

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-B	2,500 sq. ft.	5,000 sq. ft.	7,500 sq. ft.
PDR-2	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

SEC. 121.69. 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 121.58, 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, SoMa</u>	2.5 to 1
Broadway	
Upper Fillmore	
Polk	
Valencia	
24th Street-Mission	3.0 to 1
Castro	
Hayes-Gough	
Upper Market	
Union	3.6 to 1
NC-3, NCT-3, <u>Mission Street</u>	
Chinatown R/NC	
Chinatown VR	
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, and PDR-2 in a 40, or 45, or 48 foot height district</u>	<u>3.0 to 1</u>
<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 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, and PDR-2 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, and PDR-2 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, and PDR-2 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. 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 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, o~~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 :

(1) ~~G~~ground floor non-residential uses in UMU Districts shall have a minimum unobstructed ceiling floor-to-floor height of ~~15~~ 17 feet, as measured from floor level grade. Ground floor non-residential uses in all NCT, DTR, MUG, MUR, and MUO Districts shall have a minimum unobstructed ceiling floor-to-floor height of ~~12-14~~ feet, as measured from floor level grade.

(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.~~

Table 145.1	
Other Retail Sales and Services —[Not Listed Below]	§ 790.102
Bar	§ 790.22

<i>Full Service Restaurant</i>	§ 790.92
<i>Large Fast Food Restaurant</i>	§ 790.90
<i>Small Self Service Restaurant</i>	§ 790.91
<i>Liquor Store</i>	§ 790.55
<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 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) 3rd 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 20th 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 NCT District;

(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>

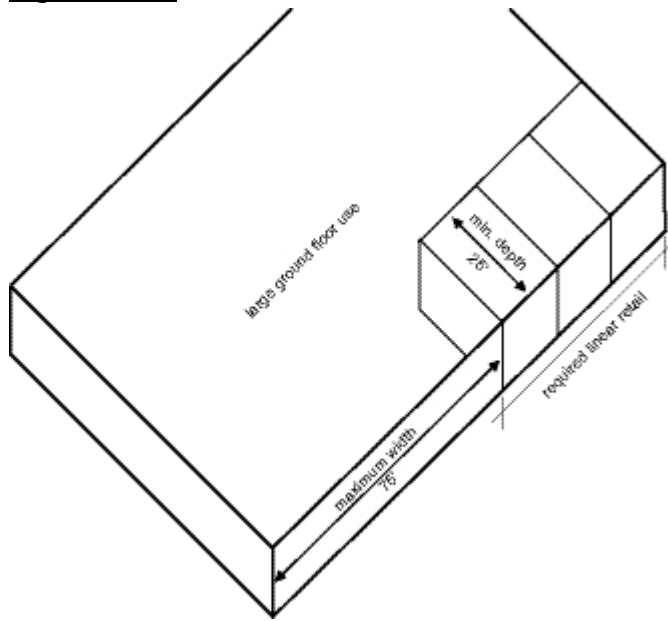
(d) Controls.

(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. 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 no more than 50% greater than that 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.~~

(~~b~~c) 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.

(~~e~~d) 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</u> -DTR	P up to one car for each two dwelling units; up to

Districts, except as specified below	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 bedrooms and at least 1,000 square feet of occupied floor area</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 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.
SRO units	P up to one car for each 20 units, plus one for the manager's dwelling unit, if any. NP above.
<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 institution</u>	<u>P up to one for each 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser</u>

	<u>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>
All office uses <u>in C-3, DTR, SPD, MUG, MUR, and MUO Districts</u>	P up to seven percent of the gross floor area of such uses <u>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 ¼-</u>	<u>P up to one car per 500 square feet of gross floor area; NP above.</u>

<u>mile from Market, Mission, 3rd and 4th Streets</u>	
Non-residential uses in RTO districts permitted under Sections 209.8(e) and 2310.	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 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>All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than ¼ mile from Market, Mission, 3rd and 4th Streets, except grocery stores of over 20,000 gross square feet.</u>	<u>P up 1,500 square feet of gross floor area.</u>
<u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all</u>	<u>P up to one for each 200 square feet of occupied floor area.</u>

<u>other rRestaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise</u>	
<u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other rRetail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture</u>	<u>P up to one for each 1,000 square feet of occupied floor area.</u>
<u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other gGreenhouse or plant nursery</u>	<u>P up to one for each 4,000 square feet of occupied floor area.</u>
<u>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other rRetail 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>Small Enterprise Workspace Building</u>	<u>P up to one for each 1,500 square feet of occupied floor area.</u>
<u>Integrated PDR</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. 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(l). 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 (including the Zoning Maps) 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 any 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, 1.2, 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 (e)(1)(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.

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

(2) For projects that filed a Development Application with the Planning Department between January 19, 2007 and August 29, 2007:

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

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

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

(3) For projects that filed a Development Application with the Planning Department between August 30, 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. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN NEIGHBORHOODS

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

(b) Applicability.

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

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

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

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

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

(D) is a land use that either:

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

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

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

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

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

(c) Notification of Program Availability.

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

(d) Application for Eligibility.

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

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

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

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

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

(e) Determination of Eligibility.

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

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

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

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

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

(f) Application to Legitimize.

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

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

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

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

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

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

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

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

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

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

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

(6) Failure to comply with the terms of the program and associated NSR as specified in this Subsection shall be deemed a violation of this Code and result in an enforcement action by the Department, which may include, referral to the Bureau of Delinquent Revenue and a lien on the subject property. Any

enforcement action also may result in additional charges or penalties to cover the City's costs in the enforcement action, including, but not limited to City Attorney's fees.

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

~~The following provisions shall govern with respect to uses and features located in the Eastern Neighborhoods Plan Area to the extent that there is a conflict between the provisions of this Section and other sections contained in this Article 1.7.~~

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

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

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

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

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

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

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

~~(c) Lawfully Existing Uses. The following provisions shall apply to all lawful existing uses:~~

~~(1) Any use or feature in the Eastern Neighborhoods that lawfully existed on the effective date of Ordinance No. _____ which is classified as a principal use by the enactment of Ordinance No. _____ is hereby deemed to be a permitted principal use.~~

~~(2) Any use or feature in the Eastern Neighborhoods that lawfully existed on the effective date of Ordinance No. _____ which is classified as a conditional use by the enactment of Ordinance No. _____ is deemed to be a permitted conditional use, subject to the provisions of Section 178 of this Code.~~

~~(3) Any use or feature in the Eastern Neighborhoods that lawfully existed on the effective date of Ordinance No. _____ and which use or feature is not permitted by the enactment of Ordinance No. _____ is hereby deemed to be a nonconforming use subject to the provisions of Sections 180 through 186.1 of this Code.~~

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

~~(5) Any use or feature in the Eastern Neighborhoods that was nonconforming under Section 180 of this Code prior to the effective date of Ordinance No. _____,~~

~~which is classified as a conditional use by the enactment of Ordinance No. _____, is deemed to be a permitted conditional use, subject to the provisions of Section 178 of this Code.~~

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

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

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

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

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

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

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

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

~~(C) The application does not involve any expansion or intensification of the recognized existing use, rather any such expansion or intensification would be~~

~~proposed under separate application subject to all current Planning Code provisions;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e) Existing Uses Which Are Not Permitted. Any use that existed on the effective date of Ordinance No. _____ for which the required permits have not been~~

~~obtained, and which use was not permitted either (1) at the time the use was
established or (2) by the enactment of Ordinance No. _____ shall be in violation of
this Code, subject to the provisions of Section 176 of this Code.~~

SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.

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

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

(b) Such parking or loading facilities shall be for use by the occupants, patrons, employees or services of the structure or use to which they are accessory.

Accessory parking facilities for any dwelling in any R District shall be limited, further, to storage of private passenger automobiles, private automobile trailers and boats, and trucks of a rated capacity not exceeding 3/4 ton.

(c) Accessory parking facilities shall include only those facilities which do not exceed the following amounts for a structure, lot or development: three spaces where one space is required by this Code; four spaces where two spaces are required by this Code; 150 percent of the required number of spaces where three or more spaces are required by this Code; and, in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, whichever is greater, or in NC Districts, three spaces, where no off-street parking spaces are required by this Code. For purposes of calculation under the last provision just stated, gross floor area shall be as defined by this Code, and the area considered to be devoted to parking shall be only the parking spaces and aisles, excluding entrance and exit driveways and ramps. Off-street

parking facilities which exceed the amounts stated in this Subsection (c) shall be classified as either a principal or a conditional use, depending upon the use provisions applicable to the district in which such facilities are located. This subsection (c) does not apply to districts subject to Section 151.1, which establishes maximum amounts of accessory parking for all uses in those 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, student housing (as defined in Sec. 315.1.38), 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, one of the following two must apply:

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

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

(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 Eastern Neighborhoods Mixed Use Districts, these requirements may be substituted by providing no less than 30 percent of the total number of proposed dwelling units with at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

~~(43) 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. 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 office, 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 ~~and office~~ 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. 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	
													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

													303(c) of this Code.
						C	C	C					(c) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.

N A	N A	N A	N A	N A	N A	N A	NA	N A	C	(d) Student housing, as defined in 315.1(38). In the PDR-1-D District, density limits and dwelling unit mix requirements do not apply. So long as these dwelling units are affiliated with and operated by an accredited post-secondary educational institution, the inclusionary housing requirements of Section 315 shall not apply. In the PDR-1-D District, the accredited post-secondary educational institution to which the student housing is affiliated must also contain educational facilities within the PDR-1-D District.
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SEC. 227. OTHER USES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 227. OTHER USES.
P*	P*				P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Greenhouse or plant nursery.
P*	P*					P	P	P	<u>P</u>	<u>P</u>	P under 10,000 <i>gsf</i>	P	(b) Truck gardening, horticulture.
	C			C	C	P	P	P	<u>P</u>		P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	P	P	P	P	P	P	P	P	<u>C</u>	<u>C</u>	C	C	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.

P*	P*	C	C	P	P	P	P	P	<u>P</u>	<u>P</u>	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(t)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.
C*	C*	C	C	C	C	C	C	C	<u>C</u>	<u>C</u>		C	(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:
													(1) Off-street passenger terminal facilities for mass transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar

															ancillary feature of a transit system; and
															(2) Landing field for aircraft.
C*	C*	C	C	C	C	C	C	P	P	<u>P</u>	<u>P</u>		P		(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
P	P	P	P	P	P	P	P	P	P	<u>P</u>		C	P		(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals where:
															(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site

														under Article 2.5 of this Code, whichever is the lesser height; and
														(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)
C	C	C	C	C	C	C	C	C	C	<u>C</u>		C	C	(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:
														(1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet

														above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; or
														(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or combination of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)
P*	P*	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
	P*	P	P	P	P	P	P	P						(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P*	P*	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P		(l) Access driveway to property in any C or M

														District.
C	C						C	C	C	<u>C#</u>	<u>C#</u>	C#	C#	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
									P					(n) Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.
SEE SECTIONS 205 THROUGH 205.2														(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (* See Section 121(a).)
P	P	P	P	P	P	P	P	P	P					(p) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the unit and that other nonresidential activities are

														limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use. -
P	P	P	P	P	P	P	P	P	P					(q) Subject to Section 233(a), live/work units not included above but satisfying the conditions of Section 233(b) of this Code. -
P	P	P	P	P	P	P	P	P	P	<u>P##</u>	<u>P##</u>	P##	P##	(p r) Arts activities
													P	(q s) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.
C	C	C	C	C	C	C	C	C	C			C	C	(r t) Internet Services Exchange as defined in Section 209.6(c).

P	P	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot; C</u> <u>above</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u> <u>per</u> <u>lot; C</u> <u>above</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot, and</u> <u>subject to</u> <u>control</u> <u>of</u> <u>Section</u> <u>n</u> <u>121.8</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot, and</u> <u>subject to</u> <u>control</u> <u>of</u> <u>Section</u> <u>n</u> <u>121.8</u>	(s) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a 1/4 miles of an existing fringe financial service.
<u>N</u> <u>A</u>	<u>NA</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional requirements: (A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70);</u>

												(B) Any retail uses are subject to any per-parcel size controls of the subject zoning district; (C) No residential uses shall be permitted; (D) Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent of the units in the building must contain no more than 2,500 gross square feet each; <u>an exception to this</u> <u>rule applies for larger PDR</u> <u>spaces on the ground floor,</u> <u>as described in subsection</u> <u>(E) below and</u> <u>(E) An S.E.W. building may</u> <u>contain units larger than</u> <u>2,500 square feet on the</u> <u>ground floor as long as each</u> <u>such unit contains a principal</u> <u>PDR use. For the purposes</u> <u>of this Section, a PDR use is</u> <u>one identified in Sec. 220</u> <u>and 222 through 227 of this</u> <u>Code.</u> (F) After the issuance of any certificate of occupancy or completion for the building, no <u>any merger, subdivision,</u>
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									<u>Sec.</u> <u>890.4</u> <u>9</u>	<u>Sec.</u> <u>890.4</u> <u>9</u>			
													#Dwellings are not permitted as part of any Planned Unit Development in these districts. ## For these districts, commercial production and post-production of video and digital films, including special effects production, is subject to the use size restrictions per-set forth in Section 219 for Offices uses. (*See Section 212(a).)

SEC. 249.38. TRANSIT-ORIENTED RETAIL SPECIAL USE DISTRICT.

(a) Purpose. The Transit-Oriented Retail Special Use District is intended to support street activity along important transit routes, including 16th Street and 3rd Street.

(b) Geography. The boundaries of the Transit-Oriented Retail Special Use District include all parcels in PDR Districts that are along 16th St. from Mission St. to I-280, or along 3rd St. from 23rd Street to Cesar Chavez St.

(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.

SEC. 249.39. INTEGRATED PDR SPECIAL USE DISTRICT.

(a) Purpose. The Integrated PDR Special Use District is intended to ensure that newly constructed Integrated PDR uses support the intention of the PDR-1-G District in the Central Waterfront.

(b) Geography. The boundaries of the Integrated PDR Special Use District include all parcels designated PDR-1-G east of I-280, south of 20th St., and north of Cesar Chavez St.

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except that newly constructed Integrated PDR shall require conditional use authorization pursuant to the provisions of Sec. 303.

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 applicable ~~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. 315.1. DEFINITIONS.

The following definitions shall govern interpretation of this ordinance:

(1) "Affordable housing project" shall mean a housing project containing units constructed to satisfy the requirements of Sections 315.4 or 315.5.

(2) "Affordable to a household" shall mean a purchase price that a household can afford to pay based on an annual payment for all housing costs, as defined in California Code of Regulations ("CCR") Title 25, Section 6920, as amended from time to time, of 33 percent of the combined household annual gross income, assuming a down payment recommended by the Mayor's Office of Housing in the Procedures Manual, and available financing, or a rent that does not exceed 30 percent of a household's combined annual gross income. Where applicable, the purchase price or rent may be adjusted to reflect the absence or existence of a parking space(s), subject to the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time.

(3) "Affordable to qualifying households" shall mean:

(A) With respect to owned units, the average purchase price on the initial sale of all affordable owned units in an affordable housing project shall not exceed the allowable average purchase price and all units must be sold only to households with annual gross incomes up to and including 120 percent of median income for the City and County of San Francisco. In addition, each unit shall be sold:

(i) Only to households with an annual gross income equal to or less than the qualifying limits for a household of moderate income, adjusted for household size;

(ii) On the initial sale, at or below the maximum purchase price; and

(iii) On subsequent sales at or below the prices to be determined by the Director Mayor's Office of Housing in the Conditions of Approval or Notice of Special

Restrictions according to the formula specified in the Procedures Manual, as amended from time to time, such that the units remain affordable to qualifying households. The formula in the Procedures Manual may permit the seller to include certain allowable capital improvements in the sales price.

(B) With respect to rental units in an affordable housing project, the average annual rent, including the cost utilities paid by the tenant according to HUD utility allowance established by the San Francisco Housing Authority, shall not exceed the allowable average annual rent. Each unit shall be rented:

- (i) Only to households with an annual gross income equal to or less than the qualifying limits for a household of low income as defined in this Section;
- (ii) At or less than the maximum annual rent.

(4) "Allowable average purchase price" shall mean a price for all affordable owned units of the size indicated below that are affordable to a household of median income as defined in this Section, adjusted for the household size indicated below as of the date of the close of escrow, and, where applicable, adjusted to reflect the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time:

TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4

4 (More than 1,300 square feet)	5
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(5) "Allowable average annual rent" shall mean annual rent for an affordable rental unit of the size indicated below that is 30 percent of the annual gross income of a household of median income as defined in this Section, adjusted for the household size indicated below, and, where applicable, adjusted to reflect the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time:

TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4
4 (More than 1,300 square feet)	5

(6) "Annual gross income" shall mean gross income as defined in CCR Title 25, Section 6914, as amended from time to time, except that the Mayor's Office of Housing may, in order to promote consistency with the procedures of the San Francisco Redevelopment Agency, develop an asset test that differs from the State definition if it publishes that test in the Procedures Manual.

(7) "Average annual rent" shall mean the total annual rent for the calendar year charged by a housing project for all affordable rental units in the project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.

- (8) "Average purchase price" shall mean the purchase price for all affordable owned units in an affordable housing project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.
- (9) "Community apartment" shall be as defined in San Francisco Subdivision Code Section 1308(b).
- (9a) "Conditional use" for purposes of this Ordinance means a conditional use authorization which, pursuant to the Planning Code, is required for the residential component of a project.
- (10) "Conditions of approval" shall be a set of written conditions imposed by the Planning Commission or another permit-issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it receives a conditional use or planned unit development permit for the construction of a principal project or other housing project subject to this Program.
- (11) "Condominium" shall be as defined in California Civil Code Section 783.
- (12) "Director" shall mean the Director of City Planning or his or her designee, including other City agencies or departments.
- (13) "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 109, whichever is issued first.
- (14) Intentionally Left Blank.
- (15) "Household" shall mean any person or persons who reside or intend to reside in the same housing unit.
- (16) "Household of low income" shall mean a household whose combined annual gross income for all members does not exceed 60 percent of 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, calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

(17) "Household of median income" shall mean a household whose combined annual gross income for all members does not exceed 100 percent of the 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, calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

(17A) "Household of moderate income" shall mean a household whose combined annual gross income for all members does not exceed 120 percent of the 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, calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

(18) "Housing project" shall mean any development which has residential units as defined in the Planning Code, including but not limited to dwellings, group housing, independent living units, and other forms of development which are intended to provide long-term housing to individuals and households. "Housing project" shall not include that portion of a development that qualifies as an Institutional Use under the Planning Code. "Housing project" for purposes of this Program shall also include the development of live/work units as defined by Planning Code Section 102.13. Housing project for purposes of this Program shall mean all phases or elements of a multi-phase or multiple lot residential development.

(19) "Housing unit" or "unit" shall mean a dwelling unit as defined in San Francisco Housing Code Section 401.

(20) "Live/work unit" shall be as defined in San Francisco Planning Code Section 102.13.

(21) "Live/work project" shall mean a housing project containing more than one live/work unit.

(22) "Long term housing" shall mean housing intended for occupancy by a person or persons for 32 consecutive days or longer.

(23) "Market rate housing" shall mean housing constructed in the principal project that is not subject to sales or rental restrictions.

(24) "Maximum annual rent" shall mean the maximum rent that a housing developer may charge any tenant occupying an affordable unit for the calendar year. The maximum annual rent for an affordable housing unit of the size indicated below shall be no more than 30 percent of the annual gross income for a household of low income as defined in this Section, as adjusted for the household size indicated below as of the first date of the tenancy:

TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1100 square feet)	3
3 (1101 to 1300 square feet)	4
4 (More than 1300 square feet)	5

(25) "Maximum purchase price" shall mean the maximum purchase price for an affordable owned unit of the size indicated below that is affordable to a household of moderate income, adjusted for the household size indicated below, assuming an annual payment for all housing costs of 33 percent of the combined household annual gross income, a down payment recommended by MOH and set forth in the Procedures Manual, and available financing:

TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1100 square feet)	3
3 (1101 to 1300 square feet)	4
4 (More than 1300 square feet)	5

(25A) "Mayor's Office of Housing" shall mean the Mayor's Office of Housing or its successor.

(26) "Notice of Special Restrictions" shall mean a document recorded with the San Francisco Recorder's Office for any unit subject to this Program detailing the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal project relating to the unit.

(27) "Off-site unit" shall mean a unit affordable to qualifying households constructed pursuant to this Ordinance on a site other than the site of the principal project.

- (28) "On-site unit" shall mean a unit affordable to qualifying households constructed pursuant to this Ordinance on the site of the principal project.
- (29) "Ordinance" shall mean Planning Code Sections 315.1 through 315.9.
- (30) "Owned unit" shall mean a unit affordable to qualifying households which is a condominium, stock cooperative, community apartment, or detached single-family home. The owner or owners of an owned unit must occupy the unit as their primary residence.
- (31) "Owner" shall mean the record owner of the fee or a vendee in possession.
- (32) "Principal project" shall mean a housing development on which a requirement to provide affordable housing units is imposed.
- (33) "Procedures Manual" shall mean the City and County of San Francisco Affordable Housing Monitoring Procedures Manual issued by the San Francisco Department of City Planning, as amended.
- (34) "Program" shall mean the Residential Inclusionary Affordable Housing Program.
- (35) "Project applicant" shall mean an applicant for a building permit or a site permit or an applicant for a conditional use permit or planned unit development permit, seeking approval from the Planning Commission or Planning Department for construction of a housing project subject to this Section, such applicant's successors and assigns.
- (36) "Rent" or "rental" shall mean the total charges for rent, utilities, and related housing services to each household occupying an affordable unit.
- (37) "Rental unit" shall mean a unit affordable to qualifying households which is not a condominium, stock cooperative, or community apartment.
- (38) "Student housing" shall mean a building where 100 percent of the residential uses are affiliated with and operated by an accredited post-secondary educational institution. This housing shall providing lodging or both meals and lodging, by prearrangement for

one week or more at a time. This definition only applies in the Eastern Neighborhoods
Mixed Use Districts and the PDR-1-D District.

SEC. 315.3. APPLICATION.

(a) This Ordinance shall apply to any housing project that consists of five or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with five or more units, even if the development is on separate but adjacent lots; and

(1) Does not require Planning Commission approval as a conditional use or planned unit development;

(2) Requires Planning Commission approval as a conditional use or planned unit development;

(3) Consists of live/work units as defined by Planning Code Section 102.13; or

(4) Requires Planning Commission approval of replacement housing destroyed by earthquake, fire or natural disaster only where the destroyed housing included units restricted under the Residential Inclusionary Housing Program or the City's predecessor inclusionary housing policy, condominium conversion requirements, or other affordable housing program.

(b) This Ordinance shall apply to all housing projects that have not received a first site or building permit on or before the effective date of this ordinance with the following exceptions. Until these application dates take effect as described below, the provisions of the Ordinance as it exists on July 18, 2006 shall govern.

(1) The amendments to the off-site requirements in Section 315.5(c) and (d) relating to location and type of off-site housing, and Section 315.4(e) relating to when a developer shall declare whether it will choose an alternative to the on-site requirement shall apply only to projects that receive their Planning Commission or Department approval on or after the effective date of this legislation.

(2) The amendments to the percentage-requirements of this Ordinance that govern the number of affordable units a housing project is required to provide in Section 315.4(a) and 315.5(a) apply only to housing projects that submit their

first application, including an environmental evaluation application or any other Planning Department or Building Department application, on or after July 18, 2006. Notwithstanding the foregoing, the amendments to the percentage-requirements of this Ordinance also apply to any project that has not received its final Planning Commission or Department approvals before July 18, 2006 for housing projects that receive a Zoning Map amendment or Planning Code text amendment related to their project approvals that (A) results in a net increase in the number of permissible residential units, or (B) results in a material increase in the net permissible residential square footage. For purposes of subsection B above a material increase shall mean an increase of 5 percent or more, or an increase in 10,000 square feet or more, whichever is less.

(3) The amendments in Section 315.1 to the way median income is calculated apply to any housing project that has not received a first site or building permit by the effective date of this Ordinance. (4) This Ordinance shall apply to all housing projects of 5 to 9 units that filed their first application, including an environmental evaluation application or any other Planning Department application on or after July 18, 2006.

(c) This Ordinance shall not apply to:

(1) That portion of a housing project located on property owned by the United States or any of its agencies or leased by the United States or any of its agencies for a period in excess of 50 years, with the exception of such property not used exclusively for a governmental purpose;

(2) That portion of a housing project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental or educational purpose; ~~or~~

(3) That portion of a housing project located on property under the jurisdiction of the San Francisco Redevelopment Agency or the Port of San Francisco where the application of this Ordinance is prohibited by California or local law;

(4) That portion of a housing project for which a project applicant can demonstrate that an impact fee under the Jobs-Housing Linkage Program, commencing with Planning Code Section 313, has been paid; ~~or~~

~~(5) Student housing, as defined in Section 315.1.38. However, any change of use from student housing to another kind of dwelling unit will require full compliance with the inclusionary housing requirements of Section 315.~~

(d) Waiver or Reduction:

(1) A project applicant of any project subject to the requirements in this Program 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 either the amount of the fee charged or the inclusionary requirement.

(2) A project applicant subject to the requirements of this Program 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 may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or square footage of construction previously approved.

(3) Any such appeal shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the Planning Department sends notice to the project applicant of the number of affordable units required as provided in Section 315.4(a) and 315.5(a). 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. The decision of the Board shall be by a simple majority vote and shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement. 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.

(e) For projects that have received a first site or building permit prior to the effective date of this legislation, the requirements in effect prior to the effective date of this Ordinance shall apply.

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 to defend the Community Stabilization fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. 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 may be used 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:

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

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

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

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

(3) All funds These fund are supported by the 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>

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

TABLE 327.6A

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

<u>Improvement Type</u>	<u>Residential</u>	<u>Non- residential</u>
<u>Affordable housing preservation and development</u>	<u>5075%</u>	<u>n/a</u>
<u>Open space and recreational facilities</u>	<u>2513%</u>	<u>7%</u>
<u>Transit, streetscape and public realm improvements</u>	<u>2110%</u>	<u>90%</u>
<u>Community facilities (child care and library</u>	<u>4%2%</u>	<u>3%</u>

<u>materials)</u>		
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(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) Establishment and Purpose. Within 6 months of adoption of the Eastern Neighborhoods Area Plan and related planning code changes, the Mayor and the Board of Supervisors shall establish an Eastern Neighborhoods Citizens Advisory Committee (CAC). The CAC shall be the central community advisory body charged with providing input to City agencies and decision makers with regard to all activities related to implementation of the Eastern Neighborhoods Area Plans. The CAC is established for the purposes of providing input on the prioritization of Public Benefits, updating the Public Benefits program, relaying information to community members in each of the four neighborhoods regarding the status of development proposals in the Eastern Neighborhoods, 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

10.E; and provide input to Plan area monitoring efforts for required time-series reporting.

(b) Representation and Appointments: The CAC shall consist of 13 members representing the diversity of the Eastern Neighborhoods; 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. All members shall live, work, own property or own a business in Eastern Neighborhoods Plan Area they are appointed to represent. The Board of Supervisors shall appoint a total of eight members to the CAC, with two members representing each of the four Eastern Neighborhoods Plan Areas. Neighborhood representatives shall be nominated by the Supervisor in whose district the neighborhood falls and confirmed by a vote of the full Board of Supervisors. If a neighborhood falls within two supervisorial districts, each of the two Supervisors shall make one nomination to represent that neighborhood. The Mayor shall appoint a total of five members, with one member representing each of the four neighborhoods, and one at-large member. Members shall 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. At the first official meeting of the CAC, a lottery shall be conducted in order to randomly select four Board of Supervisors appointees and two Mayoral appointees to serve four-year terms. The Board of Supervisors or Mayor may renew a member's term.

~~(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) Committees or Working Groups of the CAC: According to procedures set forth in bylaws adopted by the CAC, the CAC may, at its discretion create subcommittees or working groups based around geographic areas. Each of these subcommittees or working groups shall contain at least one CAC member, but may also be comprised of individuals who are not members of the CAC.

(ed) 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 and 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.

SEC. 328 – INTEGRATED PDR FEE DISCOUNT PROGRAM

(a) **Purpose.** The purpose of the Integrated PDR Fee Discount Program is to encourage the hiring of disadvantaged workers by existing or future business tenants and/or occupants in newly permitted Integrated PDR space. Owners of buildings with Integrated PDR space are given the option of deferring up to fifty percent of development impact fees that would otherwise be owed, to encourage their Integrated PDR tenants and/or occupants to register their respective business with the Office of Economic and Workforce Development's (OEWD) Integrated PDR Program. At the end of a five-year period commencing upon issuance of the first site or building permit, owners of Integrated PDR buildings will be responsible for payment of the full deferred amount unless they can demonstrate to the Planning Department, based on registration records submitted to OEWD, that a certain percentage of the employees occupying Integrated PDR space qualify as "disadvantaged workers." The greater the percentage of disadvantaged workers, the higher the fee waiver.

(b) **Definitions.**

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

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

(3) Disadvantaged worker. Any employee who qualifies for the California State (4) Enterprise Zone hiring credit for the San Francisco Enterprise Zone.

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

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

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

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

(c) **Controls.**

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

(2) Initial fee reduction and payment:

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

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

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

(ii) That the Outstanding Discount-Program fees, adjusted for the cost of living as defined by the Controller's Office, will be paid within 30 days of notification of the applicant by the Planning Department of the amount of

payment due. A reduction or waiver of these outstanding fees is available only if the conditions of subsection (c)(3) of this Section are met.

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

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

(B) An Applicant may seek to waive or reduce any Outstanding Discount-Program fees by providing sufficient evidence in the form of Integrated PDR Registration Records to demonstrate to the Planning Department that they have satisfied the workforce goals of the Integrated PDR program as of the date of the filing of an application for such a waiver.

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

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

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

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

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

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

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

(D) Applicants who cannot provide sufficient evidence in the form of Integrated PDR Registration records to demonstrate to the Planning Department that tenants and/or occupants of any Integrated PDR space have satisfied the annual reporting requirements of the Office of Economic and Workforce Development (OEWD), or its successor, will not be eligible for any waivers or reductions of Outstanding Discount-Program Fees, and will owe the full amount of any Outstanding Discount-Program Fees five years after the issuance of the first site or building permit. These annual reporting requirements are stated contained in the City's Administrative Code Sec. 10E.7.

(E) Applicants must apply to the Planning Department for Outstanding Discount-Program Fee reduction or waiver. This application must be submitted within three months before or after the five-year anniversary of the issuance of the first site or building permit. The Planning Department shall transmit the application to the Office of Economic and Workforce Development

(OEWD), or its successor, for verification of relevant employment statistics, and the Director of OEWD shall subsequently submit its findings to the Planning Department.

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

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

SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304),
and Eastern Neighborhoods Commission Review (Section 309.2).

TABLE INSET:

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

(b) Variance (Section 305)

TABLE INSET:

Estimated Construction Cost	Initial Fee
\$0.00---\$9,999.00	\$680.00

\$10,000.00--\$19,999.00	\$1,515.00
\$20,000.00 and greater	\$3,025.00

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

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

TABLE INSET:

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

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

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

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

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

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

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

(d) Discretionary Review Request: \$300.00; provided, however, that the fee shall be waived if the discretionary review request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Such fee shall be refunded to the individual or entity that requested discretionary review in the event the Planning Commission denies the Planning Department's approval or authorization upon which the discretionary review was requested. Mandatory discretionary reviews: \$2,805.00.

(e) Institutional Master Plan (Section 304.5).

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

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

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

- (g) General Plan Referrals: \$2,700.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).
- (h) Redevelopment Plan Review: The Director of Planning shall prepare a budget to cover actual time and materials expected to be incurred, in consultation with the Redevelopment Agency. A sum equal to 1/2 the expected cost will be submitted to the Department, prior to the commencement of the review. The remainder of the costs will be due at the time the initial payment is depleted.
- (i) Reclassify Property or Impose Interim Zoning Controls: \$6,115.00.
- (1) The applicant shall be charged for any time and materials as set forth in Section 350(c).
- (2) Applications with Verified Violations of this Code: The Planning Department shall charge time and materials as set forth in Section 350(c).
- (j) Setback Line, Establish, Modify or Abolish: \$2,325.00.
- (k) Temporary Use Fees \$340.00 as an initial fee, plus time and materials if the cost exceeds the initial fee, as set forth in Section 350(c).
- (l) Amendments to Text of the Planning Code: \$11,495.00 as an initial fee, plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).
- (m) Zoning Administrator Conversion Determinations Related to Service Station Conversions: \$2,270.00 as an initial fee, plus time and materials if the cost exceeds the initial fee. (Section 228.4):
- (n) Conditional Use Appeals to the Board of Supervisors:
- (1) \$400.00 for the appellant of a conditional use authorization decision to the Board of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the appeal filing date, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.
- (2) Such fees shall be used to defray the cost of an appeal to the Planning Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect such fee and forward the fee amount to the Planning Department.

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.</u> <u>§§ 260-261.1,</u> <u>263.20</u>	<u>As shown on Sectional Maps</u> <u>1 and 7 of the Zoning Map</u> <u>Height sculpting required</u> <u>on narrow streets, §261.1</u> <u>Non-habitable vertical</u>

			<u>projections permitted,</u> <u>§263.20</u>
<u>843.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map,</u> <u>§§ 270, 270.1,</u> <u>270.2</u>	<u>As shown on Sectional Maps</u> <u>1 and 7 of the Zoning Map</u> <u>Horizontal mass reduction</u> <u>required, §270.1</u> <u>Mid-block alleys required,</u> <u>§270.2</u>
<u>843.03</u>	<u>Non-residential density</u> <u>limit</u>	<u>§§ 102.9, 123,</u> <u>124, 127</u>	<u>Generally contingent upon</u> <u>permitted height, per</u> <u>Section 124</u>
<u>843.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2,</u> <u>144, 145.1</u>	<u>Generally required</u>
<u>843.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1,</u> <u>136.2</u>	<u>P</u>
<u>843.06</u>	<u>Parking and Loading</u> <u>Access: Prohibition</u>	<u>§ 155(r)</u>	<u>None</u>
<u>843.07</u>	<u>Parking and Loading</u> <u>Access: Siting and</u> <u>Dimensions</u>	<u>§§ 145.1, 151.1,</u> <u>152.1, 155</u>	<u>Requirements apply</u>
<u>843.08</u>	<u>Off-Street Parking,</u> <u>Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set</u> <u>forth in Section 151.1</u>
<u>843.09</u>	<u>Residential to non-</u>	<u>§ 803.8(e)</u>	<u>None</u>

	<u>residential ratio</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) & (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>843.2223</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
<u>843.2324</u>	<u>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit</u>
<u>843.2425</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must</u>

			<u>contain three 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 limits in Section 843.45.</u>
<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),</u> <u>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</u> <u>within Category</u> <u>890.50(a)</u>	<u>§221(f)</u>	<u>P</u>
<u>843.62</u>	<u>Recreation Building, not</u> <u>falling within Category</u> <u>843.21</u>	<u>§ 221(e)</u>	<u>P</u>
<u>Office</u>			
<u>843.65</u>	<u>Office Uses in Landmark</u> <u>Buildings or</u> <u>Contributory Buildings in</u> <u>Historic Districts</u>	<u>§§</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),</u> <u>890.70, 890.118</u>	<u>Subject to vertical control of</u> <u>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</u> <u>Lot</u>	<u>§ 890.131</u>	<u>NP</u>
<u>843.71</u>	<u>Vehicle Storage--</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of Sec.</u>

	<u>Enclosed Lot or Structure</u>		<u>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</u>	<u>§§ 890.52,</u>	<u>P</u>

	<u>including life science laboratory</u>	<u>890.53(a)</u>	
<u>843.87</u>	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P</u>
<u>843.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
<u>Other Uses</u>			
<u>843.90</u>	<u>Mortuary Establishment</u> -	<u>§ 227(c)</u>	<u>NP</u>
<u>843.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
<u>843.92</u>	<u>Public Use, except Public Transportation 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>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</u> <u>Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
<u>843.98</u>	<u>Walk-up Facility,</u> <u>including Automated</u> <u>Bank Teller Machine</u>	<u>§§ 890.140,</u> <u>803.9(b)</u>	<u>P</u>

SEC. 890.49. INTEGRATED PDR.

(a) Integrated PDR is a land use that meets the following requirements:

(1) Contains at least the following amount of PDR activities:

(A) For uses of 2,000 gross square feet or greater, at least 1/3 of the total space shall contain PDR activities; or

(B) For uses of less than 2,000 gross square feet, at least 20% of the total space shall contain PDR activities;

(2) Does not include residential activities;

(3) The remaining space may contain any non-residential use permitted in the MUO District office uses, as defined in Sec. 890.70, or any use permitted in the subject zoning district, as long as:

(A) Retail space is limited to 1/3 of the total space; and

(B) All uses in the space are conducted as integral and related parts of a single business activity or enterprise;

(4) For purposes of this definition, PDR activities are those that:

(A) Are generally consistent with Code Sections 220 and 222 through 227 or involve the fabrication, testing, distribution, maintenance, or repair of physical goods;

(B) Are not:

(i) Residential (as defined in Section. 890.88);

(ii) Retail (as defined in Sections 890.102 and 890.104);

(iii) Institutional (as defined in Section 890.50);

(iv) Office (as defined in Section 890.70);

(v) Laboratory (as defined in Section 890.52); or

(vi) Storage (as defined in Sec. 890.54(c));

(C) May include any non-office uses that integrate multimedia, informational technology, or software development functions;

(D) Do not include typical office support functions; and

(E) Occur in space specifically designed to accommodate the industrial nature of the PDR activities.

(5) Any retail space contained within the Integrated PDR use shall not count against any per-parcel retail limits of the subject zoning district.

(b) Integrated PDR uses are subject to the following requirements:

(1) These uses are only permitted in buildings:

(A) That were constructed before 1951 which were at least three stories in height above grade, excluding those building features listed in Section 260(b) and related structures, as of the effective date of Ordinance Number_____; or

(B) For which a first certificate of occupancy was issued after the effective date of Ordinance Number_____;

(2) A Notice of Special Restriction (NSR) shall be recorded on the title of any property containing an Integrated PDR use. The Planning Department shall forward a copy of each NSR to the Mayor's Office of Economic and Workforce Development, or a successor office, for purposes of record keeping and monitoring. This NSR shall include a copy of the use provisions of this Section and also require that the property owner:

(A) Ensure that all new Integrated PDR tenants and/or occupants register with ~~contact~~ the Office of Economic and Workforce Development's PDR Program. The purpose of this ~~contact~~ registration is to confirm the accuracy of each tenant's or occupant's NAICS code on their Business Registration and Payroll Tax forms, collect basic information on the nature of each tenant's or occupant's business, including the total number of employees, and to inform the tenant or occupant of available tax credits and other benefits of the state and local Enterprise Zone program, and to determine, to the extent possible, the total number of employees that reside within the City and are eligible to receive State Enterprise Zone tax credits ("IPDR Disadvantaged Employees"); and

(B) Report annually to the Planning Department staff on any reallocation of space within an Integrated PDR tenant space.

(c) Integrated PDR uses are not subject to the annual office limit controls of Sections 320-324.

Administrative Code Amendments:

SEC. 10E.7. INTEGRATED PDR REPORTING.

(a) The owner of any property subject to an Integrated PDR Notice of Special Restrictions (NSR) recorded pursuant to Planning Code Section 328 is required to ensure that any new tenants or new occupants of any space that is permitted as Integrated PDR contact the Integrated PDR Program of the Office of Economic and Workforce Development (OEWD), or its successor, to register their respective Integrated PDR business with OEWD's Integrated PDR Program Database and that these same businesses continually update OEWD's PDR Program Database on an annual basis.

(b) Upon successful registration of a new Integrated PDR business, OEWD will provide each individual Integrated PDR business registrant with a dated receipt acknowledging that the subject Integrated PDR business has newly registered or updated their existing registration with OEWD. This receipt shall be referred to as an "Integrated PDR Registration Record" for purposes of this Section and Planning Code Section 328.

(c) It is the responsibility of the owner of any property subject to an Integrated PDR NSR recorded pursuant to Planning Code Sections 328 to collect and retain copies of any Integrated PDR Registration Records obtained by any tenant or occupant in a property subject to this Section.

(d) Property owners who cannot provide sufficient evidence in the form of Integrated PDR Registration Records to demonstrate to the Planning Department that current and former occupants of any Integrated PDR space have satisfied

the initial registration and annual reporting requirements outlined in this Section will not be eligible for any waivers or reductions of Outstanding Discount-Program Fees as set forth in Planning Code Section 328.

(e) OEWD, or its successor, shall make available summary reports of any and all Integrated PDR business data collected pursuant to this program at the request of the Planning Department staff or the Planning Commission, as necessary for their enforcement of any provisions of the Planning Code or for general information.

(f) OEWD, or its successor, shall provide a 5-year summary report on the status of employment of disadvantaged workers, as defined in Planning Code Section 328(b)(2) and the profile of all businesses registered under this program within 6 months of the 5-year anniversary of the adoption of this Section. This summary report shall contain data on the total number and types of businesses occupying Integrated PDR space, as well the total percentage share of the total workforce employed by businesses occupying Integrated PDR space that qualify as disadvantaged workers as of the 5-year anniversary of the effective date of this Section.