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project applicant elects pursuant to Section 315.4(e), to build off-site units to satisfy the requirements of this program, the project applicant shall construct 27 percent so that a project applicant must construct .27 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu fee to satisfy the requirements of this program, the project applicant shall meet the requirements of Section 315 according to the number of units required above if the project applicant were to elect to meet the requirements of this section by off-site housing development. For the purposes of this section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure as required by Section 315.5(a).

**(b) Alternatives to the Inclusionary Housing Component.** In addition to the alternatives specified in Section 315.4 (e), (and further described above and in Section 315.5. Compliance Through Off-Site Housing Development, and Section 315.6. Compliance Through In-Lieu Fee), and described further above, the project sponsor may elect to satisfy the requirements of Section 315.4 by one of the alternatives specified in this Section. The project sponsor has the choice between the alternatives and the Planning Commission may not require a specific alternative. The project sponsor must elect an alternative before it receives project approvals from the Planning Commission or Planning Department and that alternative will be a condition of project approval. The alternatives are as follows:

(1) Middle Income Alternative. On sites with less than 50,000 square feet of total developable area, applicants may provide units as affordable to qualifying “middle income” households as follows:

(A) A minimum percent of the total units constructed shall be affordable to and occupied affordable to qualifying “middle income” households upon initial sale, according the schedule in Table 319.4. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above. Units shall be affordable to households between 120 percent and 150 percent of the San Francisco Area Median Income, with an average affordability level of 135 percent for all units provided through this alternative.

(B) Where market rate sales prices exceed restricted sales prices, the difference between the market rate sales prices and the restricted sales prices shall be held by the Mayor’s Office of Housing as a silent second mortgage according to the Procedures Manual. The City shall hold a deed of trust and promissory note for the second mortgage. The Mayor’s Office of Housing shall hold this mortgage shall release it when the original note and proportional share of the appreciation are paid in full to the City.

(C) Units shall initially be sold at or below prices to be determined by the Mayor’s Office of Housing in the Conditions of Approval or Notice of Special Restrictions according to the formula specified in the Procedures Manual to make them affordable to middle income households. Upon resale, the seller shall be permitted to sell the units at their market price. The City will waive its right of first refusal to the seller when the promissory note and deed of trust are paid, along with the City’s share of the appreciation of the unit. The promissory note shall accrue no interest and shall require no monthly payments.

(D) Upon first resale, the seller shall have a right to keep a percentage of the total appreciation of the unit proportional to every year the original seller owns the unit as an owner occupant. The remainder of the proceeds of the sale, after the 1<sup>st</sup> mortgage, the second mortgage, and any other subordinate financing is paid off, shall be repaid to the Mayor’s Office of Housing. Detailed resale procedures shall be specified in the Middle Income Housing Procedures Manual published by the Mayor’s Office of Housing and approved by the Planning Commission. The Director of the Mayor’s Office of Housing shall amend the Procedures Manual as needed with the Planning Commission’s approval.

(E) The City shall monitor units provided under this option during the 2 and 5-year Monitoring Report specified in Planning Code Section 342 and in separate resolution. Should this monitoring report indicate that units constructed under this program do not meet the programs stated goals of providing affordable housing to Middle Income Households, the

Planning Department and Mayor's Office of Housing shall consider changes to this program, including, but not limited to, legislative changes.

(F) If the project sponsor elects to satisfy the requirements of Section 315.4 and of this Section by the alternative specified above, the requirement that 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms may be waived provided the minimum percent of total units affordable to qualifying "middle income" as required by Table 319.4 is increased by 10%.

(2) Land Dedication Alternative. Applicants may dedicate a portion of the total developable area of the principal site to the City and County of San Francisco for the purpose of constructing units affordable to qualifying households. A minimum percentage of developable area, representing an equivalent percent of total potential units to be constructed, shall be dedicated to the City according the schedule in Table 319.4. To meet the requirements of this alternative, the developer must convey title to land in fee simple absolute to the Mayor's Office of Housing according to the Procedures Manual, provided the dedicated site is deemed of equivalent or greater value to the principal site per those procedures and is in line with the following requirements:

(A) The dedicated site will result in a total amount of inclusionary units not less than forty (40) units. The Mayor's Office of Housing may conditionally approve and accept dedicated sites which result in no less than twenty five (25) units at its discretion.

(B) The dedicated site will result in a total amount of inclusionary units that is equivalent or greater than the minimum percentage of the units that will be provided on the principal site, as required by Table 319.4. The Mayor's Office of Housing may also accept dedicated sites that represent the equivalent of or greater than the required percentage of units for all units be provided on a collective of sites within a one-mile radius, provided the total amount of inclusionary units provided on the dedicated site is equivalent to or greater than the total requirements for all principal sites participating in the collective, according to the requirements of Table 319.4.

(C) The dedicated site is suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria. The site must allow development of affordable housing that is sound, safe and acceptable.

(D) The dedicated site includes infrastructure necessary to serve the inclusionary units, including sewer, utilities, water, light, street access and sidewalks.

(E) The developer must submit full environmental clearance for the dedicated site before the land can be considered for conveyance, and before a first site or building permit may be conferred upon the principal project.

(F) The City may accept dedicated sites that vary from the minimum threshold provided such a dedication is deemed generally equivalent to the original requirement by the Mayor's Office of Housing.

(G) The City may accept dedicated sites that meet the above requirements in accordance with the Procedures Manual, in combination with in-lieu fees or on-site units, provided such a combination is deemed generally equivalent by the Mayor's Office of Housing to the original requirement.

(H) The project applicant has a letter from the Mayor's Office of Housing verifying acceptance of site before it receives project approvals from the Planning Commission or Planning Department, which shall be used to verify dedication as a condition of approval.

(I) If the project sponsor elects to satisfy the requirements of Section 315.4 and of this Section by the alternative specified above, the requirement that 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms may be waived.

TABLE 319.4

HOUSING REQUIREMENTS FOR THE UMU DISTRICT

<u>Tier</u>	<u>On-Site Housing Requirement</u>	<u>Off-Site/ In-Lieu Requirement</u>	<u>Middle Income Alternative*</u>	<u>Land Dedication Alternative</u>
<u>A</u>	<u>18%</u>	<u>23%</u>	<u>30%</u>	<u>35%</u>
<u>B</u>	<u>20%</u>	<u>25%</u>	<u>35%</u>	<u>40%</u>
<u>C</u>	<u>22%</u>	<u>27%</u>	<u>40%</u>	<u>45%</u>

\*Requirement increases by 5% if two-bedroom requirement is waived.

(c) Adjustments to Requirements for the Inclusionary Housing Component. This Section is intended to incorporate, rather than supersede, any changes made to Planning Code Sections 315. In the instance that the base requirements of Section 315 are amended, the above-noted requirements shall be reviewed, and if appropriate, amended and/or increased accordingly.

SEC. 327. EASTERN NEIGHBORHOODS PUBLIC BENEFIT FUND.

Sections 327.1 to 327.6 set forth the requirements and procedures for the Eastern Neighborhoods Public Benefit Fund.

**SEC. 327.1. FINDINGS.**

(a) New Housing and Other Land Uses. San Francisco is experiencing a severe shortage of housing available to people at all income levels. In addition, San Francisco has an ongoing affordable housing crisis. Many future San Francisco workers will be earning below 80% of the area's median income, and even those earning moderate or middle incomes, above the City's median, are likely to need assistance to continue to live in San Francisco. In 2007, the median income for a family of four in the city was about \$86,000. Yet median home prices suggest that nearly twice that income is needed to be able to a dwelling suitable for a family that size. Only an estimated 10% of households in the city can afford a median-priced home.

The Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND) forecasts that San Francisco must produce over 31,000 new units in the next five years, or over 6,000 new units of housing annually, to meet projected needs. At least 60%, or over 18,000, of these new units should be available to households of very low, low, and moderate incomes. With land in short supply in the City, it is increasingly clear that the City's formerly industrial areas offer a critical source of land where this great need for housing, particularly affordable housing, can be partially addressed.

San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offer an opportunity to achieve higher affordability, and meet a greater range of need. The Mission, Showplace Square – Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to meet San Francisco's housing needs, through higher affordability requirements and through greater flexibility in the way those requirements can be met, as described in Section 319. To support this new housing, other land uses, including PDR businesses, retail, office and other workplace uses will also grow in the Eastern Neighborhoods.

(b) Need for Public Improvements to Accompany New Uses. The amendments to the General Plan, Planning Code, and Zoning Maps that correspond to this ordinance will permit an increased amount of new housing and other uses, as noted above. The Planning Department anticipates an increase of at least 7,365 new housing units within the next 20 years, and over

13,000 new jobs, as estimated under Option B of the Eastern Neighborhoods Draft Environmental Impact Report. This new development will have an extraordinary impact on the Plan Area's already deficient neighborhood infrastructure. New development will generate needs for a significant amount of public open space and recreational facilities; transit and transportation, including streetscape and public realm improvements; community facilities and services, including library materials and child care; and other amenities, as described in the Eastern Neighborhoods Public Benefits Program, on file with the Clerk of the Board in File No. \_\_\_\_\_.

The Eastern Neighborhoods Area Plans addresses existing deficiencies and new impacts, through a comprehensive package of public benefits described in the Eastern Neighborhoods Public Benefits Program. This Program will enable the City and County of San Francisco to provide necessary public infrastructure to new residents while increasing neighborhood livability and investment in the district.

(c) Requirements for New Development To Contribute Towards Plan Objectives. A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with "complete neighborhoods" that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying an Eastern Neighborhoods Impact Fee.

However, due to the high cost of land within the City, it has been determined that the imposition of requirements and fees based on the full impact of new development would be overly burdensome to new development, and hinder the City's policy goal of providing a significant amount of new housing. Therefore, fee rates have been set at a level that will not hinder this policy goal overall. The Plans structure requirements and fees by tiers to ensure feasibility. The following fee tiers are created in the Eastern Neighborhoods Plan Areas, and included as a notation on each parcel in the Planning Department's Parcel Information System:

1. Tier 1. Sites which do not receive zoning changes that increase heights, as compared to allowable height prior to the rezoning (May 2008), all 100% affordable housing projects, and all housing projects within the Urban Mixed Use (UMU) district.
2. Tier 2. All other sites which receive zoning changes that increase heights by one to two stories.

3. Tier 3. All other sites which receive zoning changes that increase heights by three or more stories, and designated affordable housing zones (e.g. the Mission NCT and Mixed Use Residential Districts).

(d) Programmed Improvements. General public improvements and amenities needed to meet the needs of both existing residents, as well as those needs generated by new development, have been identified through the community planning processes of the Area Plans, based on the standards-based analysis contained in the Eastern Neighborhoods Needs Assessment, San Francisco Planning Department, Case No. \_\_\_\_\_ on file with the Clerk of the Board in File No. \_\_\_\_\_, and on community input during the Plan adoption process. The Planning Department developed generalized cost estimates, based on similar project types implemented by the City in the relevant time period, to provide reasonable approximates for the eventual cost of providing necessary Public Benefits in the Plan Areas (information on these cost estimates is located in the Eastern Neighborhoods Public Benefits Program Document). However specific public improvements are still under development and will be further clarified through interdepartmental efforts with input from the Interagency Plan Implementation Committee, the Citizens Advisory Committee, and other stakeholders. Specific project identification, design work, engineering, and environmental review will still be required and may alter the nature of the improvements, as well as the sum total of the cost for these improvements.

(e) Eastern Neighborhoods Impact Fee. Development impact fees are an effective approach to mitigate impacts associated with growth in population. The proposed Eastern Neighborhoods Eastern Neighborhoods Impact Fee would be dedicated to infrastructure improvements in the Plan Area, directing benefits of the fund clearly to those who pay into the fund, by providing necessary infrastructure improvements and housing needed to serve new development. The net increases in individual property values in these areas due to the enhanced neighborhood amenities financed with the proceeds of the fee are expected to exceed the payments of fees by project sponsors.

The fee rate has been calculated by the Planning Department based on accepted professional methods for the calculation of such fees, and described fully in the Eastern Neighborhoods Nexus Studies, San Francisco Planning Department, Case No. \_\_\_\_\_ on file with the Clerk of the Board in File No. \_\_\_\_\_. The Eastern Neighborhoods Public Benefits Program Document contains a full discussion of impact fee rationale.

The proposed fee would cover less than the full nexus as calculated by the Eastern Neighborhoods Nexus Studies. The proposed fees only cover impacts caused by new development

and are not intended to remedy existing deficiencies. Those costs will be paid for by public, community, and other private sources as described in the Eastern Neighborhoods Public Benefits Program. Residential and non-residential impact fees are only one of many revenue sources necessary to create the “complete neighborhoods” that will provide appropriate amenities for residents of the Eastern Neighborhoods.

**SEC. 327.2. DEFINITIONS.**

The following definitions shall govern this ordinance:

(a) Definitions from section 318.2 shall apply unless otherwise noted in this Section.

(b) “Designated affordable housing zones”, for the purposes of this section, shall mean the Mission NCT defined in Section 736 and the Mixed Use Residential District defined in Section 841. Regarding fees paid by projects in these zones, 50% of all revenues shall be dedicated to housing preservation and development within the Eastern Neighborhoods.

(c) “Community facilities” shall mean all uses as defined under Section 209.4(a) and 209.3(d) of this Code.

(d) “Eastern Neighborhoods Impact Fee” shall refer to the fee collected by the City to mitigate impacts of new development as described in Findings, above.

(e) “Eastern Neighborhoods Public Benefit Fund” shall refer to the fund into which all fee revenue collected by the City from the Eastern Neighborhoods Impact Fee.

(f) “In-kind Agreement” shall mean an agreement acceptable in form and substance to the City Attorney and the Planning Director between a project sponsor and the Planning Department subject to the approval of the Planning Commission in its sole discretion to provide a specific set of public benefits, at a specific phase of construction, in lieu of monetary contribution to the Eastern Neighborhoods Public Benefit Fund.

(g) “Net addition of gross square feet of non-residential space” shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, any non-residential use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed development project space used primarily and continuously for the same non-residential use within the same economic activity category; and not accessory to any use other than that same non-residential use for five years prior to Planning Commission approval of the development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(h) “Net addition of gross square feet of residential space” shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, residential use, less the

gross floor area in any structure demolished or rehabilitated as part of the proposed residential development project space used primarily and continuously for residential use and not accessory to any use other than residential use for five years prior to Planning Commission approval of the development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(i) "Non-residential use" shall mean any structure or portion thereof intended for occupancy by retail, office, commercial or other nonresidential uses defined in Section 217, 218, 219 and 221, and also in 209.3 and 209.8 of the Planning Code; including uses referenced in the Eastern Neighborhoods Nexus Study. For the purposes of this section it shall not include industrial uses, including those contained in Sections 220, 222, 223, 224, 225, and 226 of the Planning Code, or uses that qualify as an accessory use, as defined and regulated in Sections 204 through 204.5. Non-residential uses shall include the economic activity categories of Cultural/ Institution/ Education; Management, Information & Professional Service; Medical & Health Service; Retail/ Entertainment; and Visitor Services.

(j) "Non-residential development project" shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of an existing structure which includes any occupied floor area of non-residential use; provided, however, that for projects that solely comprise an addition to an existing structure which would add occupied floor area in an amount less than 20 percent of the occupied floor area of the existing structure, the provisions of this Section shall only apply to the new occupied square footage.

(k) "Non-residential Space Subject to the Eastern Neighborhoods Impact Fee" means each net addition of net square feet within the Project Area which contributes to a 20 percent increase in non-residential capacity of an existing structure.

(l) "Project Area" shall mean the Eastern Neighborhoods Plan Area in Map 1 (Land Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco General Plan.

(m) "Residential" shall mean any type of use containing dwellings as defined in Section 209.1, 790.88, and 890.88 of the Planning Code as relevant for the subject zoning district or containing group housing as defined in Section 209.2(a)– (c) of the Planning Code.

(n) "Residential Space Subject to the Eastern Neighborhoods Impact Fee" means each net addition of net square feet within the Project Area which results in a net new residential unit.

(o) "Waiver Agreement" means an agreement acceptable in form and substance to the Planning Department and the City Attorney, under which the City agrees to waive all or a portion of the Eastern Neighborhoods Impact Fee, provided the sponsor has demonstrated a hardship in achieving those objectives as well as all the requirements of the Plan. Such a waiver may also be

granted as a part of a signed covenant to make a good faith effort to secure the formation of a Community Facilities (Mello-Roos) District.

**SEC. 327.3. APPLICATION.**

(a) Project Area. The Eastern Neighborhoods Public Benefits Fund is hereby established. It shall be implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area and includes properties identified as part of the Eastern Neighborhoods Plan Areas in Map 1 (Land Use Plan) of the San Francisco General Plan. Fees shall be charged on net additions of gross square feet which result in a net new residential unit, or contribute to a 20 percent increase of non-residential space in an existing structure. Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/ Institution/ Education; Management, Information & Professional Service; Medical & Health Service; Retail/ Entertainment; and Visitor Services; with no substitutions across uses. Fees shall not be required for uses contained in Sections 220, 222, 223, 224, 225, and 226 of the Planning Code. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project.

(b) Prior to the issuance by the Department of Building Inspection (DBI) of the first site or building permit for a residential development project, or residential component of a mixed use project within the Project Area, the sponsor of any project containing residential space subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to the schedule in Table 327.3.

(c) Prior to the issuance by DBI of the first site or building permit for a non-residential development project, or non-residential component of a mixed use project within the Project Area, the sponsor of any project containing non-residential space subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to the schedule in Table 327.3.

TABLE 327.3

FEE SCHEDULE FOR EASTERN NEIGHBORHOODS PLAN AREAS

<u>Tier</u>	<u>Residential</u>	<u>Non-residential*</u>
<u>1</u>	<u>\$8/gsf</u>	<u>\$16/gsf</u>
<u>2</u>	<u>\$12/gsf</u>	<u>\$20/gsf</u>
<u>3</u>	<u>\$16/gsf</u>	<u>\$24/gsf</u>

\*Please note that nonresidential uses are subject to the Transit Impact Development Fee, Administrative Code Chapter 38, and therefore eligible for a waiver or reduction. See Section 327.3(g)(2)(B) (i) below

(d) Upon request of the sponsor and upon payment of the Eastern Neighborhoods Impact Fee in full to the Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as described herein, the Treasurer shall issue a certification that the obligations of this section of the Planning Code have been met. The sponsor shall present such certification to the Planning Department and DBI prior to the issuance by DBI of the first site or building permit for the development project. DBI shall not issue the site or building permit without the Treasurer's certification that the fees required by this Section have been paid or otherwise satisfied. Any failure of the Treasurer, DBI, or the Planning Department to give notice of requirements under this Section shall not relieve a sponsor from compliance with this Section. Where DBI inadvertently issues a site or building permit without payment of the fee, Planning and DBI shall not issue any further permits or a certificate of occupancy for the project without certification from the Treasurer. The procedure set forth in this Subsection is not intended to preclude enforcement of the provisions of this Section under any other section of this Code, or other authority under the laws of the City or State of California.

(e) Fee Adjustments. In conjunction with the five-year Monitoring Program required by the Administrative Code Section (note: section number to be determined), the City may review the amount of the Eastern Neighborhoods Impact Fee, should such an increase in fees be warranted according to an increase in construction costs according to changes published in the Construction Cost Index published by the Engineering News Record, or according to another similar cost index should there be one more appropriate. The City may also adjust fees based on changes in estimated costs of the underlying improvements to be funded through the Eastern Neighborhoods Impact Fee as listed in the Eastern Neighborhoods Program. Revision of the fee should be done in coordination with revision to other like fees whenever possible. The Planning Department shall provide notice of any fee adjustment including the formula used to calculate the adjustment on its website and to any interested party who has requested such notice at least 30 days prior to the adjustment taking effect.

(f) Option for In-Kind Provision of Public Benefits. The Planning Commission may reduce the Eastern Neighborhoods Impact Fee described in (b) above for specific development proposals in cases where the Planning Director recommends such an In-kind provision, and the project sponsor has entered into an In-Kind Agreement with the City. In-kind improvements may

only be recommended where said improvements have been prioritized in the plan, where they meet an identified community need as analyzed in the Eastern Neighborhoods Needs Assessment, and where they substitute for improvements to be provided by fee revenue such as public open spaces and recreational facilities, transportation and transit service, streetscapes or the public realm, and community facility space . No proposal for In-kind improvements shall be accepted if it is not recommended by the Planning Director according to the criteria above. Project sponsors that pursue an in-kind waiver are responsible for all additional administrative costs.

(1) The value of the improvements provided through the In-kind agreement shall be equivalent to the portion of the Eastern Neighborhoods Impact Fee that is waived. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind Public Benefits from two independent sources or, if relevant, real estate appraisers. If the City has completed a detailed site-specific cost estimate for a planned improvement this may serve as one of the cost estimates provided it is indexed to current cost of construction. Based on these estimates, the Planning Director shall determine their appropriate value and the Planning Commission may reduce the Eastern Neighborhoods Impact Fee assessed to that project proportionally. Open space or streetscape improvements proposed to satisfy the usable open space requirements of Section 135 are not eligible for credit toward the contribution as In-Kind improvements. No credit toward the contribution may be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City.

(2) The agreement shall also mandate a covenant of the project sponsor to reimburse all city agencies for their administrative and staff costs in negotiating, drafting, and monitoring compliance with the In-Kind agreement. The City also shall require the project sponsor to provide a letter of credit or other instrument, acceptable in form and substance to the Planning Department and the City Attorney, to secure the City's right to receive improvements as described above.

(g) Waiver or Reduction.

(1) Waiver or Reduction Based on Hardship or Absence of Reasonable Relationship  
(A) A project applicant of any project subject to the requirements in this Section may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of development and the amount of the fee charged or for the reasons set forth in subsection (2) below, a project applicant may request a waiver from the Board of Supervisors.

(B) Any appeal of waiver requests under this clause shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the sponsor is required to pay and has paid to the Treasurer the fee as required in Section 327.3(b). The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position. If a reduction, adjustment, or waiver is granted, any change of use or scope of the project shall invalidate the waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver to the Treasurer and Planning Department.

(2) Waiver or Reduction Based on Duplication of Fees. This Section details waivers and reductions available by right for project sponsors that fulfill the requirements below.

(A) A project applicant subject to the requirements of this Section who has received an approved building permit, conditional use permit or similar discretionary approval and who submits a new or revised building permit, conditional use permit or similar discretionary approval for the same property shall be granted a reduction, adjustment or waiver of the requirements of Section 327 of the Planning Code with respect to the square footage of construction previously approved.

(B) The City shall not to assess duplicative fees on new development. In general project sponsors are only eligible for fee waivers under this clause if a contribution to another fee program would result in a duplication of charges for a particular type of community infrastructure. Therefore applicants may only receive a waiver for the portion of the Eastern Neighborhoods Public Benefits Fund that addresses that infrastructure type. Requirements under Section 135 do not qualify for waiver or reductions. Should future fees pose a duplicative charge, the same methodology shall apply and the Planning Department shall update the schedule of waivers or reductions accordingly.

(i) Applicants that are subject to the Transit Impact Development Fee (TIDF), Administrative Code Chapter 38, can reduce their contribution to the Eastern Neighborhoods Public Benefits Fund by one dollar for every dollar that they contribute to the TIDF. Reductions shall be made according to economic activity categories as defined in the Administrative Code Chapter 38, and based on the gross square footage (gsf) of new development for each economic activity category.

**SEC. 327.4. LIEN PROCEEDINGS.**

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

(b) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee, including interest, a lien against all parcels used for the development project and shall send all notices required by that Article to the owner of the property as well as the sponsor. The Treasurer shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall contain the sponsor's name, a description of the sponsor's development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of record of the parcels of real property subject to lien. Except for the release of lien recording fees authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in trust by the Treasurer and deposited in the Eastern Neighborhoods Public Benefits Fund established in Section 327.6.

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

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

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

**SEC. 327.6. FUND.**

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

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

*(1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop and improve public open space and recreational facilities; transit, streetscape and public realm improvements; and community facilities including child care and library materials, as defined in the Eastern Neighborhoods Nexus Studies; or housing preservation and development within the Eastern Neighborhoods Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible". Funds generated for 'library resources' should be used for materials in branches that directly service Eastern Neighborhoods residents. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee pursuant to Section 327.3(d) above, to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities if this is deemed necessary.*

*(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Eastern Neighborhoods Public Benefits Program Document, and for fees related to legal challenges related to such fees. Administration of this fund includes*

time and materials associated with reporting requirements, facilitating the Eastern Neighborhoods Citizens Advisory Committee meetings, and maintenance of the fund. All interest earned on this account shall be credited to the Eastern Neighborhoods Public Benefits Fund.

(c) Funds shall be deposited into specific accounts according to the improvement type for which they were collected. Funds from a specific account towards a different improvement type, provided said account or fund is reimbursed over a five-year period of fee collection. Funds shall be allocated to accounts by improvement type as described below in Table 327.6 and as supported by Eastern Neighborhoods Nexus Studies, San Francisco Planning Department, Case No. \_\_\_\_\_, and monitored according to the Eastern Neighborhoods Area Plans Monitoring Program required by the Administrative Code Section (note: section number to be determined) and detailed by separate resolution.

TABLE 327.6

BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE

<u>Improvement Type</u>	<u>Residential</u>	<u>Non-residential</u>
<u>Open space and recreational facilities</u>	<u>50%</u>	<u>7%</u>
<u>Transit, streetscape and public realm improvements</u>	<u>42%</u>	<u>90%</u>
<u>Community facilities (child care and library materials)</u>	<u>8%</u>	<u>3%</u>
<u>Housing preservation and development</u>	<u>50%*</u>	<u>n/a</u>

\*Please note that in regards to fees paid by projects in specially designated affordable housing zones (e.g. the Mission NCT and Mixed Use Residential Districts), 50% of revenues shall be dedicated to housing preservation and development within the Eastern Neighborhoods. The remaining 50% of revenues shall be allocated to other categories according to the percentages above.

(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 ordinance that shall include the following elements: (1) a description of the type of fee in each account or fund; (2) amount of fee collected; (3) beginning and ending balance of the accounts or funds including any bond funds held by an outside trustee; (4) amount of fees collected and interest earned; (5)

identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (6) an identification of the approximate date by which the construction of public improvements will commence; (7) a description of any inter-fund transfer or loan and the public improvement on which the transferred funds will be expended; and (8) amount of refunds made and any allocations of unexpended fees that are not refunded.

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

(f) A public hearing shall be held by the Recreation and Parks Commissions to elicit public comment on proposals for the acquisition of property using monies in the Fund that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commissions may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition and development of property acquired for park use.

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

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

**SEC. 327.7 EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE**

*(a) Within 6 months of adoption of the Eastern Neighborhoods Area Plan and related planning code changes ,the Board of Supervisors shall establish a Citizens Advisory Committee (CAC) for the purposes of providing input on the prioritization of Public Benefits, updating the Public Benefits program, and providing input to plan area monitoring efforts as appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the Interagency Planning & Implementation Committee (IPIC), the Planning Commission and the Board of Supervisors. The CAC may perform the following functions as needed:*

*(1) Collaborate with the Planning Department and the Interagency Plan Implementation Committee on prioritizing the community improvement projects and identifying implementation details as part of annual expenditure program that is adopted by the Board of Supervisors;*

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

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

*(b) Representation: The Board of Supervisors shall appoint 2/3 of the committee members and the Mayor shall appoint 1/3 of the committee members of the CAC, making appointments that represent the diversity of the plan area.. It shall include, at a minimum, two representatives from each of these four geographic areas of the Plan Area (the neighborhoods of Eastern SoMa, Central Waterfront, Mission and Showplace Square Potrero Hill); and other members shall represent citywide interests, including residential and business perspectives. The Citizens Advisory Committee shall be comprised of 9-12 community members from varying geographic, socio-economic, ethnic, racial, gender, and sexual orientations living or working within the plan area.. The CAC should adequately represent key stakeholders including resident renters, resident homeowners, low-income residents, local merchants, established neighborhood*

groups within the plan area, and other groups identified through refinement of the CAC process. Each member shall be appointed by the Board and will serve for two-year terms, but those terms shall be staggered such that, of the initial membership, some members will be randomly selected to serve four year terms and some will serve two year terms. The Board of Supervisors may renew a member's term.

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

## Article 6.0 - Signs

### SEC. 603. EXEMPTED SIGNS.

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

- (a) Official public notices, and notices posted by public officers in performance of their duties;
- (b) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety;
- (c) Temporary display posters, without independent structural support, in connection with political campaigns and with civic noncommercial health, safety and welfare campaigns, provided that in R districts such posters shall be removed within 60 days following the conclusion of the campaign;
- (d) Flags, emblems, insignia and posters of any nation or political subdivision, and temporary displays of a patriotic, religious, charitable or other civic character;
- (e) House numbers, whether illuminated or not, "no trespassing," "no parking," and other warning signs;
- (f) Commemorative plaques placed by recognized historical agencies;
- (g) Signs within a stadium, open-air theater or arena which are designed primarily to be viewed by patrons within such stadium, open-air theater or arena;
- (h) Religious symbols attached to buildings if not projecting beyond any street property line or building setback line;
- (i) Flags indicating weather conditions, and single flags which are emblems of business firms, enterprises and other organizations;
- (j) Two general advertising signs each not exceeding 24 square feet in area on either a transit shelter or associated advertising kiosk furnished by contract with the Municipal Transportation Agency or predecessor agency for the Municipal Railway in RTO, RTO-M, RM-2, RM-3, RM-4, RC, NC, C, M, PDR, Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use Districts, and in those P Districts where such signs would not adversely affect the character, harmony or visual integrity of the district as determined by the City Planning Commission; eight general advertising signs each not exceeding 24 square feet in area on transit shelters located on publicly owned property on a high level

Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District, provided that such advertising signs solely face the C-2 District; up to three double-sided general advertising signs each not exceeding 24 square feet in area on or adjacent to transit shelters on publicly owned high level Municipal Railway boarding platforms along The Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King Streets, and up to four double-sided panels at 4th and King Streets; up to two double-sided panels not exceeding 24 square feet in area on each low-level boarding platform at the following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and The Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of 71 double-sided general advertising signs each not exceeding 24 square feet in area on or adjacent to transit shelters on 28 publicly owned high level Municipal Railway boarding platforms serving the Third Street Light Rail Line. Each advertising sign on a low-level or high level boarding platform shall be designed and sited in such a manner as to minimize obstruction of public views from pedestrian walkways and/or public open space.

Notwithstanding the above, no sign shall be placed on any transit shelter or associated advertising kiosk located on any sidewalk which shares a common boundary with any property under the jurisdiction of the Recreation and Park Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign Districts as established in Section 608.3 of this Code;

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

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

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

(m) Two general advertising signs each not exceeding 52 square feet in area on a public service kiosk furnished by contract with the Department of Public Works which contract also provides for the installation and maintenance of automatic public toilets. Each such public service kiosk shall be divided into three sections, one of which shall provide a public service, such as a newsstand, newsrack, map, public telephone, vending machine, display of public service information, or interactive video terminal;

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

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

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

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

(b) Roof Signs. Roof signs shall be permitted in all ~~C<sub>1</sub>~~ and M<sub>1</sub> and PDR Districts other than C-1 only if Subsections (1) through (3) below are satisfied; except that a roof sign that is designated historic pursuant to Sections 303 and 608.14 of this Code may be permitted without regard to Subsections (1) through (3) below:

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

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

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

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

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

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

(2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, ~~and~~ M-2, and PDR Districts, except for signs located within 200 feet of the park known as Union Square and visible from said park and signs located so as to be primarily viewed by persons traveling on any portion of a freeway, moving or otherwise physically animated parts may be used if such parts do not exceed a velocity of one complete cycle in a four-second period where such parts constitute less than 30 percent of the area of the sign or if, where such parts constitute a greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second period and are stationary at least half of each eight-second period; except that signs designated historic pursuant to Sections 303 and 608.14 of this Code may have such moving features otherwise prohibited for signs located so as to be primarily viewed by persons traveling on any portion of a freeway.

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

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

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

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

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

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

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

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

(g) Height and Extension Above Roofline.

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

In C-1: 40 feet;

In C-3: 100 feet;

In all other C and M Districts: 60 feet.

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

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

In C-1: 24 feet;

In C-2: 36 feet;

In all other ~~C-2~~ M, and PDR Districts: 40 feet.

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

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

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

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

#### **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.**

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

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

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

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the

area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Neighborhood Commercial Districts.

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

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

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

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

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

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

illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

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

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

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

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

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

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

(1) NC-1 Districts.

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

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

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

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

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

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

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

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24

square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curblineline, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

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

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

(3) NC-3 and NCT-3 Neighborhood Commercial Districts.

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

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

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

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

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

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

(A) A maximum of two oil company signs, which shall not extend more than 10 feet above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line. The

areas of other permanent and temporary signs as covered in Subparagraph (B) below shall not be included in the calculation of the areas specified in this Subparagraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Signs or Sign Features Not Permitted in Mixed Use Districts. General advertising signs are not permitted in the Eastern Neighborhoods and South of Market Mixed Use districts, except in the South of Market General Advertising Special Sign District. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.2 shall be prohibited.

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

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

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

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

(e) General Advertising Signs. General advertising signs, as defined in Section 602.7, shall be permitted in Mixed Use Districts as provided for below. General advertising signs are not allowed in the Eastern Neighborhoods and South of Market Mixed Use Districts, except in the South of Market General Advertising Special Sign District or where a permit was approved by the City prior to January 1, 2001. In Mixed Use Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign area, as defined in Section 602.1(a) of this Code.

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

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

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

(3) South of Market General Advertising Special Sign District. Within the area designated as a South of Market General Advertising Special Sign District, as described in Section 821 of this Code and shown on Sectional Map SSD of the Zoning Map, the following provisions shall apply to general advertising signs: (1) No more than two

general advertising signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672 square feet in area shall be permitted per lot; (2) No more than one double-sided or multiple-sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not exceed the standards established by Section 607(b) of this Code for roof signs lying within M Districts.

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

(1) Chinatown Residential Neighborhood Commercial District.

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

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

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

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

(2) Chinatown Visitor Retail District.

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

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

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

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

(E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to

the curblin, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

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

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

(B) Wall Signs. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

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

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

(E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such

freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curblin, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

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

(h) Special Districts for Sign Illumination. Signs in Mixed Use Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and described in Section 607(e) of this Code.

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

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

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

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

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

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

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

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

## Article 7.0 – Neighborhood Commercial Districts

### SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.

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

The description and purpose statements and land use controls applicable to each of the general and individual area districts are set forth in Sections 710.1 through 784 of this Code for each district class. The boundaries of the various Neighborhood Commercial Districts are shown on the Zoning Map referred to in 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
NC-3 -- Moderate-Scale Neighborhood Commercial District	§ 712
NC-S -- Neighborhood Commercial Shopping Center District	§ 713
<i><u>NCT-2 Small Scale Neighborhood Commercial Transit District</u></i>	<i><u>§ 734</u></i>
NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731

Neighborhood Commercial Section	
Individual Area Districts Number	
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717

Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
Hayes-Gough Neighborhood Commercial Transit District	§ 720
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725
Valencia Street Neighborhood Commercial <i>Transit</i> District	§ 726
24th Street-Mission Neighborhood Commercial <i>Transit</i> District	§ 727
24th Street-Noe Valley Neighborhood Commercial District	§ 728
West Portal Avenue Neighborhood Commercial District	§ 729
Inner Sunset Neighborhood Commercial District	§ 730
Upper Market Street Neighborhood Commercial Transit District	§ 732
<i>SoMa Neighborhood Commercial Transit District</i>	<u>§ 735</u>
<i>Mission Street Neighborhood Commercial Transit District</i>	<u>§ 736</u>

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

Neighborhood Commercial Transit Districts	Section Number
Hayes-Gough Neighborhood Commercial Transit District	§ 720
<i>Valencia Street Neighborhood Commercial Transit District</i>	<u>§ 726</u>
<i>24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District</i>	<u>§ 727</u>
NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731
Upper Market Street Neighborhood Commercial Transit District	§ 732

<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<u>§ 734</u>
<i>SoMa Neighborhood Commercial Transit District</i>	<u>§ 735</u>
<i>Mission Street Neighborhood Commercial Transit District</i>	<u>§ 736</u>

NCT districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

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

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

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

TABLE INSET:

	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
.51	Medical Service	§ 790.114
.52	Personal Service	§ 790.116
.53	Business or Professional Service	§ 790.108

.54	Massage Establishment	§ 790.60
.55	Tourist Hotel	§ 790.46
.56	Automobile Parking	§ 790.8
.57	Automotive Gas Station	§ 790.14
.58	Automotive Service Station	§ 790.17
.59	Automotive Repair	§ 790.15
.60	Automotive Wash	§ 790.18
.61	Automobile Sale or Rental	§ 790.12
.62	Animal Hospital	§ 790.6
.63	Ambulance Service	§ 790.2
.64	Mortuary	§ 790.62
.65	Trade Shop	§ 790.124
.66	Storage	§ 790.117
.67	Video Store	§ 790.135
.68	Fringe Financial Service	§ 790.111
.70	Administrative Service	§ 790.106
.80	Hospital or Medical Center	§ 790.44
.81	Other Institutions, Large	§ 790.50
.82	Other Institutions, Small	§ 790.51
.83	Public Use	§ 790.80
.90	Residential Use	§ 790.88
.95	Community Residential Parking	§ 790.10

(b) Use Limitations. The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control

categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each district class.

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

TABLE INSET:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also use or provide for primarily retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place. Except in the SoMa NCT, where these uses are permitted accessory uses.

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

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

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail uses and the livability of adjacent uses and areas, most eating and drinking and entertainment uses at the ground story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new nonretail

commercial uses. Parking is not required, and any new parking is required to be set back or below ground. Active, pedestrian-oriented ground floor uses are required.

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

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Valencia Street
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, <u>263.18</u> , 270, 271	40-X, 50-X. See Zoning Map. <u>Additional 5’ Height Allowed for Ground Floor Active Uses in 40-X and 50-X</u>
726.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
726.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
726.13 <i>a</i>	Street Frontage, <u>Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	<del>Required – § 145.1</del> <u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>

726.13b	<i>Street Frontage, Required Ground Floor Commercial</i>	<u>§ 145.4</u>	<i>Requirements apply. See § 145.4</i>
726.13c	<i>Street Frontage, Parking and Loading access restrictions</i>	<u>§ 155(r)</u>	<i>Requirements apply. See § 155(r)</i>
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, 102.11, 123	2.5 to 1 § 124(a) (b)
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 <u>Section 151.1</u></i>  §§ 151, 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>726.37</del>	Residential Conversion	<del>§§ 790.84, 207.7</del>	<del>PC</del>		
<del>726.38</del>	Residential Demolition	<del>§§ 790.86, 207.7</del>	<del>PC</del>	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 [Not Listed Below]	§ 790.102	P	C	
726.41	Bar	§ 790.22	C		
726.42	Full-Service Restaurant	§ 790.92	P		

726.43	Large Fast Food Restaurant	§ 790.90	C		
726.44	Small Self-Service Restaurant	§ 790.91	P		
726.45	Liquor Store	§ 790.55			
726.46	Movie Theater	§ 790.64	P		
726.47	Adult Entertainment	§ 790.36			
726.48	Other Entertainment	§ 790.38	C		
726.49	Financial Service	§ 790.110	P		
726.50	Limited Financial Service	§ 790.112	P		
726.51	Medical Service	§ 790.114	P	C	
726.52	Personal Service	§ 790.116	P	C	
726.53	Business or Professional Service	§ 790.108	P	C	
726.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
726.55	Tourist Hotel	§ 790.46	C	C	
726.56	Automobile Parking	§§ 790.8, <u>158.1</u>	C	C	C

		160, <del>166,</del>			
726.57	Automotive Gas Station	§ 790.14			
726.58	Automotive Service Station	§ 790.17			
726.59	Automotive Repair	§ 790.15	C		
726.60	Automotive Wash	§ 790.18			
726.61	Automobile Sale or Rental	§ 790.12			
726.62	Animal Hospital	§ 790.6	C		
726.63	Ambulance Service	§ 790.2			
726.64	Mortuary	§ 790.62	C	C	
726.65	Trade Shop	§ 790.124	P	C	
726.66	Storage	§ 790.117			
726.67	Video Store	§ 790.135	C	C	
726.68	Fringe Financial	§ 790.111	#	#	#
Institutions and Non-Retail Sales and Services					
726.70	Administrative Service	§ 790.106			
726.80	Hospital or Medical	§ 790.44			

	Center				
726.81	Other Institutions, Large	§ 790.50	P	C	C
726.82	Other Institutions, Small	§ 790.51	P	P	P
726.83	Public Use	§ 790.80	C	C	C
726.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
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
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>		
726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 140 sq. ft. lot area <del>§208</del> <u>No density limit.</u></i>		
726.93	Usable Open Space [ <i>Per Residential Unit</i> ]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
726.94	Off-Street Parking, Residential	§§ <u>145.1</u> , 150, <u>151.1</u> , 153--157, 159--160, <u>166</u> , <u>167</u> 204.5	<i>Generally, 1 space for each dwelling <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> <u>§§ 151.1, 166, 167, 145.1</u></i>		
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

**SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT**

TABLE INSET:

Article 7 Code Section	Other Code Section	<b>Zoning Controls</b>
§ 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 FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

**SEC. 727.1. 24TH STREET -- MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

The 24th Street -- Mission Neighborhood Commercial Transit District is situated in the Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This mixed-use district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services to a wider trade area. The street has a great number of Latin American restaurants, grocery stores, and bakeries as well as other gift and secondhand stores. Most commercial businesses are open during the day while the district's bars and restaurants, ~~and movie theater~~ are also active in the evening. Dwelling units are frequently located above the ground-story commercial uses.

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

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

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

ZONING CONTROL TABLE

			24th Street -- Mission
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
727.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 50-X, 105-E See Zoning Map. <u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X.</u>
727.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above §

			121.1
727.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
727.13a	Street Frontage, <i>Above-Grade Parking Setback and Active Uses</i>	<u>§ 145.1</u>	<del>Required</del> <u>§ 145.1</u> <i>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</i>
<u>727.13b</u>	<i>Street Frontage, Required Ground Floor Commercial</i>	<u>§ 145.4</u>	<i>Requirements apply. See § 145.4</i>
<u>727.13c</u>	<i>Street Frontage, Parking and Loading access restrictions</i>	<u>§ 155(r)</u>	<i>Requirements apply. See § 155(r)</i>
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
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
727.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
727.22	Off-Street Parking, Commercial/Institutional	§§ 150, <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 <u>Section 151.1</u></i> §§ 151, 161(g)
727.23	Off-Street Freight Loading	§§ 150, 153-155,	Generally, none required if

		204.5	gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
727.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
727.25	Drive-Up Facility	§ 790.30	
727.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
727.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
727.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
727.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
727.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	24th Street-- Mission		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<del>727.37</del>	Residential Conversion	<del>§§ 790.84, 207.7</del>	<del>PC</del>		
<del>727.38</del>	Residential Demolition	<del>§§ 790.86, 207.7</del>	<del>PC</del>	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			
727.46	Movie Theater	§ 790.64	P		
727.47	Adult Entertainment	§ 790.36			
727.48	Other Entertainment	§ 790.38	C		
727.49	Financial Service	§ 790.110	P		
727.50	Limited Financial Service	§ 790.112	P		
727.51	Medical Service	§ 790.114	P	C	
727.52	Personal Service	§ 790.116	P	C	
727.53	Business or	§ 790.108	P	C	

	Professional Service				
727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
727.55	Tourist Hotel	§ 790.46	C	C	
727.56	Automobile Parking	§§ 790.8, <u>158.1</u> , 160, <u>166</u> ,	C	C	C
727.57	Automotive Gas Station	§ 790.14			
727.58	Automotive Service Station	§ 790.17			
727.59	Automotive Repair	§ 790.15	C		
727.60	Automotive Wash	§ 790.18			
727.61	Automobile Sale or Rental	§ 790.12			
727.62	Animal Hospital	§ 790.6	C		
727.63	Ambulance Service	§ 790.2			
727.64	Mortuary	§ 790.62			
727.65	Trade Shop	§ 790.124	P		
727.66	Storage	§ 790.117			

727.67	Video Store	§ 790.135	C		
727.68	Fringe Financial Service	§ 790.111	#	#	#
Institutions and Non-Retail Sales and Services					
727.70	Administrative Service	§ 790.106			
727.80	Hospital or Medical Center	§ 790.44			
727.81	Other Institutions, Large	§ 790.50	P	C	C
727.82	Other Institutions, Small	§ 790.51	P	P	P
727.83	Public Use	§ 790.80	C	C	C
727.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
727.90	Residential Use	§§ <u>145.4</u> , 790.88	<i>P, except NP for frontages listed in §145.4</i>	P	P
727.91	Residential Density, Dwelling Units	§§ 207, 207.1, <u>207.4</u> , <u>207.6</u> , 790.88(a)	<i>Generally, 1 unit per 600 sq. ft. lot area §207.4 No density limit.</i>		
727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 210 sq. ft. lot area §208 No density limit.</i>		
727.93	Usable Open Space	§§ 135, 136	Generally, either 80 sq. ft if private,		

	<i>[Per Residential Unit]</i>		or 100 sq. ft. if common § 135(d)		
727.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	<i>Generally, 1 space for each dwelling unit. None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.</i> §§ 151, 161(a) (g), <u>166, 167, 145.1</u>		
727.95	Community Residential Parking	§§ <u>145.1, 151.1(f), 155(r), 166, 790.10</u>	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 727.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)Boundaries: The FFSRUD and its 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).

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

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

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

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

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

SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2 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) (e)</u>
<u>734.13</u> -	<u>Street Frontage</u>	<u>§§ 145.1, 145.4</u>	<u>Required §§ 145.1, 145.4</u>
<u>734.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	<u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>
<u>734.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Requirements apply</u>
<u>734.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>Requirements apply</u>
<u>734.14</u> -	<u>Awning</u>	<u>§ 790.20</u>	<u>P § 136.1(a)</u>
<u>734.15</u> -	<u>Canopy</u>	<u>§ 790.26</u>	<u>P § 136.1(b)</u>
<u>734.16</u> -	<u>Marquee</u>	<u>§ 790.58</u>	<u>P § 136.1(c)</u>
<u>734.17</u> -	<u>Street Trees</u>	—	<u>Required § 143</u>

<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>734.20</u> -	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>2.5 to 1 § 124(a) and (b)</u>
<u>734.21</u> -	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 3,999 sq. ft.; C 4,000 sq. ft. &amp; above § 121.2</u>
<u>734.22</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>734.23</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. §§ 152, 161(b)</u>
<u>734.24</u> -	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if located elsewhere § 145.2(a)</u>
<u>734.25</u> -	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	—
<u>734.26</u> -	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not recessed § 145.2(b)</u>
<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.--6 a.m.</u>
<u>734.30</u> -	<u>General Advertising Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>NP § 607.1(e)(1)</u>
<u>734.31</u> -	<u>Business Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>P § 607.1(f)(2)</u>
<u>734.32</u> -	<u>Other Signs</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>P § 607.1(c),(d),(g)</u>

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

<u>734.38</u> -	<u>Residential</u> <u>Demolition</u>	<u>§§ 790.86,</u> <u>207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.39</u>	<u>Residential</u> <u>Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales and Services</u>					
<u>734.40</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>734.41</u> -	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	-	-
<u>734.42</u> -	<u>Full-Service</u> <u>Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	-	-
<u>734.43</u> -	<u>Large Fast Food</u> <u>Restaurant</u>	<u>§ 790.90</u>	<u>C</u>	-	-
<u>734.44</u> -	<u>Small Self-Service</u> <u>Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	-	-
<u>734.45</u> -	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>P</u>	-	-
<u>734.46</u> -	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	-	-
<u>734.47</u> -	<u>Adult</u> <u>Entertainment</u>	<u>§ 790.36</u>	-	-	-
<u>734.48</u> -	<u>Other</u> <u>Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	-	-
<u>734.49</u> -	<u>Financial Service</u> -	<u>§ 790.110</u>	<u>P</u>	<u>C</u>	-
<u>734.50</u> -	<u>Limited Financial</u> <u>Service</u>	<u>§ 790.112</u>	<u>P</u>	-	-
<u>734.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	-

-					
<u>734.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	-
-	-				
<u>734.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	-
-					
<u>734.54</u>	<u>Massage Establishment</u>	<u>§ 790.60, § 1900 Health Code</u>	<u>C</u>	-	-
-					
<u>734.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
-					
<u>734.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 160</u>	<u>C</u>	<u>C</u>	<u>C</u>
-					
<u>734.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
-					
<u>734.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
-					
<u>734.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-
-					
<u>734.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
-	-				
<u>734.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	-	-	-
-					
<u>734.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
-					
<u>734.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
-					
<u>734.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
-					
<u>734.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-

-					
<u>734.66</u>	<u>Storage</u>	<u>§ 790.117</u>	—	—	—
-					
<u>734.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	—
-					
<u>Institutions and Non-Retail Sales and Services</u>					
<u>734.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	—	—	—
-					
<u>734.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	—	—	—
-					
<u>734.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
-					
<u>734.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
-					
<u>734.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
-					
<u>734.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	—	—
-					
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>734.90</u>	<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>
-					
<u>734.91</u>	<u>Residential Density, Dwelling Units</u>	<u>§§ 207, 207.1, 790.88(a)</u>	<u>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6</u>		
-					
<u>734.92</u>	<u>Residential Density, Group</u>	<u>§§ 207.1, 790.88(b)</u>	<u>No group housing density limit by lot area. Density restricted by physical envelope controls of height.</u>		
-					

	<u>Housing</u>		<u>bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u> <u>§ 208</u>		
<u>734.93</u> -	<u>Usable Open Space [Per Residential Unit]</u> -	<u>§§ 135, 136</u>	<u>Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)</u>		
<u>734.94</u> -	<u>Off-Street Parking, Residential</u>	<u>§§ 150, 153--157, 159--160, 204.5</u>	<u>None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit..</u> <u>§§ 151.1, 166, 167, 145.1</u>		
<u>734.95</u> -	<u>Community Residential Parking</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	<u>C</u>

**SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS**

**TABLE INSET:**

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

**SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located along the 6<sup>th</sup> Street and Folsom Street corridors in the South of Market. The commercial area provides a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening

hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The SoMa NCT has a pattern of ground floor commercial and upper story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. Active, neighborhood-serving commercial development is required at the ground story, curb cuts are prohibited and ground floor transparency and fenestration adds to the activation of the ground story. While offices and general retail sales uses may locate on the second story or above of new buildings, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail use, bars and liquor stores are allowed with a conditional use. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new non-retail commercial uses. Above-ground parking is required to be setback or below ground. Active, pedestrian-oriented ground floor uses are required.

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

SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

			<u>SOMA</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<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 residential levels § 134(a),(e)</u>

			-
<u>735.13</u> -	<u>Street Frontage</u>	<u>§§ 145.1, 145.4</u>	<u>Required §§ 145.1, 145.4</u>
<u>735.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>		<u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>
<u>735.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Requirements apply</u>
<u>735.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>Requirements apply</u>
<u>735.14</u> -	<u>Awning</u>	<u>§ 790.20</u>	<u>P § 136.1(a)</u>
<u>735.15</u> -	<u>Canopy</u>	<u>§ 790.26</u>	<u>P § 136.1(b)</u>
<u>735.16</u> -	<u>Marquee</u>	<u>§ 790.58</u>	<u>P § 136.1(c)</u>
<u>735.17</u> -	<u>Street Trees</u>	—	<u>Required § 143</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>735.20</u> -	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>2.5 to 1 § 124(a), (b)</u>
<u>735.21</u> -	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 3,999 sq. ft.; C 4,000 sq. ft. &amp; above § 121.2</u>
<u>735.22</u> -	<u>Off-Street Parking, Commercial/Institutional</u>	<u>§§ 150, 153-157, 159-160, 204.5</u>	<u>None required. Limits set forth in Section 151.1.</u>
<u>735.23</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. §§ 152, 161(b)</u>
<u>735.24</u> -	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if located elsewhere § 145.2(a)</u>

-			-
<u>735.25</u> -	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	-
<u>735.26</u> -	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not recessed § 145.2(b)</u>
<u>735.27</u> -	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.</u>
<u>735.30</u> -	<u>General Advertising Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>NP § 607.1(e)(1)</u>
<u>735.31</u> -	<u>Business Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>P § 607.1(f)(2)</u>
<u>735.32</u> -	<u>Other Signs</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>P § 607.1(c), (d), (g)</u>

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>SoMa</u>		
			<u>Controls by Story</u>		
			<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
-		<u>§ 790.118</u>			
<u>735.37</u> -	<u>Residential Conversion</u>	<u>§§ 790.84, 207.7</u>	<u>C</u>	<u>C</u>	-
<u>735.38</u> -	<u>Residential Demolition</u>	<u>§§ 790.86, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales and Services</u>					
<u>735.40</u> -	<u>Other Retail Sales and Services [Not Listed Below]</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	-
<u>735.41</u> -	<u>Bar</u>	<u>§ 790.22</u>	<u>C</u>	-	-
<u>735.42</u> -	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	-	-

<u>735.43</u> -	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>	<u>C</u>	-	-
<u>735.44</u> -	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	-	-
<u>735.45</u> -	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>	-	-
<u>735.46</u> -	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	-	-
<u>735.47</u> -	<u>Adult Entertainment</u>	<u>§ 790.36</u>	-	-	-
<u>735.48</u> -	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>NP</u>	-	-
<u>735.49</u> -	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>C</u>	-
<u>735.50</u> -	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	-	-
<u>735.51</u> -	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	-
<u>735.52</u> -	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	-
<u>735.53</u> -	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	-
<u>735.54</u> -	<u>Massage Establishment</u>	<u>§ 790.60, § 1900 Health Code</u>	<u>C</u>	-	-
<u>735.55</u> -	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>735.56</u> -	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 160</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>735.57</u> -	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-

<u>735.58</u> -	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
<u>735.59</u> -	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-
<u>735.60</u> -	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
<u>735.61</u> -	<u>Automobile Sale or Rental</u> -	<u>§ 790.12</u>	-	-	-
<u>735.62</u> -	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
<u>735.63</u> -	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
<u>735.64</u> -	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
<u>735.65</u> -	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-
<u>735.66</u> -	<u>Storage</u>	<u>§ 790.117</u>	-	-	-
<u>735.67</u> -	<u>Video Store</u>	<u>§ 790.135</u>	<u>P</u>	<u>P</u>	-
<u>Institutions and Non-Retail Sales and Services</u>					
<u>735.70</u> -	<u>Administrative Service</u>	<u>§ 790.106</u>	-	-	-
<u>735.80</u> -	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	-	-	-
<u>735.81</u>	<u>Assembly and Social Service</u>	<u>§ 790.50(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<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>

<u>735.83</u> -	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>735.84</u> -	<u>Public Use</u>	<u>§ 790.80</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>735.85</u> -	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
<b><u>RESIDENTIAL STANDARDS AND USES</u></b>					
<u>735.90</u> -	<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>
<u>735.90A</u>	<u>Single-Room Occupancy (SRO) Unit</u>	<u>§ 890.88</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>735.91</u> -	<u>Residential Density, Dwelling Units</u>	<u>§§ 207, 207.1, 790.88(a)</u>	<u>No density limit.</u>		
<u>735.92</u> -	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 790.88(b)</u>	<u>No density limit</u>		
<u>735.93</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>		
<u>735.94</u> -	<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>		
<u>735.95</u> -	<u>Community Residential Parking</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	<u>C</u>

**SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS**

**TABLE INSET:**

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
-------------------------------	---------------------------	------------------------

<u>§§ 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 p.m.</u>
-------------------------------	-------------------------------	--

**SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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

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

This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions.

SEC. 736 MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT 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 levels only</u> <u>§134(a)(e)</u>
<u>736.13</u> -	<u>Street Frontage</u>	-	<u>Required</u> <u>§ 145.1</u>
<u>736.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>		<u>Minimum 25 feet on ground floor, 15 feet on floors above</u> <u>§ 145.1(c), (e)</u>
<u>736.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>		<u>Required along Mission St. § 145.1(d)</u>
<u>736.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>		<u>NP along Mission St.</u>

			<u>§ 155(r)</u>
<u>736.14</u> -	<u>Awning</u>	<u>§ 790.20</u>	<u>P</u> <u>§ 136.1(a)</u>
<u>736.15</u> -	<u>Canopy</u>	<u>§ 790.26</u>	<u>P</u> <u>§ 136.1(b)</u>
<u>736.16</u> -	<u>Marquee</u>	<u>§ 790.58</u>	<u>P</u> <u>§ 136.1(c)</u>
<u>736.17</u> -	<u>Street Trees</u>	-	<u>Required</u> <u>§ 143</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>736.20</u> -	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>3.6 to 1</u> <u>§ 124(a) (b)</u>
<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> <u>§ 121.2</u>
<u>736.22</u> -	<u>Off-Street Parking,</u> <u>Commercial/Institutional</u>	<u>§§ 150, 151.1, 153-</u> <u>157, 159-160, 204.5</u>	<u>None required. Limits set</u> <u>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,</u> <u>204.5</u>	<u>Generally, none required if</u> <u>gross floor area is less than</u> <u>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>

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Mission Street</u>		
			<u>Controls by Story</u>		
-	-	-	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>736.37</u>	<u>Residential Conversion</u>	<u>§§ 790.84, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.38</u> -	<u>Residential Demolition</u>	<u>§§ 790.86, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales and Services</u>					
<u>736.40</u> -	<u>Other Retail Sales and Services [Not Listed Below]</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>736.41</u> -	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	-
<u>736.42</u> -	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	<u>P</u>	-
<u>736.43</u> -	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>	=	=	-
<u>736.44</u>	<u>Small Self-Service</u>	<u>§ 790.91</u>	<u>C</u>	=	-

-	<u>Restaurant</u>				
<u>736.45</u> -	<u>Liquor Store</u>	<u>§ 790.55</u>	-	-	-
<u>736.46</u> -	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	-
<u>736.47</u> -	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	-
<u>736.48</u> -	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	-
<u>736.49</u> -	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	-
<u>736.50</u> -	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	-
<u>736.51</u> -	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>736.52</u> -	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>736.53</u> -	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>736.54</u> -	<u>Massage Establishment</u>	<u>§ 790.60,</u> <u>§ 2700 Police Code</u>	<u>C</u>	<u>C</u>	-
<u>736.55</u> -	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.56</u> -	<u>Automobile Parking</u>	<u>§§ 790.8,</u> <u>156, 158.1,</u> <u>160</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>736.57</u> -	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-

<u>736.58</u> -	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
<u>736.59</u> -	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	-
<u>736.60</u> -	<u>Automotive Wash</u> -	<u>§ 790.18</u>	<u>C</u>	-	-
<u>736.61</u> -	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>	-	-
<u>736.62</u> -	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	-
<u>736.63</u> -	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>	-	-
<u>736.64</u> -	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.65</u> -	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>736.66</u> -	<u>Storage</u>	<u>§ 790.117</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>736.67</u> -	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>737.68</u>	<u>Fringe Financial</u>	<u>§ 790.111</u>	<u>#</u>	<u>#</u>	<u>#</u>
<u>Institutions and Non-Retail Sales and Services</u>					
<u>736.70</u> -	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.80</u> -	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.81</u> -	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>736.82</u> -	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>736.83</u> -	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>736.84</u> -	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>736.90</u> -	<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>
<u>736.90A</u>	<u>Single-Room Occupancy (SRO) Unit</u>	<u>§ 890.88</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>736.91</u> -	<u>Residential Density, Dwelling Units</u>	<u>§§ 207, 207.1, 790.88(a)</u>	<u>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6</u>		
<u>736.92</u> -	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 790.88(b)</u>	<u>No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208</u>		
<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>		
<u>736.94</u> -	<u>Off-Street Parking.</u>	<u>§§ 150, 151.1, 153-</u>	<u>None required. P up to 0.5 parking spaces per unit;</u>		

	<u>Residential</u>	<u>157, 159-160, 204.5</u>	<u>C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1</u>		
<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>

SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 726.68</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>
<u>§ 736.84</u> <u>§ 790.141</u>	<u>Health Code § 3308</u>	<u>Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.</u>

## **Article 8: Mixed Use Districts**

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

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

- (a) To provide in one article a complete listing of or cross-reference to all of the zoning categories, definitions, control provisions, and review procedures which are applicable to properties or uses in Mixed Use Districts ~~in the vicinity of Downtown~~;
- (b) To establish a zoning system which will accommodate all classes of Mixed Use Districts including individual districts which are tailored to the unique characteristics of specific areas;
- (c) To provide zoning control categories which embrace the full range of land use issues in *mixed-use* neighborhoods ~~in the vicinity of Downtown~~, in order that controls can be applied individually to each district to address particular land use concerns in that district.

### **SEC. 802.1. MIXED USE DISTRICTS.**

The following districts are established for the purpose of implementing the Residence Element, the Commerce and Industry Element, the Downtown Plan, the Chinatown Plan, the Rincon Hill Plan, ~~and the South of Market Plan,~~ the East SoMa Plan, the Mission Plan, the Showplace Square/Potrero Hill Plan, and the Central Waterfront Plan, all of which are parts of the ~~Master-General~~ Plan. Description and Purpose Statements outline the main functions of each Mixed Use District in this Article, supplementing the statements of purpose contained in Section 101 of this Code.

Description and purpose statements applicable to each district are set forth in Sections 810 through ~~843~~ ~~820~~ of this Code. The boundaries of the various Mixed Use Districts are shown on the Zoning Map referred to in Section 105 of this Code, subject to

the provisions of that Section. The following Districts are hereby established as Mixed Use Districts.

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

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

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

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

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

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

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

**SEC. 802.6. DOWNTOWN RESIDENTIAL DISTRICTS**

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

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

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

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

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

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

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

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

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

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

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

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

(C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory

use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of Market Mixed Use District. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April 6, 1990 (the effective date of this amendment); and (3) the existence of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the effective date of this amendment. Accessory uses to non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses. Any use which does not qualify as an accessory use shall be classified as a principal use.

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

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 156 and 157 of this Code;

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

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

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

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

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

(a) Uses which are not specifically listed in this Article or Article 6 are not permitted *in South of Market Mixed Use Districts* unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code. Uses not permitted in any South of Market District include, but are not limited to, the following: Adult entertainment, bookstore or theater; amusement game arcade or similar enterprise; shooting gallery; general advertising signs, except in the South of Market General Advertising Special Sign District; animal kennel, riding academy or livery stable; automobile, truck, van, recreational vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as permitted as a conditional use as provided in Planning Code Section 818, Service/Secondary Office District), motel, hostel, inn, or bed and breakfast establishment; heavy industry subject to Section 226(e) through (w) of this Code; junkyard; landing field for aircraft; massage establishment subject to Section 218.1 of this Code; mortuary; movie theater and sports stadium or arena.

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

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

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

(a) **Bars and Restaurants in the Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts.** Within the *Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts*, bars and restaurants, permitted pursuant to ~~zoning categories .32, .33 and .35 of~~ Sections 813 through 818, and 840 through 843 of this Code,

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

***(bg)*** **Good Neighbor Policies for Nighttime Entertainment Activities in Eastern Neighborhoods Mixed Use Districts, South of Market Mixed Use Districts and Downtown Residential Districts.** Within Eastern Neighborhoods Mixed Use Districts, South of Market Mixed Use Districts, and Downtown Residential Districts where nighttime entertainment activities, as defined by Section 102.17 of this Code, are permitted as a principal or conditional use shall not be allowed except on conditions which, in the judgment of the Zoning Administrator or City Planning Commission, as applicable, are reasonably calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not be limited to, the following:

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

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

(3) Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning,

and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and

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

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

(6) The establishment shall provide adequate parking for patrons free of charge or at a rate or manner that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons; and

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

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

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

**(c)** **Good Neighbor Policies for Programs Serving Indigent Transient and Homeless Populations Within the Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Base Districts.** Within the Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Base Districts where social service and shelter/housing programs serving indigent transient and/or homeless populations are allowed as a Conditional Use pursuant to Sections 813.15 through ~~816.15~~ 843.15 (Group Housing) and

Sections 813.21 through ~~818.21~~ 843.21 (Social Services), some or all of the following conditions shall, when appropriate for specific cases, be placed upon any applicable City permits for the proposed establishment:

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

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

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

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

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

(6) Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where s/he may seek similar services; and

(7) Service providers shall maintain the side-walks in the vicinity in a clean and sanitary condition and, when necessary, shall steam clean the sidewalks within the vicinity of the project. Employees or volunteers of the project shall walk a 100-foot radius from the premises each morning or evening and shall pick up and properly dispose of any

discarded beverage and/or food containers, clothing, and any other trash which may have been left by clients; and

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

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

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

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

**(a) Findings.**

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

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

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

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

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

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

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

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

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

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

(c) **Formula Retail Use Defined.** Formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

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

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

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

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

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

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

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

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

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

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

(e) **Permit Application Processing.** After the effective date of this Ordinance, any building permit application determined by the City to be for a "formula retail use" that

does not identify the use as a "formula retail use" is incomplete and cannot be processed until the omission is corrected.

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

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

**(bf) Low-Income Affordable Housing Within the Service/Light Industrial District.** Dwelling units and SRO units may be authorized in the SLI District as a conditional use pursuant to Sections 303, 316, 817.14, and 817.164 of this Code provided that such dwellings units shall be rented, leased or sold at rates or prices affordable to a household whose income is no greater than 80 percent of the median income for households in San Francisco ("lower income household"), as determined by Title 25 of the California Code of Regulations Section 6932 and implemented by the Mayor's Office of Housing.

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

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

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

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

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

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

(3) No conditional use permit will be approved pursuant to this Subsection 803.5~~(f)~~8(b) unless the applicant and City have agreed upon enforcement mechanisms for the provisions of this Subsection which are acceptable to the City Attorney. Such enforcement mechanisms may include, but not be limited to, a right of first refusal in favor of the City, or a promissory note and deed of trust.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The project does not contain office uses of 25,000 square foot or more per lot, or nighttime entertainment.

(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the feasibility of preserving the building.

(C) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a conditional use. In addition to the conditional use criteria set forth in Section 303, and with the advice of the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the use will enhance the feasibility of preserving the building.

(4) The Landmarks Preservation Advisory Board shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

**(c) Preservation of Historic Buildings within and UMU Districts.** The following rules are intended to support the economic viability of buildings of historic importance within the UMU District.

(1) This subsection applies only to buildings that are a designated landmark building, or a building listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

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

(A) The project does not contain office uses of 25,000 square foot or more per lot, or nighttime entertainment.

(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the feasibility of preserving the building.

(C) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a conditional use. In addition to the conditional use criteria set forth in Section 303, with the advice of the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the use will enhance the feasibility of preserving the building.

(4) The Landmarks Preservation Advisory Board shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

**(d) Automated Bank Teller Machines Within South of Market Districts.** All automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities associated with retail banking operations, shall have adequate lighting, waste collection facilities and parking resources and shall be set back three feet from the front property line.

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

**(f) Legal and Government Office Uses in the Vicinity of the Hall of Justice.** Within an approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the offices of attorneys, bail and services, government agencies, union halls, and other criminal justice activities and services directly related to the criminal justice functions of the Hall of Justice shall be permitted as a principal use. There shall be a

Notice of Special Restriction placed on the property limiting office activities to uses permitted by this Subsection.

**~~(gk)~~ Work Space of Design Professionals.** The work space of design professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary permits, the owner(s) of the building shall agree to comply with the following provisions: (1) The occupied floor area devoted to this use per building is limited to the third story or above; (2) The gross floor area devoted to this use per building does not exceed 3,000 square feet per design professional establishment; (3) The space within the building subject to this provision has not been in residential use within a legal dwelling unit at any time within a five-year period prior to application for conversion under this Subsection; and (4) The owner(s) of the building comply with the following enforcement and monitoring procedures: (i) The owner(s) of any building with work space devoted to design professional use as authorized pursuant to this Subsection shall submit an annual enforcement report to the Department of City Planning with a fee in an amount to be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The report shall provide information regarding occupants of such space, the amount of square footage of the space used by each design professional establishment, amount of vacant space, compliance with all relevant City codes, and any other information the Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall permit inspection of the premises by an authorized City official to determine compliance with the limitations of this Subsection. The City shall provide reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall record a Notice of Special Restriction, approved by the City Planning Department prior to recordation, on the property setting forth the limitations required by this Subsection. The Department of City Planning shall keep a record available for public review of all space for design professionals authorized by this Subsection.

**(h) Vertical Controls for Office Uses.**

**(1) Purpose.** *In order to preserve ground floor space for production, distribution, and repair uses and to allow the preservation and enhancement of a diverse mix of land uses, including*

limited amounts of office space on upper stories, additional vertical zoning controls shall govern office uses as set forth in this Section.

(2) **Applicability.** This Section shall apply to all office uses in the MUG and UMU Districts, where permitted.

(3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

(4) **Controls.**

(A) **Designated Office Story or Stories.** Office uses are not permitted on the ground floor. Office uses may be permitted on stories above the ground floor if they are designated as office stories. On any designated office story, office uses are permitted, subject to any applicable use size limitations. On any story not designated as an office story, office uses are not permitted.

(B) **Timing of designation.** In the case of new construction, any designated office story or stories shall be established prior to the issuance of a first building permit or along with any associated Planning Commission action, whichever occurs first. In the case of buildings that were constructed prior to the effective date of this Section, any such story or stories shall be designated prior to the issuance of any building permit for new or expanded office uses or along with any associated Planning Commission action, whichever occurs first.

(C) **Recordation of designation.** Notice of the designation of office stories shall be recorded as a restriction on the deed of the property along with plans clearly depicting the designated story or stories in relation to the balance of the building. A designated office story may only be re-allocated when the designated office story is first returned to a permitted non-office use and associated building modifications to the designated office story are verified by the Zoning Administrator.

(D) **Maximum Number of Designated Stories.** The maximum number of designated office stories shall correspond to the total number of stories in a given building, as set forth in the table below. The designation of a particular story shall apply to the total floor area of that story and no partial designation, split designation, or other such subdivision of designated floors shall be permitted. For the purposes of the following table, the total number of stories in a given building shall be counted from grade level at curb and shall exclude any basements or below-grade stories.

Table 803.9(h)

<u><b>Total Number of Stories</b></u>	<u><b>Maximum Number of Designated Office Stories</b></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>

(E) For projects with multiple buildings, consolidation of permitted office stories may be permitted, pursuant to the controls set forth in 309.2(d)(8).

(i) Retail Controls in the MUG, MUO, and UMU Districts. In the MUG, MUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in Section 890.114 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross square feet of other uses permitted in that District are required for every one gross square foot of retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt from this requirement.

**(j) Conversion of Business Services to Office Uses in the Eastern Neighborhoods Mixed Use Districts.**

(a) Applicability. this section applies to uses that meet all of the following requirements:

(1) Located within an Eastern Neighborhoods Mixed Use District;

(2) Have an Occupancy Classification of “B” under the Building Code; and

(3) Requested and received classification as a business service use through a Zoning Administrator’s written letter of determination, building permit, environmental determination, or other entitlement, when such request was made prior to August 9, 2000.

(b) Controls. Uses that meet the applicability standards may convert to an office use, as defined in Section 890.70, irrespective of any prohibition or vertical restriction on office uses. Any such conversion shall be subject to all applicable requirements contained elsewhere in this Code.

**SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT ZONING CONTROLS.**

Mixed Use District controls are set forth in the Zoning Control Tables in Sections 810 through 818, and in Sections 825, 827 through 843 or referenced in Section 899 of this Code.

- (a) The first column in the Zoning Control Table, titled "No." provides a category number for each zoning control category.
- (b) The second column in the table, titled "Zoning Control Category," lists zoning control categories for the district in question.
- (c) The third column, titled "§ References," contains numbers of other sections in the Planning Code and other City Codes, in which additional relevant provisions are contained.
- (d) In the fourth column, the controls applicable to the various Mixed Use Districts are indicated either directly or by reference to other Code Sections which contain the controls.

The following symbols are used in this table:

P --	Permitted as a principal use.
C --	Permitted as a conditional use, subject to the provisions set forth in this Code.
--	A blank space on the tables in Sections 810 through 812 indicates that the use or feature is not permitted within the Chinatown Mixed Use Districts. Unless a use or feature is permitted or required in the Chinatown Mixed Use Districts as set forth in the Zoning Control Tables or in those sections referenced in Section 899 of this Code, such use or feature is prohibited, unless determined by the Zoning Administrator to be a permitted use.
NP --	Not Permitted. Section 803.4 lists certain uses not permitted in any South of Market District. NP in the Article 8 control column of Tables 813 through 818 and also indicates that the use or feature is not permitted in the applicable South of Market District
# --	See specific provisions listed by section and zoning category number at the end of the table.
1st --	1st story and below, where applicable.

2nd - -	2nd story, where applicable.
3rd+ --	3rd story and above, where applicable.

**SEC. 813. RED -- RESIDENTIAL ENCLAVE DISTRICT.**

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 ~~d~~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.

Dwelling units are permitted as a principal use. Social services and institutional uses are permitted as conditional uses. Group housing, retail, entertainment, general commercial and services light industrial uses are not permitted. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Sections 185 and 186. Live/work units limited to arts activities are permitted within the district as a principal use. Existing live/work units with other nonresidential uses may continue as nonconforming uses.

**Table 813**

**RED -- RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

			Residential Enclave
No.	Zoning Category	§ References	Controls

BUILDING STANDARDS			
813.01	Height	See Zoning Map	Generally 40 feet See Sectional Zoning Maps 1 and 7
813.02	Bulk	§ 270	See Sectional Zoning Maps 1 and 7
USE STANDARDS			
813.03	Residential Density	§§ 124(b), 207.5,208	1:400 for dwelling units; 1 bedroom for each 140 sq. ft. of lot area for group housing
813.04	Non-Residential Density	§§ 102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
813.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit, if private, 80 sq. ft. if common
813.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
813.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
813.09	Outdoor Activity Area	§ 890.71	P
813.10	Walk-up Facility, except Automated Bank Teller Machine	§ 890.140	P
813.11	Automated Bank Teller Machine	§ 803. <del>95</del> (d)	NP
813.12	Residential Conversion	§ 803. <del>8(a)5(b)</del>	C

813.13	Residential Demolition	§ 803. <del>8(a)5(b)</del>	C
USES			
Residential Use			
813.14	Dwelling Units	§ 102.7	P
813.15	Group Housing	§ 890.88(b)	NP
813.16	SRO Units	§ 890.88(c)	P
Institutions			
813.17	Hospital, Medical Centers	§ 890.44	NP
813.18	Residential Care	§ 890.50(e)	C
813.19	Educational Services	§ 890.50(c)	C
813.20	Religious Facility	§ 890.50(d)	C
813.21	Assembly and Social Service, except Open Recreation or Horticulture	§ 890.50(a)	C
813.22	Child Care	§ 890.50(b)	P
813.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
813.25	Automobile Parking Lot,	§ 890.7	P

	Community Residential		
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, <u>803.5(b)</u>	NP
813.38	Meeting Hall, not within § 813.21	§ 221(c)	NP
813.39	Recreation Building, not within § 813.21	§ 221(e)	NP
813.40	Pool Hall, Card Club, not within § 813.21	§§ 221(f), 803.4	NP
813.41	Theater, falling within § 221(d),	§§ 221(d),	NP

	except Movie Theater	890.64	
Home and Business Service			
813.42	Trade Shop	§ 890.124	NP
813.43	Catering Services	§ 890.25	NP
813.45	Business Goods and Equipment Repair Service	§ 890.23	NP
813.46	Arts Activities, except within a Live/Work Unit	§ 102.2	NP
813.47	Business Services	§ 890.111	NP
Office			
813.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <del>9(a)5(e)</del>	C
813.53	All Other Office Uses	§ 890.70	NP
Live/Work Units			
813.54	Live/Work Unit where the Work Activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P
813.55	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <del>9(a)5(e)</del>	C
813.56	All Other Live/Work Units	§§ 102.13, 233	NP
Automotive Services			

813.57	Vehicle Storage--Open Lot	§ 890.131	NP
813.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
813.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	NP
813.60	Motor Vehicle Repair	§ 890.15	NP
813.61	Motor Vehicle Tow Service	§ 890.19	NP
813.62	Non-Auto Vehicle Sales or Rental	§ 890.69	NP
813.63	Public Transportation Facility	§ 890.80	NP
Industrial			
813.64	Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, Manufacturing and Processing	§§ 225, 890.54	NP
Other Uses			
813.65	Animal Service	§ 224	NP
813.66	Open Air Sales	§§ 890.38, 803. <del>9(c), 5(e)</del>	NP
813.67	Ambulance Service	§ 890.2	NP
813.68	Open Recreation and Horticulture	§ 209.5	P

813.69	Public Use, except Public Transportation Facility	§ 890.80	C
813.70	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
813.71	Greenhouse or Plant Nursery	§ 227(a)	NP
813.72	Mortuary Establishment	§ 227(c)	NP
813.73	General Advertising Sign	§ 607.2(b) & (e)	NP

**SPECIFIC PROVISIONS FOR RED DISTRICTS**

Article 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.**

South Park is an attractive affordable mixed-use neighborhood. The South Park District (SPD) is intended to preserve the scale, density and mix of commercial and residential activities within this unique neighborhood. The district is characterized by

small-scale, continuous-frontage warehouse, retail and residential structures built in a ring around an oval-shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix of uses, family-sized housing units, and in-fill development which contributes positively to the neighborhood scale and use mix.

Most retail, general commercial, office, service/light industrial, arts, live/work and residential activities are permitted. Group housing, social services, and other institutional uses are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime entertainment are not permitted.

**Table 814**  
**SPD -- SOUTH PARK DISTRICT ZONING CONTROL TABLE**

			South Park District
No.	Zoning Category	§ References	Controls
814.01	Height	<u>§§ 260 - 263</u>	See Sectional Zoning Map 1
814.02	Bulk	<u>§§ 270 - 272</u>	See Sectional Zoning Map 1
814.03	<del>Dwelling Unit Residential</del> Density Limit	§§ 124, 207.5, 208	<del>1:600 for dwelling units; 1 bedroom for each 210 sq. ft. of lot area for group housing</del> <u>No density limit</u>
<u>814.04</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two 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, <del>if private, 106 sq. ft. if common</del> , <u>54 sq. ft. per unit if publicly accessible</u>
<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	<del>Varies by use</del> <u>Required; amount varies based on use; may also pay in-lieu fee</u>
<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 Machine</del>	<del>§ 803.9(b)5(d)</del>	<del>NP</del>
<u>814.10</u>	<u>Off-Street Parking, Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>814.11</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>
814.12	Residential Conversion	§ 803.8(a)5(b)	C
814.13	Residential Demolition	§ 803.8(a)5(b)	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
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>			
814.20	Religious Facility	§ 890.50(d)	C
814.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
814.22	Child Care	§ 890.50(b)	P
814.23	Medical Cannabis Dispensary	§ 890.133	P #
Vehicle Parking			
814.25	Automobile Parking Lot, Community Residential	§ 890.7	<del>P</del> - <u>NP</u>
814.26	Automobile Parking Garage, Community Residential	§ 890.8	<del>C</del> - <u>NP</u>
814.27	Automobile Parking Lot, Community Commercial	§ 890.9	<del>P</del> - <u>NP</u>
814.28	Automobile Parking Garage, Community Commercial	§ 890.10	<del>C</del> - <u>NP</u>
814.29	Automobile Parking Lot, Public	§ 890.11	<del>P</del> - <u>NP</u>
814.30	Automobile Parking Garage, Public	§ 890.12	<del>C</del> - <u>NP</u>
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
<del>814.41</del>	<del>Theater, falling within § 221(d), except Movie Theater</del>	<del>§§ 221(d), 890.64</del>	<del>NP</del>
Home and Business Service			
814.42	Trade Shop	§ 890.124	P
814.43	Catering Services	§ 890.25	P
814.45	Business Goods and Equipment Repair Service	§ 890.23	P
814.46	Arts Activities, other than Theaters	§ 102.2	P
814.47	Business Services	§ 890.111	P

Office			
<del>814.49</del>	<del>Work Space of Design Professionals</del>	<del>§ 890.28</del>	<del>P</del>
<u>814.49</u>	<u>Offices in historic buildings</u>	<u>§ 803.9(a)</u>	<u>P</u>
814.50	All Other Office Uses	§§ 890.70, <u>890.118</u>	<del>NP</del> <u>P</u>
Live/Work Units			
814.55	All types of Live/Work Units	§§ 102.2, 102.13, 209.9(f), (g)	<del>P</del> <u>NP</u>
Automotive			
814.57	Vehicle Storage--Open Lot	§ 890.131	NP
814.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	NP
814.59	Motor Vehicle Service Station, Automotive Washing	§§ 890.18, 890.20	NP
814.60	Motor Vehicle Repair	§ 890.15	NP
814.61	Motor Vehicle Tow Service	§ 890.19	NP
814.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
814.63	Public Transportation Facilities	§ 890.80	NP
Industrial			
814.64	Wholesale Sales	§ 890.54(b)	P
814.65	Light Manufacturing	§ 890.54(a)	P
814.66	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, and Manufacturing and Processing Uses	§§ 225, 226	NP
814.67	Storage	§ 890.54(c)	<del>P</del> <u>NP</u>

<u>814.67(a)</u>	<u>Laboratory</u>	<u>§ 890.52</u>	<u>NP</u>
Other Uses			
814.68	Animal Services	§ 224	NP
814.69	Open Air Sales	§§ 803. <del>9(e)5(f)</del> , 890.38	P
814.70	Ambulance Service	§ 890.2	NP
814.71	Open Recreation and Horticulture	§ 209.5	P
814.72	Public Use, except Public Transportation Facility	§ 890.80	C
814.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
814.74	Greenhouse or Plant Nursery	§ 227(a)	NP
814.75	Mortuary Establishment	§ 227(c)	NP
814.76	General Advertising Sign	§ 607.2(b) & (e) <u>and 611</u>	NP
<u>814.78</u>	<u>Walk-Up Facility, except Automated Bank Teller Machine</u>	<u>§ 890.140</u>	<u>P</u>
<u>814.79</u>	<u>Automated Bank Teller Machine</u>	<u>§ 803.9(d)</u>	<u>NP</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> a 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 service/industrial area west of Sixth Street.* The RSD serves as a *major* housing opportunity area within the South of Market Mixed Use Districts. The district controls are intended to facilitate the development of high-density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts activities.

Residential hotels are subject to flexible standards for parking, rear yard/open space and density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.

General office, hotels, nighttime entertainment, adult entertainment, massage establishment, movie theaters and heavy industrial uses are not permitted.

**Table 815**

**RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE**

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1

815.02	Bulk	§ 270	See Sectional Zoning Map 1
815.03	Residential Density Limit	§§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1 bedroom for each 70 sq. ft. of lot area for group housing
815.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803. <del>8.c5(f)</del>
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 Machine	§ 890.140	P
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
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 Garage, Public	§ 890.12	C, pursuant to § 803. <del>8(c)5(i)</del>
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	§§ 221(f), 803.4	P, pursuant to § 803. <del>8(c)5(i)</del>

	815.21		
815.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P, pursuant to § 803. <del>8(c)5(i)</del>
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
Live/Work Units			
815.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and	P

		(g), 233	
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--Enclosed Lot or Structure	§ 890.132	P
815.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P, pursuant to § 803. <del>8(c)5(i)</del>
815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803. <del>8(c)5(i)</del>
815.61	Motor Vehicle Tow Service	§ 890.19	C, § 803. <del>8(c)5(i)</del>
815.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P, § 803. <del>8(c)5(i)</del>
815.63	Public Transportation	§ 890.80	C, pursuant to § 803. <del>8(c)5(i)</del>

	Facilities		
Industrial			
815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803. <del>8(c)5(i)</del>
815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803. <del>8(c)5(i)</del>
815.66	Storage	§ 890.54(c)	P
815.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
Other Uses			
815.68	Animal Services	§ 224	NP
815.69	Open Air Sales	§§ 803. <del>95(e)</del> , 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

**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.

Housing and live/work units are encouraged over ground floor commercial/service/light industrial activity. New residential or mixed use developments

are encouraged to provide as much mixed-income rental housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review.

General office, hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.

**Table 816**  
**SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT**  
**ZONING CONTROL TABLE**

			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 Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
816.03	Residential Density Limit	§§ 124, 207.5, 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
816.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
816.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit if private, 80 sq. ft. if

			common
816.06	Usable Open Space for 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. <del>95</del> (d)	P
816.12	Residential Conversion	§ 803. <del>8(a)5(b)</del>	C
816.13	Residential Demolition	§ 803. <del>8(a)5(b)</del>	C
Residential Use			
816.14	Dwelling Units	§ 102.7	P
816.15	Group Housing	§ 890.88(b)	C
816.16	SRO Units	§ 890.88(c)	P
Institutions			
816.17	Hospital, Medical Centers	§ 890.44	NP
816.18	Residential Care	§ 890.50(e)	C
816.19	Educational Services	§ 890.50(c)	P

816.20	Religious Facility	§ 890.50(d)	P
816.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
816.22	Child Care	§ 890.50(b)	P
816.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
816.25	Automobile Parking Lot, Community Residential	§ 890.7	P
816.26	Automobile Parking Garage, Community Residential	§ 890.8	P
816.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
816.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
816.29	Automobile Parking Lot, Public	§ 890.11	P
816.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
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 Services, and Personal Services	§ 890.104	P

Assembly, Recreation, Arts and Entertainment			
816.36	Arts Activity, other than Theater	§ 102.2	P
816.37	Nighttime Entertainment	§§ 102.17, 181(f), <u>803.5(b)</u>	NP
816.38	Meeting Hall, not falling within Category 816.21	§ 221(c)	C
816.39	Recreation Building, not falling within Category 816.21	§ 221(e)	C
816.40	Pool Hall, Card Club, not falling within Category 816.21	§§ 221(f), 803.4	P
816.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
Home and Business Service			
816.42	Trade Shop	§ 890.124	P
816.43	Catering Service	§ 890.25	P
816.45	Business Goods and Equipment Repair Service	§ 890.23	P
816.47	Business Service	§ 890.111	P
Office			
816.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <u>9(a)</u> <del>5(e)</del>	C
816.49	Work Space of Design	§§ 890.28,	P, subject to §

	Professionals	803.9.(g)5(k)	803.9.(g)5(k)
816.50	All Other Office Uses	§ 890.70	NP
Live/Work Units			
816.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
816.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
816.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
816.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.9(a)5(e)	C
816.55	All Other Live/Work Units		NP
Motor Vehicle Services			
816.57	Vehicle Storage--Open Lot	§ 890.131	NP
816.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
816.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
816.60	Motor Vehicle Repair	§ 890.15	P
816.61	Automobile Tow Service	§ 890.19	C

816.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
816.63	Public Transportation Facilities	§ 890.80	P
Industrial			
816.64	Wholesale Sales	§ 890.54(b)	P
816.65	Light Manufacturing	§ 890.54(a)	P
816.66	Storage	§ 890.54(c)	P
816.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
816.68	Animal Services	§ 224	NP
816.69	Open Air Sales	§§ 803. <del>95(e)</del> , 890.38	P
816.70	Ambulance Service	§ 890.2	NP
816.71	Open Recreation and Horticulture	§ 209.5	P
816.72	Public Use, except Public Transportation Facility	§ 890.80	C
816.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C

816.74	Greenhouse or Plant Nursery	§ 227(a)	NP
816.75	Mortuary Establishment	§ 227(c)	NP
816.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP

**SPECIFIC PROVISIONS FOR SLR DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
§ 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.

**SEC. 817. SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT.**

The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted.

**Table 817**

**SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

			Service/Light Industrial District
No.	Zoning Category	§ References	Controls
817.01	Height		As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65 feet; See Zoning Sectional Maps 1 and 7
817.02	Bulk	§ 270	See Zoning Sectional Maps 1 and 7
817.03	Residential Density Limit	§ 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
817.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
817.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
817.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
817.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
817.09	Outdoor Activity Area	§ 890.71	P
817.10	Walk-Up Facility, including Automated Bank	§§ 890.140,	P

	Teller Machine	803. <del>95</del> (d)	
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
817.16	SRO Units	§§ 890.88(c), <del>803.8(b)</del>	C, <i>if low-income pursuant to § 803.</i> <del>8(b); otherwise NP</del>
Institutions			
817.17	Hospital, Medical Centers	§ 890.44	NP
817.18	Residential Care	§ 890.50(e)	C
817.19	Educational Services	§ 890.50(c)	P
817.20	Religious Facility	§ 890.50(d)	P
817.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
817.22	Child Care	§ 890.50(b)	P
817.23	Medical Cannabis	§ 890.133	P#

	Dispensary		
Vehicle Parking			
817.25	Automobile Parking Lot, Community Residential	§ 890.7	P
817.26	Automobile Parking Garage, Community Residential	§ 890.8	P
817.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
817.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
817.29	Automobile Parking Lot, Public	§ 890.11	P
817.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
817.32	Financial Services	§ 890.110	P if gross floor area is up to 4,000 sq. ft. C if gross floor area is equal to or exceeds 4,000 sq. ft. and only then if the location is: (a) within a height district of 65 ft. or greater, (b)

			on the ground story or below, and (c) was not used within the 12 months prior to the filing of any planning or building application as (1) a residential use as defined in § 817.14 through § 817.16, (2) a neighborhood-serving retail use as defined in § 817.31, or (3) an industrial use as defined in §§ 817.64, 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 817.21	§§ 221(f), 803.4	P
817.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
Home and Business Service			
817.42	Trade Shop	§ 890.124	P
817.43	Catering Service	§ 890.25	P
817.45	Business Goods and Equipment Repair Service	§ 890.23	P

817.46	Arts Activities, other than Theaters	§ 102.2	P
817.47	Business Services	§ 890.111	P
Office			
817.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. <del>9(a)5(e)</del>	C
817.49	Work Space of Design Professionals	§§ 890.28, 803. <del>9(g)5(k)</del>	P, subject to § 803. <del>9(g)5(k)</del>
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	§ 233	C

	permitted as a Conditional Use		
817.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.9(a)5(e)	C
817.55	All Other Live/Work Units		NP
Automotive Services			
817.57	Vehicle Storage--Open Lot	§ 890.131	P
817.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
817.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
817.60	Motor Vehicle Repair	§ 890.15	P
817.61	Motor Vehicle Tow Service	§ 890.19	C
817.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
817.63	Public Transportation Facilities	§ 890.80	P
Industrial			
817.64	Wholesale Sales	§ 890.54(b)	P
817.65	Light Manufacturing	§ 890.54(a)	P

817.66	Storage	§ 890.54(c)	P
817.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
817.68	Animal Services	§ 224	P
817.69	Open Air Sales	§§ 803. <del>95(e)</del> , 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
817.74	Greenhouse or Plant Nursery	§ 227(a)	P
817.75	Mortuary Establishment	§ 227(c)	NP
817.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP

817.77	Internet Services Exchange	§ 209.6(c)	C
--------	----------------------------	------------	---

**SPECIFIC PROVISIONS FOR SLI DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
§ 817.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLI District.

**SEC. 818. SSO -- SERVICE/SECONDARY OFFICE DISTRICT.**

The Service/Secondary Office District (SSO) is designed to accommodate small-scale light industrial, home and business services, arts activities, live/work units, and small-scale, professional office space and large-floor-plate "back office" space for sales and clerical work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted as conditional uses. Demolition or conversion of existing group housing or dwelling units requires conditional use authorization.

Office, general commercial, most retail, service and light industrial uses are principal permitted uses. Large hotel, movie theater, adult entertainment and heavy industrial uses are not permitted.

Small hotels of 75 rooms or less are permitted in this District only as a conditional use. Any such conditional use authorization requires a conditional use finding that disallows project proposals that displace existing Production, Distribution and Repair (PDR) uses.

**Table 818**

**SSO -- SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE**

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
818.01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet
818.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
818.03	Residential Density	§§ 124(b), 207.5, 208	1:200 for dwellings; 1 bedroom for each 70 sq. ft. of lot area for group housing
818.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts
818.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
818.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
818.07	Usable Open Space for Other Uses	§ 135.3	Varies by use

818.09	Outdoor Activity Area	§ 890.71	P
818.10	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.95(d)	P
818.11	Residential Conversion	§ 803.8(a)5(b)	C
818.12	Residential Demolition	§ 803.8(a)5(b)	C
Residential Use			
818.14	Dwelling Units	§ 102.7	C
818.15	Group Housing	§ 890.88(b)	C
818.16	SRO Units	§ 890.88(c)	P
Institutions			
818.17	Hospital, Medical Centers	§ 890.44	P
818.18	Residential Care	§ 890.50(c)	C
818.19	Educational Services	§ 890.50(c)	P
818.20	Religious Facility	§ 890.50(d)	P
818.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C

818.22	Child Care	§ 890.50(b)	P
818.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
818.25	Automobile Parking Lot, Community Residential	§ 890.7	P
818.26	Automobile Parking Garage, Community Residential	§ 890.8	P
818.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
818.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
818.29	Automobile Parking Lot, Public	§ 890.11	P
818.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
818.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
Assembly, Recreation, Arts and Entertainment			
818.37	Nighttime Entertainment	§§ 102.17, 803.5( <del>b</del> )	C

818.38	Meeting Hall, not falling within Category 818.21	§ 221(c)	P
818.39	Recreation Building, not falling within Category 818.21	§ 221(e)	P
818.40	Pool Hall, Card Club, not falling within Category 818.21	§§ 221(f), 803.4	P
818.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
Home and Business Service			
818.42	Trade Shop	§ 890.124	P
818.43	Catering Service	§ 890.25	P
818.45	Business Goods and Equipment Repair Service	§ 890.23	P
818.46	Arts Activities, other than Theaters	§ 102.2	P
818.47	Business Services	§ 890.111	P
Office			
818.48	All Office Uses including Work Space of Design Professionals	§ 890.70	P
Live/Work Units			
818.54	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P

818.55	Live/Work Units where all the work activity is otherwise permitted	§§ 102.13, 233	P
Automobile Services			
818.57	Vehicle Storage--Open Lot	§ 890.131	NP
818.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
818.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
818.60	Motor Vehicle Repair	§ 890.15	P
818.61	Motor Vehicle Tow Service	§ 890.19	C
818.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
818.63	Public Transportation Facilities	§ 890.80	P
Industrial			
818.64	Wholesale Sales	§ 890.54(b)	P
818.65	Light Manufacturing	§ 890.54(a)	P
818.66	Storage	§ 890.54(c)	P
818.67	All Other Wholesaling, Storage Distribution and Open Air Handling of Materials and	§ 255	P

	Equipment		
Other Uses			
818.68	Animal Services	§ 224	P
818.69	Open Air Sales	§§ 803. <del>95(e)</del> , 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
818.76	General Advertising Sign	§ 607.2(b) & (e)	NP
818.77	Internet Services Exchange	§ 209.6(c)	C
818.78	Hotel, Tourist if 75 rooms or less	§ 890.46	C

**SPECIFIC PROVISIONS FOR SSO DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
§ 818.23 § 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 SSO District.

**~~SEC. 820. SOUTH OF MARKET BASE DISTRICT.~~**

~~The South of Market Base District encompasses all of the individual South of Market Use Districts governed by Sections 813 through 818 of this Code. The South of Market Base District is shown on Sectional Map 3SU of the Zoning Map.~~

**SEC. 822. SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL SERVICES DISTRICT.**

The South of Market Special Hall of Justice Legal Services District, as shown on Sectional Map 8SU of the Zoning Map, is governed by Sections 803.~~9(f)5(j)~~ and 817.50 of this Code.

**SEC. 825. DTR -- DOWNTOWN RESIDENTIAL DISTRICTS.**

(a) Description. Downtown Residential (DTR) Districts are transit-oriented, high-density mixed-use residential neighborhoods in and around downtown. These areas are generally transitioning from a variety of commercial and industrial to residential uses. The intent of this district is to enable a mix of new day and nighttime activities, with an emphasis on encouraging new housing within walking distance or a short transit-ride of

downtown, supported by a mix of retail, and neighborhood services to meet the needs of residents and the larger downtown community.

High-density residential uses, including residential towers in select locations, are allowed and encouraged within the limits set by height and bulk controls. Given the district's proximity to downtown, a range of commercial uses is permitted on the lower stories, with active pedestrian-oriented retail, service, and entertainment uses on the ground floor. Along special streets, pedestrian-oriented uses are required on the first floor. Ground floor entries to individual dwelling units are encouraged on streets that will become primarily residential.

There is generally no pattern of mid-block open space or of rear yards. While lot coverage is limited for all levels with residential uses, traditional rear yard open spaces are not required except in the limited instances where there is an existing pattern of them. Specific height and bulk controls establish appropriate heights for both towers and mid-rise development, and ensure adequate spacing between towers and preserve light and air to streets and open spaces. Setbacks are required where necessary to buffer ground floor residential uses or to ensure sunlight access to streets and open spaces. To support the intensification of land uses in these districts, detailed traffic, streetscape and open space improvements will take place over time.

Downtown Residential Districts include all of the individual DTR districts governed by ~~Section 827 of this Code.~~ except The Transbay Downtown Residential District (TB-DTR), as set forth in Section 828, is governed by the Transbay Redevelopment Plan and its Development Controls and Design Guidelines.

***(b) Building and Development Standards.** In addition to or in-lieu of the requirements and standards elsewhere in this Code, the following building and development standards are applicable in the Downtown Residential Districts.*

***(1) Street-Facing Use Requirements.** Pedestrian-oriented commercial, residential, institutional uses, and community services are required ground floor uses on all street facing frontages per the standards of Section 145.1 and 145.4, except for the minimum frontage required for fire doors, parking and loading access, and other utilities.*

(2) **Lot Coverage.** The requirements of Section 134 shall not apply in DTR Districts. Except as more specifically limited in the Section governing an individual DTR district, lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way or mid-block pedestrian path meeting the minimum standards of this Section. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c). Exceptions to the 20 percent open area requirement may be granted, pursuant to the provisions of Section 309.1, for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.

(3) **Dwelling Unit Exposure.** The requirements of Section 140 shall apply. Reductions in this requirement may be granted through the procedures of Section 309.1.

(4) **Lighting.** Pedestrian-scaled lighting shall be provided as an integral element of all building façades and shall be designed and located to accentuate the uses facing the street. Pedestrian-scaled lighting shall be incorporated into all façades and landscaped setback areas in the form of wall sconces, entry illumination and low-level lighting set into edging features. Lighting should be designed to accentuate ground floor retail and residential entries. Incandescent or color-corrected lighting sources must be used.

(5) **Sidewalk Treatment.**

(A) To carry out policies contained in the San Francisco General Plan related to sidewalk treatments in an applicable plan area, the Planning Commission may require an applicant to widen or modify sidewalk alignments and to install lighting, decorative paving, seating, bicycle racks, landscaping, and other pedestrian amenities on public sidewalks.

(B) The conditions imposed by the Planning Commission and any sidewalk treatments installed by an applicant shall comply with any applicable ordinances, adopted streetscape plans, and with any applicable regulations of the Art Commission, the Department of Public Works and the Bureau of Light, Heat and Power of the Public Utility Commission regarding street lighting, sidewalk paving, seating and sidewalk landscaping.

(C) The Commission conditions imposed pursuant to subsection (B) shall require the abutting property owner or owners to hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction, use, or maintenance of the sidewalk treatments that the owner will maintain, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act or negligence with respect to the design, construction, use, or maintenance of the sidewalk treatments that the owner maintains.

(D) Notwithstanding the provisions of this Section, an applicant shall apply for all required permits related to the legislated sidewalk width changes and sidewalk treatments and pay all required fees.

(E) The owner of the property is required to maintain all those improvements other than lighting.

(6) **Street Trees.** Street trees shall be installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building. Street trees shall be provided according to the provisions of Section 143(b), (c) and (d).

(7) **Off-Street Parking and Loading.** Restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment. Unless specified otherwise in an individual DTR district, the following off-street parking and loading controls shall apply:

(A) **Required Below-Grade.** All off-street parking in DTR districts shall be built below street grade. The design of parking on sloping sites must be reviewed through the procedures of Section 309.1, according to the following standards:

(i) For sloping sites with a grade change of at least ten feet laterally along the street, no less than 50 percent of the perimeter of all floors with off-street parking shall be below the level of said sloping street; and

(ii) For sites that slope upwards from a street, no less than 50 percent of the perimeter of all floors with off-street parking shall be below the average grade of the site; and

(iii) Any above-grade parking shall be set back from the street facing façades and wrapped with active uses, as defined by Section 145.1, for a depth of no less than 25 feet at the ground floor and 15 feet on floors above.

**(B) Parking and Loading Access.**

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

(ii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and unloading are not permitted. For the purpose of this section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor façade of the building and the sidewalk.

(c) Use. A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted. If there are two or more uses in a structure, any use not classified in Section 825(c)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

**(1) Permitted Uses.**

(A) Principal Uses. All uses are permitted as principal uses as of right in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not Permitted in this Section 825 of this Code or any other Section governing an individual DTR District. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 and other applicable provisions of this Code.

(B) Conditional Uses. Conditional uses are permitted in a Downtown Residential district, when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in the Section of this Code governing the individual DTR District. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 of this Code.

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

(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and elsewhere in this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a Downtown Residential district. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use, (2) the multiple locations existed on the effective date of this amendment; and (3) the existence of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the effective date of this amendment. Any use, which does not qualify as an accessory use, shall be classified as a principal use. No use will be considered accessory to a principal use, which involves or requires any of the following:

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 151.1, 156 and 157 of this Code;

(ii) Nighttime entertainment, massage establishment, large fast food restaurant, or movie theater use;

(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in Downtown Residential districts to the extent authorized by Sections 205 through 205.3 of this Code.

(E) Prohibited Uses.

(i) Uses which are specifically listed as Not Permitted (NP) in any Section governing an individual DTR District are not permitted. The use provisions of an individual DTR District shall apply in case of conflict with use limitations in Section 825. Signs not specifically permitted in Article 6 are not permitted.

(ii) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Downtown Residential district which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

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

**(2) Residential Use Controls.**

Unless otherwise specified in a Section governing an individual DTR district, the following residential use controls shall apply:

(A) 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. Hotels, inns, or hostels as defined under Section 209.2(d) and (e), time-share or fractional-ownership condominiums, and 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 not be granted for any single lot if such an exemption would increase the total square footage of the building to an amount 20 percent greater than existed on the lot since the adoption of this Section.

(B) For newly constructed buildings or additions, which exceed 20 percent or more of an existing structure's gross floor area, all building area above 85 feet in height shall be devoted to residential use.

(C) Residential Density. There shall be no density limit for residential uses in Downtown Residential districts. The provisions of Sections 207 through 208 related to residential density shall not apply.

**(d) Reduction of Ground Level Wind Currents.**

(1) Requirement. New buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than 10 percent of the time year-round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

(2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.

(3) Exception. The Zoning Administrator may allow the building or addition to add to the amount of time the comfort level is exceeded by the least practical amount if (i) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (ii) the Zoning Administrator concludes that, because of the limited amount by which the comfort level is exceeded, the addition is insubstantial. The Zoning Administrator shall not grant an exception, and, no building or addition shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

(4) Procedures. Procedures and methods for implementing this Section shall be specified by the Environmental Review Officer of the Planning Department.

**~~SEC. 825.1. USES PERMITTED IN DOWNTOWN RESIDENTIAL DISTRICTS.~~**

~~(a) Use Categories. A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Downtown Residential District is generally set forth, summarized or cross-referenced in Section 827 of this Code for each district class.~~

~~(b) Use Limitations. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted.~~

~~(1) Permitted Uses. If there are two or more uses in a structure, any use not classified below under Section 825.1(b)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.~~

~~(A) Principal Uses. Principal uses are permitted as of right in a Downtown Residential District, when so indicated in Section 827 of this Code for the district. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 through 803.9 and other applicable provisions of this Code.~~

~~(B) Conditional Uses. Conditional uses are permitted in a Downtown Residential district, when authorized by the Planning Commission; whether a use is conditional in a given district is generally indicated in Section 827 of this Code. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through 803.9 of this Code.~~

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

~~(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and elsewhere in this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a Downtown Residential District. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use, (2) the multiple locations existed on the effective date of this amendment; and (3) the existence of the multiple locations is acknowledged in writing~~

~~by the Zoning Administrator within 60 days after the effective date of this amendment. Any use, which does not qualify as an accessory use, shall be classified as a principal use.~~

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

~~(i) The use of more than one third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off street parking or loading which shall be subject to the provisions of Sections 151, 151.1, 156 and 157 of this Code;~~

~~(ii) Nighttime entertainment, massage establishment, large fast food restaurant, or movie theater use;~~

~~(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).~~

~~(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in Downtown Residential Districts to the extent authorized by Sections 205 through 205.3 of this Code.~~

~~(E) Prohibited Uses.~~

~~(i) Uses which are not specifically listed in Section 827 or Article 6 are not permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.~~

~~(ii) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Downtown Residential District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water carried waste, or excessive noise.~~

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

## **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH<sub>-</sub>DTR).**

The Rincon Hill Downtown Residential Mixed Use District (RH<sub>-</sub>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 RH<sub>-</sub>DTR District is adjacent to the southern edge of the downtown, generally bounded by Folsom Street, the Bay Bridge, the Embarcadero, and Essex

Street. 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. Folsom Street is intended to develop as the neighborhood commercial heart of the Rincon Hill and Transbay neighborhoods, and pedestrian-oriented uses are required on the ground floor. Individual townhouse dwelling units with ground floor entries directly to the street are required on streets that will become primarily residential, including First, Fremont, Beale, Main, and Spear 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 except in the limited instances where there is an existing pattern of them, such as smaller lots on the Guy Place block. 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.

Given the need for services and open space resulting from new development, projects will provide or contribute funding for the creation of public open space and community facilities as described in the Rincon Hill Area Plan of the General Plan. The Rincon Hill Streetscape Plan, part of the Area Plan, proposes to enhance and redesign most streets in the district to create substantial new open space amenities, improve pedestrian conditions, and improve the flow of local traffic and transit. Detailed standards for the provision of open spaces, mid-block pathways, and residential entries are provided to ensure that new buildings contribute to creating a public realm of the highest quality in Rincon Hill.

**Table 827**

**RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING  
CONTROL TABLE**

	Rincon Hill Downtown Residential Mixed Use District Zoning
--	--

No.	Zoning Category	§ References	Controls
Building and Siting Standards			
.10	Height and Bulk	§§ 102.12, 105, 106, 250--252, 260, 270	Varies 45--550 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).
.11	Lot Size [ <i>Per Development</i> ]	§§ 890.56, 121	No limit
.12	Rear Yard/Site Coverage	§ 136	100 percent lot coverage permitted; up to 80 percent for parcels that front the north side of Guy Place and for all parcels at residential levels where not 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)</del> and (6). Upper-story setback of 10 ft. required above a height of 65 feet on both sides of Spear, Main, Beale, Fremont, and First Streets. § <del>827(d)(a)(5)</del> . 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> , 145.4, <u>Ground Floor Residential Design Guidelines</u> <del>145.5</del>	<i>Active uses required on all street frontages. See §§ 145.1, 825(b).</i>  <i>Ground-level residential or commercial requirements based on location. See §§</i>

			<del>145.4 and 827(a)(2).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	§§ 145. <del>14</del> , 151.1, 155(r)	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)
.19	Marquee	§ 890.58	P, § 136.2(c)
Non-Residential Standards and Uses			
.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>
.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> .
.22	Open Space	§§ 135, <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>
.23	Off-Street Parking	§§ 150, 151,	None Required. Parking that is accessory

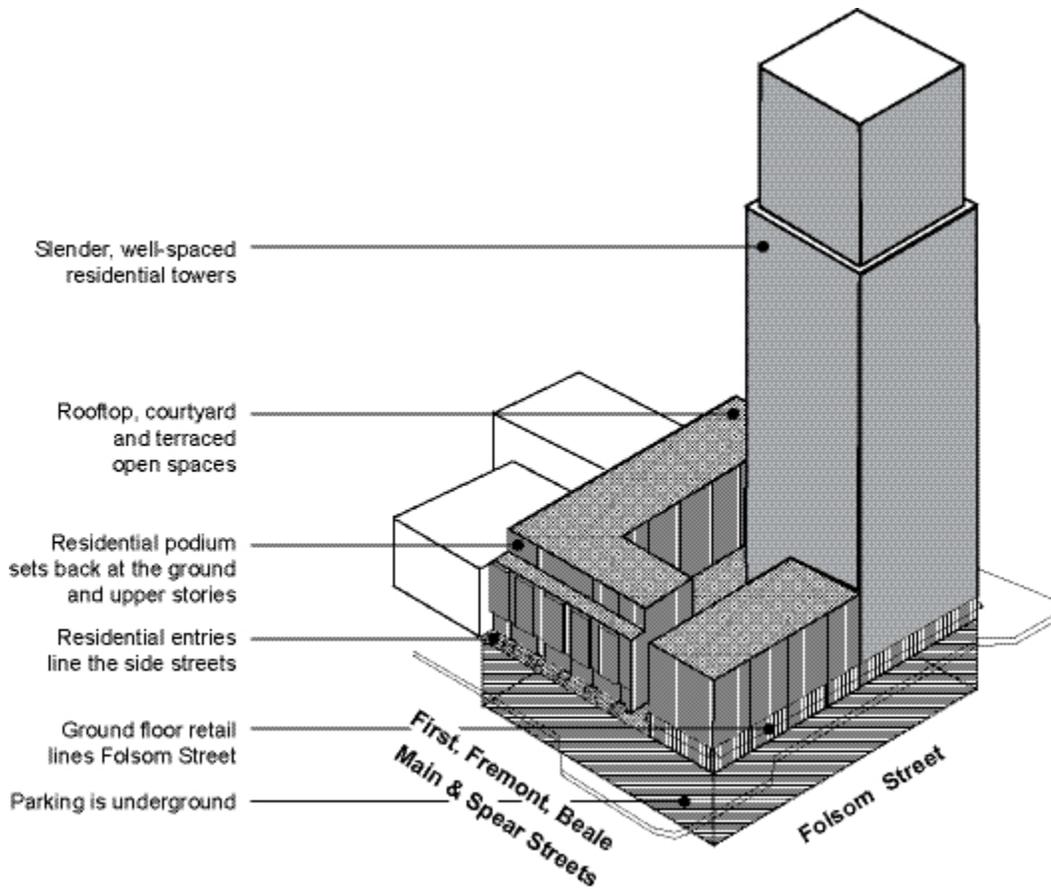
	[Office uses]	151.1, 153--157, 204.5	to office space limited to 7% of GFA.
.24	Off-Street Parking [Non-Residential, other than office uses]	§§ 150, 151, 151.1, 153--157, 204.5	None Required. Parking limited as described in Section 151.1.
.25	Off-Street Freight Loading	§§ 150, 152.2, 153--155, 204.5	None Required. Loading maximums described in Section 152.2.
.26	All Non-Residential Uses Permitted, except as described below. <u>§825(c)(1)(A)</u>		
.27	Drive-Up Facility	§ 890.30	NP
.28	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise.
.29	Hospital or Medical Center	§ 124.1, 890.44	C
.30	Other Institutions	§ 890.50	C
.31	Public Use	§ 890.80	C
.32	Movie Theater	§ 890.64	C
.33	Nighttime Entertainment	§§ 102.17, 803.5(bg)	C
.34	Adult Entertainment	§ 890.36	NP
.35	Massage Establishment	§ 890.60 Article 29 Health Code	C

.36	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	NP
.37	Automobile Parking Garage, Community Commercial	§ 890.10, 160	<del>NP</del> —C, <i>per the criteria of Section 157.1</i>
.38	Automotive Gas Station	§ 890.14	NP
.39	Automotive Service Station	§ 890.18, 890.19	NP
.40	Automotive Repair	§ 890.15	NP
.41	Automotive Wash	§ 890.20	NP
.42	Automotive Sale or Rental	§ 890.13	C
.43	Mortuary	§ 890.62	C
.44	Hours of Operation	§ 890.48	C. 2 a.m.--6 a.m.
.45	Business Sign	§§ 602--604, 608.1, 608.2	P. § 607.2(f)
Residential Standards and Uses			
.46	Residential Use	§ 890.88	P

.47	Residential Density, Dwelling Units	§ 890.88(a)	No Limit. §207.5 ( <del>bd</del> ) <i>Unit Mix Required § 207.6</i>
.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. § <del>827(e)-135</del> and <del>827(a)(9)</del> .
.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 <del>825(b)(7)</del> and <del>827(da)(8)</del> .
.51	Residential Conversions	§ 790.84, Ch. 41 Admin. Code	C
.52	Residential Demolition		C

(a) Building Standards.

(1) Development Concept. The development concept is for podium development up to 85 feet in height, with slender residential towers spaced to provide ample light and air to the district. New development will contribute to the creation of a substantial amount of public open space, as well as provide private common areas, courtyards, and balconies. Streets will be improved to provide widened sidewalks with substantial public open space. Ground floor uses will be pedestrian-oriented in character, consisting primarily of retail on Folsom Street, and individual townhouse-style residential units on First, Fremont, Beale, Main, and Spear Streets, as well as on alleys and mid-block pathways. Parking will be located below grade, and building utilities (loading bays, service doors, garage doors) will be located in sidewalk vaults or on secondary frontages.



*~~(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 not be granted for any single lot if such an exemption would increase the total square footage of the building to an amount 20 percent greater than existed on the lot since the adoption of this Section.~~*

~~(3) Required unit size mix. No less than 40 percent of all units on site must have at least two bedrooms or more. Projects are encouraged to have at least 10 percent of all units on site with three bedrooms or more.~~

~~(4) For newly constructed buildings or additions, which exceed 20 percent or more of an existing structure's gross floor area, all building area above 85 feet in height shall be devoted to residential use.~~

~~(5) Housing Requirement for Residential Developments. The requirements of Sections 315 through 315.9 shall apply in the RH DTR subject to the following exceptions:~~

~~(A) If constructed on-site, a minimum of 12 percent of the total units constructed, and if constructed off site, a minimum of 17 percent of the total units constructed, shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code.~~

~~(B) Below market rate units as required by Sections 315 through 315.9 that are built off site must be built within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.~~

~~(C) No less than fifty percent (50%) of the fees that are paid due to development in the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for and designated exclusively to increase the supply of affordable housing in the SOMA area.~~

~~(D) Fifty percent (50%) of the below market rate units as required by Section 315 through 315.9 that are built on or off site must be provided as rental units for the life of the project, as defined in Planning Code Section 315.7(a).~~

~~(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan prior to any expenditure of the Funds.~~

~~(e) (2) Street-Facing Use Requirements. Pedestrian-oriented retail, residential, institutional uses, and community services are required ground floor uses on all street facing frontages, except for the minimum frontage required for fire doors, parking and loading access, and other utilities.~~

~~(f) (A) Required Ground Floor Retail Spaces. For frontages facing Folsom Street, ground floor space suitable for retail use is required for no less than 75 percent of all frontages, as specified in Section 145.4.~~

(2) (B) Required Individual Ground Floor Residential Units. For building frontages facing Fremont, First, Main, Beale and Spear Streets more than 60 feet from an intersection with Folsom, Harrison, or Bryant Streets, and for building frontages facing Guy Place and Lansing Street, individual ground floor residential units with direct pedestrian access to the sidewalk are required at intervals of no greater than 25 feet, except where residential lobbies, parking and loading access, utilities, and open space are necessary and provided pursuant to the allowances of Section 827 and other sections of this Code. Individual ground floor residential units are also encouraged along Harrison Street, Bryant Street, and alleys and mid-block pedestrian paths where appropriate.

Figure 827(B): Frontages Where Ground Floor Retail Uses Are Required.

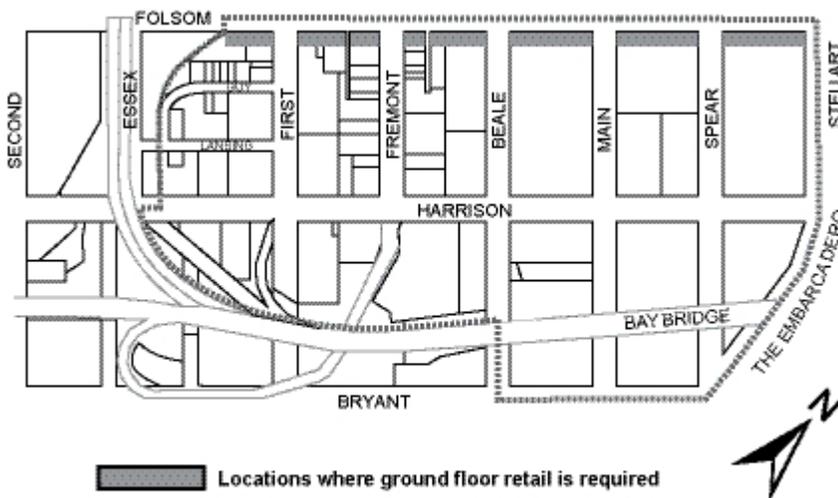
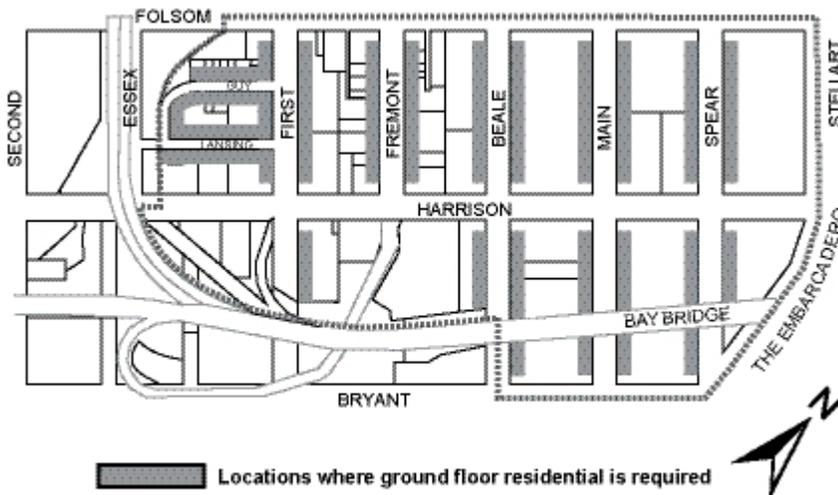


Figure 827(C): Frontages Where Ground Floor Residential Uses/Entries Are Required.



*(d) Building Design Standards:*

~~(1) (3) Required Streetwall.~~ Building area below 85 feet in height is required to be built to 100 percent of all property lines facing public rights-of-way, except where setbacks are required by this Section and except where publicly accessible open space is provided according to the provisions of this Section. Recesses, insets and breaks between buildings are permitted to provide vertical articulation to the facade, provided the overall integrity of the streetwall is maintained.

~~(2) (4) Lot Coverage.~~ *The requirements of Section 134 shall not apply in the RH DTR District. Lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right of way or mid block pedestrian path meeting the minimum standards of this Section. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c). Exceptions to the 20 percent open area requirement may be granted, pursuant to the provisions of Section 309.1, for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.* Lots fronting only on the north side of Guy Place are permitted up to 80 percent lot coverage.

~~(3) (5) Dwelling Unit Exposure.~~ *The requirements of Section 140 shall apply. Reductions in this requirement may be granted though the procedures of Section 309.1.*

~~(4) (5) Upper Story Setback.~~ To ensure adequate sunlight to streets, alleys, and pedestrian pathways, upper story setbacks are required as follows:

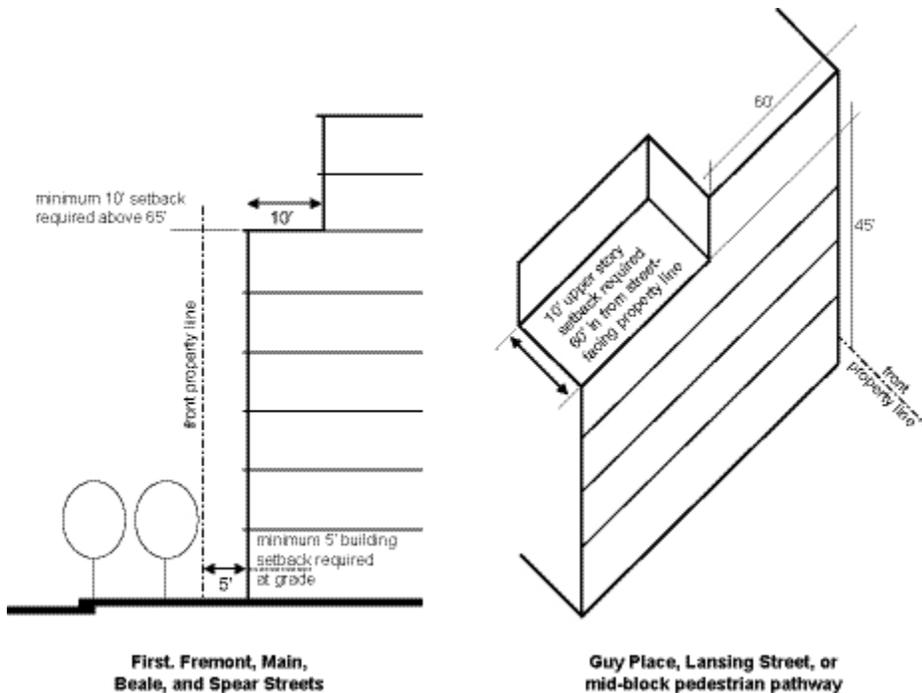
(A) All buildings are required to set back at least 10 feet above a height of 65 feet along Spear, Main, Beale, Fremont and First Streets. This requirement shall not apply to street frontage occupied by a building taller than 85 feet. This upper story setback requirement shall also not apply to the first 60 linear feet of frontage from corners at Folsom, Harrison, and Bryant Streets.

(B) Buildings greater than 60 linear feet from a major street along Guy Place, Lansing Street, and any proposed or existing private or public mid-block pedestrian pathways, are required to be set back at least 10 feet above 45 feet in height from said right-of-way.

(C) In order to increase sun access to mid-block pathways and uses along such pathways, all building frontage on the southeast side of mid-block pathways not occupied by a building taller than 85 feet must set back upper stories by 10 feet above a building height of 45 feet. For projects on the south side of a mid-block pedestrian pathway taller than 65 feet, an additional upper story setback of 10 feet is required above a building height of 65 feet.

(i) Modifications. For any lot on the north side of a required mid-block pedestrian pathway, a modification from the required upper story setback of 10 feet above a height of 45 feet may be granted according to the provisions of Section 309.1, provided that, in total, the building is set back by a volume equal to what would be required by meeting the standard in (C) above, and the modification would substantially improve the accessibility, design and character of the mid-block pedestrian pathway.

Figure 827(D): Required Upper Story Stepbacks



~~(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):~~

~~(i) The entire building facade must be set back from the street abutting property line a minimum of three feet, an average of five feet, and not in excess of ten feet.~~

~~(ii) All projections allowed by Section 136 permitted in front setbacks are permitted, except for garages and driveways. Architectural projections, such as bay windows, are encouraged and may extend down to the ground provided they do not encroach within the 18 inch landscaping strip required by subsection (iii). Railings, fences, and grilles up to a height of 3 feet 6 inches that are~~

~~at least 75 percent open to perpendicular view are permitted on top of an landing or porch, regardless of the combined total height of the railing and porch from street grade.~~

~~(iii) A landscaped strip at grade with the sidewalk is required for the first 18 inches of the setback, for at least 50 percent of the width of each residential unit.~~

~~(iv) Setbacks proposed to be greater than five feet are encouraged to provide a porch or landscape area at grade with the residential entry.~~

~~(C) Residential Entries.~~

~~(i) Residential entries are required to be raised an average of three feet above street grade.~~

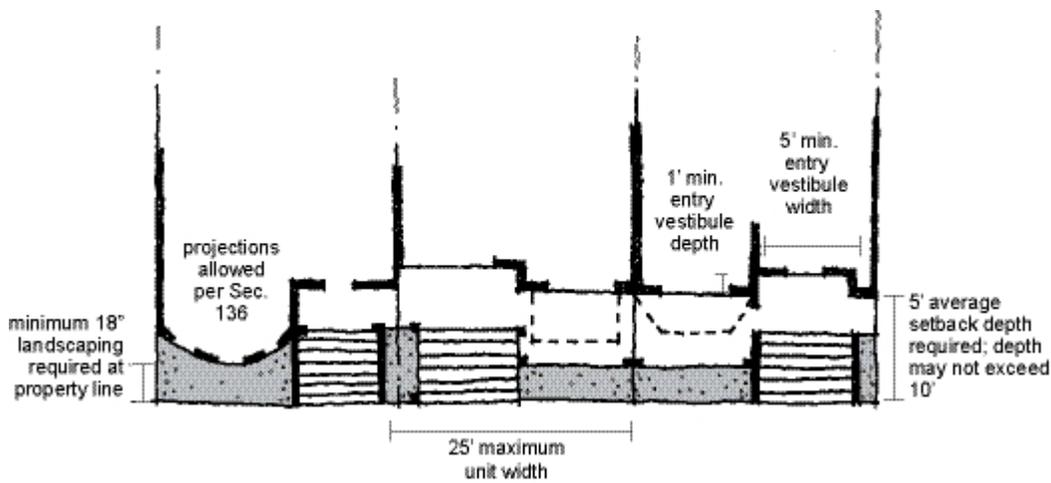
~~(ii) Each entry is required to have a vestibule at least one foot in depth from the building facade. The entry vestibule may be no less than five feet wide and no less than the height of the ground story.~~

~~(D) Landscaping in Setbacks. All building setback areas not occupied by steps, porches or other occupiable space must be landscaped. Setbacks should be designed to provide access to landscaped areas, encouraging gardening and other uses by residents.~~

~~(i) A water source must be provided for each residential setback.~~

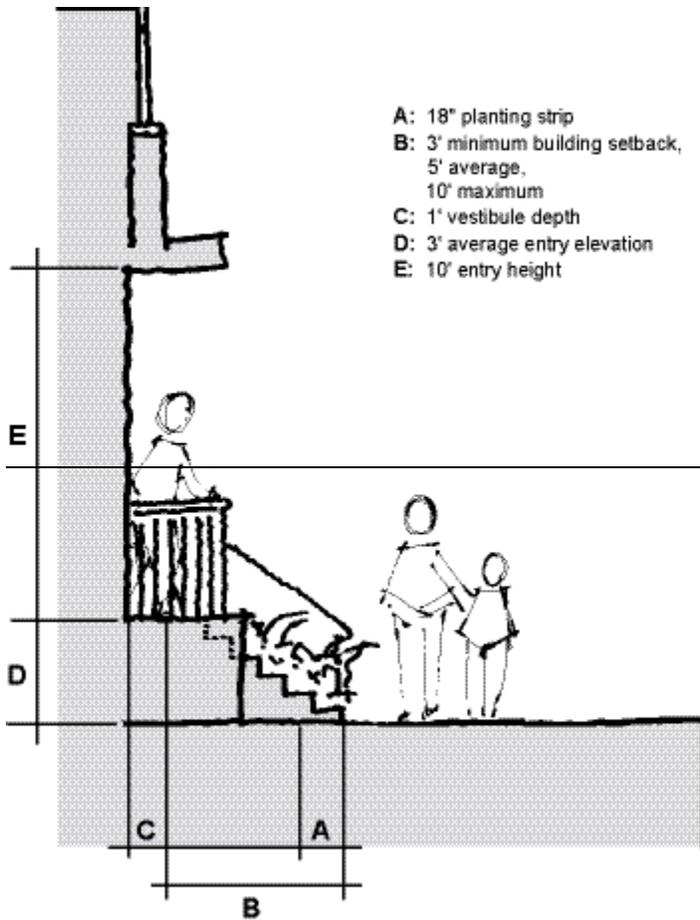
~~(ii) To allow for landscaping and street trees at street grade, parking must be located far enough below the surface of the setback to provide a minimum soil depth of 3 feet 6 inches. A continuous soil trough should be provided with adequate centrally operated irrigation.~~

~~Figure 827(E): Required Dimensions for Building Setbacks.~~



**(Graphic Deleted)**

~~Figure 827(F): Required Dimensions for Building Setbacks.~~



(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.~~

~~(C) Transparency and Fenestration. Non-residential frontages must be fenestrated with windows and doorways for no less than 60 percent of the facade area. No less than 75 percent of the fenestrated area must be transparent. The use of dark or mirrored glass is not permitted or required transparent area.~~

~~(D) Maximum Frontage. A single ground floor commercial tenant may not occupy more than 75 linear feet of frontage for the first 25 feet of depth from the street facing facade along any major~~

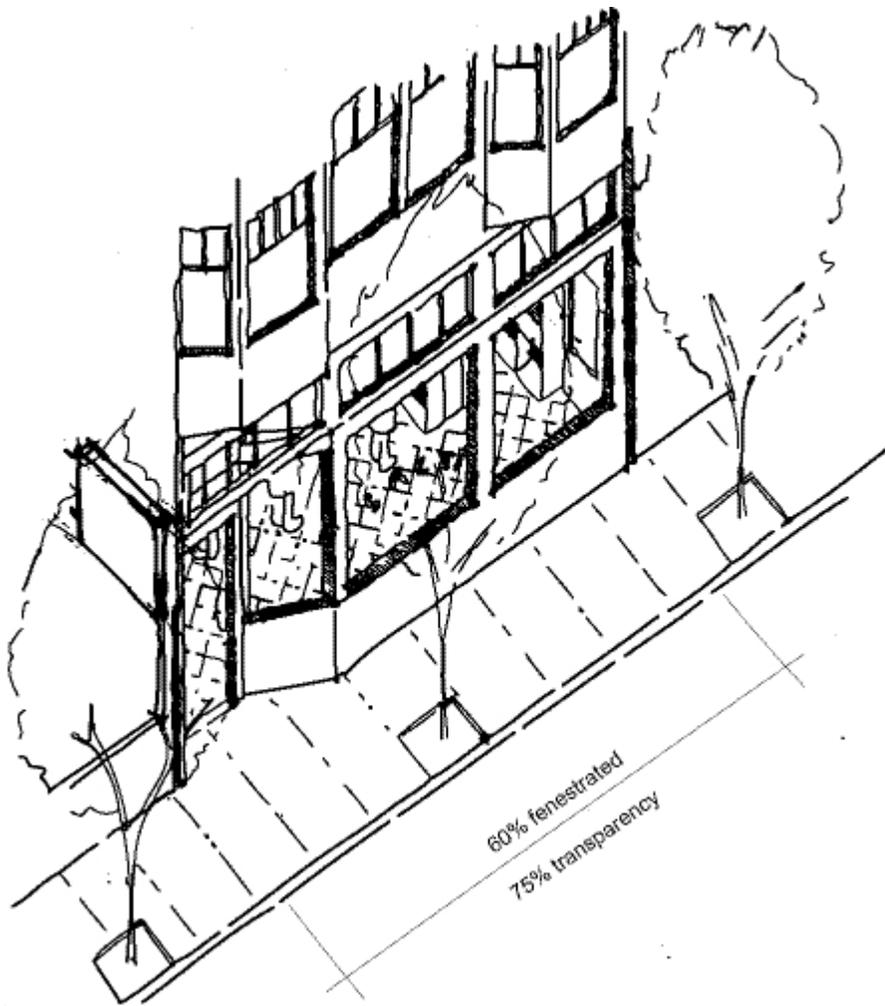
~~street. Separate individual storefronts shall wrap large footprint ground floor uses for the first 25 feet of depth.~~

~~(7) Lighting. Pedestrian scaled lighting shall be provided as an integral element of all building facades and shall be designed and located to accentuate the uses facing the street. Pedestrian scaled lighting shall be incorporated into all facades and landscaped setback areas in the form of wall sconces, entry illumination and low level lighting set into edging features. Lighting should be designed to accentuate ground floor retail and residential entries. Incandescent or color corrected lighting sources must be used.~~

*Figure 827(G): Required Ground Floor*

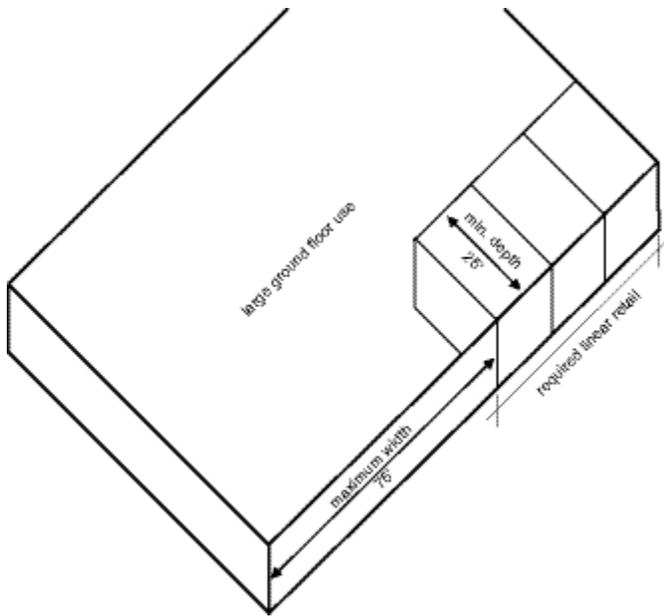
*Commercial Transparency*

*and Fenestration.*



*(Graphic Deleted)*

Figure 827(H)(G): Ground Floor



## Commercial Frontages.

(8) Off-Street Parking and Loading. ~~Restrictions on the design and location of off street parking and loading and access to off street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.~~

~~(A) Required Below Grade. All off street parking in the RH DTR shall be built below street grade. The design of parking on sloping sites must be reviewed through the procedures of Section 309.1, according to the following standards:~~

~~(i) For sloping sites with a grade change of at least ten feet laterally along the street, no less than 50 percent of the perimeter of all floors with off street parking shall be below the level of said sloping street; and~~

~~(ii) For sites that slope upwards from a street, no less than 50 percent of the perimeter of all floors with off street parking shall be below the average grade of the site; and~~

~~(iii) Any above grade parking shall be set back from the street facing facades and wrapped with active uses, as defined by Section 145.4, for a depth of no less than 25 feet at the ground floor and 15 feet on floors above.~~

~~Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on site provision of required residential open space to not less than 18 square feet per~~

~~unit in order to both create additional publicly accessible open space serving the district and to foster superior architectural design on constrained sites.~~

~~(B)~~ (A) Parking and Loading Access.

~~(i) Width of openings. Any single development is limited to a total of two facade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one facade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.~~ The maximum permitted width of all combined parking and loading openings on Guy Place and Lansing Street for any single project is 20 feet.

(ii) Folsom Street. Access to off-street parking is not permitted on Folsom Street for lots with frontage on another street. For lots fronting solely on Folsom Street, access to parking on a Folsom Street frontage is permitted only through the processes established by Section 309.1 by demonstrating that every effort has been made to minimize negative impact on the pedestrian quality of the street. Loading may not be accessed from Folsom Street.

~~(iii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and unloading are not permitted. For the purpose of this section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor facade of the building and the sidewalk.~~

~~(e)~~ (9) Open Space.

(1) ~~Amount Required.~~

~~(A) Residential. For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in Section 135 unless otherwise established in this Section. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in this Section. At least 40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly accessible. Publicly accessible open space, including off-site open space permitted by this Section, meeting the standards of this Section may be considered as common usable open~~

~~space. For residential units with direct access from the street, building setback areas that meet the standards in Section 827(d)(4) may be counted toward the open space requirement as private non-common open space.~~

~~(B) Non-residential. One square foot of publicly accessible open space is required for every 50 gross square feet of non-residential uses over 10,000 square feet. All non-residential open space must meet the standards of Section 827 for publicly accessible open space.~~

~~(2) Off-site provision of required open space. The provision of off-site publicly accessible open space may be counted toward the requirements of both residential and non-residential open space provided it is within the RH DTR or within 500 feet of any boundary of the RH DTR District, and meets the standards of this Section.~~

~~(A) At least 36 square feet per residential unit of required open space and 50 percent of required non-residential open space must be provided on site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly accessible open space serving the district and to foster superior architectural design on constrained sites.~~

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

~~(3) Publicly Accessible Open Space Standards. In addition to the standards of Section 135, Any open space intended to fulfill the requirements of off-site or publicly-accessible open space may include required by this Section must meet the following standards and be approved by the Planning Commission according to the procedures of Section 309.1 of this Code and:~~

~~(A) Open space must be of one or more of the following types:~~

~~(i) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas according to the Rincon Hill Area Plan;~~

~~(ii) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service;~~

~~(iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section 827(g)(3);~~

~~(iv) A terrace or roof garden with landscaping;~~

~~(v) Streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Streetscape Plan of the Rincon Hill Area Plan, such as sidewalk widening or building setbacks, other than those ground floor setbacks required by Section 827(d)(4) or intended by design for the use of individual ground floor residential units; and~~

~~(vi) Streetscape improvements with landscaping and pedestrian amenities on Guy Place and Lansing Street, beyond basic street tree planting or street lighting as otherwise required by this Code, in accordance with the Streetscape Plan of the Rincon Hill Area Plan.~~

~~(B) Open space must meet the following standards:~~

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

~~(ii) Be appropriately landscaped;~~

~~(iii) Be protected from uncomfortable winds;~~

~~(iv) Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;~~

~~(v) Be well signed and accessible to the public during daylight hours;~~

~~(vi) Be well lighted if the area is of the type requiring artificial illumination;~~

~~(vii) Be designed to enhance user safety and security;~~

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

~~(ix) Have access to drinking water and toilets if feasible.~~

~~(C) Maintenance. Open spaces shall be maintained at no public expense, except as might be provided for by any community facilities district that may be formed in the RH DTR. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.1.~~

~~(D) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location outside the building at street level, or at the site of any publicly accessible open space, identifying said open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats, availability of food service) and stating the name and address of the owner or owner's agent responsible for maintenance.~~

~~(E) The Zoning Administrator shall have authority to require a property owner to hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of open space, and to require the owner or owners or subsequent owner or owners of the property to be solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the open space.~~

~~(f) Reduction of Ground Level Wind Currents.~~

~~(1) Requirement. New buildings and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the developments will not cause ground level wind currents to exceed, more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.~~

~~(2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.~~

~~(3) Exception. The Zoning Administrator may allow the building or addition to add to the amount of time the comfort level is exceeded by the least practical amount if (i) it can be shown that a building or addition cannot be shaped and other wind baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (ii) the Zoning Administrator concludes that, because of the limited amount by which the comfort level is exceeded, the addition is insubstantial.~~

~~The Zoning Administrator shall not grant an exception, and, no building or addition shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.~~

~~(g)~~ (10) Streetscape Standards.

~~(H)~~ (A) Sidewalk Treatments.

~~(A)~~ (i) For all frontages abutting a public sidewalk, the project sponsor is required to install sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area Plan, developed by the Planning Department and approved by the Board of Supervisors.

~~(B)~~ (ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill, the Planning Commission, through the procedures of Section 309.1, shall require an applicant to install sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with the intent of the Rincon Hill Area Plan of the General Plan and in accordance with subsections (C)--(F) below.

~~(C)~~ (iii) Sidewalk treatments shall comply with any applicable ordinances and with any applicable regulation of the Art Commission, the Department of Public Works and the Bureau of Light, Heat and Power of the Public Utility Commission regarding street lighting, sidewalk paving, and sidewalk landscaping.

~~(D)~~ (iv) The Streetscape Plan and any Commission requirement pursuant to subsection ~~(B)~~ (ii) shall require the abutting property owner or owners to hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act.

~~(E) (v)~~ Notwithstanding the provisions of this Section, an applicant shall apply for all required permits for changes to the legislated sidewalk widths and street improvements and pay all required fees.

~~(F) (vi)~~ The owner of the property is required to maintain all those improvements other than lighting.

~~(2) (B) Street Trees. Street trees shall be installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of floor area equal to 20 percent or more of an existing building when such construction, relocation or addition occurs on any site in the RH DTR. Street trees shall be provided according to the provisions of Section 143(b), (c) and (d). In addition, street trees shall:~~

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

~~(B) (ii) have a minimum 2 inch caliper, measured at breast height;~~

~~(C) (iii) branch a minimum of 8 feet above sidewalk grade;~~

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

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

~~(F) (vi) provide a below grade environment with nutrient rich soils, free from overly compacted soils, and generally conducive to tree root development;~~

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

~~(H) (viii) be planted in a continuous soil filled trench parallel to the curb, such that the basin for each tree is connected.~~

~~(3) (B) Mid-Block Pedestrian Pathways. For developments on Assessor's Blocks 3744--3748, the Commission may require, pursuant to Section 309.1, the applicant to provide a mid-block pedestrian pathway for the entire depth of their property where called for by the Rincon Hill Area Plan of the General Plan. This pathway shall be designed in accordance with the standards of this Section.~~

~~(A) (i) Design. The design of the pathway shall meet the following minimum requirements:~~

~~(i)(AA) Have a minimum width of 20 feet from building face to building face;~~

~~(ii)(BB) Have a minimum clear walking width of 10 feet free of any obstructions.~~

~~(iii)~~(CC) except for those permitted in front setbacks by Section 136 of this Code;  
~~(iv)~~(DD) Provide such ingress and egress as will make the area easily accessible to the general public;

~~(v)~~(EE) Be protected from uncomfortable wind, as called for elsewhere in this Code;

~~(vi)~~(FF) Be publicly accessible, as defined elsewhere in this Section;

~~(vii)~~(GG) Be provided with special paving, furniture, landscaping, and other amenities that facilitate pedestrian use;

~~(viii)~~(HH) Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;

~~(ix)~~(II) Be free of any changes in grade or steps not required by the natural topography of the underlying hill; and

~~(x)~~(JJ) Be fronted by active ground floor uses, such as individual townhouse residential units, to the greatest extent possible.

~~(B)~~(ii) Prior to issuance of a permit of occupancy, informational signage directing the general public to the pathway shall be placed in a publicly conspicuous outdoor location at street level stating its location, the right of the public to use the space and the hours of use, and the name and address of the owner or owner's agent responsible for maintenance.

~~(C)~~(iii) The owner of the property on which the pathway is located shall maintain it by keeping the area clean and free of litter and keeping in a functional and healthy state any street furniture, lighting and/or plant material that is provided.

~~(D)~~ (iv) Notwithstanding the provisions of this subsection, an applicant shall obtain all required permits for changes to the legislated sidewalk and street improvements and pay all required fees.

~~(E)~~ (v) The property owner or owners must hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall

require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act.

(b) Uses.

(1) Housing Requirement for Residential Developments. The requirements of Sections 315 through 315.9 shall apply in the RH-DTR subject to the following exceptions:

(A) If constructed on-site, a minimum of 12 percent of the total units constructed, and if constructed off-site, a minimum of 17 percent of the total units constructed, shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code.

(B) Below-market-rate units as required by Sections 315 through 315.9 that are built off-site must be built within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(C) No less than fifty percent (50%) of the fees that are paid due to development in the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for and designated exclusively to increase the supply of affordable housing in the SOMA area.

(D) Fifty percent (50%) of the below-market rate units as required by Section 315 through 315.9 that are built on- or off-site must be provided as rental units for the life of the project, as defined in Planning Code Section 315.7(a).

(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan prior to any expenditure of the Funds.

**SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE 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>
-			
<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</u>	<u>§ 136</u>	<u>100 percent lot coverage permitted; up to 80</u>

-	<u>Coverage</u>		<u>percent for all lots at residential levels where not all units face onto streets or alleys. § 825(b)(2).</u>
.13 -	<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>
.14 -	<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>
.15 -	<u>Parking and Loading Access: Prohibition</u>	<u>§ 155(r)</u>	<u>Prohibited on the Embarcadero. §155(r)</u>
.16 -	<u>Parking and Loading Access: Siting and Dimensions</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 each, loading access limited to one 15' opening. § 825(b).</u>
.17 -	<u>Awning</u>	<u>§ 890.21</u>	<u>P, § 136.2(a)</u>
.18 -	<u>Canopy</u>	<u>§ 890.24</u>	<u>P, § 136.2(b)</u>
.19 -	<u>Marquee</u>	<u>§ 890.58</u>	<u>P, § 136.2(c)</u>
<u>Non-Residential Standards and Uses</u>			
.20 -	<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>
.21 -	<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</u> <u>[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</u> <u>[Non-Residential, other than office uses]</u>	<u>§§ 150, 151, 151.1, 153--157, 204.5</u>	<u>None Required. Parking limited as described in Section 151.1.</u>
<u>.25</u> -	<u>Off-Street Freight Loading</u>	<u>§§ 150, 152.2, 153--155, 204.5</u> -	<u>None Required. Loading maximums described in Section 152.2.</u>
<u>.26</u> -	<u>All Non-Residential Uses Permitted, except as described below. §825(c)(1)(A)</u>		
<u>.27</u> -	<u>Drive-Up Facility</u>	<u>§ 890.30</u>	<u>NP</u>
<u>.28</u> -	<u>Walk-Up Facility</u>	<u>§ 890.140</u>	<u>P if recessed 3 ft. C otherwise.</u>
<u>.29</u> -	<u>Hospital or Medical Center</u>	<u>§§ 124.1, 890.44</u>	<u>C</u>
<u>.30</u> -	<u>Other Institutions</u>	<u>§ 890.50</u>	<u>C</u>
<u>.31</u> -	<u>Public Use</u>	<u>§ 890.80</u>	<u>C</u>
<u>.32</u> -	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>C</u>
<u>.33</u> -	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 803.5(b)</u>	<u>C</u>

<u>.34</u> -	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
<u>.35</u> -	<u>Massage Establishment</u>	<u>§ 890.60 Article 29 Health Code</u> -	<u>C</u>
<u>.36</u> -	<u>Automobile Parking Lot, Community Commercial</u>	<u>§§ 890.9, 156, 160</u>	<u>NP</u>
<u>.37</u> -	<u>Automobile Parking Garage, Community Commercial</u>	<u>§§ 890.10, 160</u>	<u>C, per the criteria of Section 157.1</u>
<u>.38</u> -	<u>Automotive Gas Station</u>	<u>§ 890.14</u>	<u>NP</u>
<u>.39</u> -	<u>Automotive Service Station</u>	<u>§§ 890.18, 890.19</u>	<u>NP</u>
<u>.40</u> -	<u>Automotive Repair</u>	<u>§ 890.15</u>	<u>NP</u>
<u>.41</u> -	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>NP</u>
<u>.42</u> -	<u>Automotive Sale or Rental</u>	<u>§ 890.13</u>	<u>C</u>
<u>.43</u> -	<u>Mortuary</u>	<u>§ 890.62</u>	<u>C</u>
<u>.44</u> -	<u>Hours of Operation</u>	<u>§ 890.48</u>	<u>C. 2 a.m.--6 a.m.</u>
<u>.45</u> -	<u>Business Sign</u>	<u>§§ 602--604, 608.1, 608.2</u>	<u>P. § 607.2(f)</u>
<u>Residential Standards and Uses</u>			

<u>.46</u> -	<u>Residential Use</u>	<u>§ 890.88</u>	<u>P</u>
<u>.47</u> -	<u>Residential Density,</u> <u>Dwelling Units</u>	<u>§ 890.88(a)</u>	<u>No Limit. § 207.5 (d)</u> <u>Unit Mix Required § 207.6</u>
<u>.48</u> -	<u>Residential Density,</u> <u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>No Limit. § 207.5 (d)</u>
<u>.49</u> -	<u>Usable Open Space</u> <u>[Per Residential</u> <u>Unit]</u>	<u>§§ 135, 136</u>	<u>75 sq. ft. per unit; up to 50% may be provided</u> <u>off-site if publicly accessible. § 135.</u>
<u>.50</u> -	<u>Accessory Off-Street</u> <u>Parking, Residential</u>	<u>§§ 151.1, 153--</u> <u>157, 159--160,</u> <u>204.5</u>	<u>None Required. Up to one car per 4 dwelling</u> <u>units permitted; up to .75 cars per unit or 1</u> <u>car per unit based on unit size, per procedures</u> <u>and criteria of Section 151.1.</u>
<u>.51</u> -	<u>Residential</u> <u>Conversions</u>	<u>§ 790.84, Ch.</u> <u>41 Admin.</u> <u>Code</u>	<u>C</u>
<u>.52</u> -	<u>Residential</u> <u>Demolition</u>	<u>—</u>	<u>C</u>

**SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

The Mixed Use – General (MUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be

protected from demolition or conversion to nonresidential use by requiring conditional use review.

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 840**

**MUG – MIXED USE – GENERAL DISTRICT ZONING CONTROL TABLE**

		<u>Mixed Use – General District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
<u>840.01</u>	<u>Height Limit</u>	<u>See Zoning Map, §§ 260-261.1, 263.20</u>	<u>As shown on Sectional 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>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>
<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>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u> -	<u>No density limit</u>
<u>840.24</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more</u>

			<u>bedrooms</u>
<u>840.25</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>840.26</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>
<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>
<u>840.50</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
<u>840.51</u>	<u>Tourist Hotel</u>	<u>890.46</u>	<u>C</u>
<u>840.52</u>	<u>Services, Professional;</u> <u>Services Financial; Services</u> <u>Medical</u>	<u>§§ 890.108,</u> <u>890.110, 890.114</u>	<u>P, when primarily open to the general public on a retail basis; subject to the use size limits in Section 840.45.</u>
<u>Assembly, Recreation, Arts and Entertainment</u>			
<u>840.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
<u>840.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f)</u> <u>803.5(b)</u>	<u>NP</u>
<u>840.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
<u>840.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
<u>840.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
<u>840.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
<u>840.61</u>	<u>Pool Hall not falling within</u> <u>Category 890.50(a)</u>	<u>§221 (f)</u>	<u>C</u>
<u>840.62</u>	<u>Recreation Building, not</u> <u>falling within Category 840.21</u> <u>-</u>	<u>§ 221(e)</u>	<u>P</u>
<u>Office</u>			
<u>840.65</u>	<u>Office Uses in Landmark</u> <u>Buildings in Historic Districts</u> <u>-</u>	<u>§§</u> <u>890.70, 803.9(a)</u>	<u>P</u>
<u>840.66</u>	<u>All Other Office Uses</u>	<u>§§ 803.9(h),</u> <u>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 Equipment Repair Service</u>	<u>§ 890.23</u>	<u>P</u>
<u>840.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
<u>840.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
<u>840.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>NP</u>
<u>840.86</u>	<u>Laboratory, not including life science laboratory</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
<u>840.87</u>	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
<u>Other Uses</u>			
<u>840.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
<u>840.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>NP</u>
<u>840.92</u>	<u>Public Use, except Public Transportation Facility,</u>	<u>§§ 890.80, 209.6(c), 227(h)</u>	<u>P</u>

	<u>Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility</u>		
<u>840.93</u>	<u>Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§ 227(h)</u>	<u>C</u>
<u>840.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>NP</u>
<u>840.95</u>	<u>Public Transportation Facilities</u>	<u>§ 890.80</u>	<u>P</u>
<u>840.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c), 890.38</u>	<u>P</u>
<u>840.97</u>	<u>Open Recreation and Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
<u>840.98</u>	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</u>

**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.



<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; (e) and 611</u>	<u>NP</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>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit within</u>
<u>841.24</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more bedrooms</u>
<u>841.25</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>841.26</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 institutions; P for all other</u>
<u>841.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>P</u>
<u>841.34</u>	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>	<u>P</u>
<u>841.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
<u>841.36</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>
<u>Vehicle Parking</u>			
<u>841.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9, 890.11</u>	<u>NP</u>
<u>841.41</u>	<u>Automobile Parking Garage</u>	<u>§§ 145.1, 145.4, 155(r), 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>841.45</u>	<u>All Retail Sales and Services which are not listed below</u>	<u>§§ 890.104, 121.6</u>	<u>P</u>
<u>841.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>P</u>
<u>841.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
<u>841.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
<u>841.49</u>	<u>Tourist Hotel</u>	<u>890.46</u>	<u>NP</u>
<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), 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 within Category 890.50(a)</u>	<u>§221 (f)</u>	<u>P</u>
<u>841.62</u>	<u>Recreation Building, not falling within Category 841.21</u>	<u>§ 221(e)</u>	<u>P</u>
<u>Office</u>			
<u>841.65</u>	<u>Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts</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>P</u>
<u>841.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
<u>Motor Vehicle Services</u>			
<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>
<u>841.85</u>	<u>Laboratory, life science</u>	<u>§890.53(a)</u>	<u>NP</u>
<u>841.86</u>	<u>Laboratory, not including life science laboratory</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
<u>841.87</u>	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
<u>Other Uses</u>			
<u>841.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
<u>841.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
<u>841.92</u>	<u>Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§§ 890.80, 209.6(c), 227(h)</u>	<u>P</u>
<u>841.93</u>	<u>Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§ 227(h)</u>	<u>C</u>
<u>841.94</u>	<u>Internet Services Exchange</u>	<u>209.6(c)</u>	<u>NP</u>
<u>841.95</u>	<u>Public Transportation Facilities</u>	<u>§ 890.80</u>	<u>P</u>
<u>841.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c), 890.38</u> -	<u>P</u>
<u>841.97</u>	<u>Open Recreation and Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
<u>841.98</u>	<u>Walk-up Facility, including</u>	<u>§§ 890.140,</u>	<u>P</u>

	<u>Automated Bank Teller Machine</u>	<u>803.9(b)</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>—</u>		<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, §§ 260-261.1, 263.20</u>	<u>As shown on Sectional 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,</u>	<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u>

		<u>270.2</u>	<u>Horizontal mass reduction required, §270.1</u>  <u>Mid-block alleys required, §270.2</u>
<u>842.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124, 127</u>	<u>Generally contingent upon permitted height, per Section 124</u>
<u>842.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144, 145.1</u>	<u>Generally required</u>
<u>842.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u>	<u>P</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>			
<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>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u> -	<u>No density limit</u>
<u>842.24</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more bedrooms</u>
<u>842.25</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>842.26</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>
<u>842.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
<u>842.36</u> -	<u>Medical Cannabis Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>
<u>Vehicle Parking</u>			
<u>842.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9, 890.11</u>	<u>NP</u>
<u>842.41</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>842.45</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. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.</u>
<u>842.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>P</u>
<u>842.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
<u>842.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
<u>842.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>C if less than 75 rooms</u>
<u>Assembly, Recreation, Arts and Entertainment</u>			
<u>842.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
<u>842.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f), 803.5(b)</u>	<u>C</u>
<u>842.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
<u>842.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
<u>842.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
<u>842.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
<u>842.61</u>	<u>Pool Hall not falling within Category 890.50(a)</u>	<u>§221(f)</u>	<u>P</u>
<u>842.62</u>	<u>Recreation Building, not falling within Category 842.21</u> -	<u>§ 221(e)</u>	<u>P</u>
<u>Office</u>			
<u>842.65</u>	<u>Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts</u> -	<u>§§ 890.70, 803.9(a)</u>	<u>P</u>
<u>842.66</u>	<u>All Other Office Uses</u>	<u>§ 890.70</u>	<u>P</u>
<u>842.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
<u>Motor Vehicle Services</u>			

<u>842.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
<u>842.71</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>842.72</u>	<u>Motor Vehicle Service Station, Automotive Wash</u>	<u>§§ 890.18, 890.20</u>	<u>P</u>
<u>842.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
<u>842.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
<u>842.75</u>	<u>Non-Auto Vehicle Sales or Rental</u>	<u>§ 890.69</u>	<u>P</u>
<u>Industrial, Home, and Business Service</u>			
<u>842.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
<u>842.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
<u>842.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
<u>842.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
<u>842.82</u>	<u>Business Goods and Equipment Repair Service</u>	<u>§ 890.23</u>	<u>P</u>
<u>842.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
<u>842.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
<u>842.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>P</u>
<u>842.86</u>	<u>Laboratory, not including life science laboratory</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
<u>842.87</u>	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
<u>Other Uses</u>			
<u>842.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
<u>842.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
<u>842.92</u>	<u>Public Use, except Public Transportation Facility, Internet Service Exchange, and</u>	<u>§§ 890.80, 209.6(c), 227(h)</u>	<u>P</u>

	<u>Commercial Wireless Transmitting, Receiving or Relay Facility</u>		
<u>842.93</u>	<u>Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§ 227(h)</u>	<u>C</u>
<u>842.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>C</u>
<u>842.95</u>	<u>Public Transportation Facilities</u>	<u>§ 890.80</u>	<u>P</u>
<u>842.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c), 890.38</u>	<u>P</u>
<u>842.97</u>	<u>Open Recreation and Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
<u>842.98</u>	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</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 Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

**Table 843**

**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, §§ 260-261.1, 263.20</u>	<u>As shown on Sectional 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>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:</u>	<u>§§ 145.1, 151.1,</u>	<u>Requirements apply</u>

	<u>Siting and Dimensions</u>	<u>152.1, 155</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>
<u>843.10</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>843.11</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>843.12</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>843.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P</u>
<u>843.14</u>	<u>General Advertising Sign</u>	<u>§§ 607.2(b) &amp; (e) and 611</u>	<u>NP</u>
<u>Residential Uses</u>			
<u>843.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
<u>843.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
<u>843.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
<u>843.23</u> -	<u>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u> -	<u>No density limit</u>
<u>843.24</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more bedrooms</u>
<u>843.25</u>	<u>Affordability Requirements</u>	<u>§ 319</u>	<u>Varies- see Section 319</u>
<u>843.26</u> -	<u>Residential Demolition or Conversion</u>	<u>§ 317</u>	<u>Restrictions apply; see criteria of Section 317</u>
<u>Institutions</u>			

<u>843.30</u>	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>	<u>NP</u>
<u>843.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>C</u>
<u>843.32</u>	<u>Educational Services</u>	<u>§ 890.50(c)</u>	<u>C for post-secondary institutions; P for all other</u>
<u>843.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>P</u>
<u>843.34</u>	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>	<u>P</u>
<u>843.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
<u>843.36</u>	<u>Medical Cannabis Dispensary</u> -	<u>§ 890.133</u>	<u>NP</u>
<u>Vehicle Parking</u>			
<u>843.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9, 890.11</u>	<u>NP</u>
<u>843.41</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>843.45</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. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1. P up to 3,999 gross sq.ft. per use; C over 4,000 gross sq.ft. per use.</u>
<u>843.46</u>	<u>Formula Retail</u>	<u>§§ 803.6, 843.45</u>	<u>C. If approved, subject to size controls in Section 843.45.</u>
<u>843.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
<u>843.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
<u>843.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>NP</u>
<u>843.50</u>	<u>Services, Professional; Services Financial; Services Medical</u>	<u>§§ 890.108, 890.110, 890.114</u>	<u>P, when primarily open to the general public on a retail basis; subject to the use size</u>

			<i>limits in Section 843.45.</i>
<u>843.51</u>	<u>Gyms</u>	<u>§§ 218(d), 803.9(i)</u>	<u>P up to 3,999 gross sq.ft. per use; C over 4,000 gross sq.ft. per use. Not subject to 3:1 ratio, per Sec. 803.9(i).</u>
<u>Assembly, Recreation, Arts and Entertainment</u>			
<u>843.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
<u>843.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f), 803.5(b)</u>	<u>P</u>
<u>843.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>C</u>
<u>843.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>P</u>
<u>843.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
<u>843.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
<u>843.61</u>	<u>Pool Hall not falling within Category 890.50(a)</u>	<u>§221(f)</u>	<u>P</u>
<u>843.62</u>	<u>Recreation Building, not falling within Category 843.21</u> -	<u>§ 221(e)</u>	<u>P</u>
<u>Office</u>			
<u>843.65</u>	<u>Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts</u> -	<u>§§ 890.70, 803.9(a)</u>	<u>P</u>
<u>843.66</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>843.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
<u>Motor Vehicle Services</u>			
<u>843.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
<u>843.71</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>843.72</u>	<u>Motor Vehicle Service Station</u>	<u>§ 890.18</u>	<u>P</u>
<u>843.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
<u>843.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
<u>843.75</u>	<u>Non-Auto Vehicle Sales or Rental</u>	<u>§ 890.69</u>	<u>P</u>
<u>843.76</u>	<u>Automobile Sale or Rental</u>	<u>§ 890.13</u>	<u>P; subject to size controls in Section 843.45.</u>
<u>843.77</u>	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>C</u>
<u>Industrial, Home, and Business Service</u>			
<u>843.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
<u>843.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
<u>843.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
<u>843.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
<u>843.82</u>	<u>Business Goods and Equipment Repair Service</u>	<u>§ 890.23</u>	<u>P</u>
<u>843.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
<u>843.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
<u>843.85</u>	<u>Laboratory, life science</u>	<u>§890.53(a)</u>	<u>NP</u>
<u>843.86</u>	<u>Laboratory, not including life science laboratory</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
<u>843.87</u>	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
<u>Other Uses</u>			
<u>843.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
<u>843.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
<u>843.92</u>	<u>Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless</u>	<u>§§ 890.80, 209.6(c), 227(h)</u>	<u>P</u>

	<u>Transmitting, Receiving or Relay Facility</u>		
<u>843.93</u>	<u>Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§ 227(h)</u>	<u>C</u>
<u>843.94</u>	<u>Internet Services Exchange</u>	<u>209.6(c)</u>	<u>NP</u>
<u>843.95</u>	<u>Public Transportation Facilities</u>	<u>§ 890.80</u>	<u>P</u>
<u>843.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c), 890.38</u>	<u>P</u>
<u>843.97</u>	<u>Open Recreation and Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
<u>843.98</u>	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</u>

**SEC. 890.52. LABORATORY.**

Laboratory shall mean space within any structure intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from office uses (as defined in Section 890.70), light manufacturing (as defined in Section 890.54(a)), or heavy manufacturing (including uses listed in 226(g) through 226(w)). Examples of laboratories include the following:

- (a) Chemistry, biochemistry, or analytical laboratory;
- (b) Engineering laboratory;
- (c) Development laboratory;

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

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

(f) Support laboratory;

(g) Quality assurance/Quality control laboratory;

(h) Core laboratory.

### **SEC. 890.53. LIFE SCIENCE.**

Life Science is an industry that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in Section 890.52(d) and (e).

### **SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.**

A commercial use, including light manufacturing, wholesale sales, and storage, as defined in Subsections (a), (b), ~~and (c)~~, and (d) below.

(a) Light Manufacturing. A nonretail use which provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials, when conducted in an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

- (1) Food processing, not including mechanized assembly line production of canned or bottled goods;
- (2) Apparel and other garment products;
- (3) Furniture and fixtures;
- (4) Printing and publishing of books or newspaper;
- (5) Leather products;
- (6) Pottery;
- (7) Glass blowing;
- (8) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.

It shall not include the chemical processing of materials or the use of any machine that has more than five horsepower capacity, nor shall the mechanical equipment required for the use, together with related floor space used primarily by the operators of such equipment, in aggregate occupy more than 1/4 of the total gross floor area of the use.

It shall be not include a trade shop, as defined in Section 890.124 of this Code, or a heavy industrial use subject to Section 226(e) through (w) of this Code. It shall not include general or heavy manufacturing uses, not described in this Subsection (a).

(b) Wholesale Sales. A nonretail use which exclusively provides goods or commodities for resale or business use, including accessory storage. It shall not include a nonaccessory storage warehouse.

(c) Commercial Storage. A commercial use which stores, within an enclosed building, household goods, contractors' equipment, building materials or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities. ~~This use shall include retail self storage facilities for household goods.~~

(d) Self-Storage. Retail facilities for the storage of household and personal goods.

## **SEC. 890.70. OFFICE USE.**

~~As used in this Article an office use is space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others at that location administrative services, design services, professional services, financial services or medical services as defined in Sections 890.28, 890.106, 890.108, 890.110 and 890.114. It does not include business services as defined in Section 890.111 or the office functions which are permitted by this Code as uses which are necessary to another permitted use.~~

(a) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; all uses encompassed within the definition of "office" in Section 219 of this Code; multimedia, software development, web design, electronic commerce, and information technology; all uses encompassed within the definition of "administrative services" in Section 890.106 of this Code; and all " professional services" as proscribed in Section 890.108 of this Code excepting only those uses which are limited to the Chinatown Mixed Use District.

(b) "Office use" shall exclude: retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

## **SEC. 890.88. RESIDENTIAL USE.**

A use which provides housing for San Francisco residents, rather than visitors, including a dwelling unit or group housing, as defined in Subsections (a) and (b) below, or a residential hotel, as defined in Section 890.47 of this Code and in Chapter 41 of the San Francisco Administrative Code.

(a) Dwelling Unit. A residential use which consists of a suite of two or more rooms and includes sleeping, bathing, cooking, and eating facilities, and has only one kitchen.

(b) Group Housing. A residential use which provides lodging or both meals and lodging without individual cooking facilities for a week or more at a time in a space not defined as a dwelling unit. Group housing includes, but is not limited to, a roominghouse, boarding house, guest house, lodging house, residence club, commune, fraternity and sorority house, monastery, nunnery, convent, and ashram. It also includes group housing operated by a medical or educational institution when not located on the same lot as such institution.

(c) Single Room Occupancy (SRO) Unit. A dwelling unit or group housing room consisting of no more than one occupied room with a maximum gross floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit may have a bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility and bathroom. As a group housing room, it would share a kitchen with one or more other single room occupancy unit/s in the same building and may also share a bathroom. A single room occupancy building (or "SRO" building) is one that contains ~~one or more~~ only SRO units and non nonaccessory living space.

#### **SEC. 890.111. SERVICE, BUSINESS.**

A use which provides the following kinds of services to businesses and/or to the general public and does not fall under the definition of 'office' pursuant to Section 890.70: radio and television stations; newspaper bureaus; magazine and trade publication publishing; ~~desktop publishing; product testing laboratories~~; microfilm recording; slide duplicating; bulk mail services; parcel shipping services; parcel labeling and packaging services; messenger delivery/courier services; ~~uniform security services~~; sign painting and lettering services; building maintenance services; ~~interior decorating services~~.

## **Article 10.0 – Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts**

### **APPENDIX I TO ARTICLE 10 SOUTH END HISTORIC DISTRICT**

#### **SEC. 10. ADDITIONS.**

Additions to existing buildings and new infill construction proposed within the South End Historic District must reflect an understanding of the relationship of the proposal with the contributing buildings within the district. Additions shall be reviewed for compatibility with the historic building and the district while infill construction shall be reviewed for compatibility with the overall district. Neither should directly imitate nor replicate existing features. For additions, every effort should be made to minimize the visibility of the new structure within the district. Infill construction should reflect the character of the district, including the prevailing heights of contributing buildings without creating a false sense of history. Property owners should consult early in the process with a Planning Department Historic Preservation Technical Specialist when developing a proposal.

Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a radical change to the form or character of the historic building. A vertical addition may be approved, depending on how the addition impacts the building and its relative visibility from the surrounding public rights-of-way within the district. The Planning Department evaluates all proposals for properties identified under Article 10 of the Planning Code for compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)). Based on these Standards, Department staff uses the following criteria when reviewing proposals for vertical additions:

- The structure respects the general size, shape, and scale of the features associated with the property and the district and the structure is connected to the property in a manner that does not alter, change, obscure, damage, or destroy any of the character-defining features of the property and the district.

- The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history.
- The materials are compatible with the property or district in general character, color and texture.

As part of the Planning Department review process, the project sponsor shall conduct and submit an analysis that illustrates the relative visibility of a proposed vertical addition from within the district. As part of this analysis, sightline cross-sections and perspective drawings illustrating the proportionality and scale, as well as the visible extent of the addition from prescribed locations should be submitted.

When a district provides an opportunity for new construction through existing vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical importance. Historic buildings within the district should be utilized and referenced for design context. Contemporary design that respects the District's existing character-defining features without replicating historic designs is encouraged. The Department uses the following criteria when reviewing proposals for infill construction:

- The structure respects the general size, shape, and scale of the character-defining features associated with the district and its relationship to the character-defining features of the immediate neighbors and the district.
- The site plan respects the general site characteristics associated with the district.
- The design respects the general character-defining features associated with the district
- The materials are compatible with the district in general character, color, and texture.

**APPENDIX L TO ARTICLE 10 DOGPATCH HISTORIC DISTRICT**

**SEC. 10. ADDITIONS.**

Additions to existing buildings and new infill construction proposed within the Dogpatch Historic District must reflect an understanding of the relationship of the proposal with the contributing buildings within the district. Additions shall be reviewed for compatibility with the historic

building and the district while infill construction shall be reviewed for compatibility with the overall district. Neither should directly imitate nor replicate existing features. For additions, every effort should be made to minimize the visibility of the new structure within the district. Infill construction should reflect the character of the district, including the prevailing heights of contributing buildings without creating a false sense of history. Property owners should consult early in the process with a Planning Department Historic Preservation Technical Specialist when developing a proposal.

Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a radical change to the form or character of the historic building. A vertical addition may be approved, depending on how the addition impacts the building and its relative visibility from the surrounding public rights-of-way within the district. The Planning Department evaluates all proposals for properties identified under Article 10 of the Planning Code for compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)). Based on these Standards, Department staff uses the following criteria when reviewing proposals for vertical additions:

- The structure respects the general size, shape, and scale of the features associated with the property and the district and the structure is connected to the property in a manner that does not alter, change, obscure, damage, or destroy any of the character-defining features of the property and the district.
- The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history.
- The materials are compatible with the property or district in general character, color and texture.

As part of the Planning Department review process, the project sponsor shall conduct and submit an analysis that illustrates the relative visibility of a proposed vertical addition from within the district. As part of this analysis, sightline cross-sections and perspective drawings illustrating the proportionality and scale, as well as the visible extent of the addition from prescribed locations should be submitted.

When a district provides an opportunity for new construction through existing vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical importance. Historic buildings within the district should be utilized and referenced for design context. Contemporary design that respects the district's existing character-defining features without replicating historic designs is encouraged. The Department uses the following criteria when reviewing proposals for infill construction:

- The structure respects the general size, shape, and scale of the character-defining features associated with the district and its relationship to the character-defining features of the immediate neighbors and the district.
- The site plan respects the general site characteristics associated with the district.
- The design respects the general character-defining features associated with the district.
- The materials are compatible with the district in general character, color, and texture.
- The only instance where a replication of an original design may be appropriate is the replacement of a missing structure in a row of identical houses.

Section 3. This Section is uncodified. Severability. Should the final adjudication of a court void any of the fees associated with the Eastern Neighborhood Area Plans, the increase in height and density provided in this Ordinance and Ordinance No. \_\_\_\_\_, a copy of which is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference, shall automatically terminate and the height and density controls shall revert to those in effect prior to this Ordinance. This severability clause is provided in recognition of the integral relationship between the impacts associated with height and density increases and the fees enacted to address these impacts.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney