

1 [Planning Code Amendments in connection with the Balboa Park Station Area Plan.]

2
3 **Ordinance amending the San Francisco Planning Code by adding and amending**
4 **various sections to implement the Balboa Park Station Area Plan, running the length of**
5 **Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties**
6 **adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties**
7 **adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including**
8 **the City College of San Francisco Phelan campus and San Francisco Public Utilities**
9 **Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station**
10 **Area Plan impact fee subject to certain restrictions; and making various findings,**
11 **including environmental findings and findings of consistency with the General Plan**
12 **and priority policies of Planning Code Section 101.1.**

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

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

17 Section 1. Findings.

18 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
19 Ordinance will serve the public necessity, convenience, and welfare for the reasons set forth
20 in Planning Commission Resolution No. 17777, and incorporates those reasons herein by
21 reference. A copy of said Planning Commission Resolution is on file with the Clerk of the
22 Board of Supervisors in File No. 090181.

23 (b) The Board of Supervisors finds that this Ordinance is, on balance, consistent with the
24 General Plan and the Priority Policies of Planning Code Section 101.1(b) for the reasons set
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1 reasons set forth in Planning Commission Resolution No. 17777, and incorporates those
2 reasons herein by reference.

3 (c) In accordance with the actions contemplated herein, this Board adopted
4 Ordinance No. 60-09, concerning findings pursuant to the California Environmental
5 Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said
6 Ordinance is on file with the Clerk of the Board of Supervisors in File No. 090180 and is
7 incorporated by reference herein.

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

15 Section 2. The San Francisco Planning Code is hereby amended by amending and
16 adding Sections 102.5, 121.1, 121.2, 121.6, 124, 134, 135, 145.5, 151.1, 155, 201, 312, 330,
17 607.1, 702, 711, 733, 734, 737, and 781.3 to read as follows:

18 **SEC. 102.5. DISTRICT.**

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

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

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

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

1 stated in the table below shall be permitted only as conditional uses subject to the provisions
 2 set forth in Sections 316 through 316.8 of this Code.

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

1	NC-3, NCT-3, Mission Street	
2	SoMa	
3	Hayes-Gough,	
4	Upper Market Street,	
5	Polk Street,	
6	Valencia Street	
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8	NC-S	Not Applicable

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

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

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

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

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

24	District	Lot Size Limits
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North Beach	2,000 sq. ft.
Castro Street	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Sacramento Street	
Union Street	
24th Street-Mission	
24th Street-Noe Valley	
West Portal Avenue	3,000 sq. ft.
NC-1, <u>NCT-1</u>	
Broadway	
Hayes-Gough	
Upper Market Street	
Polk Street	
Valencia Street	4,000 sq. ft.
NC-2 , NCT-2, SoMa, <u>Ocean Avenue</u>	

1 2 3	NC-3, NCT-3, Mission Street	6,000 sq. ft.
4	NC-S	

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

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

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

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

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

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

1 **SEC. 121.6. RESTRICTION OF LOT MERGERS IN RESIDENTIAL DISTRICTS AND**
2 **ON PEDESTRIAN-ORIENTED STREETS.**

3 In order to promote, protect, and maintain a fine-grain scale of development in
4 residential districts and on important pedestrian-oriented commercial streets which is
5 appropriate to each district, compatible with adjacent buildings; provide for a diverse
6 streetscape; ensure the maintenance and creation of multiple unique buildings and building
7 frontages rather than large single structures superficially treated; promote diversity and
8 multiplicity of land ownership and discourage consolidation of property under single
9 ownership, merger of lots in RTO and NCT Districts are regulated as follows:

10 (a) In RTO districts, merger of lots creating a lot greater than 5,000 square feet shall
11 not be permitted except according to the procedures and criteria in subsections (d) and (e)
12 below.

13 (b) In NCT districts, merger of lots resulting in a lot with street frontage greater than
14 that stated in the table below on the specified streets is prohibited except according to the
15 procedures and criteria in subsections (c) and (d) below.

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Street	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
Church Street, from Duboce to 16 th Street	100
Market, from Octavia to Noe	150

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<u>Ocean Avenue in the</u> <u>Ocean Ave NCT</u>	<u>See subsection (e)</u>
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(c) The Zoning Administrator may administratively waive certain lot mergers from the restrictions of subsections (b) and (c) only when one or more of the following conditions is present:

- (1) One of the lots to be merged has total street frontage on the restricted street of less than 20 feet; or
- (2) Project sponsor is a government agency or institution subject to Section 304.5 of this Code, and the purpose of the project is for a public facility, public building, or institutional building; or
- (3) The project involves normalizing of irregular parcels that are publicly owned or are being transferred from public to private ownership, including lots of the former Central Freeway; or
- (4) The lots to be merged contain a pre-existing single building spanning multiple lots; or
- (5) The lot merger will enable a specific residential project in which a majority of the units on-site will be affordable to households at or below 60% of Area Median Income for at least 55 years.

(d) The Planning Commission may approve, as a conditional use according to the procedures of Section 303, permit mergers exceeding the restrictions of subsections (b) and (c) only when one or more of the following findings can affirmatively be made and the project meets the intent of this Section as expressed in subsection (a):

1 (1) The lot merger will enable a specific residential project that provides housing on-site
2 at affordability levels significantly exceeding the requirements of Section 315.

3 (2) The lot merger will facilitate development of an underutilized site historically used as
4 a single use and the new project is comprised of multiple individual buildings

5 (3) The lot merger serves a unique public interest that cannot be met by building a
6 project on a smaller lot.

7 (e) In the Ocean Avenue NCT, no lot merger which increases the frontage width of any lot on
8 Ocean Avenue may be permitted except as permitted administratively by subsection (c) above or with a
9 Conditional Use according to the procedures of Section 303 where such a merger creates a corner
10 parcel for the purpose of accommodating access to off-street from a cross street to Ocean Avenue.

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

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

15 TABLE 124

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17 **BASIC FLOOR AREA RATIO LIMITS**

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District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, RTO-M	1.8 to 1

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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, <u>NCT-1</u>	1.8 to 1
NC-S	
Inner Clement	
Inner Sunset	
Outer Clement	
Haight	
North Beach	
Sacramento	
24th Street--Noe Valley	
West Portal	
NC-2, NCT-2, SoMa, <u>Ocean Avenue</u>	2.5 to 1
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Upper Fillmore	
Polk	
Valencia	
24th Street-Mission	
Castro	
Hayes-Gough	3.0 to 1
Upper Market	
Union	
NC-3, NCT-3, Mission Street	3.6 to 1
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1
C-1, C-2	3.6 to 1
C-2-C	4.8 to 1
C-3-C	6.0 to 1
C-3-O	9.0 to 1
C-3-R	6.0 to 1
C-3-G	6.0 to 1
C-3-S	5.0 to 1

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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
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 40, 45, or 48 foot height district	3.0 to 1
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	4.0 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65 or 68 foot height district	5.0 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85 foot height district	6.0 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a height district over 85 feet	7.5 to 1

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

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

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

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

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

13 (f) For buildings in C-3-G and C-3-S Districts other than those designated as
14 Significant or Contributory pursuant to Article 11 of this Code, additional square footage above
15 that permitted by the base floor area ratio limits set forth above may be approved for
16 construction of dwellings on the site of the building affordable for 20 years to households
17 whose incomes are within 150 percent of the median income as defined herein, in accordance
18 with the conditional use procedures and criteria as provided in Section 303 of this Code. For
19 buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11
20 of this Code, additional square footage above that permitted by the base floor area ratio limits
21 set forth above up to the gross floor area of the existing building may be approved, in
22 accordance with the conditional use procedures and criteria as provided in Section 303 of this
23 Code, where: (i) TDRs (as defined by Section 128(a)(5)) were transferred from the lot
24 containing the Significant or Contributory building prior to the effective date of the amendment
25 to Section 124(f) adding this paragraph when the floor area transferred was occupied by a

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

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

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

1 (3) Each designated unit shall be subject to the provisions of Section 313(i) of this
2 Code. For purposes of this Subsection and the application of Section 313(i) of this Code to
3 designated units constructed pursuant to this Subsection, the definitions set forth in Section
4 313(a) shall apply, with the exception of the following definitions, which shall supersede the
5 definitions of the terms set forth in Section 313(a):

6 (A) "Base price" shall mean 3.25 times the median income for a family of four
7 persons for the County of San Francisco as set forth in California Administrative Code Section
8 6932 on the date on which a housing unit is sold.

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

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

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

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

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

3 (h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on
4 which an existing structure is located may not be included unless the existing structure and
5 the new structure are made part of a single development complex, the existing structure is or
6 is made architecturally compatible with the new structure, and, if the existing structure is in a
7 Conservation District, the existing structure meets or is made to meet the standards of Section
8 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic
9 loads and forces of the 1975 Building Code. Determinations under this Paragraph shall be
10 made in accordance with the provisions of Section 309.

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

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

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

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

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

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

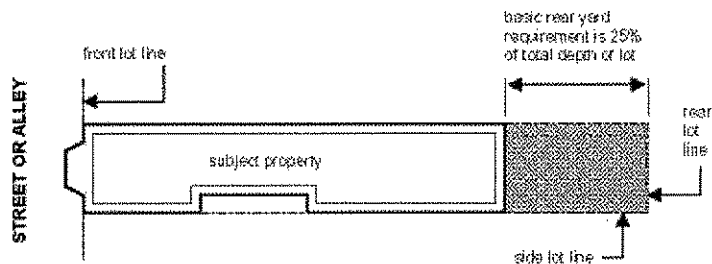
17 (a) Basic Requirements. The basic rear yard requirements shall be as follows for the
18 districts indicated:

19 (1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M, MUG,
20 MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts. The minimum rear yard
21 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,
22 but in no case less than 15 feet. For buildings containing only SRO units in the South of
23 Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, the minimum rear yard
24 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,
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1 but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced
2 in specific situations as described in Subsection (c) below.

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

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

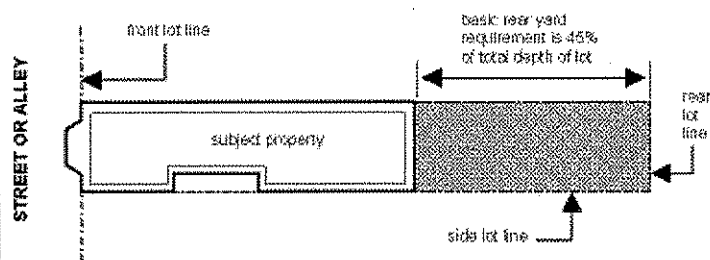


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17 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market
18 Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR,
19 MUG, MUO, and UMU Districts. Rear yards shall be provided at the lowest story containing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

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

3 (2) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts. The minimum rear yard
4 depth shall be equal to 45 percent of the total depth of the lot on which the building is situated,
5 except to the extent that a reduction in this requirement is permitted by Subsection (c) below.
6 Rear yards shall be provided at grade level and at each succeeding level or story of the
7 building.



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

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

1 percent of the total depth of the lot on which the building is situated, or to less than 15 feet,
2 whichever is greater.

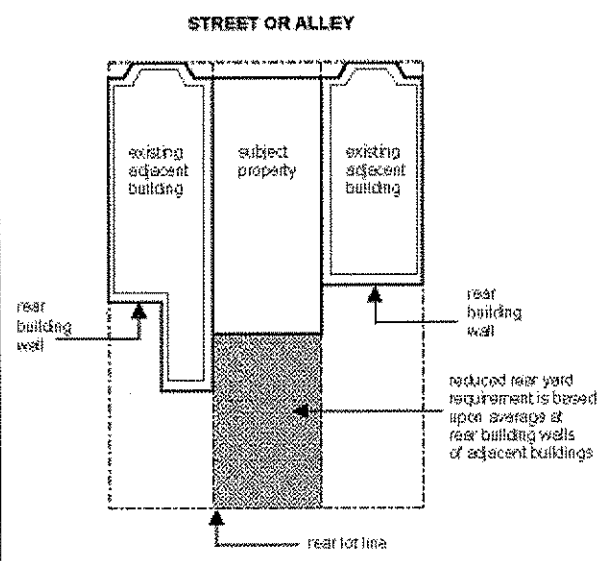
3 (1) General Rule. In such districts, the forward edge of the required rear yard shall be
4 reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average
5 between the depths of the rear building walls of the two adjacent buildings. Except for single
6 room occupancy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

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

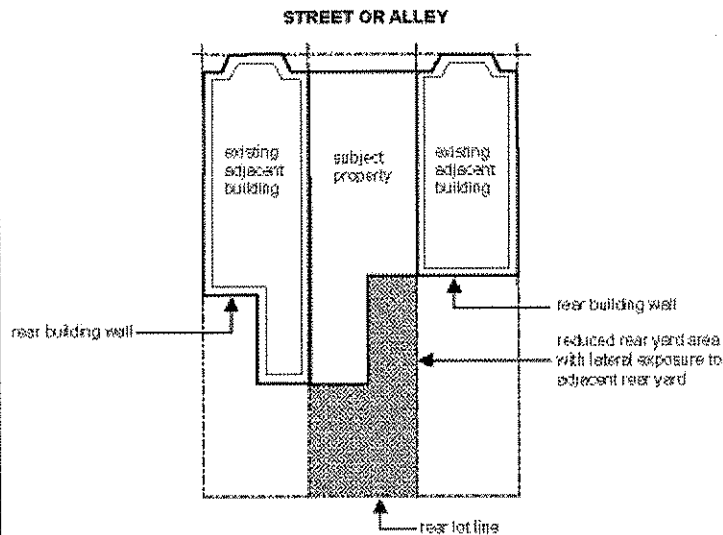
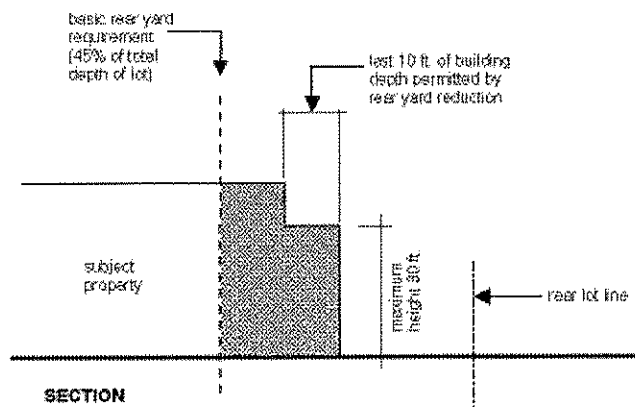
18 (3) Method of Measurement. For purposes of this Subsection (c), an "adjacent
19 building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all
20 cases the location of the rear building wall of an adjacent building shall be taken as the line of
21 greatest depth of any portion of the adjacent building which occupies at least 1/2 the width
22 between the side lot lines of the lot on which such adjacent building is located, and which has
23 a height of at least 20 feet above grade, or two stories, whichever is less, excluding all
24 permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining
25 the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an

1 RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P
2 District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be
3 considered to have an adjacent building upon it whose rear building wall is at a depth equal to
4 75 percent of the total depth of the subject lot.

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



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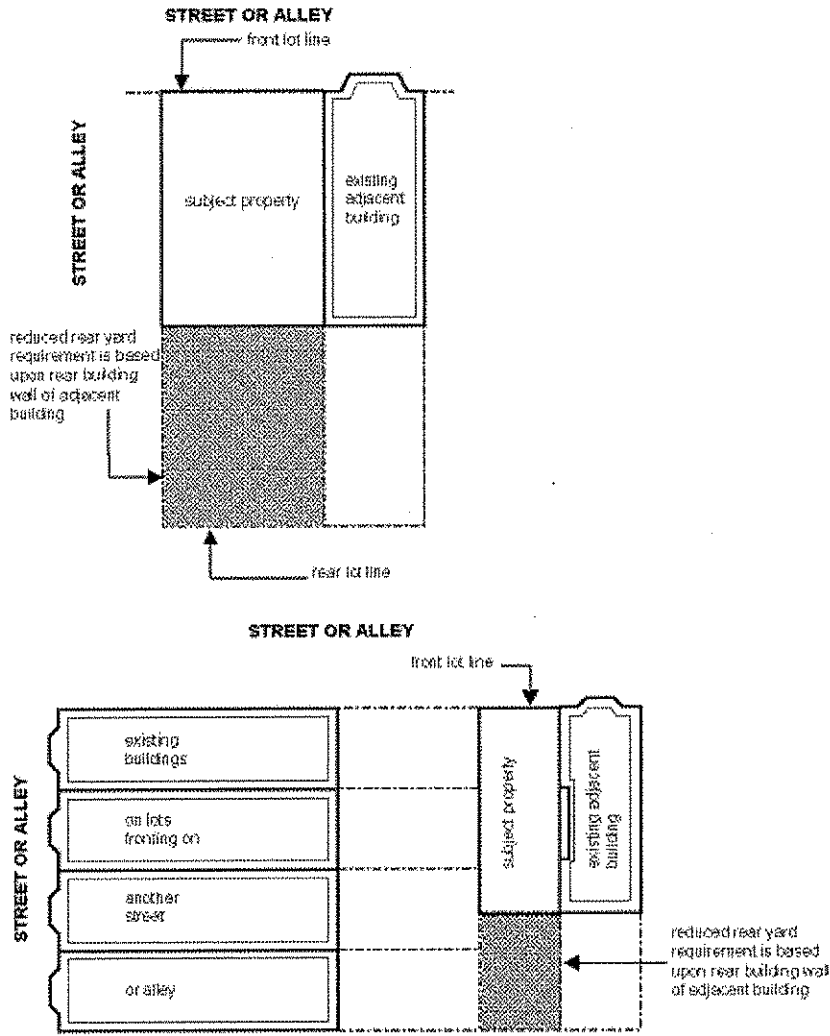


(A) Corner Lots and Lots at Alley Inter-sections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the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

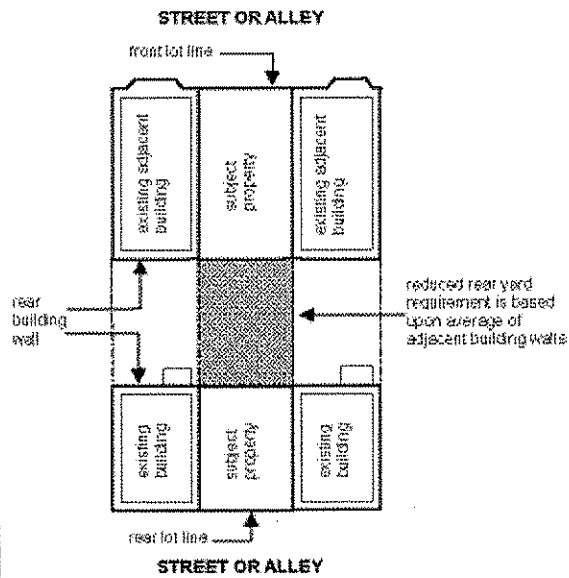
(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of

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

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



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



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

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

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

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

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

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

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

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

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

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

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

18 (f) Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts.

19 The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or
20 waived by the Planning Commission pursuant to Section 329, and by the Zoning Administrator
21 pursuant to the procedures and criteria set forth in Section 307(h) for other projects, provided
22 that:

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

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

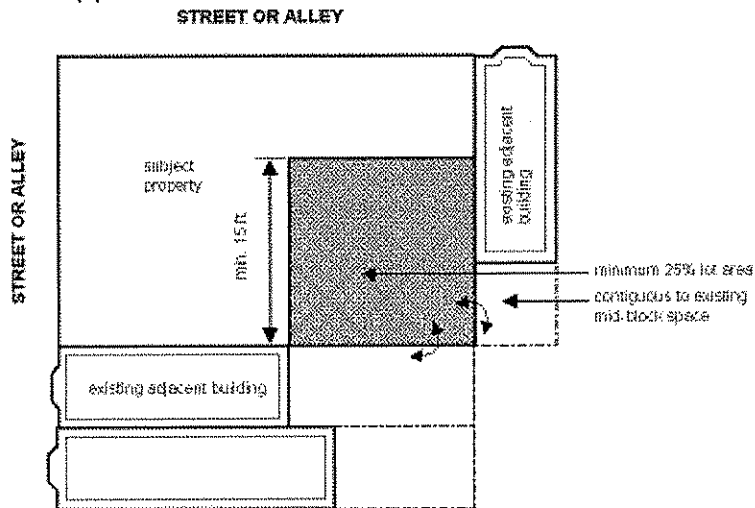
3 (3) The proposed new or expanding structure will not adversely affect the interior
4 block open space formed by the rear yards of adjacent properties.

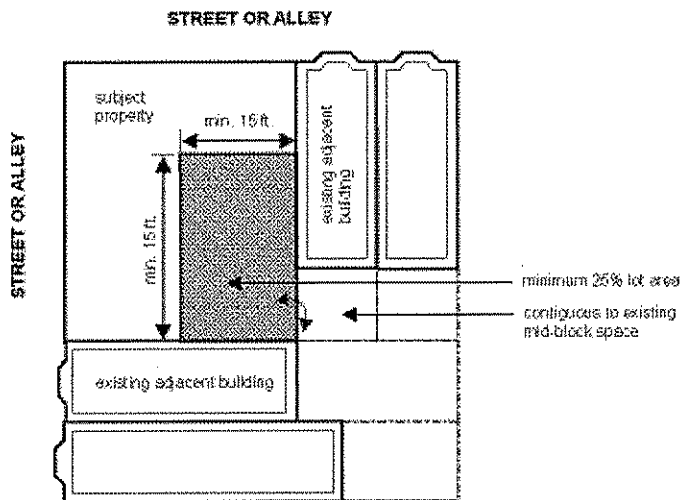
5 (g) Reduction of Requirements in the North of Market Residential Special Use District.
6 The rear yard requirement may be substituted with an equivalent amount of open space
7 situated anywhere on the site, provided that the Zoning Administrator determines that all of
8 the following criteria are met:

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

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

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





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

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

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

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

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

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

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

13 (d) Amount Required. Usable open space shall be provided for each building in the
14 amounts specified herein and in Table 135 for the district in which the building is located;
15 provided, however, that in the Downtown Residential (DTR) Districts, open space shall be
16 provided in the amounts specified in Section 825.

17 In Neighborhood Commercial Districts, the amount of usable open space to be
18 provided shall be the amount required in the nearest Residential District, but the minimum
19 amount of open space required shall be in no case greater than the amount set forth in Table
20 135A for the district in which the building is located. The distance to each Residential District
21 shall be measured from the midpoint of the front lot line or from a point directly across the
22 street there from, whichever requires less open space.

23 (1) For dwellings other than SRO dwellings, except as provided in Paragraph (d)(3)
24 below, the minimum amount of usable open space to be provided for use by each dwelling
25 unit shall be as specified in the second column of Table 135A if such usable open space is all

1 private. Where common usable open space is used to satisfy all or part of the requirement for
2 a dwelling unit, such common usable open space shall be provided in an amount equal to
3 1.33 square feet for each one square foot of private usable open space specified in the
4 second column of Table 135A. In such cases, the balance of the required usable open space
5 may be provided as private usable open space, with full credit for each square foot of private
6 usable open space so provided.

7 (2) For group housing structures and SRO units, the minimum amount of usable open
8 space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit
9 as specified in Paragraph (d)(1) above. For purposes of these calculations, the number of
10 bedrooms on a lot shall in no case be considered to be less than one bedroom for each two
11 beds. Where the actual number of beds exceeds an average of two beds for each bedroom,
12 each two beds shall be considered equivalent to one bedroom.

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

17 (4) DTR Districts. For all residential uses, 75 square feet of open space is required per
18 dwelling unit. All residential open space must meet the provisions described in this Section
19 unless otherwise established in this subsection or in Section 825 or a Section governing an
20 individual DTR District. Open space requirements may be met with the following types of open
21 space: "private usable open space" as defined in Section 135(a) of this Code, "common
22 usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open
23 space" as defined in subsection (h) below. At least 40 percent of the residential open space is
24 required to be common to all residential units. Common usable open space is not required to
25 be publicly-accessible. Publicly-accessible open space, including off-site open space

permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of subsection (h) may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

TABLE 135A MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, RTO-M	100	1.33

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RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, <u>NCT-1</u> , NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, <u>Ocean Avenue</u>	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial,	48	1.00

1	Chinatown Visitor Retail	
2	DTR	This table not applicable. 75 square feet per dwelling. See Sec 135(d)(4).

5	TABLE 135B		
6	MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP		
7	HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS		
8	Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site
9	80 square feet	54 square feet	50%

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

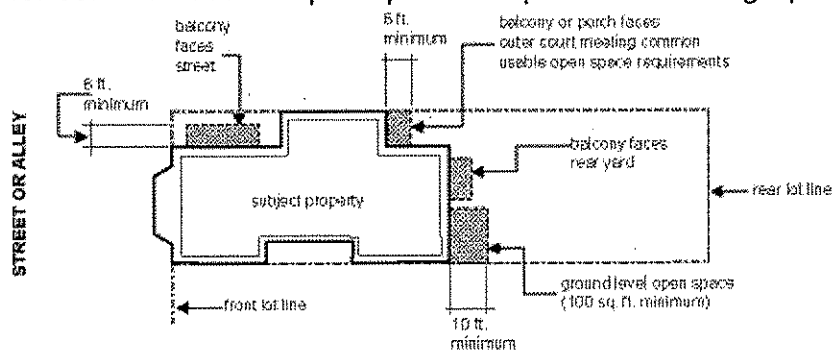
(f) Private Usable Open Space: Additional Standards.

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

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

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

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



13 (C) Areas within inner and outer courts, as defined by this Code, must either
14 conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of
15 the walls and projections above the court on at least three sides (or 75 percent of the
16 perimeter, whichever is greater) is such that no point on any such wall or projection is higher
17 than one foot for each foot that such point is horizontally distant from the opposite side of the
18 clear space in the court, regardless of the permitted obstruction referred to in Subsection
19 135(c) above.

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

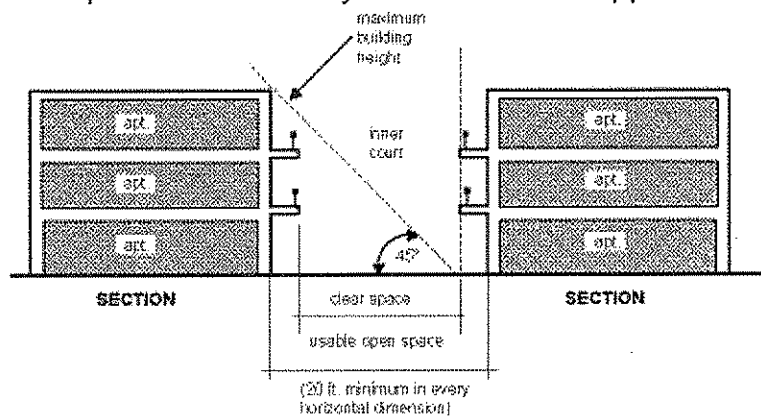
1 shall not prevent it from being credited as usable open space on grounds of lack of privacy or
2 usability.

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

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

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

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



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

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

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

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

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

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

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

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

23 (A) Be in such locations and provide such ingress and egress as will make the
24 area

25 convenient, safe, secure and easily accessible to the general public;

1 (B) Be appropriately landscaped;

2 (C) Be protected from uncomfortable winds;

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

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

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

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

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

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

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

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

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

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

7 (1) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed
8 Use Districts, the provision of off-site publicly accessible open space may be credited toward
9 the residential usable open space requirement, subject to Section 329 for projects to which
10 that Section applies and Section 307(h) for other projects. Any such space shall meet the
11 publicly accessible open space standards set forth in Section 135(h) and be provided within
12 800 feet of the project. No more than 50 percent of a project's required usable open space
13 shall be off-site. The publicly accessible off-site usable open space shall be constructed,
14 completed, and ready for use no later than the project itself, and shall receive its Certificate of
15 Final Completion from the Department of Building Inspection prior to the issuance of any
16 Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

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

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

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

15 (3) Ocean Avenue NCT. In the Ocean Avenue NCT District, the provision of off-site publicly accessible
16 open space may be credited toward the residential usable open space requirement subject to the procedures of
17 Section 303. Any such open space shall meet the publicly accessible open space standards set forth in Section
18 135(h) and be provided within 800 feet of the project. No more than 50 percent of a project's usable open space
19 requirement may be satisfied off-site. The publicly accessible off-site usable open space shall be constructed,
20 completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion
21 from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or
22 Temporary Certificate of Occupancy for the project itself. In meeting its open space requirement through the
23 provision of off-site open space, a residential project may provide space jointly with other project sponsors or
24 public or private entities according to the rules of subsection (i)(2)(B) above.

1 (j) Payment in Cases of Variance or Exception. In the Eastern Neighborhoods Mixed
2 Use Districts, should a Variance from usable open space requirements for residential uses be
3 granted by the Zoning Administrator, or an exception be granted for those projects subject to
4 the 329 process, a fee of \$327 shall be required for each square foot of usable open space
5 not provided pursuant to that Variance. This fee shall be adjusted in accordance with Section
6 327.3(d). This fee shall be paid into the Eastern Neighborhoods Public Benefits Fund, as
7 described in Section 327. Said fee shall be used for the purpose of acquiring, designing, and
8 improving park land, park facilities, and other open space resources, which is expected to be
9 used solely or in substantial part by persons who live, work, shop or otherwise do business in
10 the Eastern Neighborhoods Mixed Use Districts.

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

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

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

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

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

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

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

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

- 1 (6) 3rd Street, in the UMU districts for parcel frontages wholly contained within 100
 2 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;
- 3 (7) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;
- 4 (8) Hayes Street, for the entirety of the Hayes-Gough NCT;
- 5 (9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough
 6 NCT;
- 7 (10) Market Street, for the entirety of the NCT-3 and Upper Market NCT Districts;
- 8 (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;
- 9 (12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2 District;
- 10 (13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT
 11 District;
- 12 (14) Mission Street, for the entirety of the Mission Street NCT District;
- 13 (15) 24th Street, for the entirety of the 24th Street-Mission NCT;
- 14 (16) 16th Street, between Guerrero and Capp Streets;
- 15 (17) 22nd Street, between Valencia and Mission Streets;
- 16 (18) 6th Street for its entirety within the SoMa NCT District;
- 17 (19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the north side of Ocean
 18 Avenue between Plymouth and Brighton Avenues;
- 19 (20) Geneva Avenue, between I-280 and Delano Avenue within the NCT-2 District.

20 (c) Definitions. "Active commercial uses" shall include those uses specifically identified
 21 below in Table 145.4, and:

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

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

2 (3) Shall not include residential care uses as defined in Sections 790.50, 790.51, and

3 890.50.

4 Table 145.4

5 Reference for 6 Neighborhood 7 Commercial 8 Districts	9 Reference 10 for Mixed 11 Use 12 Districts	13 Use
14 790.4	15 890.4	16 Amusement Game Arcade
17 790.6	18 890.6	19 Animal Hospital
20 790.12	21 890.13	22 Automobile Sale or Rental (see qualification, above)
23 790.22	24 890.22	25 Bar
N/A	890.23	Business Goods and Equipment Sales and Repair Service
790.34	890.34	Eating and Drinking Use
790.38	890.37	Entertainment, Other
N/A	890.39	Gift Store-Tourist Oriented
790.50, 790.51	890.50	Institutions, Other (see qualification, above)
N/A	890.51	Jewelry Store
790.68	890.68	Neighborhood-Serving Business
N/A	890.69	Non-Auto Vehicle Sales or Rental (see qualification,

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		above)
790.80	890.80	Public Use (see qualification, above)
790.91	890.90	Restaurant, Fast-Food (Small)
790.90	890.91	Restaurant, Fast-Food (Large)
790.92	890.92	Restaurant, Full-Service
790.102	890.102	Sales and Service, Other Retail
790.104	890.104	Sales and Services, Retail
790.110	890.110	Service, Financial
790.112	890.112	Service, Limited Financial
790.114	890.114	Service, Medical
790.116	890.116	Service, Personal
790.122	890.122	Take-Out Food
790.124	890.124	Trade Shop
790.140	890.140	Walk-Up Facility

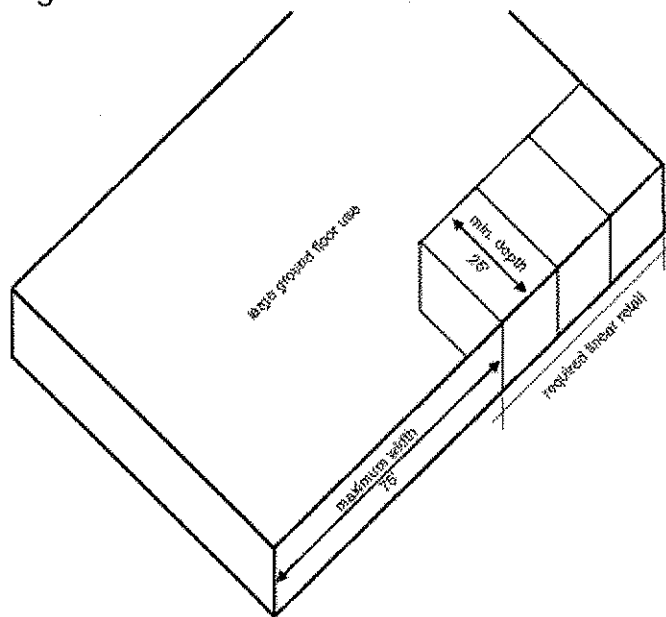
(d) Controls.

(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.

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

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

8 Figure 145.4



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20 (e) Modifications. Modifications to the requirements of this Section are not permitted in
21 DTR Districts. In Neighborhood Commercial Districts, modifications to the requirements of this
22 Section may be granted through the Conditional Use process, as set forth in Section 303. In
23 the Eastern Neighborhoods Mixed Use Districts, modifications to the requirements of this
24 Section may be granted through the procedures of Section 329 for projects subject to that
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1 Section or through an Administrative Modification from the Zoning Administrator for other
2 projects, as set forth in Section 307(g).

3 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
4 **SPECIFIED DISTRICTS.**

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

7 (b) Controls. Off-street accessory parking shall not be required for any use, and the
8 quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of
9 off-street parking that may be provided as accessory to the uses specified. For non-residential
10 and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of
11 off-street parking that may be provided as accessory shall be 50% greater than indicated in
12 Table 151.1. Variances from accessory off-street parking limits, as described in this Section,
13 may not be granted. Where off-street parking is provided that exceeds the quantities specified
14 in Table 151.1 or as set forth in Section 204.5 of this Code, such parking shall be classified
15 not as accessory parking but as either a principally permitted or conditional use, depending
16 upon the use provisions applicable to the district in which the parking is located. In
17 considering an application for a conditional use for any such parking due to the amount being
18 provided, the Planning Commission shall consider the criteria set forth in Section 157 of this
19 Code.

20 (c) Where a number or ratio of spaces are described in Table 151.1, such number or
21 ratio shall refer to the total number of parked cars accommodated in the project proposal,
22 regardless of the arrangement of parking, and shall include all spaces accessed by
23 mechanical means, valet, or non-independently accessible means. For the purposes of
24 determining the total number of cars parked, the area of an individual parking space, except
25 for those spaces specifically designated for persons with physical disabilities, may not exceed

1 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of
 2 vertical stacking. Any off-street parking facility may not exceed an average of 350 square feet
 3 per parking space, including all surface area accessible to automobiles for circulation and
 4 parking. The Zoning Administrator may administratively increase this amount for a specific
 5 project in cases where the Zoning Administrator confirms that there are unique constraints,
 6 conditions, or design features that require increased amounts of circulation space and the
 7 project sponsor has demonstrated that such an increase will not result in a greater capacity of
 8 parked vehicles than proposed and indicated on plans.

9 (d) Any off-street parking space dedicated for use as a car-share parking space, as
 10 defined in Section 166, shall not be credited toward the total parking permitted as accessory
 11 in this Section.

12
 13 Table 151.1

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

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; up to 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 and SB-DTR, Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP

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	above 0.75 cars for each dwelling unit.
Dwelling units in C-3 and SB-DTR, Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one car for each dwelling unit.
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(f); NP above two cars for each four dwelling units.
Dwelling units in MUG, MUR, MUO, SPD Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in MUG, MUR, MUO, SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(f); NP above one car for each dwelling unit.
Dwelling units in NCT Districts, <i>except as specified below</i>	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

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	above 0.75 cars for each dwelling unit.
<i>Dwelling units in the Ocean Avenue NCT District</i>	<i>P up to one car for each unit; NP above.</i>
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.
Dwelling units and SRO units in UMU Districts, except as specified below	P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(f); NP above
Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to 1 car for each dwelling unit and subject to the conditions of 151.1(f); NP above
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.
All non-residential uses in C-3 Districts	Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.
Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.

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Motel	P up to one for each guest unit, plus one for the manager's dwelling unit, if any.
Hospital or other inpatient medical institution	P up to one for each 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement
Residential care facility	P up to one for each 10 residents.
Child care facility	P up to one for each 25 children to be accommodated at any one time.
Elementary school	P up to one for each six classrooms.
Secondary school	P up to one for each two classrooms.
Post-secondary educational institution	P up to one for each two classrooms.
Church or other religious institutions	P up to one for each 20 seats.
Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.
Stadium or sports arena	P up to one for each 15 seats.
Medical or dental office or	P up to one for each 300 square feet of occupied

1	outpatient clinic	floor area.	
2	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	All office uses in C-3, DTR, MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.
Office uses in UMU, PDR-1-D, and PDR-1-G Districts, except as specified below			P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.
	Office uses in UMU, PDR-1-D, and PDR-1-G Districts greater than ¼-mile from Market, Mission, 3 rd and 4 th Streets	P up to one car per 500 square feet of gross floor area; NP above.	
	Non-residential uses in RTO districts permitted under Sections 209.8(e) and 231.	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.	
23 24 25	Retail grocery store uses in NCT districts with over 20,000 square feet of occupied floor	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	

<p>1 area</p> <p>2</p> <p>3</p> <p>4</p>	<p>250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(f). NP above.</p>
<p>5 All retail in the Eastern</p> <p>6 Neighborhoods Mixed Use</p> <p>7 Districts where any portion of</p> <p>8 the parcel is less than ¼ mile</p> <p>9 from Market, Mission, 3rd and</p> <p>10 4th Streets, except grocery</p> <p>11 stores of over 20,000 gross</p> <p>12 square feet-</p>	<p>P up to one for each 1,500 square feet of gross floor area.</p>
<p>13 With the exception of Eastern</p> <p>14 Neighborhoods Mixed Use</p> <p>15 Districts as set forth above, all</p> <p>16 other restaurant, bar, nightclub,</p> <p>17 pool hall, dance hall, bowling</p> <p>18 alley or other similar enterprise</p>	<p>P up to one for each 200 square feet of occupied floor area.</p>
<p>19 With the exception of Eastern</p> <p>20 Neighborhoods Mixed Use</p> <p>21 Districts as set forth above, all</p> <p>22 other Retail space devoted to</p> <p>23 the handling of bulky</p> <p>24 merchandise such as motor</p> <p>25</p>	<p>P up to one for each 1,000 square feet of occupied floor area.</p>

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<p>vehicles, machinery or furniture</p>	
<p>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other greenhouse or plant nursery</p>	<p>P up to one for each 4,000 square feet of occupied floor area.</p>
<p>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space</p>	<p>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.</p>
<p>Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts</p>	<p>P up to one for each 1,000 square feet of occupied floor area.</p>
<p>Mortuary</p>	<p>P up to five.</p>
<p>Storage or warehouse space, and space devoted to any use first permitted in an M-2 District</p>	<p>P up to one for each 2,000 square feet of occupied floor area.</p>

<p>1 Arts activities and spaces 2 except 3 theater or auditorium spaces</p>	<p>P up to one for each 2,000 square feet of occupied floor area.</p>
<p>4 5 Laboratory</p>	<p>P up to one for each 1,500 square feet of occupied floor area.</p>
<p>6 7 Small Enterprise Workspace 8 Building</p>	<p>P up to one for each 1,500 square feet of occupied floor area.</p>
<p>9 10 Integrated PDR</p>	<p>P up to one for each 1,500 square feet of occupied floor area.</p>
<p>11 12 Other manufacturing and 13 industrial uses</p>	<p>P up to one for each 1,500 square feet of occupied floor area.</p>

14
15 (d) In DTR districts, any request for accessory parking in excess of what is permitted
16 by right shall be reviewed on a case-by-case basis by the Planning Commission, subject to
17 the procedures set forth in Section 309.1 of this Code. In granting approval for parking
18 accessory to residential uses above that permitted by right in Table 151.1, the Commission
19 shall make the following affirmative findings:

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

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

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

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

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

8 (e) In C-3 Districts any request for accessory parking in excess of what is permitted by
9 right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning Commission,
10 subject to the procedures set forth in Section 309 of this Code. In granting approval for
11 parking accessory to residential uses above that permitted by right in Table 151.1, the
12 Planning Commission shall make the following affirmative findings:

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

1 (2) For any project with residential accessory parking in excess of 0.375 parking
2 spaces for each dwelling unit, the project complies with the housing requirements of Sections
3 315 through 315.9 of this Code except as follows: the inclusionary housing requirements that
4 apply to projects seeking conditional use authorization as designated in Section 315.3(a)(2)
5 shall apply to the project.

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

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

10 (f) In RTO and NCT districts, any request for accessory parking in excess of what is
11 principally permitted in Table 151.1, but which does not exceed the maximum amount stated
12 in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In MUG,
13 MUR, MUO, and SPD Districts, any project subject to Section 329 and that requests
14 residential accessory parking in excess of that which is principally permitted in Table
15 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be
16 reviewed by the Planning Commission according to the procedures of Section 329. Projects
17 that are not subject to Section 329 shall be reviewed under the procedures detailed in
18 subsection (f)(4), below. In granting such Conditional Use or exception per 329 for parking in
19 excess of that principally permitted in Table 151.1, the Planning Commission shall make the
20 following affirmative findings according to the uses to which the proposed parking is
21 accessory:

22 (1) Parking for all uses

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

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

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

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

9 (2) Parking for Residential Uses

10 (A) For projects with 50 dwelling units or more, all residential accessory parking
11 in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts,
12 valet, or other space-efficient means that reduces space used for parking and maneuvering,
13 and maximizes other uses.

14 (3) Parking for Non-Residential Uses

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

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

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

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

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

6 (g) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project that
7 is not subject to the requirements of Section 329 and that requests residential accessory
8 parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the
9 Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking
10 in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount
11 stated in Table 151.1, only if the Zoning Administrator determines that all of the following
12 conditions are met:

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

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

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

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

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

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

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

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

10 (c) Every off-street parking or loading space shall have adequate means of ingress
11 from and egress to a street or alley. Every required off-street parking or loading space shall be
12 independently accessible, with the exception of a parking space for a minor second dwelling
13 unit in an RH-1(S) District, or as otherwise provided by the Bernal Heights Special Use District
14 set forth in Section 242. In South of Market Mixed Use Districts if it is found, in accordance
15 with the provisions of Section 307(g) of this Code, that independently accessible spaces for
16 nonresidential activities are infeasible due to site constraints or that valet parking would
17 provide a more convenient and efficient means of serving business clients, the substitution of
18 attendant parking spaces for independently accessible spaces may be approved. Access to
19 off-street loading spaces shall be from alleys in preference to streets.

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

23 (1) For residential uses, independently accessible off-street parking spaces shall
24 include spaces accessed by automated garages, or car elevators, provided that no car needs
25 to be moved under its own power to access another car.

1 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-
2 G, DTR, MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely
3 enclosed and access from a public street or alley shall be provided by means of a private
4 service driveway, which is totally contained within the structure. Such a private service
5 driveway shall include adequate space to maneuver trucks and service vehicles into and out
6 of all provided spaces, and shall be designed so as to facilitate access to the subject property
7 while minimizing interference with street and sidewalk circulation. Any such private service
8 driveway shall be of adequate width to accommodate drive-in movement from the adjacent
9 curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if
10 an adjacent street or alley is determined by the Zoning Administrator to be primarily used for
11 building service, up to four off-street freight or loading spaces may be allowed to be
12 individually accessible directly from such a street or alley, pursuant to the provisions of
13 Section 309 in a C-3-O, C-3-R or C-3-G District, the provisions of Section 307(g) in a South of
14 Market Mixed Use District, the provisions of Section 309.1 in a DTR District, the provisions of
15 Section 329 for projects subject to Section 329 in a MUO, MUG, or MUR District, or by
16 administrative decision of the Zoning Administrator for projects that do are not subject to
17 Section 329 in a MUO, MUG, or MUR District.

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

22 (f) In a C-3, Eastern Neighborhood Mixed Use District or South of Market Mixed Use
23 District, whenever off-street freight loading spaces are provided, freight elevators immediately
24 accessible from the loading dock shall be provided to all floors which contain uses that are
25 included in the calculation of required number of freight loading spaces. If freight loading

1 facilities are subterranean, the location and operation of freight elevators shall be designed,
2 where feasible, to discourage use of freight elevators for deliveries from the ground floor.
3 Directories of building tenants shall be provided at all freight elevators. A raised loading dock
4 or receiving area shall be provided with sufficient dimensions to provide for short-term storage
5 of goods. All required freight loading and service vehicle spaces shall be made available only
6 to those vehicles at all times, and provision shall be made to minimize interference between
7 freight loading and service operations, and garbage dumpster operations and storage.

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

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

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

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

24 (k) Off-street parking and loading facilities shall be arranged so as to prevent
25 encroachments upon sidewalk areas and adjacent properties, in the maneuvering, standing

1 and storage of vehicles, by means of the layout of facilities and by use of bumper or wheel
2 guards or such other devices as are necessary.

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

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

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

11 (o) No area credited as all or part of a required off-street parking space shall also be
12 credited as all or part of a required off-street loading space, or used as all or part of an
13 unrequired off-street loading space. No area credited as all or part of a required off-street
14 loading space shall also be credited as all or part of a required off-street parking space, or
15 used as all or part of an unrequired off-street parking space.

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

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

20 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve
21 the pedestrian character of certain downtown and neighborhood commercial districts and to
22 minimize delays to transit service, garage entries, driveways or other vehicular access to off-
23 street parking or loading (except for the creation of new publicly-accessible streets and alleys)
24 shall be regulated on development lots as follows on the following street frontages, as shown
25 in Figure 155(r):

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

3 (2) Not permitted: The entire portion of Market Street in the C-3, NCT-3 and Upper
4 Market NCT Districts, Hayes Street from Franklin Street to Laguna Street, Church Street in
5 the NCT-3 and Upper Market NCT Districts, Van Ness Avenue from Hayes Street to Mission
6 Street, Mission Street from 10th Street to Division Street, Octavia Street from Hayes Street to
7 Fell Street, Embarcadero in the DTR Districts, 22nd Street between 3rd Street and Minnesota
8 Streets within the NCT-2 District, Valencia Street between 15th and 23rd Streets in the
9 Valencia Street NCT District, Mission Street for the entirety of the Mission Street NCT District,
10 24th Street for the entirety of the 24th Street-Mission NCD, 16th Street between Guerrero and
11 Capp Streets within the Valencia Street NCT and Mission Street NCT Districts, 16th St
12 between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts, 6th Street for its
13 entirety within the SoMa NCT District, 3rd Street, in the UMU districts for 100 feet north and
14 south of Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant
15 and Townsend in the SLI and MUO District, Ocean Avenue within the Ocean Avenue NCT District,
16 Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District.

17 (3) Not permitted except with a Conditional Use authorization: The entire portion of
18 California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell
19 Street and Stockton Street in the C-3 Districts, Grant Avenue from Market Street to Bush
20 Street, Montgomery Street from Market Street to Columbus Avenue, Haight Street from
21 Market Street to Webster Street, Church Street and 16th Street in the RTO District, and
22 Duboce Street from Noe Street to Market Street, Octavia Street from Fell Street to Market
23 Street.

24 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
25 loading shall be created or utilized on street frontages identified along any Transit Preferential,

1 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the
2 Transportation Element of the General Plan or official city bicycle routes or bicycle lanes,
3 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
4 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
5 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
6 unless the officially adopted alignment is along the left side of the street. Where an alternative
7 frontage is not available, parking or loading access along any Transit Preferential, Citywide
8 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
9 Element of the General Plan or official city bicycle lane or bicycle route, may be allowed on
10 streets not listed in subsection (2) above as an exception in the manner provided in Section
11 309 for C-3 Districts and in Section 303 for NCT and RTO districts in cases where it can be
12 clearly demonstrated that the final design of the parking access minimizes negative impacts to
13 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

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

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

24 (A) All off-street parking in C-3 Districts (both as accessory and principal uses)
25 shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from

1 grade) unless an exception to this requirement is granted in accordance with Section 309 and
2 subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303 and
3 subsections 155(s)(2) or 155(s)(3) below.

4 (B) Parking at the ground-level to the full height of the ground-level parking
5 shall be lined with active uses, as defined by Section 141, to a depth of at least 25 feet along
6 all street frontages, except for space allowed for parking and loading access, building egress,
7 and access to mechanical systems. So as not to preclude conversion of parking space to
8 other uses in the future, parking at the ground-level shall not be sloped and shall have a
9 minimum clear ceiling height of nine feet.

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

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

24 (2) Residential accessory parking. For residential accessory off-street parking in C-3
25 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by

1 Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted
2 subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

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

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

15 (3) Non-accessory off-street parking garages. For non-accessory off-street parking
16 garages in C-3 Districts permitted under Section 223(m)--(p), two additional floors of above-
17 grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum
18 ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections
19 155(s)(3)(A) or 155(s)(3)(B) below:

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

3 (B) As a conditional use in accordance with the criteria set forth in Section 303,
4 provided the site contains an existing non-accessory off-street surface parking lot with valid
5 permits for such parking as of the effective date of the ordinance enacting this subsection and
6 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9
7 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,
8 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through
9 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
10 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,
11 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,
12 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block
13 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67
14 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
15 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and
16 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection
17 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this
18 subsection.

19 (4) Parking lots permitted in C-3 Districts as temporary uses according to Section
20 156(h) and expansions of existing above-grade publicly accessible parking facilities are not
21 subject to the requirements of subsections 155(s)(1)--(3).

22 (5) Parking and Loading Access.

23 (A) Width of openings. Any single development is limited to a total of two
24 facade openings of no more than 11 feet wide each or one opening of no more than 22 feet
25 wide for access to off-street parking and one facade opening of no more than 15 feet wide for

1 access to off-street loading. Shared openings for parking and loading are encouraged. The
 2 maximum permitted width of a shared parking and loading garage opening is 27 feet.

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

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

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

11 TABLE INSET:

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

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RM-4	Residential, Mixed Districts, High Density
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
RTO	Residential Transit-Oriented Neighborhood Districts
RTO-M	Residential Transit-Oriented – Mission Neighborhood Districts
Neighborhood Commercial Districts (Also see Article 7)	
General Area Districts	
NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial	

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District
Inner Clement Street Neighborhood Commercial District
Outer Clement Street Neighborhood Commercial District
Upper Fillmore Street Neighborhood Commercial District
Haight Street Neighborhood Commercial District
Hayes-Gough Neighborhood Commercial District
Inner Sunset Neighborhood Commercial District
Upper Market Street Neighborhood Commercial District
North Beach Neighborhood Commercial District
Polk Street Neighborhood Commercial District
Sacramento Street Neighborhood Commercial District

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Union Street Neighborhood Commercial District	
24th Street-Noe Valley Neighborhood Commercial District	
West Portal Avenue Neighborhood Commercial District	
Neighborhood Commercial Transit Districts (NCT)	
<i>NCT-1</i>	<i>Neighborhood Commercial Transit Cluster District</i>
NCT-2	Small-Scale Neighborhood Commercial Transit District
NCT-3	Moderate Scale Neighborhood Commercial Transit District
Individual Area Neighborhood Commercial Transit (NCT) Districts	
Hayes-Gough NCT	
Upper Market NCT	
Valencia Street NCT	
24 th Street – Mission NCT	
Mission Street NCT	
SoMa NCT	

1 Ocean Avenue NCT

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4 Commercial Districts

5 C-1 Neighborhood Shopping Districts

6 C-2 Community Business Districts

7 C-M Heavy Commercial Districts

8 C-3-O Downtown Office District

9 C-3-R Downtown Retail District

10 C-3-G Downtown General Commercial District

11 C-3-S Downtown Support District

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16 Industrial Districts

17 M-1 Light Industrial Districts

18 M-2 Heavy Industrial Districts

19 PDR-1-B Production Distribution and Repair – Light Industrial Buffer

20 PDR-1-D Production Distribution and Repair – Design

21 PDR-1-G Production Distribution and Repair - General

22 PDR-2 Core Production Distribution and Repair – Bayview

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Chinatown Mixed Use Districts (Also see Article 8)	
CCB	Chinatown Community Business District
CR/NC	Chinatown Residential/Neighborhood Commercial District
CVR	Chinatown Visitor Retail District
South of Market Use Mixed Use Districts (Also see Article 8)	
RED	Residential Enclave Districts
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District
Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	
SPD	South Park District

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MUG	Mixed Use – General
MUO	Mixed Use – Office
MUR	Mixed Use – Residential
UMU	Urban Mixed Use
Downtown Residential Districts (Also see Article 8)	
RH-DTR	Rincon Hill Downtown Residential
SB-DTR	South Beach Downtown Residential
Mission Bay Districts (Also see Article 9)	
MB-R-1	Mission Bay Lower Density Residential District
MB-R-2	Mission Bay Moderate Density Residential District
MB-R-3	Mission Bay High Density Residential District
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
MB-O	Mission Bay Office District

1	MB-CI	Mission Bay Commercial-Industrial District
2	MB-H	Mission Bay Hotel District
3	MB-CF	Mission Bay Community Facilities District
4	MB-OS	Mission Bay Open Space District

6 **SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES**
7 **FOR ALL NC DISTRICTS.**

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

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

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

1 790.92, a large fast food restaurant, as defined in Section 790.90, a small self-service
2 restaurant, as defined in Section 790.91, a massage establishment, as defined in Section
3 790.60, an outdoor activity, as defined in Section 790.70, an adult or other entertainment use,
4 as defined in Sections 790.36 and 790.38, or a fringe financial service use, as defined in
5 Section 790.111, shall be subject to the provisions of Subsection 312(d). In addition, any
6 accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be
7 subject to the provisions of Subsection 312(d).

8 (d) Building Permit Application Review for Compliance and Notification. Upon
9 acceptance of any application subject to this Section, the Planning Department shall review
10 the proposed project for compliance with the Planning Code and any applicable design
11 guidelines approved by the Planning Commission. Applications determined not to be in
12 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including
13 design guidelines for specific areas adopted by the Planning Commission, or with any
14 applicable conditions of previous approvals regarding the project, shall be held until either the
15 application is determined to be in compliance, is disapproved or a recommendation for
16 cancellation is sent to the Department of Building Inspection.

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

1 (2) Notification. Upon determination that an application is in compliance with the
2 development standards of the Planning Code, the Planning Department shall cause a notice
3 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
4 cause a written notice describing the proposed project to be sent in the manner described
5 below. This notice shall be in addition to any notices required by the Building Code and shall
6 have a format and content determined by the Zoning Administrator. It shall include a
7 description of the proposal compared to any existing improvements on the site with
8 dimensions of the basic features, elevations and site plan of the proposed project including
9 the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference
10 scale, existing and proposed uses and commercial or institutional business name, if known.
11 The notice shall describe the project review process and shall set forth the mailing date of the
12 notice and the expiration date of the notification period.

13 Written notice shall be mailed to the notification group which shall include the project sponsor,
14 relevant neighborhood organizations as described in Subparagraph 312(d)(2)(C) below, all
15 individuals having made a written request for notification for a specific parcel or parcels
16 pursuant to Planning Code Section 351 and all owners and, to the extent practical, occupants,
17 of properties in the notification area.

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

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

24 (C) The Planning Department shall maintain a list, updated every six months
25 with current contact information, available for public review, and kept at the Planning

1 Department's Planning Information Counter, and reception desk, as well as the Department of
2 Building Inspection's Building Permit Counter, of neighborhood organizations which have
3 indicated an interest in specific properties or areas. The organizations having indicated an
4 interest in the subject lot or its area shall be included in the notification group for the proposed
5 project. Notice to these groups shall be verified by a declaration of mailing signed under
6 penalty of perjury. In the event that such an organization is not included in the notification
7 group for a proposed project as required under this subsection, the proposed project must be
8 re-noticed.

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

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

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

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

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

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

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

23 (g) Wireless Telecommunications Services Facility as Accessory Use, Notification and
24 Review Required. Building permit applications for new construction of a wireless
25 telecommunications services facility as an accessory use under Article 7 of the Planning Code

1 in all NC Districts shall be subject to the notification and review procedures required by this
2 Section.

3 **SEC. 330. BALBOA PARK COMMUNITY IMPROVEMENTS FUND.**

4 Sections 330 to 330.6 set forth the requirements and procedures for the Balboa Park
5 Community Improvements Fund.

6 **SEC. 330.1. FINDINGS.**

7 (a) New Residential and Non-Residential Uses. The Balboa Park Station Area Plan is a part of
8 the Better Neighborhoods Program that recognizes population growth is beneficial in neighborhoods
9 well-served by transit. As such, the Balboa Park Area Plan aims to strengthen neighborhood
10 character, the neighborhood commercial district, and transit by increasing the housing and retail
11 capacity in the area. This project goal will also help to meet ABAG's projected demand to provide
12 housing in the Bay Area by encouraging the construction of higher density housing. The Balboa Park
13 Plan Area can better accommodate this growth because of its easy access to public transit, proximity to
14 downtown, convenience of neighborhood shops to meet daily needs, and the availability of development
15 opportunity sites. San Francisco's land constraints limit new housing construction to areas of the City
16 not previously designated as residential areas, infill sites, or areas that can absorb increased density.
17 The Balboa Park Plan Area presents an opportunity to both absorb increased density and provide
18 infill development within easy walking distance to transit while maintaining neighborhood character.
19 The Better Neighborhoods Program also calls for strong neighborhood commercial cores and a
20 transit-oriented neighborhood requires a full range of neighborhood serving businesses. The Plan
21 builds on existing neighborhood character and establishes new standards for amenities necessary for a
22 transit-oriented neighborhood.

23 (b) Need for Public Improvements to Accompany New Uses. The amendments to the General
24 Plan, Planning Code, and Zoning Maps that correspond to this ordinance will permit an increased
25 amount of new housing and other uses, as noted above. The Planning Department anticipates an

1 increase of at least 1,780 new housing units within the next 20 years, and over 225 new jobs, as
2 described in the Balboa Park Station Area Plan Draft Environmental Impact Report and the
3 Community Improvements Program. This new development will have an impact on the Plan Area's
4 neighborhood infrastructure. New development will generate needs for street improvements, transit
5 improvements, and community facilities and services improvements. As described in the Balboa Park
6 Community Improvements Program, on file with the Clerk of the Board in File No. 090179 .
7 The Balboa Park Station Area Plan addresses existing deficiencies and new impacts through a
8 comprehensive package of public benefits described in the Balboa Park Community Improvements
9 Program. This Program will enable the City and County of San Francisco to provide necessary public
10 infrastructure to new residents while increasing neighborhood livability and investment in the district.

11 (c) Project Feasibility. Due to the high cost of land within the City, it has been determined that
12 the imposition of requirements and fees based on the full impact of new development would be overly
13 burdensome to new development and hinder the City's policy goal of providing a significant amount of
14 new housing. Therefore, impact fees have been set at a level that will not hinder this policy goal
15 overall.

16 (d) Programmed Improvements. General public improvements and amenities needed to meet
17 the needs of both existing residents, as well as those needs generated by new development, have been
18 identified through a community planning processes. The Planning Department developed generalized
19 cost estimates, based on similar project types implemented by the City in the relevant time period, to
20 provide reasonable approximates for the eventual cost of providing necessary community
21 improvements to respond to identified community needs. In some cases, design work, engineering, and
22 environmental review will be required and may alter the nature of the improvements, as well as the sum
23 total of the cost for these improvements.

24 (e) Balboa Park Impact Fee. Development impact fees are an effective approach to mitigate
25 impacts associated with growth in population. The proposed Balboa Park Impact Fee would be

1 dedicated to community improvements in the Plan Area; directing benefits of the fund to those who pay
2 into the fund by providing the necessary infrastructure improvements needed to serve new development.
3 The Planning Department has calculated the fee rate based on accepted professional methods for the
4 calculation of such fees, and described fully in the Balboa Park Community Improvements Program,
5 San Francisco Planning Department, Case No. 2004.1059U on file with the Clerk of the Board in File
6 No. 090179 .

7 The proposed fee would cover less than the full impact of new development. The proposed fee
8 only covers a portion of impacts caused by new development and is not intended to remedy existing
9 deficiencies. Existing deficiency costs will be paid for by the public, the community, and other private
10 sources as described in the Balboa Park Community Improvements Program. Residential and non-
11 residential impact fees are only one of many revenue sources necessary to implement the community
12 improvements outlined in the Plan.

13 **SEC. 330.2. DEFINITIONS.**

14 Definitions from section 318.2 shall apply unless otherwise noted in this Section. The following
15 definitions shall govern this ordinance:

16 (a) "Residential Use" shall mean any type of use containing dwellings as defined in Section
17 209.1 of the Planning Code or containing group housing as defined in Section 209.2(a)– (c) of the
18 Planning Code, and 790.88, as relevant for the subject zoning district.

19 (b) "Non-Residential Use" use shall include everything not mentioned in the residential
20 definition, including but not limited to any structure or portion thereof intended for occupancy by
21 retail, office, commercial or other nonresidential uses defined in Section 217, 218, 219 and 221, and
22 also in 209.3 and 209.8 of the Planning Code. Publicly owned community facilities, including libraries
23 and recreational facilities, and privately owned child care facilities are not defined as a "non-
24 residential" use.

1 (c) "Non-Residential development project" shall mean any new construction, addition,
2 extension, conversion or enlargement, or combination thereof, of an existing structure that includes any
3 occupied floor area of a non-residential use; provided, however, that for projects that solely comprise
4 an addition to an existing structure that would add occupied floor area in an amount less than 20
5 percent of the occupied floor area of the existing structure, the provisions of this Section shall only
6 apply to the new occupied square footage.

7 (d) "Balboa Park Impact Fee" shall refer to the fee collected by the City to mitigate impacts of
8 new development as described in Findings, above.

9 (e) "Balboa Park Community Improvements Fund" shall refer to the fund that all fee revenue
10 the City collects from the Balboa Park Impact Fee.

11 (f) "In-kind Agreement" shall mean an agreement acceptable in form and substance to the City
12 Attorney and the Planning Director between a project sponsor and the Planning Department, subject to
13 the approval of the Planning Commission, in its sole discretion, to provide a specific set of public
14 benefits, at a specific phase of construction, in lieu of monetary contribution to the Balboa Park
15 Community Improvements Fund.

16 (g) "Net addition of gross square feet of non-residential space" shall mean gross floor area as
17 defined in Planning Code Section 102.9 to be occupied by, or primarily serving, any non-residential
18 use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed
19 development project space used primarily and continuously for the same non-residential use within the
20 same economic activity category. This space shall be accessory to any use other than that same non-
21 residential use for five years prior to Planning Commission approval of the development project
22 subject to this Section or for the life of the structure demolished or rehabilitated, whichever is shorter.

23 (h) "Net addition of gross square feet of residential space" shall mean gross floor area as
24 defined in Planning Code Section 102.9 to be occupied by, or primarily serving, residential use, less
25 the gross floor area in any structure demolished or rehabilitated as part of the proposed residential

1 development project space used primarily and continuously for residential use and not accessory to any
2 use other than residential use for five years prior to Planning Commission approval of the development
3 project subject to this Section or for the life of the structure demolished or rehabilitated, whichever is
4 shorter.

5 (i) "Project Area" shall mean the Balboa Park Plan Area in Figure 1 of the Balboa Park
6 Station Area Plan of the San Francisco General Plan.

7 (j) "Waiver Agreement" means an agreement acceptable in form and substance to the Planning
8 Department and the City Attorney, under which the City agrees to waive all or a portion of the Balboa
9 Park Impact Fee, provided the sponsor has demonstrated a hardship in achieving those objectives as
10 well as all the requirements of the Plan.

11 (k) "Residential Space Subject to the Balboa Park Impact Fee" means each net addition of
12 gross square feet within the Project Area which results in a net new residential unit.

13 (l) "Non-Residential Space Subject to the Balboa Park Impact Fee" means each net addition
14 of gross square feet within the Project Area that contributes to a 20 percent increase in commercial
15 capacity of an existing structure.

16 **SEC. 330.3. APPLICATION.**

17 (a) Project Area. The Balboa Park Community Improvements Fund is hereby established. It
18 shall be implemented in part through the Balboa Park Impact Fee that applies to the Project Area and
19 includes properties identified as part of the Balboa Park Station Area Plan in Figure 1 of the San
20 Francisco General Plan. Fees shall be charged on net additions of gross square feet which result in a
21 net new residential unit or contribute to a 20 percent increase of gross square feet non-residential
22 space in an existing structure. Fees shall be assessed on residential use and on non-residential use with
23 no substitutions across uses. Fees shall be assessed on mixed use projects according to the gross
24 square feet of each use in the project.

1 (b) Prior to the issuance by the Department of Building Inspection (DBI) of the first site or
2 building permit for a residential development project or residential component of a mixed use project
3 within the Project Area, the sponsor of any project containing residential space subject to the Balboa
4 Park Impact Fee shall pay to the Treasurer \$8.00 per gross square foot.

5 (c) Prior to the issuance by DBI of the first site or building permit for a non-residential
6 development project or a non-residential component of a mixed use project within the Project Area, the
7 sponsor of any project containing non-residential space subject to the Balboa Park Impact Fee shall
8 pay to the Treasurer \$1.50 per gross square foot.

9 (d) Upon request of the sponsor and upon payment of the Balboa Park Impact Fee in full to the
10 Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as described herein,
11 the Treasurer shall issue a certification that the obligations of this Section of the Planning Code have
12 been met. The sponsor shall present such certification to the Planning Department and DBI prior to the
13 issuance by DBI of the first site or building permit for the development project. DBI shall not issue the
14 site or building permit without the Treasurer's certification that the fees required by this Section have
15 been paid or otherwise satisfied. Any failure of the Treasurer, DBI, or the Planning Department to
16 give notice of requirements under this Section shall not relieve a sponsor from compliance with this
17 Section. Where DBI inadvertently issues a site or building permit without payment of the fee, Planning
18 and DBI shall not issue any further permits or a certificate of occupancy for the project without
19 certification of fee payment from the Treasurer. The procedure set forth in this Subsection is not
20 intended to preclude enforcement of the provisions of this Section under any other Section of this Code,
21 or other authority under the laws of the City or State.

22 (e) Fee Adjustments. In conjunction with the five-year Monitoring Program described in
23 Administrative Code Chapter 10E, the City may review the amount of the Balboa Park Impact Fee, and
24 consider whether an adjustment in fees is warranted according to a change in construction costs
25 according to changes published in the Construction Cost Index published by the Engineering News

1 Record or according to another similar cost index. The City may adjust fees based on changes in
2 estimated costs of the underlying improvements to be funded through the Balboa Park Impact Fee as
3 listed in the Balboa Park Community Improvements Program. Revision of the fee should be done in
4 coordination with revision to other like fees whenever possible. The Planning Department shall provide
5 notice of any fee adjustment including the formula used to calculate the adjustment on its website and
6 to any interested party who has requested such notice at least 30 days prior to the adjustment taking
7 effect.

8 (f) Option for In-Kind Provision of Public Benefits. The Planning Commission may reduce the
9 Balboa Park Impact Fee described above for specific development proposals in cases where the
10 Planning Director recommends such an In-kind provision, and the project sponsor has entered into an
11 In-Kind Agreement with the City. In-kind improvements may be recommended only where said
12 improvements have been prioritized in the Plan, where they meet an identified community need as
13 analyzed in the Balboa Park Community Improvements Program, and where they substitute for
14 improvements to be provided by fee revenue such as street improvements, transit improvements, and
15 community facilities. No proposal for In-kind improvements shall be accepted if it is not recommended
16 by the Planning Director according to the criteria above. Project sponsors that pursue an In-kind
17 improvement will be billed time and materials for any additional administrative costs that the
18 Department incurs in processing the request.

19 (1) The value of the improvements provided through the In-kind agreement shall be equivalent
20 to the portion of the Balboa Park Impact Fee that is waived. For the purposes of calculating the total
21 value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed
22 in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. If the City
23 has completed a detailed site-specific cost estimate for a planned improvement this may serve as one of
24 the cost estimates provided it is indexed to current cost of construction. Based on these estimates, the
25 Planning Director shall determine their appropriate value and the Planning Commission may reduce

1 the Balboa Park Impact Fee assessed to that project proportionally. Open space or streetscape
2 improvements proposed to satisfy the usable open space requirements of Section 135 are not eligible
3 for credit toward the contribution as In-kind improvements. No credit toward the contribution may be
4 made for land value unless ownership of the land is transferred to the City or a permanent public
5 easement is granted, the acceptance of which is at the sole discretion of the City.

6 (2) The agreement shall mandate a covenant of the project sponsor to reimburse all City
7 agencies for their administrative and staff costs in negotiating, drafting, and monitoring compliance
8 with the In-Kind agreement. The City also shall require the project sponsor to provide a letter of credit
9 or other instrument, acceptable in form and substance to the Planning Department and the City
10 Attorney, to secure the City's right to receive improvements as described above.

11 (g) Waiver or Reduction.

12 (1) Waiver or Reduction Based on Hardship or Absence of Reasonable Relationship

13 (A) A project applicant of any project subject to the requirements in this Section may
14 appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based
15 upon the absence of any reasonable relationship or nexus between the impact of development and the
16 amount of the fee charged or for the reasons set forth in subsection (3) below, a project applicant may
17 request a waiver from the Board of Supervisors.

18 (B) Any appeal of waiver requests under this clause shall be made in writing and filed
19 with the Clerk of the Board no later than 15 days after the date the sponsor is required to pay and has
20 paid to the Treasurer the fee as required in Section 330.3. The appeal shall set forth in detail the
21 factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors
22 shall consider the appeal at the hearing within 60 days after the filing of the appeal. The appellant
23 shall bear the burden of presenting substantial evidence to support the appeal, including comparable
24 technical information to support appellant's position. If a reduction, adjustment, or waiver is granted,
25 any change of use or scope of the project shall invalidate the waiver, adjustment or reduction of the fee.

1 If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit
2 the nature and extent of the reduction, adjustment or waiver to the Treasurer and Planning
3 Department.

4 (2) Waiver or Reduction Based on Duplication of Fees. This Section details waivers and
5 reductions available by right for project sponsors that fulfill the requirements below.

6 (A) A project applicant subject to the requirements of this Section who has received an
7 approved building permit, conditional use permit, or similar discretionary approval and who submits a
8 new or revised building permit, conditional use permit, or similar discretionary approval for the same
9 property shall be granted a reduction, adjustment, or waiver of the requirements of Section 330.3 of the
10 Planning Code with respect to the square footage of construction previously approved.

11 (B) The City shall not assess duplicative fees on new development. In general project
12 sponsors are only eligible for fee waivers under this clause if a contribution to another fee program
13 would result in a duplication of charges for a particular type of community infrastructure. Therefore
14 applicants may receive a waiver for only the portion of the Balboa Park Community Improvements
15 Fund that addresses that infrastructure type. Requirements under Section 135 do not qualify for waiver
16 or reductions. Should future fees pose a duplicative charge, the same methodology shall apply and the
17 Planning Department shall update the schedule of waivers or reductions accordingly.

18 **SEC. 330.4. LIEN PROCEEDINGS.**

19 (a) A sponsor's failure to comply with the requirements of Sections 330.3, shall constitute cause
20 for the City to record a lien against the development project in the sum of the fees required under this
21 ordinance. The fee required by Section 330.3 of this ordinance is due and payable to the Treasurer
22 prior to issuance of the first building or site permit for the development project unless a Waiver
23 Agreement has been executed. If, for any reason, the fee remains unpaid following issuance of the
24 permit and no Waiver Agreement has been executed, any amount due shall accrue interest at the rate of
25

1 one and one-half percent per month, or fraction thereof, from the date of issuance of the permit until
2 the date of final payment.

3 (b) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following
4 issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of
5 Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee,
6 including interest, a lien against all parcels used for the development project and shall send all notices
7 required by that Article to the owner of the property as well as the sponsor. The Treasurer shall
8 prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the Board of
9 Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall contain the
10 sponsor's name, a description of the sponsor's development project, a description of the parcels of real
11 property to be encumbered as set forth in the Assessor's Map Books for the current year, a description
12 of the alleged violation of this ordinance, and shall fix a time, date, and place for hearing. The
13 Treasurer shall cause this report to be mailed to the sponsor and each owner of record of the parcels of
14 real property subject to lien. Except for the release of lien recording fees authorized by Administrative
15 Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in
16 trust by the Treasurer and deposited in the Balboa Park Community Improvements Fund established in
17 Section 330.6.

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

1 **SEC. 330.5. BALBOA PARK IMPACT FEE REFUND WHEN BUILDING PERMIT IS**
2 **MODIFIED OR EXPIRES PRIOR TO COMPLETION OF WORK AND COMMENCEMENT OF**
3 **OCCUPANCY.**

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

12 **SEC. 330.6. BALBOA PARK COMMUNITY IMPROVEMENTS FUND.**

13 (a) There is hereby established a separate fund set aside for a special purpose entitled the
14 Balboa Park Community Improvements Fund ("Fund"). All monies collected by the Treasurer
15 pursuant to Section 330.3 shall be deposited in a special fund maintained by the Controller. The
16 receipts in the Fund to be used solely to fund community improvements subject to the conditions of this
17 Section.

18 (b) Expenditures from the Fund shall be recommended by the Planning Commission and
19 administered by the Board of Supervisors.

20 (1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop
21 and improve streets, transit, parks, plazas and open space, and community facilities and services as
22 defined in the Balboa Park Community Improvements Program with the Plan Area. Funds may be used
23 for childcare facilities that are not publicly owned or "publicly-accessible". Monies from the Fund may
24 be used by the Planning Commission to commission economic analyses for the purpose of revising the
25 fee pursuant to Section 330.3 above.

1 (2) Funds may be used for administration and accounting of fund assets and for fees related to
2 legal challenges related to such fees. Administration of this fund includes time and materials associated
3 with reporting requirements and maintenance of the fund. All interest earned on this account shall be
4 credited to the Balboa Park Community Improvements Fund.

5 (c) Funds shall be deposited into specific accounts according to the improvement type for which
6 they were collected. Funds from a specific account may be assigned to a different improvement type,
7 provided said account or fund is reimbursed over a five-year period of fee collection. Funds shall be
8 allocated to accounts by improvement type as described below in Table 330.1 and as supported by the
9 Balboa Park Community Improvements Program Nexus Study, San Francisco Planning Department,
10 Case No. 2004.1059U, monitored according to the Balboa Park Monitoring Program described in
11 Administrative Code Chapter 10.

12 TABLE 330.1

13 BREAKDOWN OF BALBOA PARK COMMUNITY IMPROVEMENTS FEE/FUND BY
14 IMPROVEMENT TYPE

<u>Improvement Type</u>	<u>%Fee</u> <u>Allocation</u>
<u>Streets</u>	<u>38%</u>
<u>Transit</u>	<u>13%</u>
<u>Parks, Plazas, Open</u> <u>Space</u>	<u>30%</u>
<u>Community facilities and</u> <u>services/Other</u>	<u>19%</u>

23
24 (d) With full participation by the Planning Department and related implementing agencies, the
25 Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last

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

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

21 (f) A public hearing shall be held by the Recreation and Parks Commissions to elicit public
22 comment on proposals for the acquisition of property using monies in the Fund that will ultimately be
23 maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in
24 an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the
25 time, place, and purpose of the hearing. The Parks Commissions may vote to recommend to the Board

1 of Supervisors that it appropriate money from the Fund for acquisition and development of property
2 acquired for park use.

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

9 (h) The Planning Commission, based on findings from the Inter-Agency Plan Implementation
10 Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

11 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.**

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

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

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

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

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

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

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

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

24 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet
25 in area. The sign may be a freestanding sign, if the building is recessed from the street

1 property line, or may be a wall sign or a projecting sign. The existence of a freestanding
2 identifying sign shall preclude the erection of a freestanding business sign on the same lot. A
3 wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not
4 exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
5 illuminated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial Districts.
25

1 (A) Window Signs. The total area of all window signs, as defined in Section
2 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located.
3 Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

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

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

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

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

1 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
2 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
3 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the
4 sign shall project more than 75 percent of the horizontal distance from the street property line
5 to the curblin, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
6 illuminated, or during business hours, may be directly illuminated.

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

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

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

23 (g) Temporary Signs. One temporary nonilluminated or indirectly illuminated sale or
24 lease sign or nonilluminated sign of persons and firms connected with work on buildings under
25 actual construction or alteration, giving their names and information pertinent to the project

1 per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all
2 regulations of Subsection 607.1(f) for business signs in the respective NC District in which the
3 sign is to be located. All temporary signs shall be promptly removed upon completion of the
4 activity to which they pertain.

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

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

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

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

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

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

24 (1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk,
25 public plaza or right-of-way, or in any portion of a transit system, except such projecting signs

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

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

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

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

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

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

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

22

Neighborhood Commercial General Area Districts	Section Number
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23
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25

1	NC-1 -- Neighborhood Commercial Cluster District	§ 710
2	NC-2 -- Small-Scale Neighborhood Commercial District	§ 711
3	NC-3 -- Moderate-Scale Neighborhood Commercial District	§ 712
4	NC-S -- Neighborhood Commercial Shopping Center District	§ 713
5		
6	<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<u>§ 733</u>
7	<u>NCT-2 Small Scale Neighborhood Commercial Transit District</u>	<u>§ 734</u>
8	NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731

9		
10	Neighborhood Commercial Section	
11	Individual Area Districts Number	
12		
13	Broadway Neighborhood Commercial District	§ 714
14	Castro Street Neighborhood Commercial District	§ 715
15	Inner Clement Street Neighborhood Commercial District	§ 716
16	Outer Clement Street Neighborhood Commercial District	§ 717
17	Upper Fillmore Street Neighborhood Commercial District	§ 718
18	Haight Street Neighborhood Commercial District	§ 719
19	Hayes-Gough Neighborhood Commercial Transit District	§ 720
20	Upper Market Street Neighborhood Commercial District	§ 721
21		
22	North Beach Neighborhood Commercial District	§ 722
23	Polk Street Neighborhood Commercial District	§ 723
24	Sacramento Street Neighborhood Commercial District	§ 724
25		

1	Union Street Neighborhood Commercial District	§ 725
2	Valencia Street Neighborhood Commercial Transit District	§ 726
3	24th Street-Mission Neighborhood Commercial Transit District	§ 727
4	24th Street-Noe Valley Neighborhood Commercial District	§ 728
5	West Portal Avenue Neighborhood Commercial District	§ 729
6	Inner Sunset Neighborhood Commercial District	§ 730
7	Upper Market Street Neighborhood Commercial Transit District	§ 732
8	SoMa Neighborhood Commercial Transit District	§ 735
9	Mission Street Neighborhood Commercial Transit District	§ 736
10	<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<i>§ 737</i>

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

Neighborhood Commercial Transit Districts	Section Number
Hayes-Gough Neighborhood Commercial Transit District	§ 720
Valencia Street Neighborhood Commercial Transit District	§ 726
24 th Street – Mission Neighborhood Commercial Transit District	§ 727
NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731
Upper Market Street Neighborhood Commercial Transit District	§ 732

1	<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<u>§ 733</u>
2	NCT-2 Small Scale Neighborhood Commercial Transit District	§ 734
3		
4	SoMa Neighborhood Commercial Transit District	§ 735
5	Mission Street Neighborhood Commercial Transit District	§ 736
6		
7	<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<u>§ 737</u>

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

23 **SEC. 711.1. NC-2 -- SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

24 The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial
25 District. These districts are linear shopping streets which provide convenience goods and

1 services to the surrounding neighborhoods as well as limited comparison shopping goods for
2 a wider market. The range of comparison goods and services offered is varied and often
3 includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts
4 are commonly located along both collector and arterial streets which have transit routes.
5 These districts range in size from two or three blocks to many blocks, although the
6 commercial development in longer districts may be interspersed with housing or other land
7 uses. Buildings typically range in height from two to four stories with occasional one-story
8 commercial buildings.

9 The small-scale district controls provide for mixed-use buildings which approximate or
10 slightly exceed the standard development pattern. Rear yard requirements above the ground
11 story and at residential levels preserve open space corridors of interior blocks.

12 Most new commercial development is permitted at the ground and second stories.

13 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
14 entertainment uses, however, are confined to the ground story. The second story may be
15 used by some retail stores, personal services, and medical, business and professional offices.
16 Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,
17 and other automobile uses protect the livability within and around the district, and promote
18 continuous retail frontage.

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

21 SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL

22
23 DISTRICT NC-2 ZONING CONTROL TABLE

24 TABLE INSET:

			NC-2
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
711.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	Generally, 40-X See Zoning Map
711.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
711.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
711.13	Street Frontage		Required § 145.1
711.14	Awning	§ 790.20	P § 136.1(a)
711.15	Canopy	§ 790.26	P § 136.1(b)
711.16	Marquee	§ 790.58	P § 136.1(c)
711.17	Street Trees		Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
711.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
711.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
711.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
711.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
711.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
711.25	Drive-Up Facility	§ 790.30	
711.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if

			not recessed § 145.2(b)
711.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
711.30	General Advertising Sign	§§ 262, 602--604, 608, 609	P § 607.1(e)1
711.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f) 2
711.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	NC-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
711.38	Residential Conversion	§ 790.84	P	C	
711.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
711.40	Other Retail Sales and	§ 790.102	P	P	

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	Services [Not Listed Below]				
711.41	Bar	§ 790.22	P		
711.42	Full-Service Restaurant	§ 790.92	P #		
711.43	Large Fast Food Restaurant	§ 790.90	C #		
711.44	Small Self-Service Restaurant	§ 790.91	P #		
711.45	Liquor Store	§ 790.55	P		
711.46	Movie Theater	§ 790.64	P		
711.47	Adult Entertainment	§ 790.36			
711.48	Other Entertainment	§ 790.38	P		
711.49	Financial Service	§ 790.110	P #	C #	
711.50	Limited Financial Service	§ 790.112	P #		

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711.51	Medical Service	§ 790.114	P	P	
711.52	Personal Service	§ 790.116	P	P	
711.53	Business or Professional Service	§ 790.108	P	P	
711.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
711.55	Tourist Hotel	§ 790.46	C	C	C
711.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
711.57	Automotive Gas Station	§ 790.14	C		
711.58	Automotive Service Station	§ 790.17	C		
711.59	Automotive Repair	§ 790.15	C		
711.60	Automotive Wash	§ 790.18			
711.61	Automobile Sale or	§ 790.12			

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	Rental				
711.62	Animal Hospital	§ 790.6	C		
711.63	Ambulance Service	§ 790.2			
711.64	Mortuary	§ 790.62			
711.65	Trade Shop	§ 790.124	P #	C #	
711.66	Storage	§ 790.117			
711.67	Video Store	§ 790.135	C	C	
Institutions and Non-Retail Sales and Services					
711.70	Administrative Service	§ 790.106			
711.80	Hospital or Medical Center	§ 790.44			
711.81	Other Institutions, Large	§ 790.50	P	C	C
711.82	Other Institutions,	§ 790.51	P	P	P

1		Small				
2	711.83	Public Use	§ 790.80	C	C	C
3						
4	711.84	Medical Cannabis Dispensary	§ 790.141	P #		
5						
6						
7	RESIDENTIAL STANDARDS AND USES					
8	711.90	Residential Use	§ 790.88	P	P	P
9						
10	711.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
11						
12	711.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
13						
14	711.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
15						
16	711.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
17						
18	711.95	Community Residential Parking	§ 790.10	C	C	C
19						
20						
21						
22						
23						

SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

1 TABLE INSET:
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Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.42 § 711.43 § 711.44	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps 5 SU and 6 SU Controls: Full-service restaurants and small self-service restaurants are C; large fast-food restaurants are NP
§ 711.42 § 711.43 § 711.44	§ 781.2	IRVING STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map 5 SU Controls: Small self-service restaurants are C; full-service restaurants and large fast-food restaurants are NP
§ 711.43 § 711.44	§ 781.3	OCEAN AVENUE FAST FOOD SUBDISTRICT Boundaries: Applicable only for the Ocean Avenue NC-2 District from Manor Drive to Phelan Avenue as mapped on Sectional Map 12 SU Controls: Small self-service restaurants and large fast- food restaurants are NP
§ 711.49 §	§ 781.7	CHESTNUT STREET FINANCIAL SERVICE

711.50		SUBDISTRICT Boundaries: Applicable only for the Chestnut Street NC-2 District from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU Controls: Financial services and limited financial services are NP
§ 711.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of the Pacific Avenue NC-2 District east of Hyde Street as mapped on Sectional Map 1 SU a Controls: Garment shops are P at the 1st and 2nd stories
§ 711.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NC-2 District may only operate between the hours of 8 a.m. and 10 p.m.

SEC. 733.1. NCT-1 -- NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER

DISTRICT.

NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. NCT-1 districts are located near major transit services. They are small mixed-use clusters, generally surrounded by residential districts, with small-scale neighborhood-serving commercial uses on lower floors and housing above. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on

critical stretches of commercial and transit street frontages to preserve and enhance the pedestrian-oriented character and transit function. Residential parking is not required and generally limited. Commercial establishments are discouraged from building excessive accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.

NCT-1 Districts are generally characterized by their location in residential neighborhoods. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development. Building controls for the NCT-1 District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one story. Rear yard requirements at all levels preserve existing backyard space.

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

Existing residential units are protected by prohibitions of conversions above the ground story and limitations on demolitions.

SEC. 733 NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1

ZONING CONTROL TABLE

TABLE INSET:

	NCT-1
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<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>733.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250--252, 260, 270, 271</u>	<u>Varies See Zoning Map.</u>
<u>733.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1</u>
<u>733.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at grade level and above § 134(a) (e)</u>
<u>733.13</u>	<u>Street Frontage</u>	—	<u>Required § 145.1</u>
<u>733.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>		<u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>
<u>733.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>		<u>Geneva Avenue, § 145.4</u>
<u>733.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>		<u>§ 155(r) NP: Geneva Avenue</u>
<u>733.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P § 136.1(a)</u>

1	-			
2	<u>733.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	—
3	-			
4	<u>733.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	—
5	-			
6	<u>733.17</u>	<u>Street Trees</u>	—	<u>Required § 143</u>
7	-			
8	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
9				
10	<u>733.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9,</u>	<u>1.8 to 1 § 124(a) (b)</u>
11	-		<u>102.11, 123</u>	
12	<u>733.21</u>	<u>Use Size [Non-</u>	<u>§ 790.130</u>	<u>P up to 2,999 sq. ft.; C 3,000 sq.</u>
13	-	<u>Residential]</u>		<u>ft. & above § 121.2</u>
14				<u>§§ 151.1, 166, 145.1</u>
15				<u>None required. Amount permitted</u>
16				<u>varies by use; see Table 151.1.</u>
17				
18	<u>733.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 153--</u>	
19	-	<u>Commercial/Institutional</u>	<u>157, 159--</u>	<u>For retail uses, P up to 1 space</u>
20			<u>160, 204.5</u>	<u>per 1,500 feet of occupied floor</u>
21				<u>area or the quantity specified in</u>
22				<u>Table 151, whichever is less, and</u>
23				<u>subject to the conditions of Section</u>
24				<u>151.1(f); NP above. For retail</u>
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			<u>grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above.</u>
<u>733.23</u> -	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153--155, 204.5</u>	<u>Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)</u>
<u>733.24</u> -	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if located elsewhere § 145.2(a)</u>
<u>733.25</u> -	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	—
<u>733.26</u> -	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not recessed § 145.2(b)</u>
<u>733.27</u> -	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--11 p.m.; C 11 p.m.--2 a.m.</u>
<u>733.30</u> -	<u>General Advertising Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	—
<u>733.31</u> -	<u>Business Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>P § 607.1(f)1</u>

1	<u>733.32</u>		<u>§§ 262, 602--</u>	
2		<u>Other Signs</u>	<u>604, 608,</u>	<u>P § 607.1(c) (d) (g)</u>
3			<u>609</u>	

4 TABLE INSET:

6 7 8	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>NCT-1</u>		
				<u>Controls by Story</u>		
9			<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
10				-	-	-
11	<u>733.38</u>	<u>Residential Conversion</u>	<u>§ 790.84</u>	<u>P</u>	-	-
12						
13	<u>733.39</u>	<u>Residential Demolition</u>	<u>§ 790.86</u>	<u>C</u>	<u>C</u>	<u>C</u>
14						
15	<u>733.39a</u>	<u>Residential Division</u>	<u>§ 207.6</u>	<u>P</u>	<u>P</u>	<u>P</u>
16	<u>Retail Sales and Services</u>					
17	<u>733.40</u>	<u>Other Retail Sales and Services [Not</u>		<u>P #</u>		
18		<u>Listed Below]</u>	<u>§ 790.102</u>	-	-	-
19						
20	<u>733.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P #</u>	-	-
21						
22	<u>733.42</u>	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>P #</u>	-	-
23						
24	<u>733.43</u>	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>	-	-	-
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<u>733.44</u>	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>	<u>C #</u>	-	-
-			-		
<u>733.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>P</u>	-	-
-					
<u>733.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	-	-	-
-					
<u>733.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	-	-	-
-					
<u>733.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>C</u>	-	-
-					
<u>733.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	-	-	-
-					
<u>733.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	-	-
-					
<u>733.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	-	-
-					
<u>733.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	-	-
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TABLE INSET:

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>NCT-1</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>

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<u>733.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	—	—
<u>733.54</u>	<u>Massage Establishment</u>	<u>§ 790.60, § 1900 Health Code</u>	—	—	—
<u>733.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	—	—	—
<u>733.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 160</u>	<u>C</u>	—	—
<u>733.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	—	—	—
<u>733.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	—	—	—
<u>733.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	—	—	—
<u>733.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	—	—	—
<u>733.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	—	—	—
<u>733.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	—	—	—
<u>733.63</u>	<u>Ambulance</u>	<u>§ 790.2</u>	—	—	—

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-	<u>Service</u>				
<u>733.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	—	—	—
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<u>733.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	—	—
-					
<u>733.66</u>	<u>Storage</u>	<u>§ 790.117</u>	—	—	—
-					
<u>733.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	—	—
-					
<u>Institutions and Non-Retail Sales and Services</u>					
<u>733.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	—	—	—
-					
<u>733.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	—	—	—
-					
<u>733.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	—
-					
<u>733.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
-					
<u>733.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
-					

1	<u>733.84</u>	<u>Medical</u>				
2		<u>Cannabis</u>	<u>§ 790.141</u>	<u>P#</u>	-	-
3		<u>Dispensary</u>				
4	<u>RESIDENTIAL STANDARDS AND USES</u>					
5	<u>733.90</u>	<u>Residential Use</u>		<u>P, except C for frontages</u>		
6			<u>§ 790.88</u>	<u>listed in 145.4</u>	<u>P</u>	<u>P</u>
7						
8				<u>No residential density limit by lot area.</u>		
9				<u>Density restricted by physical envelope controls</u>		
10				<u>of height, bulk, setbacks, open space, exposure</u>		
11	<u>733.91</u>	<u>Residential</u>	<u>§§ 207,</u>	<u>and other applicable controls of this and other</u>		
12		<u>Density,</u>	<u>207.1,</u>	<u>Codes, as well as by applicable design</u>		
13		<u>Dwelling Units</u>	<u>790.88(a)</u>	<u>guidelines, applicable elements and area plans</u>		
14				<u>of the General Plan, and design review by the</u>		
15				<u>Planning Department.</u>		
16				<u>§ 207.4, 207.6</u>		
17				<u>No group housing density limit by lot area.</u>		
18				<u>Density restricted by physical envelope controls</u>		
19				<u>of height, bulk, setbacks, open space, exposure</u>		
20	<u>733.92</u>	<u>Residential</u>	<u>§§ 207.1,</u>	<u>and other applicable controls of this and other</u>		
21		<u>Density, Group</u>	<u>790.88(b)</u>	<u>Codes, as well as by applicable design</u>		
22		<u>Housing</u>		<u>guidelines, applicable elements and area plans</u>		
23				<u>of the General Plan, and design review by the</u>		
24				<u>Planning Department.</u>		
25				<u>§ 208</u>		

1		<u>Usable Open</u>				
2	<u>733.93</u>	<u>Space [Per</u>	<u>§§ 135, 136</u>	<u>Generally, either 100 sq. ft. if private, or 133</u>		
3	-	<u>Residential</u>	-	<u>sq. ft. if common § 135(d)</u>		
4		<u>Unit]</u>				
5				<u>P up to one car for each two dwelling units; C</u>		
6		<u>Off-Street</u>	<u>§§ 150, 153--</u>	<u>up to 0.75 cars for each dwelling unit, subject</u>		
7	<u>733.94</u>	<u>Parking,</u>	<u>157, 159--</u>	<u>to the criteria and procedures of Section</u>		
8	-	<u>Residential</u>	<u>160, 204.5</u>	<u>151.1(f); NP above 0.75 cars for each dwelling</u>		
9				<u>unit.</u>		
10				<u>§ 151.1, 166, 167, 145.1</u>		
11		<u>Community</u>				
12	<u>733.95</u>	<u>Residential</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	
13	-	<u>Parking</u>			<u>C</u>	

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

TABLE INSET:

<u>Article 7</u>	<u>Other</u>	
<u>Code Section</u>	<u>Code</u>	<u>Zoning Controls</u>
-	<u>Section</u>	
<u>§ 733.40 §</u>		<u>Boundaries: All NCT-1 Districts Controls: P if located more</u>
<u>733.41 §</u>	-	<u>than 1/4 mile from any NC District or Restricted Use</u>
<u>733.42</u>		<u>Subdistrict with more restrictive controls; otherwise, same as</u>
		<u>more restrictive control</u>

<p>1 2 3 4</p> <p><u>§ 733.44</u></p>	<p>—</p>	<p><u>Boundaries: All NCT-1 Districts Controls: C if located more than 1/4 mile from any NC District or Restricted Use</u></p> <p><u>Subdistrict with more restrictive controls; otherwise, same as more restrictive control</u></p>
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SEC. 734.1. NCT-2 -- SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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

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NCT-2 Districts are intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty

1 retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls
 2 provide for mixed-use buildings, which approximate or slightly exceed the standard
 3 development pattern. Rear yard requirements above the ground story and at residential levels
 4 preserve open space corridors of interior blocks.

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

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

14
 15 **SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2 ZONING**
 16 **CONTROL TABLE**

			NCT-2
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
734.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 263.18, 270, 271	See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-

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			X and 50-X
734.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
734.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
734.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
734.13a	Street Frontage, Above- Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply <i>Geneva Avenue</i>
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply <i>NP: Geneva Avenue</i>
734.14	Awning	§ 790.20	P § 136.1(a)
734.15	Canopy	§ 790.26	P § 136.1(b)

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2	734.16	Marquee	§ 790.58
3			P § 136.1(c)
4	734.17	Street Trees	
5			Required § 143
6	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
7	734.20	Floor Area Ratio	§§ 102.9, 102.11, 123
8			2.5 to 1 § 124(a) and (b)
9	734.21	Use Size [Non-Residential]	
10			P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
11	734.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5
12			None required. Limits set forth in Section 151.1.
13	734.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5
14			Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
15	734.24	Outdoor Activity Area	§ 790.70
16			P if located in front; C if located elsewhere § 145.2(a)
17	734.25	Drive-Up Facility	§ 790.30
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1	734.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
2	734.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
3	734.30	General Advertising Sign	§§ 262, 602--604, 608, 609	NP § 607.1(e)(1)
4	734.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)(2)
5	734.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c),(d),(g)

No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
734.37	Residential Conversion	§§ 790.84, 207.7	C	C	
734.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
734.40	Other Retail	§ 790.102	P	P	

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	Sales and Services [Not Listed Below]				
734.41	Bar	§ 790.22	P		
734.42	Full-Service Restaurant	§ 790.92	P		
734.43	Large Fast Food Restaurant	§ 790.90	C		
734.44	Small Self-Service Restaurant	§ 790.91	P		
734.45	Liquor Store	§ 790.55	P		
734.46	Movie Theater	§ 790.64	P		
734.47	Adult Entertainment	§ 790.36			
734.48	Other Entertainment	§ 790.38	P		
734.49	Financial Service	§ 790.110	P	C	
734.50	Limited Financial	§ 790.112	P		

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	Service				
734.51	Medical Service	§ 790.114	P	P	
734.52	Personal Service	§ 790.116	P	P	
734.53	Business or Professional Service	§ 790.108	P	P	
734.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
734.55	Tourist Hotel	§ 790.46	C	C	C
734.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
734.57	Automotive Gas Station	§ 790.14	C		
734.58	Automotive Service Station	§ 790.17	C		
734.59	Automotive Repair	§ 790.15	C		
734.60	Automotive Wash	§ 790.18			

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734.61	Automobile Sale or Rental	§ 790.12			
734.62	Animal Hospital	§ 790.6	C		
734.63	Ambulance Service	§ 790.2			
734.64	Mortuary	§ 790.62			
734.65	Trade Shop	§ 790.124	P	C	
734.66	Storage	§ 790.117			
734.67	Video Store	§ 790.135	C	C	
Institutions and Non-Retail Sales and Services					
734.70	Administrative Service	§ 790.106			
734.80	Hospital or Medical Center	§ 790.44			
734.81	Other Institutions, Large	§ 790.50	P	C	C
734.82	Other	§ 790.51	P	P	P

1		Institutions, Small			
2					
3	734.83	Public Use	§ 790.80	C	C C
4					
5	734.84	Medical Cannabis Dispensary	§ 790.141	P #	
6					
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8	RESIDENTIAL STANDARDS AND USES				
9					
10	734.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P P
11					
12					
13	734.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6	
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23	734.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk,	
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setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.
 § 208

734.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
734.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.. §§ 151.1, 166, 167, 145.1		
734.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

TABLE INSET:

1 2	Article 7 Code Section	Other Code Section	Zoning Controls
3 4 5	§§ 734.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-2 District may only operate between the hours of 8 a.m. and 10 p.m.

7
8 **SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

9 The Ocean Avenue Neighborhood Commercial Transit District is located on Ocean Avenue
10 from Phelan to Manor Avenues. Ocean Avenue is a multi-purpose transit-oriented small-scale
11 commercial district that is modeled on the NCT-2 District. Ocean Avenue was developed as a streetcar-
12 oriented commercial district in the 1920s and continues to serve this function, with the K-line streetcar
13 on Ocean Avenue. Numerous other bus lines serve the area, especially the eastern end, where the
14 Phelan Loop serves as a major bus terminus. The eastern end of the district is anchored by the main
15 City College campus at Phelan and direct linkages to the Balboa Park BART/MUNI rail station a
16 couple blocks to the east, which serves as the southernmost San Francisco station for BART and the
17 terminus of the J, K, and M streetcar lines. Because of the immediate proximity of the BART/MUNI
18 station the district has quick and easy transit access to downtown.

19 The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one- and two-
20 story retail district to include neighborhood-serving commercial uses on lower floors and housing
21 above. Housing density is limited not by lot area, but by the regulations on the built envelope of
22 buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses,
23 including open space and exposure, and urban design guidelines. Access (i.e. driveways, garage
24 entries) to off-street parking and loading is generally prohibited on Ocean Avenue to preserve and
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enhance the pedestrian-oriented character and transit function of the street. Residential and commercial parking are not required.

The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may range in height, with height limits generally allowing up to four or five stories. Lots are generally small to medium in size and lot consolidation is prohibited to preserve the fine grain character of the district, unless the consolidation creates a corner parcel that enables off-street parking to be accessed from a side street.

Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Commercial uses are required at the ground level and permitted at the second story. Large Fast Food uses are not permitted.

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

SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING

CONTROL TABLE

			<u>Ocean Ave</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>737.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12,</u>	<u>Generally, 45-X See Zoning Map</u>

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-		<u>105, 106,</u> <u>250--252,</u> <u>260, 270,</u> <u>271</u>	-
<u>737.11</u>	<u>Lot Size [Per</u> <u>Development]</u>	<u>§§ 790.56,</u> <u>121.1</u>	<u>P up to 9,999 sq. ft.; C 10,000 sq.</u> <u>ft. & above § 121.1</u>
<u>737.11b</u>	<u>Lot Consolidation</u>	<u>§ 121.6</u>	<u>Not Permitted except to create</u> <u>corner lots per Sec 121.6</u>
<u>737.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134,</u> <u>136</u>	<u>Required at the second story and</u> <u>above and at all residential levels</u> <u>§ 134(a) (e)</u>
<u>737.13</u>	<u>Street Frontage</u>	-	<u>Required § 145.1</u>
<u>737.13a</u>	<u>Street Frontage, Above-</u> <u>Grade Parking Setback and</u> <u>Active Uses</u>		<u>Minimum 25 feet on ground floor,</u> <u>15 feet on floors above</u> <u>§ 145.1(c)</u>
<u>737.13b</u>	<u>Street Frontage, Required</u> <u>Ground Floor Commercial</u>		<u>Ocean Avenue</u> <u>§ 145.4</u>
<u>737.13c</u>	<u>Street Frontage, Parking</u> <u>and Loading access</u> <u>restrictions</u>		<u>§ 155(r)</u> <u>NP: Ocean Avenue</u>
<u>737.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P § 136.1(a)</u>

1	<u>737.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<u>P § 136.1(b)</u>
2	-			
3	<u>737.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<u>P § 136.1(c)</u>
4	-			
5	<u>737.17</u>	<u>Street Trees</u>	<u>—</u>	<u>Required § 143</u>
6	-			
7	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
8				
9	<u>737.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9,</u>	<u>2.5 to 1 § 124(a) (b)</u>
10	-		<u>102.11, 123</u>	
11	<u>737.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 3,999 sq. ft.; C 4,000 sq.</u>
12	-	<u>—</u>		<u>ft. & above § 121.2</u>
13				<u>§§ 151.1, 166, 145.1</u>
14				<u>None required. Amount permitted</u>
15				<u>varies by use; see Table 151.1.</u>
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18	<u>737.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 153-</u>	<u>For retail uses, P up to 1 space</u>
19	-	<u>Commercial/Institutional</u>	<u>157, 159-160,</u>	<u>per 1,500 feet of occupied floor</u>
20			<u>204.5</u>	<u>area or the quantity specified in</u>
21				<u>Table 151, whichever is less, and</u>
22				<u>subject to the conditions of Section</u>
23				<u>151.1(f); NP above. For retail</u>
24				<u>grocery stores larger than 20,000</u>
25				<u>square feet, P up to 1:500, C up to</u>

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			<u>1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above.</u>
<u>737.23</u> -	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153--155, 204.5</u>	<u>Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)</u>
<u>737.24</u> -	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if located elsewhere § 145.2(a)</u>
<u>737.25</u> -	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	<u>---</u>
<u>737.26</u> -	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not recessed § 145.2(b)</u>
<u>737.27</u> -	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.</u> -
<u>737.30</u> -	<u>General Advertising Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>P § 607.1(e)1</u>
<u>737.31</u> -	<u>Business Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>P § 607.1(f) 2</u>
<u>737.32</u> -	<u>Other Signs</u>	<u>§§ 262, 602--604, 608,</u>	<u>P § 607.1(c) (d) (g)</u>

TABLE INSET:

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Ocean Ave</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>711.38</u>	<u>Residential</u> <u>Conversion</u>	<u>§ 790.84</u>	<u>C</u>	<u>C</u>	<u>-</u>
<u>737.39</u>	<u>Residential</u> <u>Demolition</u>	<u>§ 790.86</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>737.39a</u>	<u>Residential</u> <u>Division</u>	<u>§ 207.6</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales and Services</u>					
<u>737.40</u>	<u>Other Retail</u> <u>Sales and</u> <u>Services [Not</u> <u>Listed Below]</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	<u>-</u>
<u>737.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>-</u>	<u>-</u>
<u>737.42</u>	<u>Full-Service</u> <u>Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	<u>-</u>	<u>-</u>
<u>737.43</u>	<u>Large Fast Food</u> <u>Restaurant</u>	<u>§ 790.90</u>	<u>-</u>	<u>-</u>	<u>-</u>

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<u>737.44</u>	<u>Small Self- Service Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	<u>-</u>	<u>-</u>
<u>737.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>P</u>	<u>-</u>	<u>-</u>
<u>737.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>-</u>	<u>-</u>
<u>737.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>737.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>-</u>	<u>-</u>
<u>737.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>C</u>	<u>-</u>
<u>737.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>-</u>	<u>-</u>
<u>737.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>-</u>
<u>737.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>-</u>
<u>737.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>-</u>
<u>737.54</u>	<u>Massage</u>	<u>§ 790.60, §</u>	<u>C</u>	<u>-</u>	<u>-</u>

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	<u>Establishment</u>	<u>1900 Health Code</u>			
	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 160</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-
	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	-	-	-
	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-

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<u>737.66</u>	<u>Storage</u>	<u>§ 790.117</u>	-	-	-
-					
<u>737.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	-
-					
<u>Institutions and Non-Retail Sales and Services</u>					
<u>737.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	-	-	-
-					
<u>737.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	-	-	-
-					
<u>737.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
-					
<u>737.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
-					
<u>737.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
-					
<u>737.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
-					
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>737.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages</u>	<u>P</u>	<u>P</u>

1	-		<i>listed in 145.4</i>
2	<u>737.91</u>	<u>Residential</u> <u>Density,</u> <u>Dwelling Units</u>	<u>§§ 207,</u> <u>207.1,</u> <u>790.88(a)</u>
3			<i>No residential density limit by lot area.</i>
4			<i>Density restricted by physical envelope</i>
5			<i>controls of height, bulk, setbacks, open space,</i>
6			<i>exposure and other applicable controls of this</i>
7			<i>and other Codes, as well as by applicable</i>
8			<i>design guidelines, applicable elements and</i>
9			<i>area plans of the General Plan, and design</i>
10			<i>review by the Planning Department.</i>
11			<u>§ 207.4, 207.6</u>
12	<u>737.92</u>	<u>Residential</u> <u>Density, Group</u> <u>Housing</u>	<u>§§ 207.1,</u> <u>790.88(b)</u>
13			<i>No group housing density limit by lot area.</i>
14			<i>Density restricted by physical envelope</i>
15			<i>controls of height, bulk, setbacks, open space,</i>
16			<i>exposure and other applicable controls of this</i>
17			<i>and other Codes, as well as by applicable</i>
18			<i>design guidelines, applicable elements and</i>
19			<i>area plans of the General Plan, and design</i>
20			<i>review by the Planning Department.</i>
21			<u>§ 208</u>
22	<u>737.93</u>	<u>Usable Open</u> <u>Space [Per</u> <u>Residential Unit]</u>	<u>§§ 135, 136</u>
23			<i>Generally, either 100 sq. ft. if private, or 133</i>
24			<i>sq. ft. if common § 135(d)</i>
25	<u>737.94</u>	<u>Off-Street</u>	<u>§§ 150, 153-</u>
			<i>P up to one car for each unit; NP above.</i>

-	<u>Parking</u>	<u>-157, 159-</u>	<u>§ 151.1, 166, 167, 145.1</u>		
	<u>Residential</u>	<u>160, 204.5</u>			
<u>737.95</u>	<u>Community</u>				
-	<u>Residential</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Parking</u>				

SPECIFIC PROVISIONS FOR THE OCEAN AVENUE NCT DISTRICT

TABLE INSET:

<u>Article 7</u>	<u>Other Code</u>	<u>Zoning Controls</u>
<u>Code Section</u>	<u>Section</u>	
<u>§ 737.84 §</u> <u>790.141</u>	<u>Health Code</u> <u>§ 3308</u>	<u>Medical cannabis dispensaries in the Ocean Avenue NCT</u> <u>District may only operate between the hours of 8 a.m. and</u> <u>10 p.m.</u>

~~SEC. 781.3. OCEAN AVENUE FAST FOOD SUBDISTRICT.~~

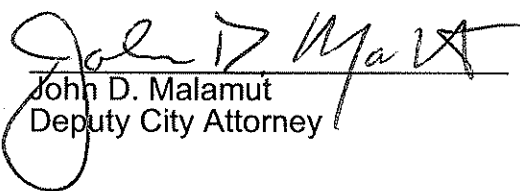
~~In order to preserve the mix and variety of goods and services provided to the Ingleside and Westwood Park neighborhoods and City residents and prevent further proliferation of restaurant uses, and prevent further aggravation of parking and traffic congestion in this district, there shall be an Ocean Avenue Fast Food Subdistrict, generally applicable for the NC-2 zoned portion of Ocean Avenue located between Phelan Avenue and Manor Drive, as designated on Sectional Map 12SU of the Zoning Map. The following provisions shall apply within such subdistrict:~~

~~(a) Large fast food restaurants and small self-service restaurants, as defined in Sections 790.90 and 790.91 of this Code, respectively, shall not be permitted in this subdistrict.~~

1 ~~(b) Except as otherwise provided, the provisions of Sections 186 through 186.1 of this Code shall~~
2 ~~govern small and large fast food restaurants which existed lawfully at the effective date of this Code in~~
3 ~~this subdistrict.~~

4 ~~(c) Notwithstanding Section 186.1, where a large fast food restaurant or a small self-service~~
5 ~~restaurant is situated on a lot (the "subject lot") located in the Ocean Avenue Fast Food Subdistrict and~~
6 ~~where the subject lot is located immediately adjacent to a lot also containing a large fast food~~
7 ~~restaurant or small self-service restaurant (the "adjacent lot"), the subject lot may be altered by the~~
8 ~~addition of a drive-up facility as defined in Section 790.30, upon approval of a conditional use~~
9 ~~application, provided that any existing structure on the adjacent lot which is currently devoted to use as~~
10 ~~a large fast food restaurant or small self-service restaurant is demolished pursuant to permit. The~~
11 ~~adjacent lot may be used for the drive-up facility for the business on the subject lot, and for related~~
12 ~~parking and queuing functions.~~

13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: 
16 John D. Malamut
17 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 090181

Date Passed:

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

March 31, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

April 7, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090181

I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 7, 2009 by the Board of Supervisors of the City and County of San Francisco.

4/17/09

Date Approved

Angela Calvillo

Angela Calvillo
Clerk of the Board

Gavin Newsom
Mayor Gavin Newsom