

1 [Planning Code Amendments to implement the Market and Octavia Area Plan.]

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3 **Ordinance amending the San Francisco Planning Code to implement the Market and**
4 **Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section**
5 **121.1 (Development on Large Lots, Residential Districts); Section 121.2 (Use Size**
6 **Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic**
7 **Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135**
8 **(Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of**
9 **Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood**
10 **Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use**
11 **Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152.**
12 **(Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or**
13 **South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154**
14 **(Minimum dimensions for required off-street parking, freight loading and service**
15 **vehicle spaces); Section 155 (General Standards as to Location and Arrangement of**
16 **Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156**
17 **(Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces);**
18 **Section 167 (Parking Costs Separated from Housing Costs in New Residential**
19 **Buildings); Section 201 (Classes of Use Districts); Section 207.4 (Density of Dwelling**
20 **Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for**
21 **Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2**
22 **(Requiring CU Authorization for specified uses in P Districts within the Market and**
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1 Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and
2 Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits:
3 Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned
4 Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review
5 Procedures for RH and RM Districts: Applicability); Section 316 (Procedures for
6 Conditional Use Authorization in Neighborhood Commercial and South of Market
7 Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted
8 Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial
9 Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District)
10 to conform these sections with the new VNMDR-SUD, NCT and RTO district controls;
11 and adding new zoning districts and a new special use district including Section 121.5
12 to establish controls for Development on Large Lots in Residential Districts; Section
13 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van
14 Ness and Market Downtown Residential Special Use District; Section 206.4 to establish
15 the Transit-Oriented Residential District (RTO); Section 207.6 related to Required
16 Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT
17 Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger
18 of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited
19 Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness
20 and Market Downtown Residential Special Use District (VNMDR-SUD); Section 261.1
21 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT
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1 Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet
2 Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section
3 326 establishing the Market and Octavia Community Improvements Fee and Fund;
4 Section 341 establishing a Better Neighborhoods Area Plan Monitoring Program;
5 Section 731 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit
6 District; Section 732 creating the Upper Market Street Neighborhood Commercial
7 Transit District; and adopting environmental findings and findings of consistency with
8 the General Plan and the eight priority policies of Planning Code Section 101.1.
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10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
12 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

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

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

21 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this
22 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the
23 Planning Code and with the General Plan as proposed to be amended in companion
24 legislation and hereby adopts the findings of the Planning Commission, as set forth in
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1 Planning Commission Resolution No. _____, and incorporates said findings by this
2 reference thereto.

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

8 Section 2. The San Francisco Planning Code is hereby amended by amending
9 Sections 102.5, 121.1, 121.2, 124, 132, 134, 135, 144, 145.1, 145.4, 151.1, 152, 153, 154,
10 155, 156, 166, 167, 201, 207.4, 208, 209.1-209.9, 234.2, 253, 270, 303, 304, 311, 316, 603,
11 606 702.1, and 720.1 to read as follows:

12 **SEC. 102.5. DISTRICT.**

13 A portion of the territory of the City, as shown on the Zoning Map, within which certain
14 regulations and requirements or various combinations thereof apply under the provisions of
15 this Code. The term "district" shall include any use, special use, height and bulk, or special
16 sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-
17 1, RM-2, RM-3, RM-4, RTO, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District"
18 shall mean any C-1, C-2, C-3, or C-M District. The term "M District" shall mean any M-1 or M-
19 2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3
20 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term
21 "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall
22 mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article
23 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District
24 designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any
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NC-1, NC-2, NC-3, NCT-3, NC-S, and any Neighborhood Commercial District and
Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The
term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-3 and any
Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use
District" shall mean any Chinatown CB, Chinatown VR, Chinatown R/NC, or South of Market
RSD, SPD, SLR, SLI or SSO District named in Section 802.1. The term "South of Market
Districts" shall refer to all RED, RSD, SPD, SLR, SLI or SSO Districts contained entirely within
the area designated as the South of Market Base District shown on Sectional Map 3SU of the
Zoning Map.

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

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

District	Lot Size Limits
NC-1,	5,000 sq. ft.
Broadway,	
Castro Street,	
Inner Clement Street,	
Inner Sunset,	
Outer Clement Street,	
Upper Fillmore Street,	

1	Haight Street,	
2	North Beach,	
3	Sacramento Street,	
4	Union Street,	
5	24th Street-Mission,	
6	24th Street-Noe Valley,	
7	West Portal Avenue	
8	NC-2,	10,000 sq. ft.
9	NC-3, <u>NCT-3</u>	
10	Hayes-Gough,	
11	Upper Market Street,	
12	Polk Street,	
13	Valencia Street	Not Applicable
	NC-S	

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

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

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

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

(a) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses of the same size or larger than the square footage stated in the table below may be permitted only as conditional uses subject to the provisions set

forth in Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Lot Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Sacramento Street	
Union Street	
24th Street-Mission	
24th Street-Noe Valley	
West Portal Avenue	
NC-1	3,000 sq. ft.
Broadway	
Hayes-Gough	
Upper Market Street	
Polk Street	
Valencia Street	
NC-2	4,000 sq. ft.
NC-3, <u>NCT-3</u>	6,000 sq. ft.
NC-S	

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

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

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

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

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

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

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

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

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, <u>RTO</u>	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED	1.0 to 1
RSD, SPD	1.8 to 1
NC-1	1.8 to 1
NC-S	
Inner Clement	
Inner Sunset	
Outer Clement	
Haight	
North Beach	
Sacramento	
24th Street--Noe Valley	
West Portal	
NC-2	2.5 to 1
Broadway	
Upper Fillmore	

1	Polk	
2	Valencia	
3	24th Street-Mission	
4	Castro	3.0 to 1
5	Hayes-Gough	
6	Upper Market	
7	Union	
8	NC-3, <u>NCT-3</u>	3.6 to 1
9	Chinatown R/NC	1.0 to 1
10	Chinatown VR	2.0 to 1
11	Chinatown CB	2.8 to 1
12	C-1, C-2	3.6 to 1
13	C-2-C	4.8 to 1
14	C-3-C	6.0 to 1
15	C-3-O	9.0 to 1
16	C-3-R	6.0 to 1
17	C-3-G	6.0 to 1
18	C-3-S	5.0 to 1
19	C-3-O (SD)	6.0 to 1
20	C-3-S (SU)	7.5 to 1
21	C-M	9.0 to 1
22	M-1, M-2	5.0 to 1
23	SLR, SLI	2.5 to 1
24	SSO and in a 40 or 50 foot height district	3.0 to 1
25	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

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

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

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

14 (e) In the Waterfront Special Use Districts, as described in Sections 240 through
15 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

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

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

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

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

21 (A) "Base price" shall mean 3.25 times the median income for a family of
22 four persons for the County of San Francisco as set forth in California
23 Administrative Code Section 6932 on the date on which a housing unit is
24 sold.
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1 (B) "Base rent" shall mean .45 times the median income for the County
2 of San Francisco as set forth in California Administrative Code Section
3 6932 for a family of a size equivalent to the number of persons residing in
4 a household renting a designated unit.

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

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

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

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

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

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

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

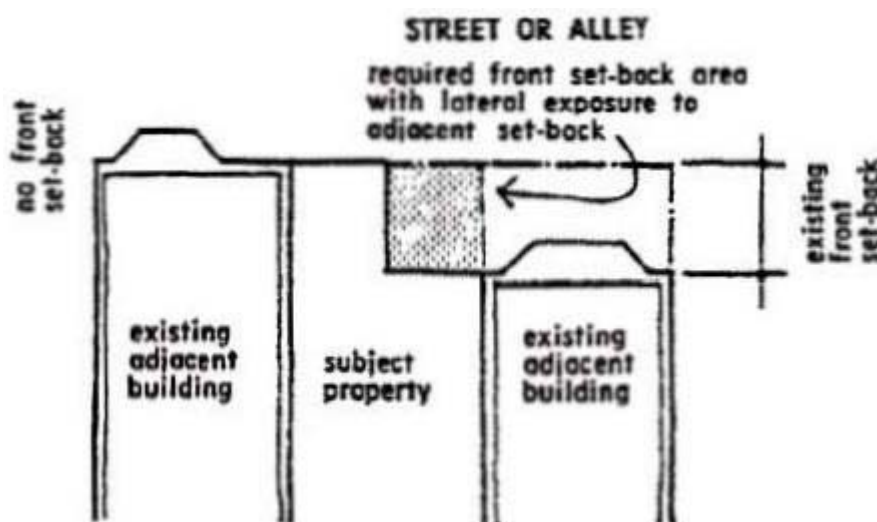
14 (1) Considering all dwelling units and all live/work units on the lot, existing and
15 to be constructed, there shall be no more than one live/work unit and/or dwelling
16 unit per 200 square feet of lot area, except that, for projects in the RSD District
17 which will exceed 40 feet in height, and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

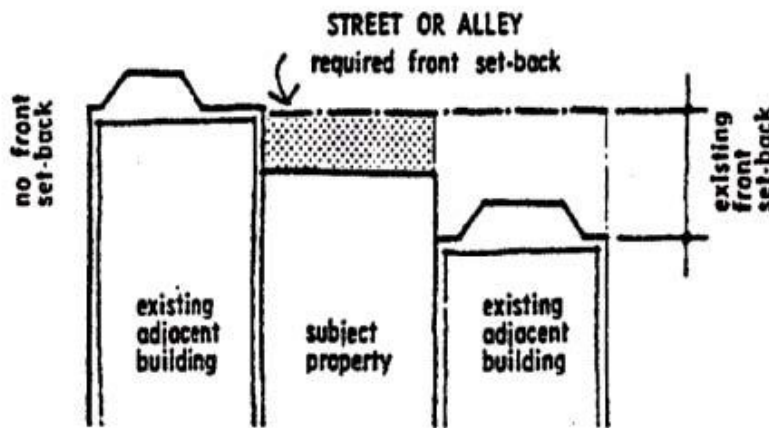
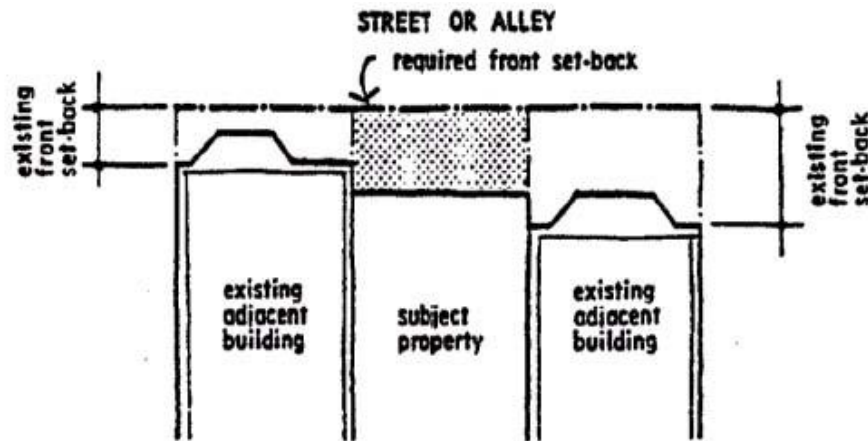
20 (2) The parking requirement for live/work units subject to this subsection shall
21 be equal to that required for dwelling units within the subject district.

22 **SEC. 132. FRONT SETBACK AREAS, RH AND RM DISTRICTS.**
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1 The following requirements for minimum front setback areas shall apply to every
2 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the
3 existing front setbacks of adjacent buildings.

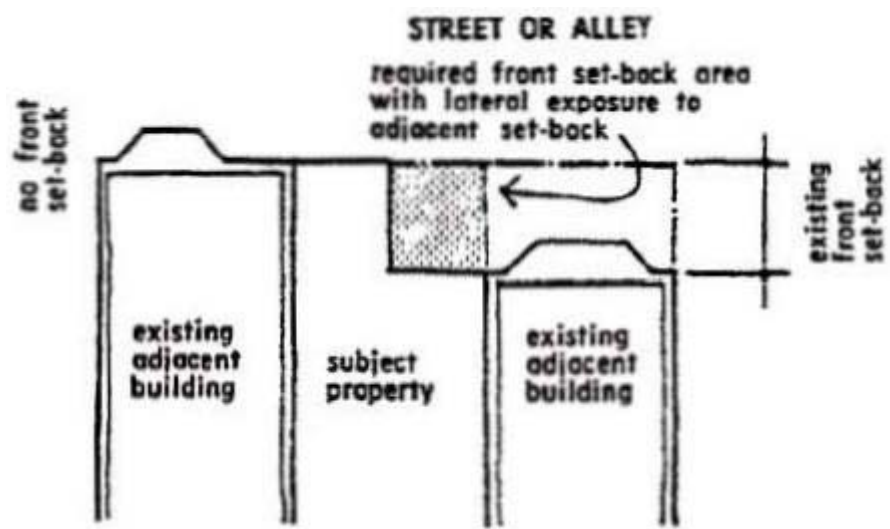
4 (a) Basic Requirement. Where one or both of the buildings adjacent to the
5 subject property have front setbacks along a street or alley, any building or
6 addition constructed, reconstructed or relocated on the subject property shall be
7 set back to the average of the two adjacent front setbacks.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

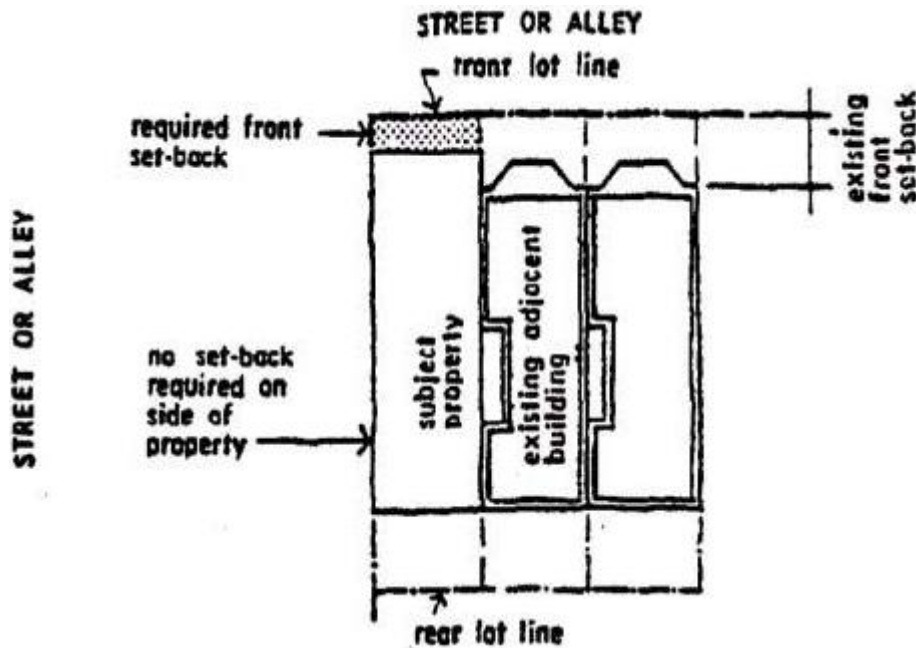




(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged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

1 laterally to the setback area of the adjacent building having the greater setback. In any case in
2 which this alternative method of averaging has been used for the subject property, the extent
3 of the front setback on the subject property for purposes of Subsection (c) below relating to
4 subsequent development on an adjacent site shall be considered to be as required by
5 Subsection (a) above, in the form of a single line parallel to the street or alley.





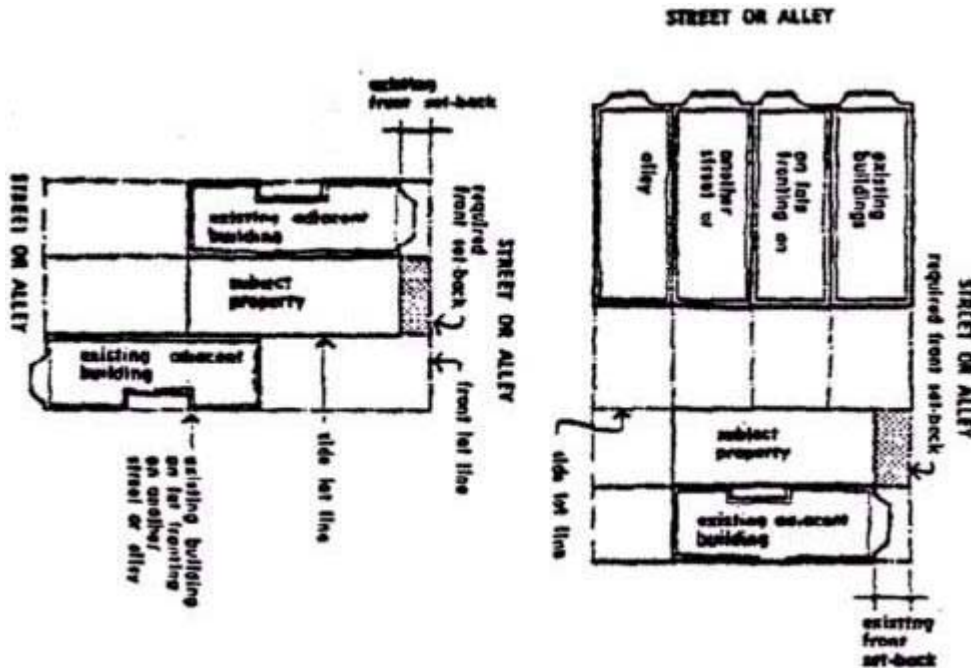
(c) Method of Measurement. The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the street or alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures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

(d) Applicability to Special Lot Situations.

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

(2) Lots Abutting Properties That Front on Another Street or Alley. In the case of any lot that abuts along its side lot line upon a lot that fronts on

another street or alley, the lot on which it so abuts shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building on its opposite side.



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

(e) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be 15 feet from the property line along the street or alley, or 15 percent of the average depth of the lot from such street or alley, whichever results in the lesser requirement. The required setback for

lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

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

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

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

SEC.134. REAR YARDS, R, NC, C, SPD, M, RSD, SLR, SLI AND SSO DISTRICTS.

The rear yard requirements established by this Section 134 shall apply to every building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection (a), except those buildings which contain only single room occupancy (SRO) or live/work units and except in the Bernal Heights Special Use District and Residential Character Districts to the extent these provisions are inconsistent with the requirements set forth in Section 242 of this Code. With the exception of dwellings in the South of Market base area, containing only SRO units the rear yard requirements of this Section 134 shall also apply to every dwelling in a(n) SPD, RSD, SLR, SLI, SSO, NC-2, NC-3, NCT-3, Individual Area

1 Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as
2 noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts.
3 These requirements are intended to assure the protection and continuation of established
4 midblock, landscaped open spaces, and maintenance of a scale of development appropriate
5 to each district, consistent with the location of adjacent buildings.

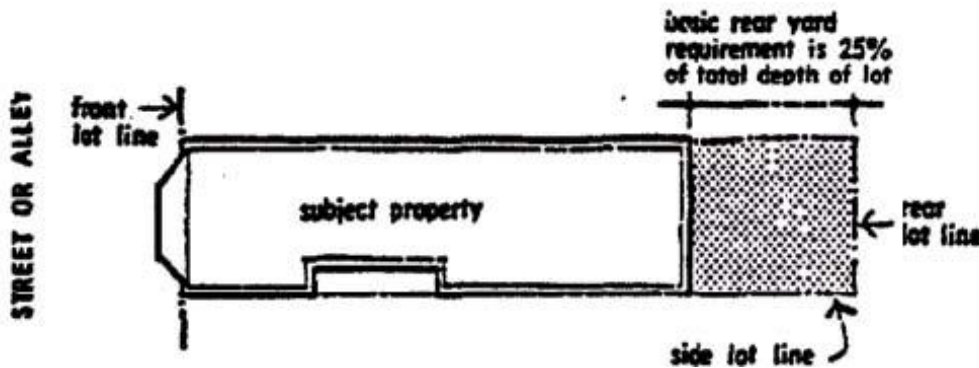
6 (a) Basic Requirements. The basic rear yard requirements shall be as follows
7 for the districts indicated:

8 (1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4,
9 NC, C, M, RED, SPD, RSD, SLR, SLI and SSO Districts. The minimum
10 rear yard depth shall be equal to 25 percent of the total depth of the lot on
11 which the building is situated, but in no case less than 15 feet. For
12 buildings containing only SRO units in the South of Market base area, the
13 minimum rear yard depth shall be equal to 25 percent of the total depth of
14 the lot on which the building is situated, but the required rear yard of SRO
15 buildings not exceeding a height of 65 feet shall be reduced in specific
16 situations as described in Subsection (c) below.

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

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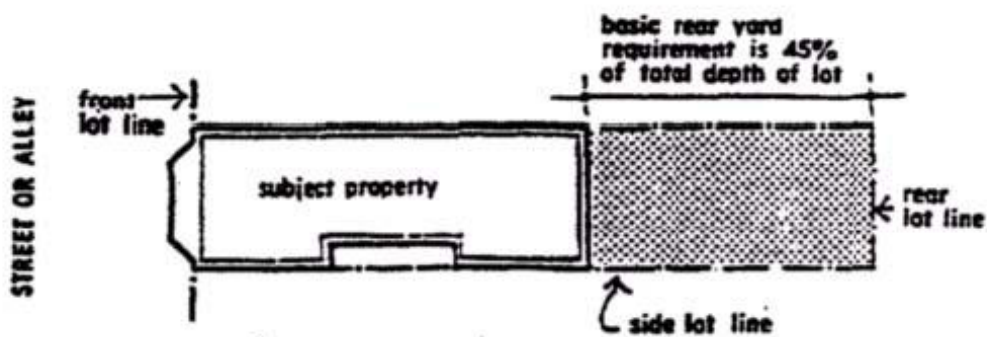
1 and at each succeeding story of the building, and at the first story if
2 it contains a dwelling unit.



10 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough,
11 Upper Market Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI
12 and SSO Districts. Rear yards shall be provided at the lowest story
13 containing a dwelling unit, and at each succeeding level or story of
14 the building.

15 (D) Upper Market NCT. Rear yards shall be provided at the second
16 story, and at each succeeding story of the building, and at the first story if
17 it contains a dwelling unit that does not face onto a public right-of-way.
18 For buildings in the Upper Market NCT that do not contain residential
19 uses and that do not abut adjacent lots with an existing pattern of rear
20 yards or mid-block open space, the Zoning Administrator may waive or
21 reduce this rear yard requirement pursuant to the procedures of
22 subsection (e).

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



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

18 (c) Reduction of Requirements in RH-2, RH-3, RTO, RM-1 and RM-2 Districts.
19 The rear yard requirement stated in Paragraph (a)(2) above, for RH-2, RH-3,
20 RTO, RM-1 and RM-2 Districts, and as stated in Paragraph (a)(1) above, for
21 single room occupancy buildings in the South of Market base area not
22 exceeding a height of 65 feet, shall be reduced in specific situations as
23 described in this Subsection (c), based upon conditions on adjacent lots. Except
24 for those SRO buildings referenced above in this paragraph whose rear yard
25

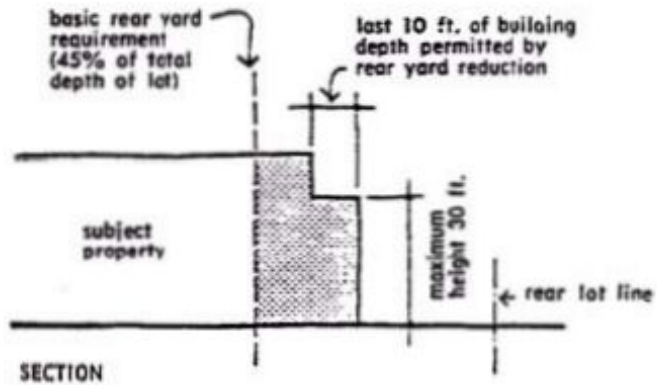
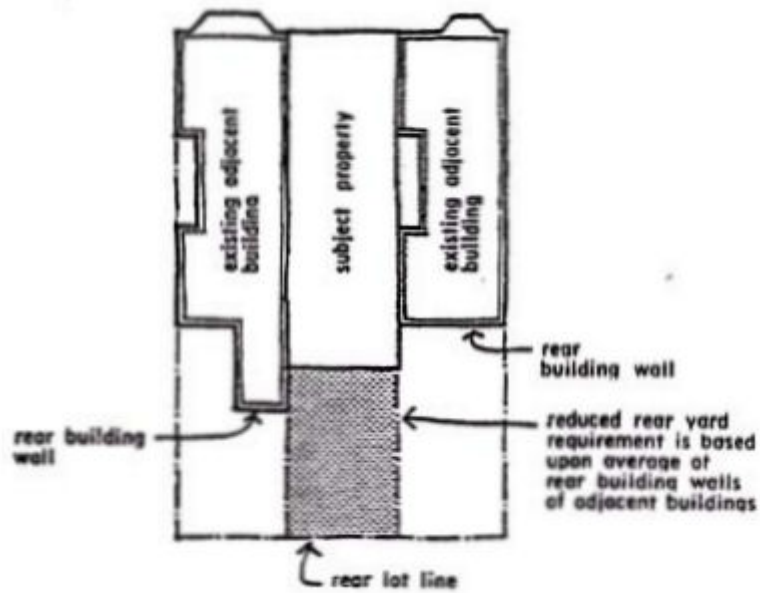
1 can be reduced in the circumstances described in Subsection (c) to a 15-foot
2 minimum, under no circumstances, shall the minimum rear yard be thus reduced
3 to less than a depth equal to 25 percent of the total depth of the lot on which the
4 building is situated, or to less than 15 feet, whichever is greater.

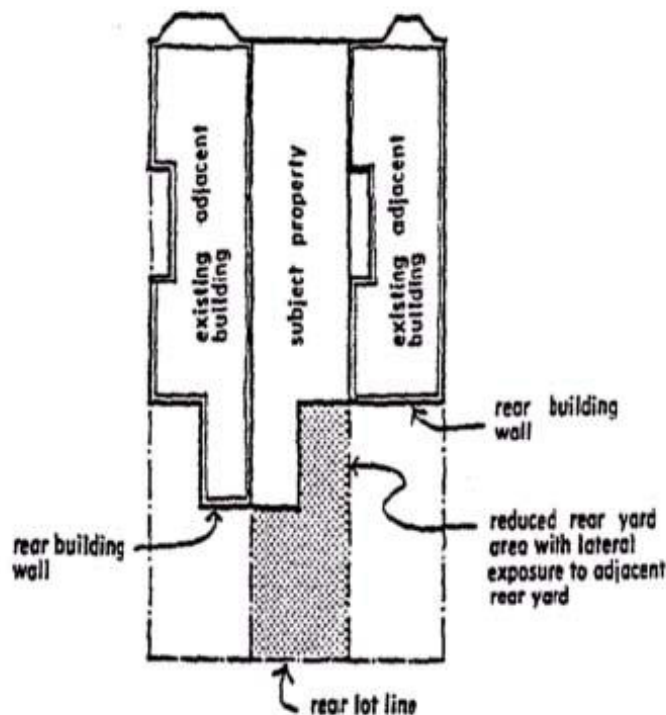
5 (1) General Rule. In such districts, the forward edge of the required rear
6 yard shall be reduced to a line on the subject lot, parallel to the rear lot
7 line of such lot, which is an average between the depths of the rear
8 building walls of the two adjacent buildings. Except for single room
9 occupancy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

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

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

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





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

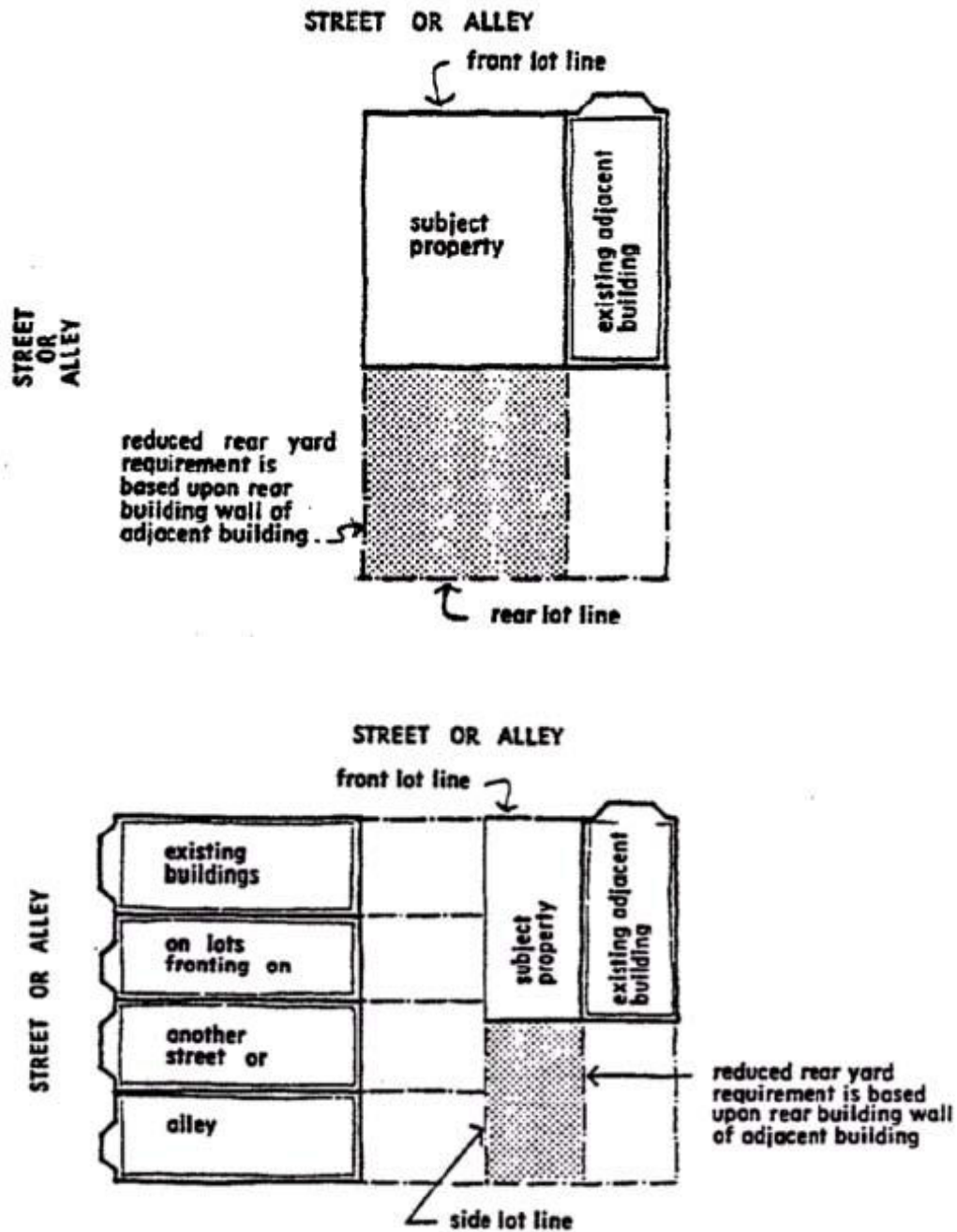
(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required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

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

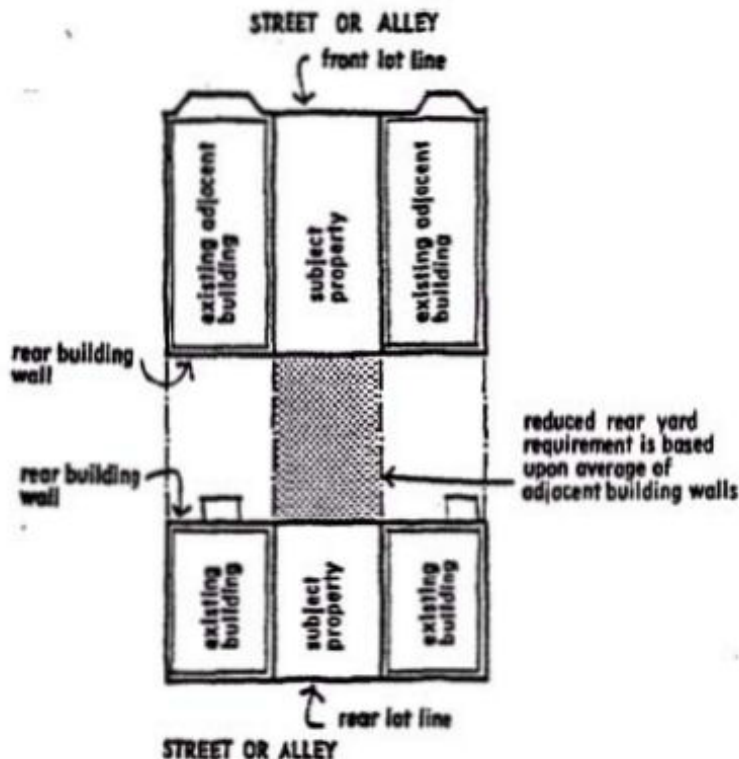
6 (C) Through Lots Abutting Properties that Contain Two Buildings.

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

1 307(g), in the case of South of Market Districts if all of the following
2 criteria are met for both NC and South of Market Districts:

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

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

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

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

22 (A) Each horizontal dimension of the open area shall be a
23 minimum of 15 feet.
24
25

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

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

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

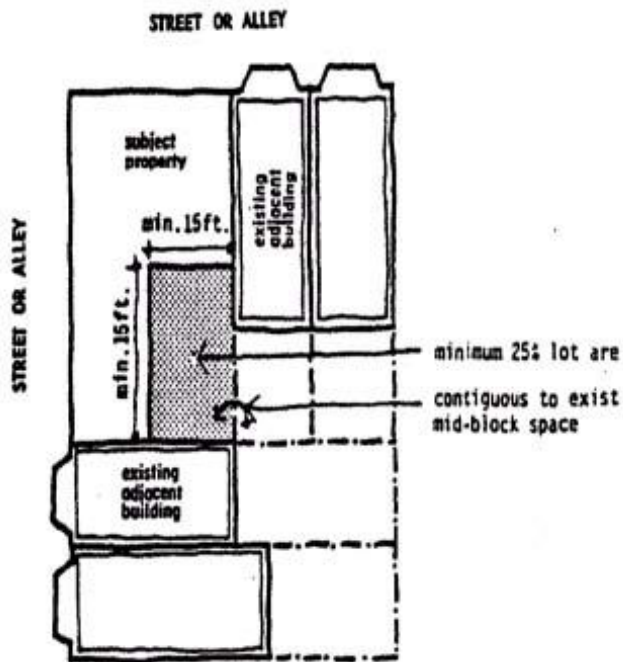
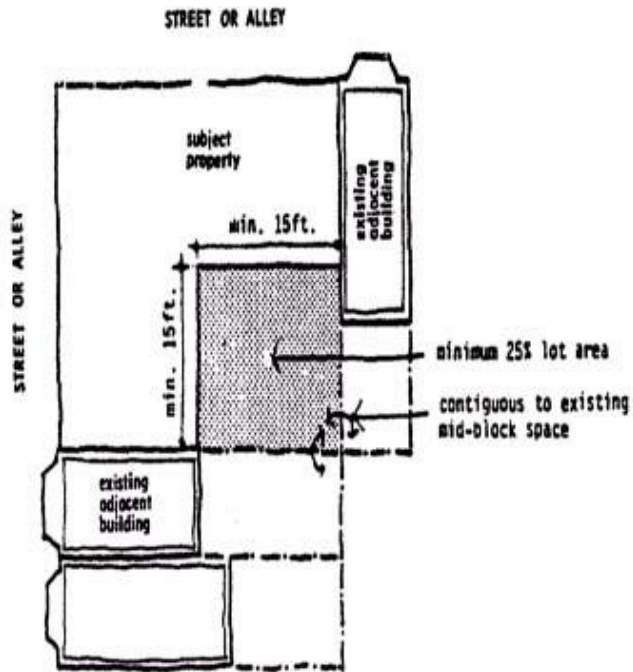
9 The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional
10 conditions as are deemed necessary by the Zoning Administrator to further the purposes of
11 this Section.

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

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

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

22 This provision shall be administered pursuant to the notice and hearing procedures
23 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.

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

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

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

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

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

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

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

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

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

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

as specified in Paragraph (d)(1) above. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

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

TABLE 135 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable OpenSpace 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, <u>RTO</u>	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	

1	NC-1, NC-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
2			
3	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, <u>NCT-3</u>	80	1.33
4			
5			
6			
7			
8	Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
9			
10	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
11			
12			
13			
14	Rincon Hill DTR	This table not applicable. 75 square feet per dwelling. See Sec. 827.	

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

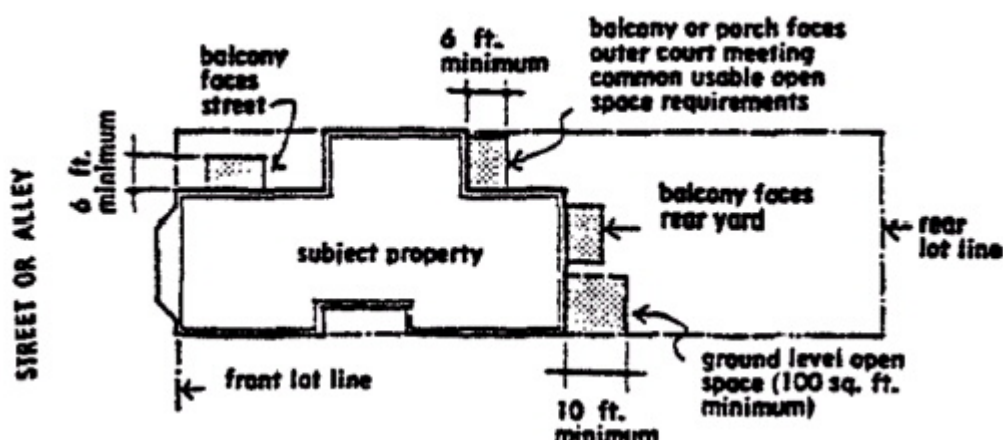
(f) **Private Usable Open Space: Additional Standards.**

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

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

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

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



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

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

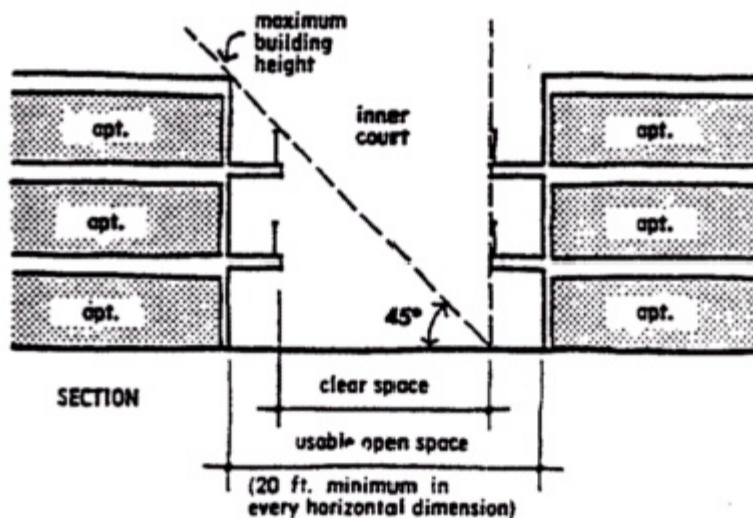
1 other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable
2 open space on grounds of lack of privacy or usability.

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

7 (g) **Common Usable Open Space: Additional Standards.**

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

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



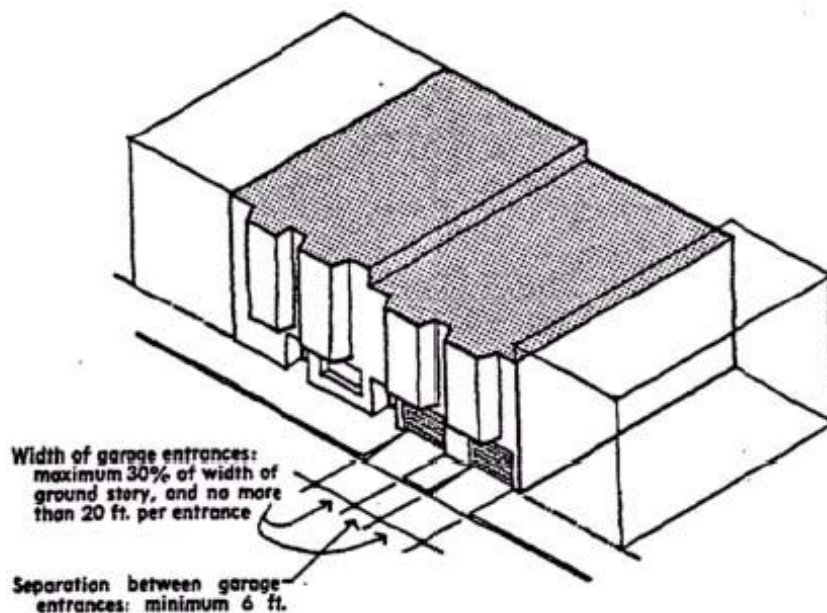
(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less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

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

(a) General. This Section is enacted to assure that in RH-2, RH-3, RM-1, *and* RM-2, *and RTO* Districts the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to the pattern of the neighborhood, and so designed that adequate areas are provided for front landscaping, street trees and on-street parking between driveways.

(b) Entrances to Off-Street Parking. Except as otherwise provided herein, in the case of every dwelling in such districts no more than 30 percent of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking,

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



23 (c) Features To Be Provided. In the case of every dwelling in such districts, no less
24 than 30 percent of the width of the ground story along the front lot line, along a street side lot
25

1 line, and along a building wall that is set back from any such lot line, shall be devoted to
2 windows, entrances for dwelling units, landscaping, and other architectural features that
3 provide visual relief and interest for the street frontage.

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

10 **SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL DISTRICTS.**

11
12 In order to preserve, enhance and promote attractive, clearly defined street frontages
13 which are appropriate and compatible with the buildings and uses in Neighborhood
14 Commercial Districts and adjacent districts, the following requirements shall apply to new
15 structures or alterations to existing structures involving a change in the level of the first story
16 or a change in the facade at the street frontage at the first story and below, where such
17 structure is located along any block frontage that is entirely within an NC District.

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

- 20 (a) If such structures contain any of the permitted uses in the Zoning Control
21 Categories listed below, at least 1/2 the total width of such new or altered
22 structures at the commercial street frontage shall be devoted to entrances to
23 commercially used space, windows or display space at the pedestrian eye-level.
24 Such windows shall use clear, untinted glass, except for decorative or
25

architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

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

(b) In all NC Districts other than NC-S Districts, no more than 1/3 of the width of such new or altered structure, parallel to and facing such street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress exceed

20 feet in width or be less in width than eight feet for garages containing up to three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50 cars. Development lots in NCT districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking.

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

(c) **Above-Grade Parking Setback.** In NCT districts, off-street parking at or above street grade must be set back at least 25 feet on the ground floor, from any façade facing a street at least 30 feet in width. Space for active uses as defined in subsection (e) and permitted by the specific district in which it is located shall be provided along the frontages for the above-mentioned setback depth. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes louvers and other mechanical features and is in keeping with the overall massing and architectural vocabulary of the building.

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

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

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

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

2 (4) Church Street, for the entirety within the Upper Market NCT District.

3 (e) Definition of Active Uses.

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

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

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

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

Table 145.1

<u>Other Retail Sales and Services</u> <u>[Not Listed Below]</u>	<u>§ 790.102</u>
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<u>Bar</u>	<u>§ 790.22</u>
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<u>Full-Service Restaurant</u>	<u>§ 790.92</u>
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<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>
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<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>
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<u>Liquor Store</u>	<u>§ 790.55</u>
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<u>Other Entertainment</u>	<u>§ 790.38</u>
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<u>Financial Service</u>	<u>§ 790.110</u>
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<u>Limited Financial Service</u>	<u>§ 790.112</u>
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<u>Medical Service</u>	<u>§ 790.114</u>
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<u>Personal Service</u>	<u>§ 790.116</u>
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<u>Business or Professional</u> <u>Service</u>	<u>§ 790.108</u>
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<u>Automotive Service Station</u>	<u>§ 790.17*</u>
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<u>Automotive Repair</u>	<u>§ 790.15*</u>
<u>Automobile Sale or Rental</u>	<u>§ 790.12*</u>
<u>Animal Hospital</u>	<u>§ 790.6</u>
<u>Trade Shop</u>	<u>§ 790.124</u>
<u>Video Store</u>	<u>§ 790.135</u>
<u>Other Institutions, Large</u>	<u>§ 790.50</u>
<u>Other Institutions, Small</u>	<u>§ 790.51</u>
<u>Public Use</u>	<u>§ 790.80*</u>
<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>
<u>Residential Use</u>	<u>§ 790.88*</u>

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

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

- (a) **Above-Grade Parking Setback.** Except as more restrictively established in Section 827, any parking built above street grade must be set back at least 25 feet on the ground floor, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, and 15 feet

1 at all other levels from any facade facing a street. Space for active uses as
2 defined in this Section and permitted by the specific district in which it is located
3 shall be provided along the frontages for the above-mentioned setback depths.

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

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

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

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

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

23 (5) Market Street, for the entirety of the Van Ness and Market Downtown
24 Residential Special Use District.
25

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

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

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

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

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

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

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

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

Table 145.4

Code Reference	Use
890.4	Amusement Game Arcade
890.6	Animal Hospital
<u>890.13*</u>	<u>Automobile Sale or Rental</u>

1	890.22	Bar
2	890.23	Business Goods and Equipment Sales and Repair Service
3	890.34	Eating and Drinking Use
4	890.37	Entertainment, Other
5	890.39	Gift Store-Tourist Oriented
6	890.50	Institutions, Other
7	890.51	Jewelry Store
8	890.68	Neighborhood-Serving Business
9	890.69*	Non-Auto Vehicle Sales or Rental
10	890.80*	Public Use
11	890.88*	Residential Use
12	890.90	Restaurant, Fast-Food (Small)
13	890.91	Restaurant, Fast-Food (Large)
14	890.92	Restaurant, Full-Service
15	890.102	Sales and Service, Other Retail
16	890.104	Sales and Services, Retail
17	890.112	Service, Limited Financial
18	890.116	Service, Personal
19	890.122	Take-Out Food
20	890.124	Trade Shop
21	890.140	Walk-Up Facility

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

1 **SEC. 151.1. PERMITTED OFF-STREET PARKING IN DOWNTOWN RESIDENTIAL (DTR),**
2 **AND C-3, NEIGHBORHOOD COMMERCIAL TRANSIT (NCT), AND RESIDENTIAL**
3 **TRANSIT ORIENTED (RTO) DISTRICTS.**

4 (a) For any use in DTR, NCT, RTO or ~~and~~ C-3 Districts, off-street accessory parking
5 shall not be required as specified in Section 151.1 herein. The quantities specified in
6 Table 151.1 shall serve as the maximum amount of off-street parking that may be
7 provided as accessory to the uses specified. For uses in DTR, NCT and RTO districts
8 not described in Table 151.1, the off-street requirements specified in Table 151 and set
9 forth in Section 204.5 of this Code shall serve as maximums for the total amount of
10 accessory parking that may be provided. For uses in C-3 Districts not described in
11 Table 151.1, Section 204.5 shall determine the maximum permitted accessory parking
12 that may be provided. Variances may not be granted in C-3, NCT and RTO Districts
13 above the maximum accessory parking specified in this Section 151.1. Where off-street
14 parking is provided that exceeds the quantities specified in Table 151.1 or as set forth
15 in Section 204.5 of this Code, such parking shall be classified not as accessory parking
16 but as either a principally permitted or conditional use, depending upon the use
17 provisions applicable to the district in which the parking is located. In considering an
18 application for a conditional use for any such parking due to the amount being
19 provided, the Planning Commission shall consider the criteria set forth in Section 157
20 of this Code.

21 (b) Where a number or ratio of spaces are described in Table 151.1, such number or
22 ratio shall refer to the total number of parked cars accommodated in the project
23 proposal, regardless of the arrangement of parking, and shall include all spaces
24 accessed by mechanical means, valet, or non-independently accessible means. For
25 the purposes of determining the total number of cars parked, the area of an individual

parking space, except for those spaces specifically designated for persons with physical disabilities, may not exceed 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of vertical stacking.

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

Table 151.1

OFF-STREET PARKING ALLOWED AS ACCESSORY

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in DTR Districts, except as specified below	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 Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 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.
<u>Dwelling units in NCT Districts, except as specified below</u>	<u>P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.</u>
<u>Dwelling units in NCT Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area</u>	<u>P up to one car for each two dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.</u>
<u>Dwelling units in RTO Districts.</u>	<u>P up to three cars for each four dwelling units; C up to</u>

<u>except as specified below</u>	<u>one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.</u>
Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
SRO units	P up to one car for each 20 units, plus one for the manager's dwelling unit, if any. NP above.
All office uses	P up to seven percent of the gross floor area of such uses; NP above.
<u>Non-residential uses in RTO districts permitted under Sections 209.8(e) and 230.</u>	<u>None permitted.</u>
<u>All non-residential uses in NCT districts except as specified below</u>	<u>For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 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.</u>
<u>Retail grocery store uses in NCT districts with over 20,000 square feet of occupied floor area</u>	<u>P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(f). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(f). NP above.</u>

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

- (1) All parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible method that

1 maximizes space efficiency and discourages use of vehicles for commuting or
2 daily errands;

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

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

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

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

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

19 (1) For projects with 50 units or more, all residential accessory parking in
20 excess of 0.5 parking spaces for each dwelling unit shall be stored and
21 accessed by mechanical stackers or lifts, valet, or other space-efficient means
22 that allows more space above-ground for housing, maximizes space efficiency
23 and discourages use of vehicles for commuting or daily errands. The Planning
24 Commission may authorize the request for additional parking notwithstanding
25

1 that the project sponsor cannot fully satisfy this requirement provided that the
2 project sponsor demonstrates hardship or practical infeasibility (such as for
3 retrofit of existing buildings) in the use of space-efficient parking given the
4 configuration of the parking floors within the building and the number of
5 independently accessible spaces above 0.5 spaces per unit is de minimus and
6 subsequent valet operation or other form of parking space management could
7 not significantly increase the capacity of the parking space above the maximums
8 in Table 151.1;

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

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

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

18 (f) In RTO and NCT districts, any request for accessory parking in excess of what is principally
19 permitted in Table 151.1 shall be reviewed on a case-by-case basis by the Planning Commission
20 as a Conditional Use. In granting such Conditional Use for parking in excess of that principally
21 permitted in Table 151.1, the Planning Commission shall make the following affirmative
22 findings according to the uses to which the proposed parking is accessory:

23 (1) Parking for all uses
24
25

1 (A) Vehicle movement on or around the project does not unduly impact pedestrian spaces or
2 movement, transit service, bicycle movement, or the overall traffic movement in the district;
3 (B) Accommodating excess accessory parking does not degrade the overall urban design quality
4 of the project proposal;
5 (C) All above-grade parking is architecturally screened and lined with active uses according to
6 the standards of Section 145.1(c), and the project sponsor is not requesting any exceptions or
7 variances requiring such treatments elsewhere in this Code; and
8 (D) Excess accessory parking does not diminish the quality and viability of existing or planned
9 streetscape enhancements.

10 (2) Parking for Residential Uses

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

15 (3) Parking for Non-Residential Uses

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

22 (B) Retail uses larger than 20,000 square feet, including but not limited to grocery, hardware,
23 furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell
24 merchandise that is bulky or difficult to carry by hand or by public transit, shall offer, at
25

minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet.

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

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

SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES IN DISTRICTS OTHER THAN C-3 OR SOUTH OF MARKET.

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

Table 152

OFF-STREET FREIGHT LOADING SPACES REQUIRED

(OUTSIDE C-3 AND SOUTH OF MARKET DISTRICTS)

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, wholesaling, manufacturing, live/work units in newly constructed structures, and all other uses primarily engaged in the handling of goods.	0--10,000	0
	10,001--60,000	1
	60,001--100,000	2

	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
Offices, hotels, apartments, live/work units not included above, and all other uses not included above	0--100,000	0
	100,001-- 200,000	1
	200,001-- 500,000	2
	over 500,000	3 plus 1 for each additional 400,000 sq. ft.

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

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

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

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

1 excepting the exemption for the initial quantity which is the least among all the
2 uses in question.

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

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

10 (5) When the calculation of the required number of off-street parking or freight
11 loading spaces results in a fractional number, a fraction of 1/2 or more shall be
12 adjusted to the next higher whole number of spaces, and a fraction of less than
13 1/2 may be disregarded.

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

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

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

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

3 (a) Parking Spaces.

4 (1) Every required off-street parking space shall have a minimum area of 160
5 square feet, except as specified in Paragraph (a)(2) below. Every required
6 space shall be of usable shape. The area of any such space shall be exclusive
7 of driveways, aisles and maneuvering areas. The parking space requirements
8 for the Bernal Heights Special Use District are set forth in Section 242.

9 (2) In the case of any structure or use for which four or more off-street parking
10 spaces are required, the fourth such space may be a compact car space, and
11 for each two spaces required in excess of four, the second such space may be a
12 compact car space. For this purpose every compact car space shall have a
13 minimum area of 127.5 square feet and shall be specifically marked and
14 identified as a compact car space. For dwelling units or group housing within
15 RED, SPD, RSD, SLR, SLI or SSO Districts, 100 percent compact sizes shall be
16 permitted. Special provisions relating to the Bernal Heights Special Use District
17 are set forth in Section 242.

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

22 (4) In DTR, ~~and~~ C-3, RTO, and NCT Districts, there shall be no minimum area or
23 dimension requirements for off-street parking spaces, except as required
24 elsewhere in this Code for spaces specifically designated for persons with
25

1 physical disabilities, nor shall they be required to be independently accessible.

2 The use of mechanical parking lifts, valet services and other means to increase
3 the efficiency of space devoted to parking are encouraged.

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

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

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

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

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

19 Required off-street parking and freight loading facilities shall meet the following
20 standards as to location and arrangement. In addition, facilities which are not required but are
21 actually provided shall meet the following standards unless such standards are stated to be
22 applicable solely to required facilities. In application of the standards of this Code for off-street
23 parking and loading, reference may be made to provisions of other portions of the Municipal
24 Code concerning off-street parking and loading facilities, and to standards of the Bureau of
25

1 Engineering of the Department of Public Works. Final authority for the application of such
2 standards under this Code, and for adoption of regulations and interpretations in furtherance
3 of the stated provisions of this Code shall, however, rest with the Department of City Planning.

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

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

9 (c) Every off-street parking or loading space shall have adequate means of
10 ingress from and egress to a street or alley. Every required off-street parking or
11 loading space shall be independently accessible, with the exception of a parking
12 space for a minor second dwelling unit in an RH-1(S) District, or as otherwise
13 provided by the Bernal Heights Special Use District set forth in Section 242. In
14 C-3 Districts, if it is found, in accordance with the provisions of Section 309, that
15 independently accessible spaces are infeasible due to site constraints, or in
16 South of Market Districts if it is found, in accordance with the provisions of
17 Section 307(g) of this Code, that independently accessible spaces for
18 nonresidential activities are infeasible due to site constraints or that valet parking
19 would provide a more convenient and efficient means of serving business
20 clients, the substitution of attendant parking spaces for independently accessible
21 spaces may be approved. Access to off-street loading spaces shall be from
22 alleys in preference to streets.

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

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

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

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

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

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

22 (h) The internal layout of off-street parking and loading spaces, driveways, aisles and
23 maneuvering areas shall be according to acceptable standards, and all spaces shall be
24 clearly marked.
25

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

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

6 (k) Off-street parking and loading facilities shall be arranged so as to prevent
7 encroachments upon sidewalk areas and adjacent properties, in the maneuvering,
8 standing and storage of vehicles, by means of the layout of facilities and by use of
9 bumper or wheel guards or such other devices as are necessary.

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

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

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

19 (o) No area credited as all or part of a required off-street parking space shall also be
20 credited as all or part of a required off-street loading space, or used as all or part of an
21 unrequired off-street loading space. No area credited as all or part of a required off-
22 street loading space shall also be credited as all or part of a required off-street parking
23 space, or used as all or part of an unrequired off-street parking space.
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1 (p) Any off-street freight loading area located within 50 feet of any R District shall be
2 completely enclosed within a building if such freight loading area is used in regular
3 night operation.

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

5 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve
6 the pedestrian character of certain downtown and neighborhood commercial districts
7 and to minimize delays to transit service, garage entries, driveways or other vehicular
8 access to off-street parking or loading shall be regulated as follows on the following
9 street frontages:

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

12 (2) The entire portion of Market Street in the C-3, NCT-3 and Upper Market NCT
13 Districts, Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-
14 3 and Upper Market NCT Districts, Van Ness Avenue from Hayes Street to Mission
15 Street, Mission Street from 10th Street to Division Street, not permitted.

16 (3) The entire portion of California Street, The Embarcadero, Folsom Street,
17 Geary Street, Mission Street, Powell Street and Stockton Street in the C-3
18 Districts, ~~and~~ Grant Avenue from Market Street to Bush Street ~~and~~ Montgomery
19 Street from Market Street to Columbus Avenue, Haight Street from Market Street to
20 Webster Street, Church Street and 16th Street in the RTO District, and Duboce Street
21 from Noe Street to Market Street, not permitted except with a conditional use
22 permit.

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

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

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

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

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

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

3 (B) Parking at the ground-level to the full height of the ground-level
4 parking shall be lined with active uses, as defined by Section 145.4(e), to
5 a depth of at least 25 feet along all street frontages, except for space
6 allowed for parking and loading access, building egress, and access to
7 mechanical systems. So as not to preclude conversion of parking space
8 to other uses in the future, parking at the ground-level shall not be sloped
9 and shall have a minimum clear ceiling height of nine feet.

10 (i) Where a non-accessory off-street parking garage permitted
11 under Section 223(m)--(p) is located in the Mid-Market area
12 described below in subsection 155(s)(3)(B) and fronts more than
13 one street of less than 45 feet in width, a conditional use may be
14 granted in accordance with Section 303 that allows an exception to
15 this requirement for one of the street frontages. The above
16 provision authorizing such conditional use shall sunset eight years
17 from the effective date of the ordinance enacting this subsection
18 155(s)(1)(A)(i).

19 (C) Parking allowed above the ground-level in accordance with an
20 exception under Section 309 or a conditional use in accordance with
21 Section 303 as authorized by subsections 155(s)(2) or 155(s)(3) shall be
22 entirely screened from public rights-of-way in a manner that accentuates
23 ground floor retail and other uses, minimizes louvers and other
24 mechanical features and is in keeping with the overall massing and
25

1 architectural vocabulary of the building's lower floors. So as not to
2 preclude conversion of parking space to other uses in the future, parking
3 allowed above the ground-level shall not be sloped and shall have a
4 minimum clear ceiling height of nine feet.

5 (2) Residential accessory parking. For residential accessory off-street parking
6 in C-3 Districts, two additional floors of above-grade parking beyond the at-
7 grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35
8 feet from grade, may be permitted subject to the provisions of subsections
9 155(s)(2)(A) or 155(s)(2)(B) below:

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

19 (B) As a conditional use in accordance with the criteria set forth in
20 Section 303 of this Code, provided it can be clearly demonstrated that
21 constructing the parking above-grade instead of underground would allow
22 the proposed housing to meet affordability levels for which actual
23 production has not met ABAG production targets as identified in the
24 Housing Element of the General Plan.
25

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

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

16 (B) As a conditional use in accordance with the criteria set forth in
17 Section 303, provided the site contains an existing non-accessory off-
18 street surface parking lot with valid permits for such parking as of the
19 effective date of the ordinance enacting this subsection and the site is
20 located in the following Mid-Market area: Assessor's Block 0341, Lots 4
21 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350,
22 Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot
23 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block
24 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
25

3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this subsection.

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

(5) Parking and Loading Access.

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

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

7 **SEC. 156. PARKING LOTS.**

8 (a) A "parking lot" is hereby defined as an off-street open area or portion thereof
9 solely for the parking of passenger automobiles. Such an area or portion shall be
10 considered a parking lot whether or not on the same lot as another use, whether or not
11 required by this Code for any structure or use, and whether classified as an accessory,
12 principal or conditional use.

13 (b) Where parking lots are specified in Articles 2 or 7 of this Code as a use for which
14 conditional use approval is required in a certain district, such conditional use approval
15 shall be required only for such parking lots in such district as are not qualified as
16 accessory uses under Section 204.5 of this Code. The provisions of this Section 156
17 shall, however, apply to all parking lots whether classified as accessory, principal or
18 conditional uses.

19 (c) In considering any application for a conditional use for a parking lot for a specific
20 use or uses, where the amount of parking provided exceeds the amount classified as
21 accessory parking in Section 204.5 of this Code, the City Planning Commission shall
22 consider the criteria set forth in Section 157.

23 (d) Any parking lot for the parking of two or more automobiles which adjoins a lot in
24 any R District, or which faces a lot in any R District across a street or alley, shall be
25

1 screened from view therefrom, except at driveways necessary for ingress and egress,
2 by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in
3 height.

4 (e) Any parking lot for the parking of 10 or more automobiles within the C-3-O, C-3-R,
5 C-3-S, or C-3-G Districts shall be screened from view from every street, except at
6 driveways necessary for ingress and egress, by a solid fence, a solid wall, or a
7 compact evergreen hedge, not less than four feet in height.

8 (f) All artificial lighting used to illuminate a parking lot for any number of automobiles in
9 any R, NC, C, or South of Market District shall be so arranged that all direct rays from
10 such lighting fall entirely within such parking lot.

11 (g) No parking lot for any number of auto-mobiles shall have conducted upon it any
12 dead storage or dismantling of vehicles, or any repair or servicing of vehicles other
13 than of an emergency nature.

14 (h) No permanent parking lot shall be permitted in C-3-O, C-3-R, ~~and C-3-G~~, and NCT
15 Districts; temporary parking lots may be approved as conditional uses pursuant to the
16 provisions of Section 303 for a period not to exceed two years from the date of
17 approval; permanent parking lots in C-3-S Districts shall be permitted only as a
18 conditional use.

19 (i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections
20 813 through 818 of this Code shall be screened from views from every street, except at
21 driveways necessary for ingress and egress, by a solid fence or a solid wall not less
22 than four feet in height, except where this requirement would prevent otherwise
23 feasible use of the subject lot as an open space or play area for nearby residents.

24 **SEC. 166. CAR SHARING.**
25

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

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

14 (1) A "car-share service" is a mobility enhancement service that provides an
15 integrated citywide network of neighborhood-based motor vehicles available
16 only to members by reservation on an hourly basis, or in smaller intervals, and
17 at variable rates. Car-sharing is designed to complement existing transit and
18 bicycle transportation systems by providing a practical alternative to private
19 motor vehicle ownership, with the goal of reducing over-dependency on
20 individually owned motor vehicles. Car share vehicles must be located at
21 unstaffed, self-service locations (other than any incidental garage valet service),
22 and generally be available for pick-up by members 24 hours per day. A car
23 share service shall provide automobile insurance for its members when using
24
25

1 car share vehicles and shall assume responsibility for maintaining car share
2 vehicles.

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

1 period of operation. The Zoning Administrator shall establish specific
2 quantifiable performance thresholds, as appropriate, for each of the three
3 environmental performance goals set forth in this subsection.

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

9 (4) An "off-street car-share parking space" is any parking space generally
10 complying with the standards set forth for the district in which it is located and
11 dedicated for current or future use by any car share organization through a deed
12 restriction, condition of approval or license agreement. Such deed restriction,
13 condition of approval or license agreement must grant priority use to any
14 certified car-share organization that can make use of the space, although such
15 spaces may be occupied by other vehicles so long as no certified car-share
16 organization can make use of the dedicated car-share spaces. Any off-street
17 car-share parking space provided under this Section must be provided as an
18 independently accessible parking space. In new parking facilities that do not
19 provide any independently accessible spaces other than those spaces required
20 for disabled parking, off-street car-share parking may be provided on vehicle lifts
21 so long as the parking space is easily accessible on a self-service basis 24
22 hours per day to members of the certified car-share organization. Property
23 owners may enact reasonable security measures to ensure such 24-hour
24 access does not jeopardize the safety and security of the larger parking facility
25

where the car-share parking space is located so long as such security measures do not prevent practical and ready access to the off-street car-share parking spaces.

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

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

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

(1) In newly constructed buildings containing residential uses or existing buildings being converted to residential uses, if parking is provided, car-share parking spaces shall be provided in the amount specified in Table 166. *In newly constructed buildings in NCT Districts or the Van Ness and Market Downtown Residential Special Use District containing parking for non-residential uses, including non-accessory parking in a garage or lot, car-share parking spaces shall be provided in the amount specified in Table 166.*

Table 166

REQUIRED CAR SHARE PARKING SPACES

Number of Residential Units	Number of Required Car Share Parking Spaces
0--49	0
50--200	1
201 or more	1, plus 1 for every 200 dwelling units over 200
<u>Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility</u>	<u>Number of Required Car Share Parking Spaces</u>
<u>0-24</u>	<u>0</u>

<u>25-49</u>	<u>1</u>
<u>50 or more</u>	<u>1, plus 1 for every 50 parking spaces over 50</u>

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

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

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

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

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

(D) if it is demonstrated to the satisfaction of the Planning Department that no certified car-share organization can make use of the dedicated car-share parking spaces, the spaces may be occupied by non-car-share

1 vehicles; provided, however, that upon ninety (90) days of advance
2 written notice to the property owner from a certified car-sharing
3 organization, the property owner shall terminate any non car-sharing
4 leases for such spaces and shall make the spaces available to the car-
5 share organization for its use of such spaces.

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

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

14 **SEC. 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW**
15 **RESIDENTIAL BUILDINGS.**

16 (a) In DTR, ~~and~~ C-3, RTO, and NCT Districts, all off-street parking spaces accessory to
17 residential uses in new structures of 10 dwelling units or more, or in new conversions of non-
18 residential buildings to residential use of 10 dwelling units or more, shall be leased or sold
19 separately from the rental or purchase fees for dwelling units for the life of the dwelling units,
20 such that potential renters or buyers have the option of renting or buying a residential unit at a
21 price lower than would be the case if there were a single price for both the residential unit and
22 the parking space. Renters or buyers of on-site inclusionary affordable units provided
23 pursuant to Section 315 shall have an equal opportunity to rent or buy a parking space on the
24 same terms and conditions as offered to renters or buyers of other dwelling units, and at a
25

price determined by the Mayor's Office of Housing, subject to procedures adopted by the Planning Commission notwithstanding any other provision of Section 315 et seq.

.(b) Exception. The Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.

SEC. 201. CLASSES OF USE DISTRICTS.

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

P	Public Use Districts
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
<u>RTO</u>	<u>Residential, Transit-Oriented Neighborhood Districts</u>
Neighborhood Commercial Districts (Also see Article 7)	

General Area Districts

NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District

Individual Area Districts

Broadway Neighborhood Commercial District

Castro Street Neighborhood Commercial District

Inner Clement Street Neighborhood Commercial District

Outer Clement Street Neighborhood Commercial District

Upper Fillmore Street Neighborhood Commercial District

Haight Street Neighborhood Commercial District

Hayes-Gough Neighborhood Commercial District

Inner Sunset Neighborhood Commercial District

Upper Market Street Neighborhood Commercial District

North Beach Neighborhood Commercial District

Polk Street Neighborhood Commercial District

Sacramento Street Neighborhood Commercial District

Union Street Neighborhood Commercial

1	District
2	Valencia Street Neighborhood Commercial District
3	24th Street-Mission Neighborhood Commercial District
4	24th Street-Noe Valley Neighborhood Commercial District
5	West Portal Avenue Neighborhood Commercial District
6	
7	
8	<u>Neighborhood Commercial Transit Districts (NCT)</u>
9	<u>NCT-3</u>
10	<u>Moderate Scale Neighborhood Commercial Transit District</u>
11	
12	<u>Individual Area Neighborhood Commercial Transit (NCT) Districts</u>
13	<u>Hayes-Gough NCT</u>
14	<u>Upper Market Street NCT</u>
15	
16	Chinatown Mixed Use Districts (Also see Article 8)
17	CCB
18	Chinatown Community Business District
19	CR/NC
20	Chinatown Residential/Neighborhood Commercial District
21	CVR
22	Chinatown Visitor Retail District
23	C-1
24	Neighborhood Shopping Districts
25	C-2
	Community Business Districts
	C-M
	Heavy Commercial Districts
	C-3-O
	Downtown Office District
	C-3-R
	Downtown Retail District
	C-3-G
	Downtown General Commercial District
	C-3-S
	Downtown Support District
	M-1
	Light Industrial Districts
	M-2
	Heavy Industrial Districts

South of Market Use Districts (Also see Article 8)	
RED	Residential Enclave Districts
SPD	South Park District
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District
Downtown Residential Districts (Also see Article 8)	
RH DTR	Rincon Hill 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
MB-CI	Mission Bay Commercial-Industrial District
MB-H	Mission Bay Hotel District
MB-CF	Mission Bay Community Facilities District
MB-OS	Mission Bay Open Space District

SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

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

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

The dwelling unit density in Neighborhood Commercial Districts shall be at a density ratio not exceeding the number of dwelling units permitted in the nearest Residential District, provided that the maximum density ratio shall in no case be less than the amount set forth in the following table. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density.

NC District	Residential Density Limits
NC-1	One dwelling unit for each 800 sq. ft of lot area.
NC-2	
NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	One dwelling unit for each 600 sq. ft. of lot area.
Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	

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

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

(c) The dwelling unit density in NCT districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix.

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.

Except for single room occupancy units in the South of Market Special Use District, the density limitations for group housing, as described in Sections 209.2(a), (b), and (c), 790.88(b) and 890.88(b) of this Code, shall be as follows:

(a) The maximum number of bedrooms on each lot shall be as specified in the following table for the district in which the lot is located, except that in RTO and all NCT districts the density of group housing shall not be limited by lot area, and except that for lots in NC Districts, the group housing density shall not exceed the

number of bedrooms permitted in the nearest Residential District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located.

Table 208

MAXIMUM DENSITY FOR
GROUP HOUSING

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70
NC-1	275
NC-2	
NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	210
NC-S	
Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	

1	Union Street	
2	Valencia Street	
3	24th Street-Mission	
4	24th Street-Noe Valley	
5		
6	Broadway	140
7	Hayes-Gough	
8	Upper Market Street	
9	North Beach	
10	Polk Street	
11		
12	Chinatown Community Business	70
13	Chinatown Residential	
14	Neighborhood Commercial	
15	Chinatown Visitor Retail	
16		
17	RED	140
18	RSD, SLR, SLI and SSO	70
19	SPD	210

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

(c) The rules for calculation of dwelling unit densities set forth in Section 207.1 shall also apply in calculation of the density limitations for group housing, except that in NC

Districts, any remaining fraction of 1/2 or more of the maximum amount of lot area per bedroom shall be adjusted upward to the next higher whole number of bedrooms.

(d) The group housing density in RTO districts and all NCT districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure.

SEC. 209.1. DWELLINGS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
P	NA	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(a) One-family dwelling having side yards
	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Other one-family dwelling.
		P	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.
			P	P	P	P	P	P	<u>P</u>	P	P	P	P	(d) Other two-family dwelling.
				P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Three-family dwelling.
	C	C	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(f) Dwelling at a density

1														ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.
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10			C	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
11														
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17				C	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
18														
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23														
24					P	NA	NA	NA	<u>NA</u>	P	NA	NA	NA	(i) Dwelling
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1														at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.
2														
3														
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6						P	NA	NA	<u>NA</u>		P	NA	NA	(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.
7														
8														
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10														
11							P	NA	<u>NA</u>			P	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.
12														
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16								P	<u>NA</u>				P	(l) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts
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1															containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to 3/4 of a dwelling unit.
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11	P	P	P	P	P	P	P	P	P	<u>NA</u>	P	P	P	P	(m) Dwelling specifically designed for and occupied by senior citizens or physically handicapped persons, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district. Such dwellings
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1														shall be
2														limited to
3														such
4														occupancy
5														for the actual
6														lifetime of the
7														building by
8														the
9														requirements
10														of State or
11														Federal
12														programs for
13														housing for
14														senior
15														citizens or
16														physically
17														handicapped
18														persons, or
19														otherwise by
20														design
21														features and
22														by legal
23														arrangements
24														approved as
25														to form by the
														City Attorney
														and
														satisfactory to
														the
														Department
														of City
														Planning.
									<u>P</u>					<u>(n) Dwelling at</u>
														<u>a density not</u>
														<u>limited by lot</u>
														<u>area, but by</u>
														<u>the applicable</u>
														<u>requirements</u>
														<u>and limitations</u>
														<u>elsewhere in</u>
														<u>this Code,</u>
														<u>including but</u>

														<i>not limited to height, bulk, setbacks, open space, exposure, and unit mix.</i>
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SEC. 209.2. OTHER HOUSING.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
			C	C	P	P	P	P	<u>P</u>	P	P	P	P	(a) Group housing, boarding: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house

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			C	C	P	P	P	P	<u>P</u>	P	P	P	P

lodging house, residence club, commune, fraternity and sorority house but shall not include group housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by this Code. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.

(b) Group housing, religious orders. Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six

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														or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a religious order calling for collective work or worship and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Group housing, medical and educational

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institutions:
Providing
lodging or both
meals and
lodging, without
individual
cooking
facilities, by
prearrangement
for a week or
more at a time
and housing six
or more
persons in a
space not
defined by this
Code as a
dwelling unit,
where such
facility is
affiliated with
and operated
by a medical or
educational
institution as
defined and
regulated by
Sections
209.3(a), (g),
(h) and (i) of
this Code but
not located on
the same lot as
such institution
and not used
for inpatient
care. Such
housing shall
meet the
applicable
provisions of
Section 304.5

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														of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	<u>C</u>	C	C	C	C	(d) Hotel, inn or hostel containing no more than five rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as defined and regulated by Section 216(c) of this Code.
										C	C	C	C	(e) Hotel, inn or hostel as specified in Subsection 209.2(d) above but with six or more

														guestrooms or suites.
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SEC. 209.3. INSTITUTIONS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Residential care facility

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providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home,

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														long-term nursery, orphanage, res home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Residential care facility meeting all applicable requirements o Subsection 209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.
										C	C	C	C	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)

1	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
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10	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 12 or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)
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21															
22	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(g) Elementary school, either public or private. Such institution may
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														include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(i) Post secondary educational institution for the purposes of academic,

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C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C

professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study

(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual

1														or observance
2														of common
3														religious
4														beliefs. Such
5														institution may
6														include, on the
7														same lot, the
8														housing of
9														persons who
10														engage in
11										P	P	P	P	supportive
12														activity for the
13														institution. (Wit
14														respect to RC
15														Districts, see
16														also Section
17														209.9(d).)
18														(k) Medical
19														cannabis
20														dispensary as
21														defined by
22														Section 3301(f),
23														of the San
24														Francisco
25														Health Code
														provided that:
														(a) the medical
														cannabis
														dispensary has
														applied for a
														permit from the
														Department of
														Public Health
														pursuant to
														Section 3304 o
														the San
														Francisco
														Health Code;
														(b) if medical
														cannabis is
														smoked on the
														premises, the

1														parcel
2														containing the
3														medical
4														cannabis
5														dispensary is
6														located not less
7														than 1,000 feet
8														from the parcel
9														containing the
10														grounds of an
11														elementary or
12														secondary
13														school, public
14														or private, or
15														recreation
16														buildings as
17														defined in
18														Section
19														209.4(a) of this
20														Code, unless
21														not required by
22														State law, and,
23														regardless of
24														whether
25														medical
														cannabis is
														smoked on the
														premises, if the
														dispensary was
														not in operation
														as of April 1,
														2005, as
														defined in
														subsection (i),
														is located not
														less than
														1,000 feet from
														the parcel
														containing the
														grounds of an
														elementary or
														secondary

1														school, public
2														or private, or
3														recreation
4														buildings as
5														defined in
6														Section
7														209.4(a) of this
8														Code; (c) if
9														medical
10														cannabis is
11														smoked on the
12														premises the
13														dispensary
14														shall provide
15														adequate
16														ventilation
17														within the
18														structure such
19														that doors
20														and/or windows
21														are not left
22														open for such
23														purposes
24														resulting in odor
25														emission from
														the premises;
														(d) regardless
														of whether
														medical
														cannabis is
														smoked on the
														premises the
														parcel
														containing the
														medical
														cannabis
														dispensary is
														not located on
														the same parcel
														as a facility
														providing
														substance

[illegible]

abuse services that is licensed or certified by the State of California or funded by the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all

1														individuals or
2														groups which
3														have made a
4														written request
5														for notification
6														of regarding
7														specific
8														properties,
9														areas or
10														medical
11														cannabis
12														dispensaries;
13														(g) all building
14														permit
15														applications
16														shall be held for
17														a period of 30
18														calendar days
19														from the date of
20														the mailed
21														notice to allow
22														review by
23														residents,
24														occupants,
25														owners of
														neighborhood
														properties and
														neighborhood
														groups; and (h)
														after this 30 day
														period, the
														Planning
														Commission
														shall schedule
														a hearing to
														consider
														whether to
														exercise its
														discretionary
														review powers
														over the
														building permit

1														application for a
2														medical
3														cannabis
4														dispensary. The
5														scheduling and
6														the mailed
7														notice
8														for this hearing
9														shall be
10														processed in
11														accordance
12														with Section
13														312(e) of this
14														Code; (i)
15														Medical
16														cannabis
17														dispensaries
18														that can
19														demonstrate to
20														the Planning
21														Department,
22														based on any
23														criteria it may
24														develop, they
25														were in

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denial of a permit application if it occurs before the end of that 18 month period. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in continuous operation since then, but can demonstrate to the Planning Department, based on any criteria it may develop, that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, also have 18 months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or upon

1														denial of a
2														permit
3														application if it
4														occurs before
5														the end of that
6														18 month
7														period.
8														Notwithstanding
9														the foregoing,
10														in no case shall
11														a dispensary
12														that had or has
13														a suspended or
14														revoked permit
15														be considered
16														to be in
17														continuous
18														operation. Any
19														dispensary
20														operating in a
21														Residential-
22														House or
23														Residential-
24														Mixed district of
25														the City or
														which began
														operation after
														April 1, 2005,
														must
														immediately
														cease
														operations; (j)
														any permit
														issued for a
														medical
														cannabis
														dispensary
														shall contain
														the following
														statement in
														bold-face type:
														"Issuance of

														this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law."
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SEC. 209.4. COMMUNITY FACILITIES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(a) Community clubhouse, neighborhood center, community cultural center or other community facility not publicly owned but open for public use, in which the chief activity is not carried on as a gainful business and whose chief function is

1														the gathering
2														of persons
3														from the
4														immediate
5														neighborhood
6														in a structure
7														for the
8														purposes of
9														recreation,
10														culture, social
11														interaction or
12														education
13										C	C	C	C	other than
14														that regulated
15														by Section
16														209.3 of this
17														Code. (With
18														respect to RC
19														Districts, see
20														also Section
21														209.9(d).)
22														(b) Private
23														lodge, private
24														clubhouse,
25														private
														recreational
														facility or
														community
														facility other
														than as
														specified in
														Subsection
														209.4(a)
														above, and
														which is not
														operated as a
														gainful
														business.
														(With respect
														to RC
														Districts, see
														also Section

														209.9(d.)
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SEC. 209.5. OPEN RECREATION AND HORTICULTURE.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(a) Open recreation area not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business and is devoted to outdoor recreation such as golf, tennis or riding.
P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Open space used for horticultural or passive recreational

1														purposes which is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include but not necessarily be limited to a park, playground, plant nursery, rest area, community garden or neighborhood garden.
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24	P	P	P	P	P	P	P	P	<u>C</u>	P	P	P	P	(c) Greenhouse,
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														plant nursery, truck garden or other land or structure devoted to cultivation of plants of any kind, either with or without retail or wholesale sales on the premises. (With respect to RC Districts, see also Section 209.9(d).)
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SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or

1														similar use.
2	C	C	C	C	C	C	C	C	C	C	C	C	C	(b) Utility
3														installation,
4														including but
5														not necessarily
6														limited to water
7														gas, electric,
8														transportation
9														or
10														communication
11														utilities, or
12														public service
13														facility, except
14	C	C	C	C	C	C	C	C	C	C	C	C	C	as stated in
15														Section
16														209.6(c),
17														provided that
18														operating
19														requirements
20														necessitate
21														placement at
22														this location.
23	C	C	C	C	C	C	C	C	C	C	C	C	C	(c) Utility
24														Installation that
25														is an Internet
														Services
														Exchange
														defined as a
														location that
														contains any of
														the following
														uses (excluding
														any commercial
														wireless
														transmitting,
														receiving or
														relay facility
														described in
														Sections 227(h)
														and 227(i):
														switching
														equipment

														(whether wireline or wireless) that joins or connects occupants, customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.
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SEC. 209.7. VEHICLE STORAGE AND ACCESS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	<u>NP</u>	C	C	C	C	(a) Community garage,

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														confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the requirements of Article 1.5 of this Code.
<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>C</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section 155(r) and 144., and the car share requirements of section 166.</u>
C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	<u>(b) (c)</u> Access driveway to property in C or M District, or to property in

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														an R District in which the permitted dwelling unit density is greater than that permitted in the district where the driveway is located, provided that a solid fence, solid wall, or compact evergreen hedge, not less than six feet in height, is maintained along such driveway to screen it from any adjoining lot in any R District. Such driveway shall meet the applicable requirements of Article 1.5 of this Code.
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	{e} <u>(d)</u> Off-street parking facility to

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														serve a use permitted in any R District, when such parking is not classified as accessory parking for such use, under the provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking shall meet, where applicable, the requirements of Section 156 for parking lots, Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of this Code. In considering any application for a
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														conditional use for such parking where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5, the Planning Commission shall consider the criteria set forth in Section 157 of this Code. <u>In RTO districts, such parking shall also be subject to criteria and requirements of Sections 158.1, 144, and 155(r).</u>
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SEC. 209.8. COMMERCIAL ESTABLISHMENTS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
										P	NA	NA	NA	(a) Except for

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														massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
										C	NA	NA	NA	(b) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located in a building above

1														the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
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7											P	P	P	(c) Except for
8														message
9														establishments
10														as noted in
11														Section 218.1,
12														retail, personal
13														service or
14														other
15														commercial
16														establishment
17														permitted as a
18														principal use in
19														a C-2 District,
20														which is
21														located within
22														or below the
23														ground story of
24														a building;
25														excluding any
														establishment
														designed
														primarily for
														customers
														arriving at that
														establishment
														by private
														motor vehicle.
											C	C	C	(d) Except for
														message
														establishments
														as noted in

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														Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
									<u>P</u>					<u>(e) Any use meeting the standards and limitations set forth in Section 230: Limited Corner Commercial Uses in RTO Districts.</u>

SEC. 209.9. OTHER USES.

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

P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
SEE SECTIONS 205 THROUGH 205.2													(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.	
										P	P	P	P	(d) Any use as specified in, and regulated by Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b) or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story

1	C	C	C	C	C	C	C	C	C	<u>C</u>					(e) Any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that
2															(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and
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(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark

1	C	C	C	C	C	C	C	C	C	<u>C</u>					(f) Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section 102. of this Code are the primary nonresidential use within the live/work unit; that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use, and further subject to Section 303(c)(6)(B) where that
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											P	P	P	P	Section applies.
															(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102. of this Code are the primary non-residential use within the live/work unit and that other nonresidential activities are limited to activities otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.

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C	C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(h) Subject Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
											P	P	P	P	(i) Arts activities except those uses subject to Sections 209.3(d) or (h).

1	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(j) Mortuary and columbarium uses located on a landmark site and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches.
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SEC. 234.2. CONDITIONAL USES, P DISTRICTS.

The following uses shall be subject to approval by the City Planning Commission, as provided in Section 303 of this Code:

- (a) Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j); 209.4(a); 209.5(a), (b); 209.6(b); 209.6(c); 209.9(c); and 234.2(c) and (d) of this Code.

- (b) With respect to any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of Article 7.
- (c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code when located within any P district within the South of Market Base District, the Market and Octavia Plan Area, and within the right-of-way of any State or federal highway.
- (d) In any P District which is within the South of Market Base District, if the use is located within the right-of-way of any State or federal highway, the following uses:
- (1) Retail and personal service uses primarily meeting the needs of commuters on nearby streets and highways or persons who work or live nearby, provided that:
 - (A) The space is on the ground floor of a publicly-accessible parking garage;
 - (B) The total gross floor area per establishment does not exceed 2,500 square feet;
 - (C) The space fronts on a major thoroughfare; and
 - (D) The building facade incorporates sufficient fenestration and lighting to create an attractive urban design and pedestrian-oriented scale.
 - (2) Open-air sale of new or used merchandise, except vehicles, located within a publicly-accessible parking lot, provided that:
 - (A) The sale of goods and the presence of any booths or other accessory appurtenances are limited to weekend and/or holiday daytime hours;
 - (B) Sufficient numbers of publicly-accessible toilets and trash receptacles are provided on-site and are adequately maintained; and

1 (C) The site and vicinity are maintained free of trash and debris.

2 **SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A**
3 **HEIGHT OF 40 FEET IN R DISTRICTS.**

4 (a) Notwithstanding any other provision of this Code to the contrary, in any R District,
5 except in RTO districts, established by the use district provisions of Article 2 of this Code,
6 wherever a height limit of more than 40 feet is prescribed by the height and bulk district
7 in which the property is located, any building or structure exceeding 40 feet in height
8 shall be permitted only upon approval by the City Planning Commission according to
9 the procedures for conditional use approval in Section 303 of this Code.

10 (b) In reviewing any such proposal for a building or structure exceeding 40 feet in
11 height, the City Planning Commission shall consider the expressed purposes of this
12 Code, of the R Districts, and of the height and bulk districts, set forth in Sections 101,
13 206 through 206.3 and 251 hereof, as well as the criteria stated in Section 303(c) of
14 this Code and the objectives, policies and principles of the Master Plan, and may
15 permit a height of such building or structure up to but not exceeding the height limit
16 prescribed by the height and bulk district in which the property is located.

17 **SEC. 270 BULK LIMITS: MEASUREMENT.**

18 (a) The limits upon the bulk of buildings and structures shall be as stated in this Section and
19 in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal
20 dimensions" shall be as defined in this Code. In each height and bulk district, the maximum
21 plan dimensions shall be as specified in the following table, at all horizontal cross-sections
22 above the height indicated.

23
24 TABLE 270
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BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100

R	This table not applicable. But see Section 270(e).		
<u>R-2</u>	<u>This table not applicable. But see Section 270(f).</u>		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

(c) Maximum plan lengths and diagonal dimensions do not apply to cornices or other decorative projections.

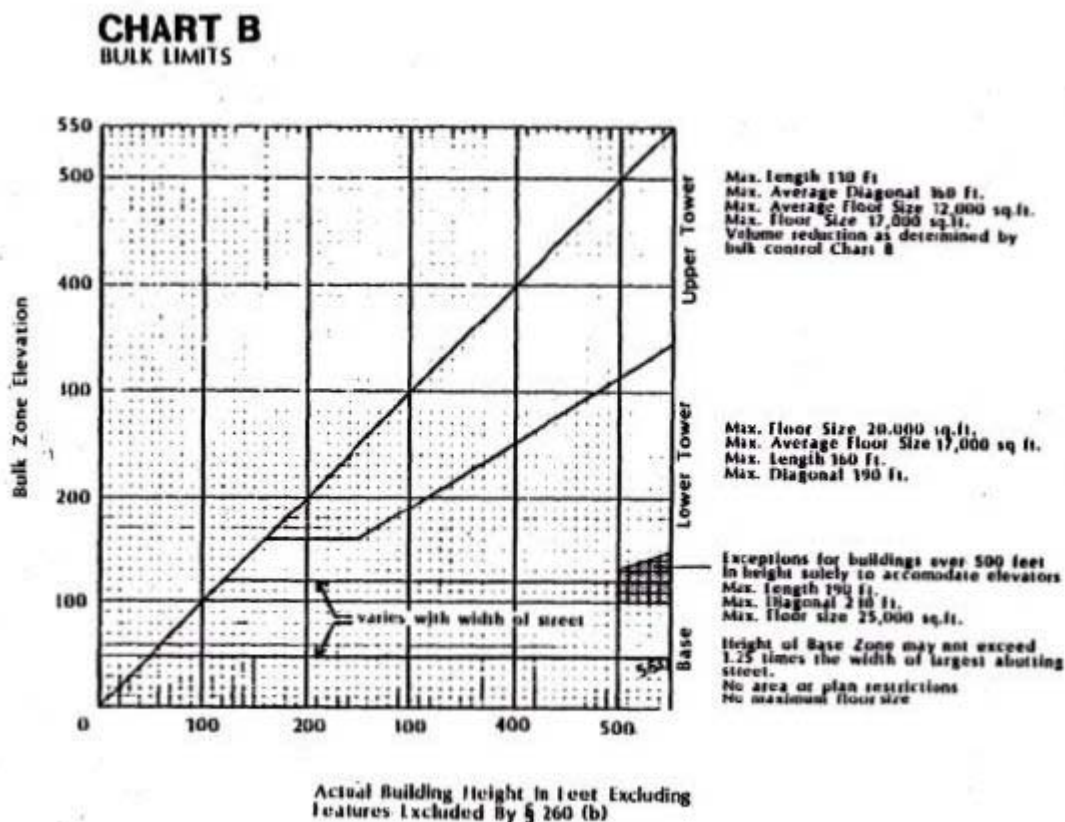
(d) The bulk limits contained in this subsection shall apply in S Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

(1) Base. The base is the lowest portion of the building extending vertically to a streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more. There are no length or diagonal dimension limitations applicable to the base. The building

base shall be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means.

(2) Lower Tower.

(A) Dimensions. Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B. For buildings of less than 160 feet in height, the lower tower controls are the only bulk controls above the base of the building. The bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.



1 (B) Additional Bulk for Elevators. Solely in order to accommodate
2 additional elevators required by tall buildings the lower portion (up to the
3 height shown on Chart B) of the lower tower of a building 500 feet tall or
4 taller may be enlarged up to a maximum length of 190 feet, a maximum
5 diagonal dimension of 230 feet and a maximum floor size of up to 25,000
6 square feet without a corresponding reduction in upper floor size.

7 (3) Upper Tower.

8 (A) Dimensions. Upper tower bulk controls apply to buildings taller than
9 160 feet. They apply to the upper tower portion of a building up to the
10 height shown on Chart B, which height excludes the vertical attachment
11 and other features exempted by Section 260 and excludes the extended
12 upper tower height exceptions provided for in Section 263.7 of this Code.
13 The bulk controls for the upper tower are: a maximum length of 130 feet;
14 a maximum average floor size of 12,000 square feet; a maximum floor
15 size for any floor of 17,000 square feet; and a maximum average
16 diagonal measure of 160 feet. In determining the average floor size of the
17 upper tower, areas with a cross-sectional area of less than 4,000 square
18 feet may not be counted and sculptured architectural forms that contain
19 large volumes of space but no usable floors shall be included in average
20 floor size calculation by computing the cross section at 12.5-foot intervals.

21
22 (B) Volume Reduction. When the average floor size of the lower tower
23 exceeds 5,000 square feet, the volume of the upper tower shall be
24 reduced to a percentage of the volume that would occur if the average
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1 floor size of the lower tower were extended to the proposed building
2 height. The percentage varies with the bulk of the lower tower and with
3 whether or not a height extension is employed pursuant to Section 263.7
4 and is shown on Chart C. In achieving the required volume reduction, a
5 setback or change in profile at a specific elevation is not required.

6 (C) Extensions. Extension of the upper tower above the otherwise
7 allowable height limits may be permitted as provided in Section 263.9.

8 (D) Termination of the Tower. The top of the tower shall be massed in a
9 manner that will create a visually distinctive roof or other termination of
10 the building facade. Modifications to a proposed project may be required,
11 in the manner provided in Section 309, to achieve this purpose.
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13 (e) Rincon Hill. In Bulk District R (Rincon Hill DTR District), bulk limitations are as
14 follows:

15 (1) There are no bulk limits below a height of 85 feet, except for the lot
16 coverage limitations and setback requirements described in Section 827.

17 (2) Tower Bulk and Spacing. Structures above 85 feet in height shall meet the
18 following bulk limitations, as illustrated in Chart C.
19

20 (A) Buildings between 85 and 240 feet in height may not exceed a plan
21 length of 90 feet and a diagonal dimension of 120 feet, and may not
22 exceed a maximum average floor area of 7,500 gross square feet.
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1 (B) Buildings between 241 and 300 feet in height may not exceed a plan
2 length of 100 feet and a diagonal dimension of 125 feet, and may not
3 exceed a maximum average floor area of 8,500 gross square feet.

4 (C) Buildings between 301 and 350 feet in height may not exceed a plan
5 length of 115 feet and a diagonal dimension of 145 feet. They may not
6 exceed a maximum average floor area of 9,000 gross square feet.

7 (D) Buildings between 351 and 550 feet in height may not exceed a plan
8 length of 115 feet and a diagonal dimension of 145 feet. They may not
9 exceed a maximum average floor area of 10,000 gross square feet.

10 (E) To allow variety in the articulation of towers, the floor plates of
11 individual floors may exceed the maximums described above by as much
12 as 5 percent, provided the maximum average floor plate is met.

13 (F) To encourage tower sculpting, the gross floor area of the top one-
14 third of the tower shall be reduced by 10 percent from the maximum floor
15 plates described in (A)--(D) above, unless the overall tower floor plate is
16 reduced by an equal or greater volume.

17 (G) In order to provide adequate sunlight and air to streets and open
18 spaces, a minimum distance of 115 feet must be preserved between all
19 structures above 110 feet in height at all levels above 110 feet in height.
20 Spacing shall be measured horizontally from the outside surface of the
21 exterior wall of the subject building to the nearest point on the closest
22 structure above 110 feet in height. Any project that is permitted pursuant
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24
25

1 to the exception described in Section 270(e)(3) shall not be considered
2 for the purposes of measuring tower spacing pursuant to this Section.

3 (H) The procedures for granting special exceptions to bulk limits
4 described in Section 271 shall not apply; exceptions may be granted
5 pursuant to Sections 270(e)(3) and 270(e)(4).

6 (I) Additional setback, lot coverage, and design requirements for the
7 Rincon Hill DTR District are described in Section 827.

8
9 (3) Exceptions to tower spacing and upper tower sculpting requirements. An
10 exception to the 115 feet tower spacing requirement and the upper tower
11 sculpting requirement described in (F) and (G) above may be granted to a
12 project only on Block 3747 on a lot formed by the merger of part or all of Lots
13 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code
14 provided that projects meet the following criteria:

15 (i) Applications for environmental review and conditional use related to a
16 building above 85 feet in height on the subject lot have been filed with the
17 Department prior to March 1, 2003 and February 1, 2005, respectively;

18 (ii) Given the 115 tower spacing requirement described in (F) above, the
19 existence of an adjacent building greater than 85 feet in height precludes
20 the development of a tower on the subject lot;

21 (iii) The subject lot has a total area of no less than 35,000 square feet;

22 (iv) The proposed project is primarily residential and has an area of no
23 more than 528,000 gross square feet;
24
25

1 (v) The proposed project conforms to all other controls described or
2 referenced in Section 827 and any other controls in this Code related to
3 the Rincon Hill DTR District.

4 (vi) For the purposes of subsection (iv) above, the term "gross square
5 feet" shall be the sum of the gross areas of all floors of a building or
6 buildings above street grade measured from the exterior faces of exterior
7 walls or from the center lines of walls separating two buildings, excluding
8 area below street grade. Where columns are outside and separated from
9 an exterior wall (curtain wall) which encloses the building space or are
10 otherwise so arranged that the curtain wall is clearly separated from the
11 structural members, the exterior face of the curtain wall shall be the line
12 of measurement, and the area of the columns themselves at each floor
13 shall also be counted.

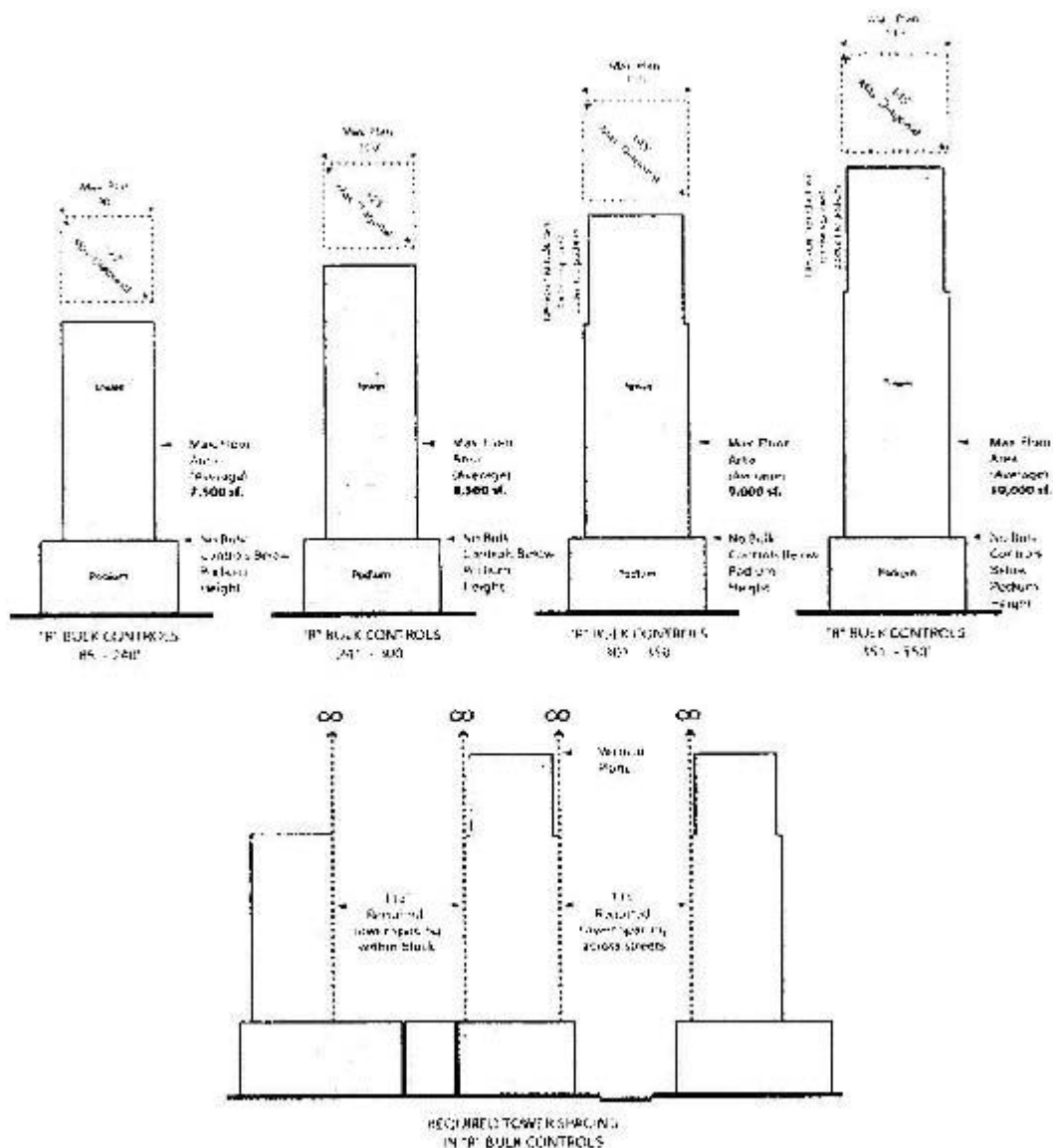
14 (4) Allowance for limited reduction in spacing from existing towers. To allow
15 limited variation in tower placement from towers for which a certificate of
16 occupancy has been issued prior to February 1, 2005, a reduction in tower
17 spacing described in (G) above may be granted pursuant to the procedures
18 described in 309.1 of this Code if all the following criteria are met:
19

20 (i) For every percent reduction from the maximum average floor area as
21 described in (2) above, an equal percent reduction in tower separation
22 may be granted subject to the following limits:

23 (ii) Up to a height of one-and-one-half times the maximum permitted
24 podium height, tower spacing described in (G) above may be reduced by
25

not more than 15 percent; (iii) up to a height of 180 feet, tower spacing described in (G) above may be reduced by not more than 10 percent; and (iv) all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in (G) above. A project may average the tower separation of all floors below 180 feet so long as the requirements of (iii) and (iv) are satisfied.

Chart C:



(f) Van Ness and Market Downtown Residential Special Use District. In Bulk District R-2 (Van Ness and Market Downtown Special Use District), bulk limitations are as follows:

(1) Tower Bulk and Spacing. In height districts 120/200-R-2, 120/300-R-2, 120/320-R-2, and 120/400-R-2, there are no bulk limitations below 120 feet in height, and structures above 120 feet in height shall meet the bulk limitations described in subsection (e)(2)(A)-(F). In height district 85/250-R-

1 2 there are no bulk limitations below 85 feet in height, and structures above 85 feet in height shall meet
2 the bulk limitations described in subsections (e)(2)(A)-(F).

3 (2) In order to provide adequate sunlight and air to streets and open spaces, a minimum
4 distance of 115 feet must be preserved between all structures above 120 feet in height at all levels
5 above 120 feet in height. Spacing shall be measured horizontally from the outside surface of the
6 exterior wall of the subject building to the nearest point on the closest structure above 120 feet in
7 height.

8 (3) No exceptions shall be permitted. The procedures for granting special exceptions to bulk
9 limits described in Section 272 shall not apply.

10 **SEC. 303. CONDITIONAL USES.**

11 (a) General. The City Planning Commission shall hear and make determinations
12 regarding applications for the authorization of conditional uses in the specific situations
13 in which such authorization is provided for elsewhere in this Code. The procedures for
14 conditional uses shall be as specified in this Section and in Sections 306 through
15 306.6, except that Planned Unit Developments shall in addition be subject to Section
16 304, medical institutions and post-secondary educational institutions shall in addition
17 be subject to the institutional master plan requirements of Section 304.5, and
18 conditional use and Planned Unit Development applications filed pursuant to Article 7,
19 or otherwise required by this Code for uses or features in Neighborhood Commercial
20 Districts, and conditional use applications within South of Market Districts, shall be
21 subject to the provisions set forth in Sections 316 through 316.8 of this Code, in lieu of
22 those provided for in Sections 306.2 and 306.3 of this Code, with respect to scheduling
23 and notice of hearings, and in addition to those provided for in Sections 306.4 and
24 306.5 of this Code, with respect to conduct of hearings and reconsideration.
25

1 (b) Initiation. A conditional use action may be initiated by application of the owner, or
2 authorized agent for the owner, of the property for which the conditional use is sought.
3 For a conditional use application to relocate a general advertising sign under
4 subsection (l) below, application shall be made by a general advertising sign company
5 that has filed a Relocation Agreement application and all required information with the
6 Planning Department pursuant to Section 2.21 of the San Francisco Administrative
7 Code.

8 (c) Determination. After its hearing on the application, or upon the recommendation of
9 the Director of Planning if the application is filed pursuant to Sections 316 through
10 316.8 of this Code and no hearing is required, the City Planning Commission shall
11 approve the application and authorize a conditional use if the facts presented are such
12 to establish:

13 (1) That the proposed use or feature, at the size and intensity contemplated
14 and at the proposed location, will provide a development that is necessary or
15 desirable for, and compatible with, the neighborhood or the community:

16 (A) In Neighborhood Commercial Districts, if the proposed use is to be
17 located at a location in which the square footage exceeds the limitations
18 found in Planning Code § 121.2(a) or 121.2(b), the following shall be
19 considered:

20 (i) The intensity of activity in the district is not such that allowing
21 the larger use will be likely to foreclose the location of other
22 needed neighborhood-servicing uses in the area; and
23
24
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1 (ii) The proposed use will serve the neighborhood, in whole or in
2 significant part, and the nature of the use requires a larger size in
3 order to function; and

4 (iii) The building in which the use is to be located is designed in
5 discrete elements which respect the scale of development in the
6 district; and

7 (2) That such use or feature as proposed will not be detrimental to the health,
8 safety, convenience or general welfare of persons residing or working in the
9 vicinity, or injurious to property, improvements or potential development in the
10 vicinity, with respect to aspects including but not limited to the following:

11 (A) The nature of the proposed site, including its size and shape, and
12 the proposed size, shape and arrangement of structures;

13 (B) The accessibility and traffic patterns for per-sons and vehicles, the
14 type and volume of such traffic, and the adequacy of proposed off-street
15 parking and loading;

16 (C) The safeguards afforded to prevent noxious or offensive emissions
17 such as noise, glare, dust and odor;

18 (D) Treatment given, as appropriate, to such aspects as landscaping,
19 screening, open spaces, parking and loading areas, service areas,
20 lighting and signs; and

21 (3) That such use or feature as proposed will comply with the applicable
22 provisions of this Code and will not adversely affect the Master Plan; and

23 (4) With respect to applications filed pursuant to Article 7 of this Code, that
24 such use or feature as proposed will provide development that is in conformity
25

1 with the stated purpose of the applicable Neighborhood Commercial District, as
2 set forth in zoning control category .1 of Sections 710 through 729 of this Code;
3 and

4 (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a),
5 zoning categories .46, .47, and .48, in addition to the criteria set forth above in
6 Section 303(c)(1--4), that such use or feature will:

7 (i) Not be located within 1,000 feet of another such use, if the
8 proposed use or feature is included in zoning category .47, as
9 defined by Section 790.36 of this Code; and/or

10 (ii) Not be open between two a.m. and six a.m.; and

11 (iii) Not use electronic amplification between midnight and six
12 a.m.; and

13 (iv) Be adequately soundproofed or insulated for noise and
14 operated so that incidental noise shall not be audible beyond the
15 premises or in other sections of the building and fixed-source
16 equipment noise shall not exceed the decibel levels specified in
17 the San Francisco Noise Control Ordinance.

18 (B) Notwithstanding the above, the City Planning Commission may
19 authorize a conditional use which does not satisfy the criteria set forth in
20 (5)(A)(ii) and/or (5)(A)(iii) above, if facts presented are such to establish
21 that the use will be operated in such a way as to minimize disruption to
22 residences in and around the district with respect to noise and crowd
23 control.

1 (C) The action of the Planning Commission approving a conditional use
2 does not take effect until the appeal period is over or while the approval is
3 under appeal.

4 (6) With respect to applications for live/work units in RH₂, and RM₂, and RTO
5 Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

6 (A) Each live/work unit is within a building envelope in existence on the
7 effective date of Ordinance No. 412-88 (effective October 10, 1988) and
8 also within a portion of the building which lawfully contains at the time of
9 application a nonconforming, nonresidential use;

10 (B) There shall be no more than one live/work unit for each 1,000 gross
11 square feet of floor area devoted to live/work units within the subject
12 structure; and

13 (C) The project sponsor will provide any off-street parking, in addition to
14 that otherwise required by this Code, needed to satisfy the reasonably
15 anticipated auto usage by residents of and visitors to the project.

16 Such action of the City Planning Commission, in either approving or disapproving the
17 application, shall be final except upon the filing of a valid appeal to the Board of Supervisors
18 as provided in Section 308.1.

19 (d) Conditions. When considering an application for a conditional use as provided
20 herein with respect to applications for development of "dwellings" as defined in Chapter
21 87 of the San Francisco Administrative Code, the Commission shall comply with that
22 Chapter which requires, among other things, that the Commission not base any
23 decision regarding the development of "dwellings" in which "protected class" members
24 are likely to reside on information which may be discriminatory to any member of a
25

1 "protected class"(as all such terms are defined in Chapter 87 of the San Francisco
2 Administrative Code). In addition, when authorizing a conditional use as provided
3 herein, the City Planning Commission, or the Board of Supervisors on appeal, shall
4 prescribe such additional conditions, beyond those specified in this Code, as are in its
5 opinion necessary to secure the objectives of the Code. Once any portion of the
6 conditional use authorization is utilized, all such conditions pertaining to such
7 authorization shall become immediately operative. The violation of any condition so
8 imposed shall constitute a violation of this Code and may constitute grounds for
9 revocation of the conditional use authorization. Such conditions may include time limits
10 for exercise of the conditional use authorization; otherwise, any exercise of such
11 authorization must commence within a reasonable time.

12 (e) Modification of Conditions. Authorization of a change in any condition previously
13 imposed in the authorization of a conditional use shall be subject to the same
14 procedures as a new conditional use. Such procedures shall also apply to applications
15 for modification or waiver of conditions set forth in prior stipulations and covenants
16 relative thereto continued in effect by the provisions of Section 174 of this Code.

17 (f) Conditional Use Abatement. The Planning Commission may consider the possible
18 revocation of a conditional use or the possible modification of or placement of
19 additional conditions on a conditional use when the Planning Commission determines,
20 based upon substantial evidence, that the applicant for the conditional use had
21 submitted false or misleading information in the application process that could have
22 reasonably had a substantial effect upon the decision of the Commission or the
23 conditional use is not in compliance with a condition of approval, is in violation of law if
24 the violation is within the subject matter jurisdiction of the Planning Commission or
25

1 operates in such a manner as to create hazardous, noxious or offensive conditions
2 enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of
3 the Planning Commission and these circumstances have not been abated through
4 administrative action of the Director, the Zoning Administrator or other City authority.
5 Such consideration shall be the subject of a public hearing before the Planning
6 Commission but no fee shall be required of the applicant or the subject conditional use
7 operator.

8 (1) The Director of Planning or the Planning Commission may seek a public
9 hearing on conditional use abatement when the Director or Commission has
10 substantial evidence submitted within one year of the effective date of the
11 Conditional Use authorization that the applicant for the conditional use had
12 submitted false or misleading information in the application process that could
13 have reasonably had a substantial effect upon the decision of the Commission
14 or substantial evidence of a violation of conditions of approval, a violation of law,
15 or operation which creates hazardous, noxious or offensive conditions
16 enumerated in Section 202(c).

17 (2) The notice for the public hearing on a conditional use abatement shall be
18 subject to the notification procedure as described in Sections 306.3 and 306.8
19 except that notice to the property owner and the operator of the subject
20 establishment or use shall be mailed by regular and certified mail.

21 (3) In considering a conditional use revocation, the Commission shall consider
22 whether and how the false or misleading information submitted by the applicant
23 could have reasonably had a substantial effect upon the decision of the
24 Commission, or the Board of Supervisors on appeal, to authorize the conditional
25

1 use, substantial evidence of how any required condition has been violated or not
2 implemented or how the conditional use is in violation of the law if the violation is
3 within the subject matter jurisdiction of the Planning Commission or operates in
4 such a manner as to create hazardous, noxious or offensive conditions
5 enumerated in Section 202(c) if the violation is within the subject matter
6 jurisdiction of the Planning Commission. As an alternative to revocation, the
7 Commission may consider how the use can be required to meet the law or the
8 conditions of approval, how the hazardous, noxious or offensive conditions can
9 be abated, or how the criteria of Section 303(c) can be met by modifying existing
10 conditions or by adding new conditions which could remedy a violation.

11 (4) Appeals. A decision by the Planning Commission to revoke a conditional
12 use, to modify conditions or to place additional conditions on a conditional use or
13 a decision by the Planning Commission refusing to revoke or amend a
14 conditional use, may be appealed to the Board of Supervisors within 30 days
15 after the date of action by the Planning Commission pursuant to the provisions
16 of Section 308.1(b) The Board of Supervisors may disapprove the action of the
17 Planning Commission in an abatement matter by the same vote necessary to
18 overturn the Commission's approval or denial of a conditional use. The Planning
19 Commission's action on a conditional use abatement issue shall take effect
20 when the appeal period is over or, upon appeal, when there is final action on the
21 appeal.

22 (5) Reconsideration. The decision by the Planning Commission with regards to
23 a conditional use abatement issue or by the Board of Supervisors on appeal
24 shall be final and not subject to reconsideration within a period of one year from
25

1 the effective date of final action upon the earlier abatement proceeding, unless
2 the Director of Planning determines that:

3 (A) There is substantial new evidence of a new conditional use
4 abatement issue that is significantly different than the issue previously
5 considered by the Planning Commission; or

6 (B) There is substantial new evidence about the same conditional use
7 abatement issue considered in the earlier abatement proceeding, this
8 new evidence was not or could not be reasonably available at the time of
9 the earlier abatement proceeding, and that new evidence indicates that
10 the Commission's decision in the earlier proceeding ha not been
11 implemented within a reasonable time or raises significant new issues not
12 previously considered by the Planning Commission. The decision of the
13 Director of Planning regarding the sufficiency and adequacy of evidence
14 to allow the reconsideration of a conditional use abatement issue within a
15 period of one year from the effective date of final action on the earlier
16 abatement proceeding shall be final.

17 (g) Hotels and Motels.

18 (1) With respect to applications for development of tourist hotels and motels,
19 the Planning Commission shall consider, in addition to the criteria set forth in
20 Subsections (c) and (d) above:

21 (A) The impact of the employees of the hotel or motel on the demand in
22 the City for housing, public transit, childcare, and other social services. To
23 the extent relevant, the Commission shall also consider the seasonal and
24 part-time nature of employment in the hotel or motel;
25

1 (B) The measures that will be taken by the project sponsor to employ
2 residents of San Francisco in order to minimize increased demand for
3 regional transportation; and

4 (C) The market demand for a hotel or motel of the type proposed.

5 (2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning
6 Commission shall not consider the impact of the employees of a proposed hotel
7 or motel project on the demand in the City for housing where:

8 (A) The proposed project would be located on property under the
9 jurisdiction of the San Francisco Port Commission; and

10 (B) The sponsor of the proposed project has been granted exclusive
11 rights to propose the project by the San Francisco Port Commission prior
12 to June 1, 1991.

13 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to
14 the conversion of residential units to tourist hotel or motel use pursuant to an
15 application filed on or before June 1, 1990 under the provisions of Chapter 41 of
16 the San Francisco Administrative Code, the Planning Commission shall not
17 consider the criteria contained in Subsection (f)(1) above; provided, however,
18 that the Planning Commission shall consider the criteria contained in Subsection
19 (f)(1)(B) at a separate public hearing if the applicant applies for a permit for new
20 construction or alteration where the cost of such construction or alteration
21 exceeds \$100,000. Furthermore, no change in classification from principal
22 permitted use to conditional use in Section 216(b)(i) of this Code shall apply to
23 hotels or motels that have filed applications on or before June 1, 1990 to convert
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1 residential units to tourist units pursuant to Chapter 41 of the San Francisco
2 Administrative Code.

3 (h) Internet Services Exchange.

4 (1) With respect to application for development of Internet Services Exchange
5 as defined in Section 209.6(c), the Planning Commission shall, in addition to the
6 criteria set forth in Subsection (c) above, find that:

7 (A) The intensity of the use at this location and in the surrounding
8 neighborhood is not such that allowing the use will likely foreclose the
9 location of other needed neighborhood-serving uses in the area;

10 (B) The building in which the use is located is designed in discrete
11 elements, which respect the scale of development in adjacent blocks,
12 particularly any existing residential uses;

13 (C) Rooftop equipment on the building in which the use is located is
14 screened appropriately.

15 (D) The back-up power system for the proposed use will comply with all
16 applicable federal state, regional and local air pollution controls.

17 (E) Fixed-source equipment noise does not exceed the decibel levels
18 specified in the San Francisco Noise Control Ordinance.

19 (F) The building is designed to minimize energy consumption, such as
20 through the use of energy-efficient technology, including without
21 limitation, heating, ventilating and air conditioning systems, lighting
22 controls, natural ventilation and recapturing waste heat, and as such
23 commercially available technology evolves;
24
25

1 (G) The project sponsor has examined the feasibility of supplying and, to
2 the extent feasible, will supply all or a portion of the building's power
3 needs through on-site power generation, such as through the use of fuel
4 cells or co-generation;

5 (H) The project sponsor shall have submitted design capacity and
6 projected power use of the building as part of the conditional use
7 application; and

8 (2) As a condition of approval, and so long as the use remains an Internet
9 Services Exchange, the project sponsor shall submit to the Planning Department
10 on an annual basis power use statements for the previous twelve-month period
11 as provided by all suppliers of utilities and shall submit a written annual report to
12 the Department of Environment and the Planning Department which shall state:
13 (a) the annual energy consumption and fuel consumption of all tenants and
14 occupants of the Internet Services Exchange; (b) the number of all diesel
15 generators located at the site and the hours of usage, including usage for testing
16 purposes; (c) evidence that diesel generators at the site are in compliance with
17 all applicable local, regional, state and federal permits, regulations and laws;
18 and (d) such other information as the Planning Commission may require.

19 (3) The Planning Department shall have the following responsibilities regarding
20 Internet Services Exchanges:

21 (A) Upon the effective date of the requirement of a conditional use
22 permit for an Internet Services Exchange, the Planning Department shall
23 notify property owners of all existing Internet Services Exchanges that the
24 use has been reclassified as a conditional use;

1 (B) Upon the effective date of the requirement of a conditional use
2 permit for an Internet Services Exchange, the Planning Department shall
3 submit to the Board of Supervisors and to the Director of the Department
4 of Building Inspection a written report covering all existing Internet
5 Services Exchanges and those Internet Services Exchanges seeking to
6 obtain a conditional use permit, which report shall state the address,
7 assessor's block and lot, zoning classification, square footage of the
8 Internet Services Exchange constructed or to be constructed, a list of
9 permits previously issued by the Planning and/or Building Inspection
10 Departments concerning the Internet Services Exchange, the date of
11 issuance of such permits, and the status of any outstanding requests for
12 permits from the Planning and/or Building Inspection Departments
13 concerning Internet Services Exchange; and

14 (C) Within three years from the effective date of the requirement of a
15 conditional use permit for an Internet Services Exchange, the Planning
16 Department, in consultation with the Department of Environment, shall
17 submit to the Board of Supervisors a written report, which report shall
18 contain the Planning Commission's evaluation of the effectiveness of the
19 conditions imposed on Internet Services Exchanges, and whether it
20 recommends additional or modified conditions to reduce energy and fuel
21 consumption, limit airpollutant emissions, and enhance the compatibility
22 of industrial uses, such as Internet Services Exchanges, located near or
23 in residential or commercial districts.

24 (i) Formula Retail Uses.
25

1 (1) With respect to an application for a formula retail use as defined in Section
2 703.3, whenever a conditional use permit is required per Section 703.3(f), the
3 Planning Commission shall consider, in addition to the criteria set forth in
4 Subsection (c) above:

5 (A) The existing concentrations of formula retail uses within the
6 Neighborhood Commercial District.

7 (B) The availability of other similar retail uses within the Neighborhood
8 Commercial District.

9 (C) The compatibility of the proposed formula retail use with the existing
10 architectural and aesthetic character of the Neighborhood Commercial
11 District.

12 (D) The existing retail vacancy rates within the Neighborhood
13 Commercial District.

14 (E) The existing mix of Citywide-serving retail uses and neighborhood-
15 serving retail uses within the Neighborhood Commercial District.

16 (j) Large-Scale Retail Uses. With respect to applications for the establishment of
17 large-scale retail uses under Section 121.6, in addition to the criteria set forth in
18 Subsections (c) and (d) above, the Commission shall consider the following:

19 (A) The extent to which the retail use's parking is planned in a manner that
20 creates or maintains active street frontage patterns;

21 (B) The extent to which the retail use is a component of a mixed-use project or
22 is designed in a manner that encourages mixed-use building opportunities;

23 (C) This shift in traffic patterns that may result from drawing traffic to the
24 location of the proposed use; and
25

1 (D) The impact that the employees at the proposed use will have on the
2 demand in the City for housing, public transit, childcare, and other social
3 services.

4 (k) Movie Theater Uses.

5 (1) With respect to a change in use or demolition of a movie theater use as set
6 forth in Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(2)(B)(iii) or 803.3(b)(1)(B)(ii),
7 in addition to the criteria set forth in Subsections (c) and (d) above, the
8 Commission shall make the following findings:

9 (A) Preservation of a movie theater use is no longer economically viable
10 and cannot effect a reasonable economic return to the property owner;

11 (i) For purposes of defining "reasonable economic return," the
12 Planning Commission shall be guided by the criteria for "fair return
13 on investment" as set forth in Section 228.4(a).

14 (B) The change in use or demolition of the movie theater use will not
15 undermine the economic diversity and vitality of the surrounding
16 Neighborhood Commercial District; and

17 (C) The resulting project will preserve the architectural integrity of
18 important historic features of the movie theater use affected.

19 (l) Relocation of Existing General Advertising Signs pursuant to a General Advertising
20 Sign Company Relocation Agreement.

21 (1) Before the Planning Commission may consider an application for a
22 conditional use to relocate an existing lawfully permitted general advertising sign
23 as authorized by Section 611 of this Code, the applicant sign company must
24 have:
25

1 (A) Obtained a current Relocation Agreement approved by the Board of
2 Supervisors under Section 2.21 of the San Francisco Administrative Code
3 that covers the sign or signs proposed to be relocated; and
4 (B) Submitted to the Department a current sign inventory, site map, and
5 the other information required under Section 604.2 of this Code; and
6 (C) Obtained the written consent to the relocation of the sign from the
7 owner of the property upon which the existing sign structure is erected.
8 (D) Obtained a permit to demolish the sign structure at the existing
9 location.

10 (2) The Department, in its discretion, may review in a single conditional use
11 application all signs proposed for relocation by a general advertising company or
12 may require that one or more of the signs proposed for relocation be considered
13 in a separate application or applications. Prior to the Commission's public
14 hearing on the application, the Department shall have verified the completeness
15 and accuracy of the general advertising sign company's sign inventory.

16 (3) Only one sign may be erected in a new location, which shall be the same
17 square footage or less than the existing sign proposed to be relocated. In no
18 event may the square footage of several existing signs be aggregated in order to
19 erect a new sign with greater square footage.

20 (4) In addition to applicable criteria set forth in subsection (c) above, the
21 Planning Commission shall consider the size and visibility of the signs proposed
22 to be located as well as the following factors in determining whether to approve
23 or disapprove a proposed relocation:
24
25

1 (A) The factors set forth in this subsection (A) shall weigh in favor of the
2 Commission's approval of the proposed relocation site:

3 (i) The sign or signs proposed for relocation are lawfully existing
4 but are not in conformity with the sign regulations that existed prior
5 to the adoption of Proposition G on March 5, 2002.

6 (ii) The sign or signs proposed for relocation are on a City list, if
7 any, of priorities for sign removal or signs preferred for relocation.

8 (iii) The sign or signs proposed for relocation are within, adjacent
9 to, or visible from property under the jurisdiction of the San
10 Francisco Port Commission, the San Francisco Unified School
11 District, or the San Francisco Recreation and Park Commission.

12 (iv) The sign or signs proposed for relocation are within, adjacent
13 to, or visible from an Historic District or conservation district
14 designated in Article 10 or Article 11 of the Planning Code.

15 (v) The sign or signs proposed for relocation are within, adjacent
16 to, or visible from a zoning district where general advertising signs
17 are prohibited.

18 (vi) The sign or signs proposed for relocation are within, adjacent
19 to, or visible from a designated view corridor.

20 (B) The factors set forth in this Subsection (B) shall weigh against the
21 Commission's approval of the proposed relocation:

22 (i) The sign or signs proposed for relocation are or will be
23 obstructed, partially obstructed, or removed from public view by
24 another structure or by landscaping.
25

1 (ii) The proposed relocation site is adjacent to or visible from
2 property under the jurisdiction of the San Francisco Port
3 Commission, the San Francisco Unified School District, or the San
4 Francisco Recreation and Park Commission.

5 (iii) The proposed relocation site is adjacent to or visible from an
6 Historic District or conservation district designated in Article 10 or
7 Article 11 of the Planning Code.

8 (iv) The proposed relocation site is within, adjacent to, or visible
9 from a zoning district where general advertising signs are
10 prohibited.

11 (v) The proposed relocation site is within, adjacent to, or visible
12 from a designated view corridor.

13 (vi) There is significant neighborhood opposition to the proposed
14 relocation site.

15 (5) In no event may the Commission approve a relocation where:

16 (A) The sign or signs proposed for relocation have been erected, placed,
17 replaced, reconstructed, or relocated on the property, or intensified in
18 illumination or other aspect, or expanded in area or in any dimension in
19 violation of Article 6 of this Code or without a permit having been duly
20 issued therefore; or

21 (B) The proposed relocation site is not a lawful location under Planning
22 Code Section 611(c)(2); or

1 (C) The sign in its new location would exceed the size, height or
2 dimensions, or increase the illumination or other intensity of the sign at its
3 former location; or

4 (D) The sign in its new location would not comply with the Code
5 requirements for that location as set forth in Article 6 of this Code; or

6 (E) The sign has been removed from its former location; or

7 (F) The owner of the property upon which the existing sign structure is
8 erected has not consented in writing to the relocation of the sign.

9 (6) The Planning Commission may adopt additional criteria for relocation of
10 general advertising signs that do not conflict with this Section 303(l) or Section
11 611 of this Code.

12 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

13 In districts other than C-3 or the South of Market Base District, the City Planning
14 Commission may authorize as conditional uses, in accordance with the provisions of Section
15 303, Planned Unit Developments subject to the further requirements and procedures of this
16 Section. After review of any proposed development, the City Planning Commission may
17 authorize such development as submitted or may modify, alter, adjust or amend the plan
18 before authorization, and in authorizing it may prescribe other conditions as provided in
19 Section 303(d). The development as authorized shall be subject to all conditions so imposed
20 and shall be excepted from other provisions of this Code only to the extent specified in the
21 authorization.

22 (a) Objectives. The procedures for Planned Unit Developments are intended
23 for projects on sites of considerable size, developed as integrated units and
24 designed to produce an environment of stable and desirable character which will
25

1 benefit the occupants, the neighborhood and the City as a whole. In cases of
2 outstanding overall design, complementary to the design and values of the
3 surrounding area, such a project may merit a well reasoned modification of
4 certain of the provisions contained elsewhere in this Code.

5 (b) Nature of Site. The tract or parcel of land involved must be either in one
6 ownership, or the subject of an application filed jointly by the owners of all the
7 property included or by the Redevelopment Agency of the City. It must constitute
8 all or part of a Redevelopment Project Area, or if not must include an area of not
9 less than 1/2 acre, exclusive of streets, alleys and other public property that will
10 remain undeveloped.

11 (c) Application and Plans. The application must describe the proposed
12 development in detail, and must be accompanied by an overall development
13 plan showing, among other things, the use or uses, dimensions and locations of
14 structures, parking spaces, and areas, if any, to be reserved for streets, open
15 spaces and other public purposes. The application must include such pertinent
16 information as may be necessary to a determination that the objectives of this
17 Section are met, and that the proposed development warrants the modification
18 of provisions otherwise applicable under this Code.

19 (d) Criteria and Limitations. The proposed development must meet the criteria
20 applicable to conditional uses as stated in Section 303(c) and elsewhere in this
21 Code. In addition, it shall:

- 22 (1) Affirmatively promote applicable objectives and policies of the Master
23 Plan;
- 24 (2) Provide off-street parking adequate for the occupancy proposed;

1 (3) Provide open space usable by the occupants and, where
2 appropriate, by the general public, at least equal to the open spaces
3 required by this Code;

4 (4) Be limited in dwelling unit density to less than the density that would
5 be allowed by Article 2 of this Code for a district permitting a greater
6 density, so that the Planned Unit Development will not be substantially
7 equivalent to a reclassification of property;

8 (5) In R Districts, include commercial uses only to the extent that such
9 uses are necessary to serve residents of the immediate vicinity, subject to
10 the limitations for NC-1 Districts under this Code, and in RTO Districts
11 include commercial uses only according to the provisions of Section 230 of this
12 Code;

13 (6) Under no circumstances be excepted from any height limit
14 established by Article 2.5 of this Code, unless such exception is explicitly
15 authorized by the terms of this Code. In the absence of such an explicit
16 authorization, exceptions from the provisions of this Code with respect to
17 height shall be confined to minor deviations from the provisions for
18 measurement of height in Sections 260 and 261 of this Code, and no
19 such deviation shall depart from the purposes or intent of those sections;

20 (7) In NC Districts, be limited in gross floor area to that allowed under
21 the floor area ratio limit permitted for the district in Section 124 and Article
22 7 of this Code; and

23 (8) In NC Districts, not violate the use limitations by story set forth in
24 Article 7 of this Code.
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1 **SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, ~~AND RM~~, AND RTO**
2 **DISTRICTS.**

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

9 (b) Applicability. Except as indicated herein, all building permit applications for
10 demolition and/or new construction, and/or alteration of residential buildings in RH, ~~and~~
11 RM, and RTO districts shall be subject to the notification and review procedures
12 required by this Section. Subsection 311(e) regarding demolition permits and approval
13 of replacement structures shall apply to all R Districts. For the purposes of this Section,
14 an alteration shall be defined as any change in use or change in the number of dwelling
15 units of a residential building, removal of more than 75 percent of a residential
16 building's existing interior wall framing or the removal of more than 75 percent of the
17 area of the existing framing, or an increase to the exterior dimensions of a residential
18 building except those features listed in Section 136(c)(1) through 136(c)(24) and
19 136(c)(26).

20 (c) Building Permit Application Review for Compliance and Notification. Upon
21 acceptance of any application subject to this Section, the Planning Department shall
22 review the proposed project for compliance with the Planning Code and any applicable
23 design guidelines approved by the Planning Commission. Applications determined not
24 to be in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning
25 Code, Residential Design Guidelines, including design guidelines for specific areas

1 adopted by the Planning Commission, or with any applicable conditions of previous
2 approvals regarding the project, shall be held until either the application is determined
3 to be in compliance, is disapproved or a recommendation for cancellation is sent to the
4 Department of Building Inspection.

5 (1) Residential Design Guidelines. The construction of new residential buildings
6 and alteration of existing residential buildings in R Districts shall be consistent
7 with the design policies and guidelines of the General Plan and with the
8 "Residential Design Guidelines" as adopted and periodically amended for
9 specific areas or conditions by the City Planning Commission. The Director of
10 Planning may require modifications to the exterior of a proposed new residential
11 building or proposed alteration of an existing residential building in order to bring
12 it into conformity with the "Residential Design Guidelines" and with the General
13 Plan. These modifications may include, but are not limited to, changes in siting,
14 building envelope, scale texture and detailing, openings, and landscaping.

15 (2) Notification. Upon determination that an application is in compliance with
16 the development standards of the Planning Code, the Planning Department shall
17 cause a notice to be posted on the site pursuant to rules established by the
18 Zoning Administrator and shall cause a written notice describing the proposed
19 project to be sent in the manner described below. This notice shall be in addition
20 to any notices required by the Building Code and shall have a format and
21 content determined by the Zoning Administrator. It shall include a description of
22 the proposal compared to any existing improvements on the site with
23 dimensions of the basic features, elevations and site plan of the proposed
24 project including the position of any adjacent buildings, exterior dimensions and
25

1 finishes, and a graphic reference scale. The notice shall describe the project
2 review process and shall set forth the mailing date of the notice and the
3 expiration date of the notification period.

4 Written notice shall be mailed to the notification group which shall include the project
5 sponsor, relevant neighborhood organizations as described in Subparagraph 311(c)(2)(C)
6 below, all individuals having made a written request for notification for a specific parcel or
7 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,
8 occupants, of properties in the notification area.

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

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

16 (C) The Planning Department shall maintain a list, available for public
17 review, of neighborhood organizations which have indicated an interest in
18 specific properties or areas. The organizations having indicated an
19 interest in the subject lot or its area shall be included in the notification
20 group for the proposed project.

21 (3) Notification Period. All building permit applications shall be held for a period
22 of 30 calendar days from the date of the mailed notice to allow review by
23 residents and owners of neighboring properties and by neighborhood groups.
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1 (4) Elimination of Duplicate Notice. The notice provisions of this Section may
2 be waived by the Zoning Administrator for building permit applications for
3 projects that have been, or before approval will be, the subject of a duly noticed
4 public hearing before the Planning Commission or Zoning Administrator,
5 provided that the nature of work for which the building permit application is
6 required is both substantially included in the hearing notice and is the subject of
7 the hearing.

8 (5) Notification Package. The notification package for a project subject to notice
9 under this Section 311 shall include:

10 (A) A description of the proposal compared to any existing
11 improvements on the site with dimensions of the basic features,
12 elevations and site plan of the proposed project including exterior
13 dimensions and finishes, and a graphic reference scale.

14 (B) Information stating whether the proposed project includes horizontal,
15 vertical, or both horizontal and vertical additions.

16 (C) Information showing the relationship of the project to adjacent
17 properties, including the position and height of any adjacent building and
18 location of windows facing the subject property.

19 (D) 11 by 17 drawings at a measurable scale with all dimensions legible
20 that shows (i) both existing and proposed floor plans, (ii) specific
21 dimensional changes to the building, including parapets, penthouses, and
22 other proposed building extensions and (iii) the location and amount of
23 removal of exterior walls.
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1 (E) Floor plans where there is a new building, building expansion, or
2 change in the floor plans of an existing building.

3 (F) The name and telephone number of the project planner at the
4 Planning Department assigned to review the application.

5 (G) A description of the project review process, information on how to
6 obtain additional information about the project, and information about the
7 recipient's rights to request additional information, to request
8 discretionary review by the Planning Commission, and to appeal to other
9 boards or commissions.

10 (d) Requests for Planning Commission Review. A request for the Planning
11 Commission to exercise its discretionary review powers over a specific building permit
12 application shall be considered by the Planning Commission if received by the Planning
13 Department no later than 5:00 p.m. of the last day of the notification period as
14 described under Subsection (c)(3) above, subject to guidelines adopted by the
15 Planning Commission.

16 The project sponsor of a building permit application may request discretionary review
17 by the Planning Commission to resolve conflicts between the Director of Planning and the
18 project sponsor concerning requested modifications to comply with the Residential Design
19 Guidelines.

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

23 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
24 Commission shall be given not less than 10 days prior to the date of the hearing
25

1 to the notification group as described in Paragraph 311(c)(2) above. Posted
2 notice of the hearing shall be made as provided under Planning Code Section
3 306.8.

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

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

20 **SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION IN**
21 **NEIGHBORHOOD COMMERCIAL AND SOUTH OF MARKET DISTRICTS AND FOR**
LIVE/WORK UNITS IN RH, ~~AND~~ RM, AND RTO DISTRICTS.

22 In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this Code, the
23 following procedures set forth in this and the following sections shall govern applications for
24 conditional use authorization where this authorization is required pursuant to Sections 178,
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1 179, 181(f) or (g), 209.9(f), 209.9(h), 260(b)(2)(P) or 263.11 of this Code; zoning categories
2 .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through ~~729~~ 732 of this
3 Code for each Neighborhood Commercial District; or Sections 813 through 818 for the South
4 of Market Mixed Use Districts. The criteria for determinations on such applications are set
5 forth in Section 303(c) of this Code. Additional criteria for determinations on applications
6 pursuant to zoning categories .10, .11, and .21 of Article 7 are set forth in the Section of this
7 Code containing the control. Additional criteria for determinations on certain applications
8 within South of Market Districts are set forth in Sections 263.11 and 803.5 of this Code.

9 **SEC. 603. EXEMPTED SIGNS.**

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

- 11 (a) Official public notices, and notices posted by public officers in performance
12 of their duties;
- 13 (b) Governmental signs for control of traffic and other regulatory purposes,
14 street signs, danger signs, railroad crossing signs, and signs of public service
15 companies indicating danger and aids to service or safety;
- 16 (c) Temporary display posters, without independent structural support, in
17 connection with political campaigns and with civic noncommercial health, safety
18 and welfare campaigns, provided that in R districts such posters shall be
19 removed within 60 days following the conclusion of the campaign;
- 20 (d) Flags, emblems, insignia and posters of any nation or political subdivision,
21 and temporary displays of a patriotic, religious, charitable or other civic
22 character;
- 23 (e) House numbers, whether illuminated or not, "no trespassing," "no parking,"
24 and other warning signs;

- 1 (f) Commemorative plaques placed by recognized historical agencies;
- 2 (g) Signs within a stadium, open-air theater or arena which are designed
- 3 primarily to be viewed by patrons within such stadium, open-air theater or arena;
- 4 (h) Religious symbols attached to buildings if not projecting beyond any street
- 5 property line or building setback line;
- 6 (i) Flags indicating weather conditions, and single flags which are emblems of
- 7 business firms, enterprises and other organizations;
- 8 (j) Two general advertising signs each not exceeding 24 square feet in area on
- 9 either a transit shelter or associated advertising kiosk furnished by contract with
- 10 the Public Utilities Commission or Public Transportation Commission for the
- 11 Municipal Railway in RTO, RM-2, RM-3, RM-4, RC, NC, C, M and South of
- 12 Market Districts, and in those P Districts where such signs would not adversely
- 13 affect the character, harmony or visual integrity of the district as determined by
- 14 the City Planning Commission; eight general advertising signs each not
- 15 exceeding 24 square feet in area on transit shelters located on publicly owned
- 16 property on a high level Municipal Railway boarding platform in an RH-1D
- 17 District adjacent to a C-2 District, provided that such advertising signs solely
- 18 face the C-2 District; and up to three double-sided general advertising signs
- 19 each not exceeding 24 square feet in area on or adjacent to transit shelters on
- 20 publicly owned high level Municipal Railway boarding platforms along The
- 21 Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd
- 22 and King Streets, and up to four double-sided panels at 4th and King Streets
- 23 and 6th and King Streets. Each advertising sign on a high level boarding
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1 platform shall be designed and sited in such a manner as to minimize
2 obstruction of public views from pedestrian walkways and/or public open space.

3 Notwithstanding the above, no sign shall be placed on any transit shelter or associated
4 advertising kiosk located on any sidewalk which shares a common boundary with any
5 property under the jurisdiction of the Recreation and Park Commission, with the exception of
6 Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat
7 Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake
8 Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf
9 Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced
10 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign
11 Districts as established in Section 608.3 of this Code;

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

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

21 (l) Nonilluminated art murals within the South of Market Base District, if they
22 project no more than 18 inches from the pre-existing surface of a structure;

23 (m) Two general advertising signs each not exceeding 52 square feet in area
24 on a public service kiosk furnished by contract with the Department of Public
25

1 Works which contract also provides for the installation and maintenance of
2 automatic public toilets. Each such public service kiosk shall be divided into
3 three sections, one of which shall provide a public service, such as a newsstand,
4 newsrack, map, public telephone, vending machine, display of public service
5 information, or interactive video terminal;

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

8 **SEC. 606. RESIDENTIAL DISTRICTS.**

9 Signs in R Districts, other than those signs exempted by Section 603 of this Code, shall
10 conform to the following provisions:

11 (a) General Provisions for All Signs.

12 (1) No sign shall project beyond a street property line or legislated
13 setback line, or into a required front setback area.

14 (2) No sign shall have or consist of any moving, rotating or otherwise
15 animated part, or (if permitted to be illuminated) any flashing, blinking,
16 fluctuating or otherwise animated light.

17 (3) No roof sign, wind sign, or general advertising sign shall be
18 permitted.

19 (4) No sign shall extend above the roofline of a building to which it is
20 attached, or above a height of 12 feet.

21 (b) Signs for Uses Permitted in R Districts. The following types of signs, subject
22 to the limitations prescribed for them, shall be the only signs permitted for uses
23 authorized as principal or conditional uses in R Districts, except that signs for
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1 any commercial establishments so authorized in RC Districts shall be subject to
2 the limitations of Paragraph (c)(3) below.

3 (1) One nonilluminated or indirectly illuminated nameplate for each
4 street frontage of the lot, not exceeding a height of 12 feet, and having an
5 area not exceeding one square foot in RH Districts or two square feet in
6 RM or RED Districts.

7 (2) One identifying sign for each street frontage of the lot, not exceeding
8 a height of 12 feet, and meeting the following additional requirements:

9 (A) In RH Districts: nonilluminated or indirectly illuminated only;
10 maximum area 12 square feet;

11 (B) In RM-1 or RED Districts: maximum area eight square feet if
12 directly illuminated, and 20 square feet if nonilluminated or
13 indirectly illuminated.

14 (C) In RTO Districts: nonilluminated or indirectly illuminated only;
15 maximum area 12 square feet; signage related to commercial uses
16 permitted under Sections 209.8(e) and 230 is regulated according to the
17 provisions described in Section 230.

18 (3) One temporary nonilluminated or indirectly illuminated sale or lease
19 sign for each street frontage of the total parcel involved, not exceeding a
20 height of 24 feet if freestanding and not above the roofline if attached to a
21 building, and having an area not exceeding six square feet for each lot or
22 for each 3,000 square feet in such total parcel, whichever ratio permits
23 the larger area, provided that no such sign shall exceed 50 square feet in
24 area and any such sign exceeding 18 square feet in area shall be set
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1 back at least 25 feet from all street property lines. Any sale or lease sign
2 shall be removed within seven days following removal of the property
3 from the market.

4 (4) Temporary nonilluminated signs of persons and firms connected with
5 work on buildings under actual construction or alteration, giving their
6 names and information pertinent to the project, not exceeding a height of
7 12 feet, with the combined area of all such signs not to exceed 10 square
8 feet for each street frontage of the project.

9 (c) Signs for Nonconforming Uses. Signs for any use in an R District which is
10 nonconforming under the provisions of Sections 180 through 187 of this Code,
11 or which is given conditional use status under said sections, shall be subject to
12 the provisions of this Subsection (c), except that any such use that would first be
13 permitted as either a principal or a conditional use in some other R District under
14 Article 2 of this Code, other than an RC District, shall be subject to the
15 provisions of Subsection 606(b) above. Any illumination permitted for signs
16 covered by this Subsection (c) shall be extinguished at all times when the
17 nonconforming use is not open for business.

18 (1) Automobile Service Stations. The following business signs are
19 permitted for an automobile service station. Any such signs may be
20 nonilluminated or indirectly or directly illuminated.

21 (A) A maximum of two oil company signs, which shall not extend
22 more than 10 feet above the roofline if attached to a building, or
23 exceed a height of 24 feet if freestanding. The area of any such
24 sign shall not exceed 180 square feet, and along each street
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1 frontage all parts of such a sign or signs that are within 10 feet of
2 the street property line shall not exceed 80 square feet in area.
3 The areas of other permanent and temporary signs as covered in
4 Subparagraph 606(c)(1)(B) below shall not be included in the
5 calculation of the areas specified in this Subparagraph.

6 (B) Other Permanent and Temporary Signs Customarily
7 Incidental to the Service Station Business. No such sign shall
8 extend above the roofline if attached to a building, or exceed a
9 height of 12 feet if freestanding. The area of such signs shall not
10 exceed 20 square feet for each such sign or a total of 80 square
11 feet for all such signs on the premises.

12 (2) Open Land Uses. If there is no building with more than 50 square
13 feet of floor area involved in the use, one business sign is permitted for
14 each street frontage occupied by such use, not exceeding a height of 12
15 feet and having an area not exceeding one square foot for each foot of
16 such street frontage. The total area of all signs for such a use shall not
17 exceed 50 square feet. Any such sign may be nonilluminated or indirectly
18 illuminated.

19 (3) Other Uses. For a use not listed in Paragraph 606(c)(1) or 606(c)(2)
20 above, one business sign is permitted for each street frontage occupied
21 by the use, placed flat against the wall that faces such street and not
22 located above the ground floor. Such sign shall not exceed an area of two
23 square feet for each foot of street frontage occupied by the building or
24 part thereof that is devoted to the nonconforming use. The total area of all
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signs for such a use shall not exceed 100 square feet. Any such sign may be nonilluminated or indirectly illuminated. In RM, RTO, RED and RC Districts, any such sign may be directly illuminated.

SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.

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

The description and purpose statements and landuse controls applicable to each of the general and individual area districts are set forth in Sections 710.1 through 729.95 of this Code for each district class. The boundaries of the various Neighborhood Commercial Districts are shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the provisions of that Section.

Neighborhood Commercial General Area Districts	Section Number
NC-1 -- Neighborhood Commercial Cluster District	§ 710
NC-2 -- Small-Scale Neighborhood Commercial District	§ 711
NC-3 -- Moderate-Scale Neighborhood Commercial District	§ 712
NC-S -- Neighborhood Commercial Shopping Center District	§ 713
<i>NCT-3 Moderate-Scale Neighborhood Commercial Transit District</i>	<i>§ 731</i>

Neighborhood Commercial Section
Individual Area Districts Number

1	Broadway Neighborhood Commercial District	§ 714
2	Castro Street Neighborhood Commercial District	§ 715
3	Inner Clement Street Neighborhood Commercial District	§ 716
4	Outer Clement Street Neighborhood Commercial District	§ 717
5	Upper Fillmore Street Neighborhood Commercial District	§ 718
6	Haight Street Neighborhood Commercial District	§ 719
7	Hayes-Gough Neighborhood Commercial <i>Transit</i> District	§ 720
8	Upper Market Street Neighborhood Commercial District	§ 721
9	North Beach Neighborhood Commercial District	§ 722
10	Polk Street Neighborhood Commercial District	§ 723
11	Sacramento Street Neighborhood Commercial District	§ 724
12	Union Street Neighborhood Commercial District	§ 725
13	Valencia Street Neighborhood Commercial District	§ 726
14	24th Street-Mission Neighborhood Commercial District	§ 727
15	24th Street-Noe Valley Neighborhood Commercial District	§ 728
16	West Portal Avenue Neighborhood Commercial District	§ 729
17	Inner Sunset Neighborhood Commercial District	§ 730
18	<u>Upper Market Street Neighborhood Commercial Transit District</u>	<u>§ 732</u>

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

<u>Neighborhood Commercial Transit Districts</u>	<u>Section Number</u>
<u>Hayes-Gough Neighborhood Commercial Transit District</u>	<u>§ 720</u>
<u>NCT-3 Moderate-Scale Neighborhood Commercial Transit District</u>	<u>§ 731</u>
<u>Upper Market Street Neighborhood Commercial Transit District</u>	<u>§ 732</u>

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

SEC. 720.1. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Hayes-Gough Neighborhood Commercial Transit District is located within walking distance of the Civic Center, lying west of Franklin Street and east of Laguna Street, with its southern ~~tip resting at Lily Street~~ edge generally at Lily Street, with an extension south along both

1 sides of Octavia Boulevard to Market Street. This mixed-use commercial district contains a limited
2 range of retail commercial activity, which primarily caters to the immediate needs of the
3 neighborhood. The few comparison goods that it does provide attract clientele from a wider
4 area outside its neighborhood, mostly the Performing Arts and Civic Center workers and
5 visitors. There are a number of restaurants and art galleries, but other types of retail activity
6 are limited.

7 The Hayes-Gough District controls are designed to allow for growth and expansion that
8 is compatible with the existing building and use scales. Building standards protect the
9 moderate building and use size and require rear yards at residential levels. To maintain the
10 mixed-use character of the district, most commercial uses are permitted at the first and
11 second stories and housing is strongly encouraged at the third story and above. In order to
12 encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and
13 problematic uses, eating and drinking, and entertainment uses are directed to the ground
14 story. Retail sales activity, especially neighborhood-serving businesses, is further promoted
15 by restricting new ground-story medical, business and professional offices. To protect
16 continuous frontage, drive-up and most automobile uses are prohibited, above-ground parking
17 is required to be setback or below ground, and active, pedestrian-oriented ground floor uses are
18 required on Hayes Street and portions of Octavia Boulevard.

19 Housing development in new buildings is encouraged above the second story, and is
20 controlled not by lot area but by physical envelope controls. Existing residential units are protected
21 by limitations on demolitions, mergers, subdivisions, and upper-story conversions. Given the
22 area's central location and accessibilty to the downtown and to the city's transit network, accessory
23 parking for residential uses is not required. The code controls for this district are supported and
24 augmented by design guidelines and policies in the Market and Octavia Area Plan of the General Plan.
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1 **SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
2 **ZONING CONTROL TABLE**

			Hayes-Gough
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
720.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, <u>261.1</u>, 263.18, 270, 271	<i>Varies, 50-X, 65-A See Zoning Map</i> <i><u>Height Sculpting on Alleys; § 261.1</u></i> <i><u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18</u></i>
720.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
720.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a) (e)
720.13	Street Frontage		Required § 145.1
<u>720.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>		<i><u>Minimum 25 feet on ground floor, 15 feet on floors above</u></i> <i><u>§ 145.1(c), (e)</u></i>
<u>720.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>		<i><u>Hayes Street;</u></i> <i><u>Octavia Street, from Fell to Hayes Streets</u></i> <i><u>§ 145.1(d), (e)</u></i>

1	<u>720.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>		<u>NP: Hayes Street; Octavia Street. § 155(r)</u>
2	720.14	Awning	§ 790.20	P § 136.1(a)
3	720.15	Canopy	§ 790.26	P § 136.1(b)
4	720.16	Marquee	§ 790.58	P § 136.1(c)
5	720.17	Street Trees		Required § 143
6	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
7	720.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
8	720.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
9	720.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 166, 204.5	<i>Generally, none required if occupied floor area is less than 5,000 sq. ft. None required. Generally none permitted by-right, C up to one space per 2,500 square feet. For retail uses larger than 10,000 square feet that sell bulky or heavy merchandise, P up to 1:500, C up to 1:350 for space in excess of 20,000 s.f. subject to conditions of 151.1(f).</i> <i>§§ 151, 161(g) 151.1, 166, 145.1</i>
10	720.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor is less than 10,000 sq. ft. § 152, 161(b)
11	720.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
12	720.25	Drive-Up Facility	§ 790.30	<u>NP</u>

720.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
720.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
720.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
720.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
720.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Hayes-Gough		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
720.38	Residential Conversion	§§ 790.84, 207.7	<u>PC</u>	C	
720.39	Residential Demolition	§§ 790.86, 207.7	<u>PC</u>	C	C
<u>720.39a</u>	<u>Residential Division</u>	<u>§ 207.6</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales and Services					
720.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
720.41	Bar	§ 790.22	P		
720.42	Full-Service Restaurant	§ 790.92	P		
720.43	Large Fast Food Restaurant	§ 790.90	C		
720.44	Small Self-Service	§ 790.91	P		

	Restaurant				
720.45	Liquor Store	§ 790.55	C		
720.46	Movie Theater	§ 790.64	P		
720.47	Adult Entertainment	§ 790.36			
720.48	Other Entertainment	§ 790.38	C		
720.49	Financial Service	§ 790.110	P	C	
720.50	Limited Financial Service	§ 790.112	P		
720.51	Medical Service	§ 790.114	C	P	
720.52	Personal Service	§ 790.116	P	P	C
720.53	Business or Professional Service	§ 790.108	C	P	C
720.54	Massage Establishment	§ 790.60, § 2700 Police Code	C		
720.55	Tourist Hotel	§ 790.46	C	C	C
720.56	Automobile Parking	§§ 790.8, 156, <u>158.1</u>, 160, <u>166</u>	C	C	C
720.57	Automotive Gas Station	§ 790.14			
720.58	Automotive Service Station	§ 790.17			
720.59	Automotive Repair	§ 790.15			
720.60	Automotive Wash	§ 790.18			
720.61	Automobile Sale	§ 790.12			

	or Rental				
720.62	Animal Hospital	§ 790.6	C		
720.63	Ambulance Service	§ 790.2			
720.64	Mortuary	§ 790.62			
720.65	Trade Shop	§ 790.124	P	C	
720.66	Storage	§ 790.117			
720.67	Video Store	§ 790.135	C	C	
Institutions and Non-Retail Sales and Services					
720.70	Administrative Service	§ 790.106			
720.80	Hospital or Medical Center	§ 790.44			
720.81	Other Institutions, Large	§ 790.50	P	C	C
720.82	Other Institutions, Small	§ 790.51	P	P	P
720.83	Public Use	§ 790.80	C	C	C
720.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
720.90	Residential Use	§ 790.88	<u>P, except C for frontages listed in 145.1(d)</u>	P	P
720.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	<u>Generally, 1 unit per 400 sq. ft. lot area. No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable</u>		

			<u>controls of this and other Codes.</u> §§ 207.4, 207.6		
720.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area <u>No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes.</u> § 208		
720.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common § 135(d)		
720.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit <u>None required. P up to 0.5; C up to 0.75, except C up to 1.0 for units that have at least 2 bedrooms and 1,000 occupiable square feet.</u> §§ 151.1, 166, 167, 145.1		
720.95	Community Residential Parking	<u>§ 790.10, 145.1, 151.1(f), 155(r), 166</u>	C	C	C

Section 3. The San Francisco Planning Code is hereby amended by adding Sections 121.5, 158.1, 206.4, 207.6, 207.7, 230, 249.33, 261.1, 263.18, 326- 326.8, 341-341.4, 731, 731.1, 732, 732.1 to read as follows:

SEC. 121.5. DEVELOPMENT ON LARGE LOTS, RESIDENTIAL DISTRICTS.

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

<u>District</u>	<u>Lot Size Limits</u>
<u>RTO</u>	<u>5,000 sq. ft.</u>

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

(1) The mass and articulation of the proposed structures are compatible with the intended scale of the district.

(2) For development sites greater than 1/2-acre, the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.

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

SEC. 158.1. NON-ACCESSORY PARKING GARAGES IN NCT AND RTO DISTRICTS AND THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT.

(a) Purpose. It is the purpose of this Section to establish criteria, considerations, and procedures by which non-accessory parking facilities in transit-oriented neighborhoods may be reviewed, including the appropriateness of such facilities in the context of existing and planned transit service, the location, size, utilization and efficiency of existing parking facilities in the vicinity, and the effectiveness of Transportation Demand Management of institutions and major destinations in the area.

(b) Non-accessory parking facilities in NCT and RTO districts and in the Van Ness and Market Downtown Residential Special Use District shall meet all of the following criteria and conditions:

(1) The rate structure of Section 155(g) shall apply.

1 (2) Non-accessory parking facilities shall be permitted in new construction only if the ratio
2 between the amount of occupied floor area of principally or conditionally-permitted non-parking uses
3 to the amount of occupied floor area of parking is at least two to one.

4 (3) In the case of expansion of existing facilities, the facility to be expanded has already
5 maximized capacity through use of all feasible space efficient techniques, including valet operation or
6 mechanical stackers.

7 (4) The proposed facility meets or exceeds all relevant urban design requirements and policies
8 of this Code and the General Plan regarding wrapping with active uses and architectural screening,
9 and such parking is not accessed from any frontages protected in Section 155(r).

10 (5) Project sponsor has produced a survey of the supply and utilization of all existing publicly-
11 accessible parking facilities, both publicly and privately owned, within ½-mile of the subject site, and
12 has demonstrated that such facilities do not contain excess capacity, including via more efficient space
13 management or extended operations.

14 (6) The proposed facility shall dedicate no less than 5% of its spaces for short-term, transient
15 use by car share vehicles as defined in Section 166, vanpool, rideshare, or other co-operative auto
16 programs, and shall locate these vehicles in a convenient and priority location . These spaces shall not
17 be used for long-term storage nor satisfy the requirement of Section 166, but rather are intended for
18 use by short-term visitors and customers.

19 (c) Review of any new publicly-owned non-accessory parking facilities or expansion of existing
20 publicly-owned parking facilities in NCT and RTO districts and in the Van Ness and Market Downtown
21 Residential Special Use District shall meet all of the following criteria, in addition to those of
22 subsection (b):

1 (1) Expansion or implementation of techniques to increase utilization of existing public parking
2 facilities in the vicinity has been explored in preference to creation of new facilities and has been
3 demonstrated to be infeasible.

4 (2) The City has demonstrated that all major institutions (cultural, educational, government)
5 and employers in the area intended to be served by the proposed facility have Transportation Demand
6 Management programs in place to encourage and facilitate use of public transit, carpooling, car
7 sharing, bicycling, walking, and taxis.

8 (d) Parking facilities intended for sole and dedicated use as long-term storage for company or
9 government fleet vehicles, and not to be available to the public nor to any employees for commute
10 purposes, are not subject to the requirements of subsection (b)(1), (b)(5)-(6), and (c)(2).

11 **Sec. 206.4. RTO (Residential, Transit-Oriented Neighborhood) District.**

12 This district is intended to recognize, protect, conserve and enhance areas characterized by a
13 mixture of houses and apartment buildings, covering a range of densities and building forms. RTO
14 districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM
15 and RH-3, and are well served within short walking distance, generally less than ¼-mile, of transit and
16 neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides
17 multiple lines serving different parts of the city or region. Limited small-scale neighborhood-oriented
18 retail and services is common and permitted throughout the neighborhood on corner parcels only to
19 provide goods and services to residents within walking distance, but the districts are otherwise
20 residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is
21 permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street
22 parking is not permitted for these very locally-oriented uses.

23 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically
24 range from two to five stories in height. While some one- and two-family structures are present, the
25

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

10 **Sec. 207.6. Required Minimum Dwelling Unit Mix and Unit division Restrictions in RTO and**
11 **NCT Districts.**

- 12 (a) Purpose. Dwelling unit density is not controlled by lot area in RTO and NCT Districts,
13 which are well-served by transit and services within walking distance, but by the physical
14 constraints of the Code (such as height, bulk, setbacks, open space, and unit exposure), in
15 order to foster flexible and creative infill development while maintaining the character of
16 the district. However, to ensure an adequate supply of family-sized units in existing and
17 new housing stock, subdivision of existing units is restricted and new construction must
18 include a minimum percentage of units of 2 bedrooms or more.
- 19 (b) In RTO and NCT districts, for newly constructed residential projects or additions with 5
20 dwelling units or greater, no less than 40 percent of all dwelling units on site must have at
21 least two bedrooms or more. This requirement does not apply to group housing, or housing
22 designated for seniors or persons with physical disabilities.
- 23 (c) The Planning Commission may waive the requirements of subsection (b) via Conditional
24 Use procedures with one or more of the following affirmative findings:
- 25

1 (1) the project demonstrates a need or mission to serve unique populations, or (2) the
2 project site or subject building features physical constraints that make it unreasonable to
3 fulfill the requirement.

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

6 (1) The existing unit exceeds 2,000 occupied square feet or contains more than 3
7 bedrooms; and

8 (2) At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in
9 size.

10 **Sec. 207.7. Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in**
11 **RTO and NCT Districts.**

12 (a) Purpose. The controls governing the RTO and NCT Districts are flexible with regard to
13 dwelling unit density and parking, and intended to foster creative infill housing of moderate
14 to high density while maintaining the character of the district. The intent of this flexibility,
15 however, is not to encourage the demolition or removal of existing housing stock,
16 particularly units in older buildings.

17 (b) Demolition of any dwelling unit, merger of any two or more dwelling units, or conversion of
18 a dwelling unit to a non-residential use (herein all generally referred to as “demolition”) in
19 an RTO or NCT district shall be permitted only with Conditional Use authorization from the
20 Planning Commission. Under no circumstance may the Commission grant a Conditional
21 Use for demolition of a dwelling unit absent consideration of a replacement Code-
22 complying project on the same lot. In granting any Conditional Use, the Commission shall
23 consider each of the following characteristics of the dwelling unit(s) proposed for

1 demolition and of the proposed replacement project, and shall approve such demolition if,
2 on balance, the proposal meets these criteria, and serves the public interest:

3 (1) the assessed value of the units proposed for demolition exceed that which is
4 affordable to households earning 100% of median income;

5 (2) the units proposed for demolition are unsound, in accord with the Planning
6 Commission's adopted definition of "unsound";

7 (3) there is no history of poor maintenance or code violations;

8 (4) the property is not a historic resource under CEQA;

9 (5) the proposed replacement project results in a net increase in the number of units on-
10 site;

11 (6) the proposed replacement project is of superb architectural and urban design, meets
12 or exceeds all relevant design guidelines and Area Plan policies;

13 (7) the proposed replacement project preserves rental housing on site from conversion
14 to other forms of occupancy or tenure;

15 (8) the proposed replacement project restores rent control to equivalent number of
16 units on the site;

17 (9) the proposed replacement project features affordability at least equivalent to the
18 existing units;

19 (10) the proposed replacement project represents no net loss in the number of family-
20 sized units;

21 (11) the proposed replacement project serves as supportive housing or serves a
22 special or underserved population;

- 1 (12) the proposed project seeks to convert a ground-floor, street-facing residential
2 use to a commercial use in a neighborhood commercial district where such
3 commercial uses are desirable; and
4 (13) the proposed replacement project serves a public interest or public use that
5 cannot be met without the proposed demolition.

6 **Sec. 230. Limited Corner Commercial Uses in RTO Districts.**

7 (a) Purpose. Corner stores enhance and support the character and traditional pattern of
8 RTO districts. These small neighborhood-oriented establishments provide convenience goods and
9 services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a
10 short walking distance of their homes. These uses tend to be small in scale, to serve primarily walk-in
11 trade, and cause minimum interference with nearby streets and properties. These uses are permitted
12 only on the ground floor of corner buildings, and their intensity and operating hours are limited to
13 ensure compatibility with the predominantly residential character of the district. Accessory off-street
14 parking is prohibited for these uses to maintain the local neighborhood walk-in character of the uses.

15 (b) Location. Uses permitted under this section must be located:

16 (1) completely within an RTO district

17 (2) on or below the ground floor; and,

18 (3) on a corner lot as defined by Section 102.15, with no part of the use extending more than 50
19 feet in depth from said corner, as illustrated in Figure 230.

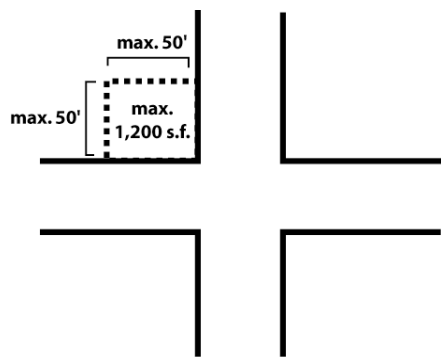
20 (c) Permitted Uses. Any use is permitted which complies with the most restrictive use limitations
21 for the first story and below of:

22 (1) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and

23 (2) Any Individual Area Neighborhood Commercial District within 1/4-mile of the use, as set
24 forth in Sections 714.10 through 729.95 of this Code; and

1 (3) Any Restricted Use Subdistrict within ¼-mile of the use, as set forth in Sections 781
2 through 781.7 of this Code.

3 (d) Use Size. There is an aggregate maximum use size of 1,200 gross square feet per corner lot,
4 as illustrated in Figure 230.



11 Figure 230. Limitations on Corner Retail in RTO Districts

12 (e) Parking. No accessory parking shall be permitted for uses permitted under this Section.

13 (f) Operating Hours. The hours during which the use is open to the public shall be limited to the
14 period between 6:00 a.m. and 10:00 p.m.

15 (g) Conditions. Any uses described above shall meet all of the following conditions:

16 (1) The building shall be maintained in a sound and attractive condition, consistent with the
17 general appearance of the neighborhood.

18 (2) Any signs on the property shall comply with the requirements of Article 6 of this Code
19 pertaining to NC-1 districts.

20 (3) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks,
21 or with crosswalks, bus stops, hydrants and other public features

22 (4) Noise, odors and other nuisance factors shall be adequately controlled; and

23 (5) The use shall comply with all other applicable provisions of this Code.

24 **SEC. 249.33 VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT**
25

1 (a) Purpose. There shall be a Van Ness & Market Downtown Residential Special Use District,
2 which is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods Plan area,
3 and whose boundaries are designated on Sectional Map No. 1SU of the Zoning Map of the City and
4 County of San Francisco. This district is generally comprised of parcels focused at the intersections of
5 Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on
6 both sides of Market and Mission Streets between 10th and 12th Streets. This district is intended to be a
7 transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This
8 area is encouraged to transition from largely a back-office and warehouse support function to
9 downtown into a more cohesive downtown residential district, and serves as a transition zone to the
10 lower scale residential and neighborhood commercial areas to the west of the C-3. A notable amount of
11 large citywide commercial and office activity will remain in the area, including government offices
12 supporting the Civic Center and City Hall. This area was initially identified in the Downtown Plan of
13 the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's
14 Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area
15 Plan, and is described therein.

16 (b) Use Controls.

17 (1) Non-residential uses. For newly-constructed buildings or additions which exceed 20 percent
18 or more of an existing structure's gross floor area, non-residential uses are not permitted above the 4th
19 story, and at least two occupied square feet of residential use shall be provided for each occupied
20 square foot of non-residential use. In order to accommodate local government office uses near City
21 Hall, publicly-owned or leased buildings or lots are exempted from the requirements of this subsection.

22
23 (2) Residential Density. There shall be no density limit for residential uses. The limitations of
24 Section 215 shall not apply.

1 (c) Off-site provision of required open space. Up to 40 percent of usable open space required by
2 Sections 135 and 138 may be provided off-site if it is within the SUD or within 900 feet of the project
3 site and meets the standards described below for publicly accessible open space described below.

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

15 (2) Publicly-Accessible Open Space Standards.

16 (A) Open space must be of one or more of the following types:

17 (i) An unenclosed park or garden at street grade or following the natural topography, including
18 improvements to hillsides or other unimproved public areas according to the Market & Octavia Area
19 Plan;

20 (ii) An unenclosed plaza at street grade, with seating areas and landscaping and no more than
21 10 percent of the floor area devoted to food or beverage service;

22 (iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section
23 827(g)(3)(A)-(E);

24 (iv) A terrace or roof garden with landscaping;
25

1 (v) Streetscape improvements with landscaping and pedestrian amenities that result in
2 additional space beyond the pre-existing sidewalk width and conform to the Market & Octavia Area
3 Plan, such as sidewalk widening or building setbacks; and
4 (vi) Streetscape improvements with landscaping and pedestrian amenities on alleyways from
5 building face to building face, beyond basic street tree planting or street lighting as otherwise required
6 by this Code, in accordance with the Market & Octavia Area Plan.
7 (B) Open space must meet the following standards:
8 (i) Be in such locations and provide such ingress and egress as will make the area convenient,
9 safe, secure and easily accessible to the general public;
10 (ii) Be appropriately landscaped;
11 (iii) Be protected from uncomfortable winds;
12 (iv) Incorporate ample seating and, if appropriate, access to limited amounts of food and
13 beverage service, which will enhance public use of the area;
14 (v) Be well signed and accessible to the public during daylight hours;
15 (vi) Be well lighted if the area is of the type requiring artificial illumination;
16 (vii) Be designed to enhance user safety and security;
17 (viii) Be of sufficient size to be attractive and practical for its intended use; and
18 (ix) Have access to drinking water and toilets if feasible.
19 (3) Maintenance. Open spaces shall be maintained at no public expense, except as might be
20 provided for by any community facilities district that may be formed in the RH DTR. The owner of the
21 property on which the open space is located shall maintain it by keeping the area clean and free of
22 litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure
23 continued maintenance of the open space for the actual lifetime of the building giving rise to the open
24 space requirement may be imposed in accordance with the provisions of Section 309.1.
25

1 (4) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no less than
2 24 inches by 36 inches in size shall be placed in a publicly conspicuous location outside the building at
3 street level, or at the site of any publicly-accessible open space, identifying said open space feature and
4 its location, stating the right of the public to use the space and the hours of use, describing its principal
5 required features (e.g., number of seats, availability of food service) and stating the name and address
6 of the owner or owner's agent responsible for maintenance.

7 (5) The Zoning Administrator shall have authority to require a property owner to hold harmless
8 the City and County of San Francisco, its officers, agents and employees, from any damage or injury
9 caused by the design, construction or maintenance of open space, and to require the owner or owners
10 or subsequent owner or owners of the property to be solely liable for any damage or loss occasioned by
11 any act or neglect in respect to the design, construction or maintenance of the open space.

12
13 (d) Lot coverage. The rear yard requirements of Section 134 shall not apply. Lot coverage is
14 limited to 80 percent at all residential levels except on levels in which all residential units face onto a
15 public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions
16 permitted in yards per Section 136(c). Exceptions to the 20 percent open area may be granted pursuant
17 to the procedures of Section 309 for conversions of existing non-residential structures where it is
18 determined that provision of 20 percent open area would require partial demolition of the existing non-
19 residential structure.

20 (e) Floor Area Ratio.

21 (1) The maximum FAR allowed, except as allowed in this Section, shall be that described in
22 Section 123(C), provided that it shall not be greater than 9:1. The definition of Gross Floor Area shall
23 be that in Section 102.9 as of the date of approval of this Ordinance, and shall include all residential
24 uses. The provisions of Section 124(g) shall not apply in this special use district.

1 (2) Floor Area Bonus Permitted for Public Improvements or In-lieu Contributions to the Van
2 Ness and Market Neighborhood Infrastructure Fund.

3 (a) The gross floor area of a structure or structures on a lot may exceed the maximum ratio
4 described in Section 123(c) through participation in the Van Ness and Market Neighborhood
5 Infrastructure Program, according to the procedures described below in subsection (f).

6 (b) Projects are eligible to apply bonus FAR only for that floor area above the maximum ratio
7 permitted in Section 123(c) and provided that the project has acquired Transferable Development
8 Rights from a Transfer Lot or Lots pursuant to the provisions of Sections 127-128 for that increment of
9 FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). If a
10 project sponsor demonstrates that the potential supply of TDR from all remaining potential eligible
11 Transfer Lots as provided in Section 128, is insufficient to satisfy the demand produced by a specific
12 project, the Planning Commission may permit the substitution of the Van Ness and Market
13 Neighborhood Infrastructure Program described in subsection (e) and (f) for that square footage that
14 would otherwise require TDR.

15 (f) Van Ness and Market Neighborhood Infrastructure Program.

16 (1) Purpose. The Van Ness & Market Residential SUD enables the creation of a very dense
17 residential neighborhood in an area built for back-office and industrial uses. Projects that seek the
18 FAR bonus above the maximum cap would introduce a very high localized density in an area generally
19 devoid of necessary public infrastructure and amenities, as described in the Market & Octavia Area
20 Plan. While envisioned in the Plan, such projects would create localized levels of demand for open
21 space, streetscape improvements, community facilities and public transit above and beyond the levels
22 both existing in the area today and funded by the Market & Octavia Community Improvements Fee.
23 Such projects also entail construction of relatively taller or bulkier structures in a concentrated area,
24 increasing the need for offsetting open space for relief from the physical presence of larger buildings.

1 Further, residential projects are currently exempt from numerous requirements in the C-3, including
2 the Downtown Open Space Fund, though residential uses create as much or more burden on existing
3 open space. Additionally, the FAR bonus provisions herein are intended to provide an economic
4 incentive for project sponsors to provide public infrastructure and amenities that improve the quality of
5 life in the area. The bonus allowance is calibrated based on the cost of providing the public
6 improvements provided.

7 (2) Public Improvements. The public improvements acceptable in exchange for granting the
8 FAR bonus, and that would be necessary to serve the additional population created by the increased
9 density, are listed below. All public improvements shall be consistent with the Market & Octavia Area
10 Plan.

11 (a) Open Space Acquisition and Improvement: Brady Park (as described in the Market &
12 Octavia Area Plan), or other open space of comparable size and performance. Open space shall be
13 dedicated for public ownership or permanent easement for unfettered public access and improved for
14 public use, including landscaping, seating, lighting, and other amenities.

15 (b) Streetscape and Pedestrian Improvements: Streetscape improvements within the Special Use
16 District as described in the Market & Octavia Area Plan, including Van Ness and South Van Ness
17 Avenues, Gough, Mission, McCoppin, Otis, Oak, Fell, 11th and 12th Streets, along with adjacent
18 alleys. Improvements include sidewalk widening, landscaping and trees, lighting, seating and other
19 street furniture (e.g. newsracks, kiosks, bicycle racks), signage, transit stop and subway station
20 enhancements (e.g. shelters, signage, boarding platforms), roadway and sidewalk paving, and public
21 art.

22 (3) The Van Ness and Market Neighborhood Infrastructure Program (“Program”) is hereby
23 established and shall be implemented through In-Kind public improvements, participation in
24
25

1 Community Facilities (Mello-Roos) District, or in-lieu payment into the Van Ness and Market
2 Neighborhood Infrastructure Fund (“Fund”).

3 (4) The Program shall be administered by the Planning Commission.

4 (5) Value, Form, and Timing of Contribution to the Program. The value of the contribution
5 (“contribution”) to the Program shall be equal to \$15 per additional gross square foot above a site
6 FAR of 9:1. The contribution must be made prior to issuance by the Department of Building Inspection
7 of the first site or building permit for the subject project. The value of the contribution may be revised
8 annually by the Planning Commission, effective January 1st of the year following the effective date of
9 this ordinance and on January 1st each year thereafter by (a) the percentage increase or decrease in
10 the cost to acquire real property for public park and open space use in the area and (b) by the
11 percentage increase or decrease in the construction cost of providing these improvements. The
12 contribution may take the form of any combination, either in whole or in part, of an In-Kind Agreement
13 to provide neighborhood improvements, In-Lieu Payment to the City Treasurer, or a Community
14 Facilities District Agreement to participate in a Mello-Roos Community Facilities District.

15 (A) In-Kind Improvements. The Planning Commission may allow the provision of In-Kind
16 Improvements, through the approval of an In-Kind Agreement (as described below), as a form of
17 contribution, in whole or in part, to the Program. For the purposes of calculating the total value of in-
18 kind improvements, the project sponsor shall provide the Planning Department with a cost estimate for
19 the proposed improvements from two independent contractors. Based on these estimates, the Planning
20 Director shall determine their appropriate value and make a recommendation to the Planning
21 Commission. Open space or streetscape improvements, including off-site improvements per the
22 provisions of this Special Use District, proposed to satisfy the usable open space requirements of
23 Section 135 and 138 are not eligible for credit toward the contribution as In-Kind improvements. No
24 credit toward the contribution may be made for land value unless ownership of the land is transferred
25

1 to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion
2 of the City. A permanent easement shall be valued at no more than 50% of appraised fee simple land
3 value. Any proposal for contribution of property for public open space use shall follow the procedures
4 of subsection (6)(D) below.

5 (B) In-Lieu Payment. Because the total cost of the individual public improvements (e.g. a public
6 park or a streetscape project) may be greater than the proportional contribution to the Program or the
7 need created by any one project, and because it may be infeasible or impractical to make a fractional
8 public improvement (e.g. acquisition of a fraction of a park) it is necessary to allow direct payments, at
9 the rate described in subsection (5) above, in-lieu of providing In-Kind improvements, as a form of
10 contribution, either in whole or in part, to the Program. Such payment shall be made to the City
11 Treasurer for deposit in the Van Ness and Market Neighborhood Infrastructure Fund. Upon payment of
12 the In-Lieu Payment in full to the Treasurer, the Treasurer shall issue a certification that the credit has
13 been paid.

14 (C) Community Facilities District. The Planning Commission may allow the participation in a
15 Community Facilities (Mello-Roos) District, through the approval of a Community Facilities District
16 Agreement (as described below), as a form of contribution, in whole or in part, to the Program. A
17 Community Facilities Agreement means an agreement acceptable in form and substance to the
18 Planning Department and City Attorney, under which the project sponsor makes a covenant to make a
19 good faith effort to secure the formation of a Community Facilities (Mello-Roos) District if such a
20 district has not already been successfully formed, and to take all steps necessary to support the
21 construction of a portion of the improvements ("CFD Improvements") described in subsection (2)
22 above using the proceeds of one or more series of special tax bonds or moneys otherwise made
23 available by such a district ("CFD Funds"). The agreement shall state that the CFD Funds shall be
24 available by a date ("Satisfaction Date) no later than twelve months after the approval of the
25

1 agreement. Such agreement shall provide that the project sponsor shall pay the full amount of the
2 contribution in the event that the CFD Funds are not received by the Satisfaction Date. The City shall
3 also require the project sponsor to provide a letter of credit or other instrument to secure the City's
4 right to receive payment as described in the preceding sentence.

5 (D) The sponsor shall present Treasurer certification of In-Lieu Payment, a signed In-Kind
6 Agreement and/or Community Facilities District Agreement totaling the full value of the contribution to
7 the Planning Department and Department of Building Inspection prior to the issuance by DBI of the
8 first site or building permit for the project. A failure of the Treasurer, DBI or the Planning Department
9 to give any notice under this Section shall not relieve a sponsor from compliance with this Section.

10 (6) There is hereby established a separate fund set aside for a special purpose entitled the Van
11 Ness and Market Neighborhood Infrastructure Fund ("Fund"). All monies collected by the Treasurer
12 pursuant to subsection (5) above shall be deposited in a special fund maintained by the Controller. The
13 receipts of the Fund are hereby appropriated in accordance with law to be used solely to fund public
14 infrastructure subject to the following conditions:

15 (A) All monies deposited in the Fund shall be used solely to design, engineer, acquire and
16 develop neighborhood open spaces and streetscape improvements that result in new publicly-accessible
17 facilities within the Van Ness and Market Special Use District or the area bounded by 10th Street,
18 Howard Street, South Van Ness Avenue, the northeastern line of the Central Freeway, Market Street,
19 Franklin Street, Hayes Street, and Polk Street. These improvements shall be consistent with the Market
20 and Octavia Area Plan of the General Plan and any Plan that is approved by the Board of Supervisors
21 in the future for the area covered by this SUD, except that monies from the Fund may be used by the
22 Planning Commission to commission studies to revise the fee pursuant to subsection (5) above, or to
23 commission landscape, architectural or other planning, design and engineering services in support of

1 the proposed public improvements, provided they do not exceed a total of \$250,000 over the life of the
2 Fund.

3 (B) No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative,
4 general overhead, or similar expense of any public entity.

5 (C) The Controller's Office shall file an annual report with the Board of Supervisors beginning
6 one year after the effective date of this ordinance, which report shall set forth the amount of money
7 collected in the Fund. The Fund shall be administered by the Planning Commission.

8 (D) A public hearing shall be held by both the Planning and Recreation and Parks
9 Commissions to elicit public comment on proposals for the acquisition of property using monies in the
10 Fund. Notice of public hearings shall be published in an official newspaper at least 20 days prior to
11 the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The
12 hearing may be continued to a later date by a majority vote of the members of both Commissions
13 present at the hearing. At a joint public hearing, a quorum of the Planning and Recreation and Parks
14 Commissions may vote to allocate the monies in the Fund for acquisition of property for park use and
15 for development of property acquired for park use.

16 (E) The Planning Commission shall work with other City agencies and commissions,
17 specifically the Department of Recreation and Parks, Department of Public Works, and the
18 Metropolitan Transportation Agency, to develop agreements related to the administration of the
19 development of new public facilities within public rights-of-way or on any acquired property designed
20 for park use, using such monies as have been allocated for that purpose at a hearing of the Planning
21 Commission.

22 (F) The Director of Planning shall have the authority to prescribe rules and regulations
23 governing the Fund, which are consistent with this ordinance.

1 **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN RTO**
2 **AND NCT DISTRICTS.**

3 (a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in width or narrower)
4 and alleys is an important and unique component of the City and certain neighborhoods in
5 particular. The scale of these streets should be preserved to ensure they do not become
6 overshadowed or overcrowded. Heights along alleys and narrow streets are hereby limited to
7 provide ample sunlight and air, as follows:

8 (b) All building frontages on the southern side of those right-of-ways listed in subsection (b)(1) and
9 that are greater than 60 feet from an intersection with a right-of-way wider than 40 feet, shall
10 be set back at the property line such that they avoid penetration of a sun access plane defined
11 by an angle of 50 degrees from a line 5 feet southerly of and parallel to the northern right-of-
12 way line (as illustrated in Figure 261.1A.) For example, for a 35 foot-wide right-of-way, this
13 would require a 50 degree setback at the property line above a height of approximately 36 feet.)
14 No part or feature of a building, including but not limited to any feature listed in Sections
15 260(b), may penetrate the required setback plane.

16 (1) Streets with required sun angle setback on south side include: Elm, Redwood, Ash,
17 Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan,
18 Hidalgo, and Alert Streets, within any RTO or NCT district.

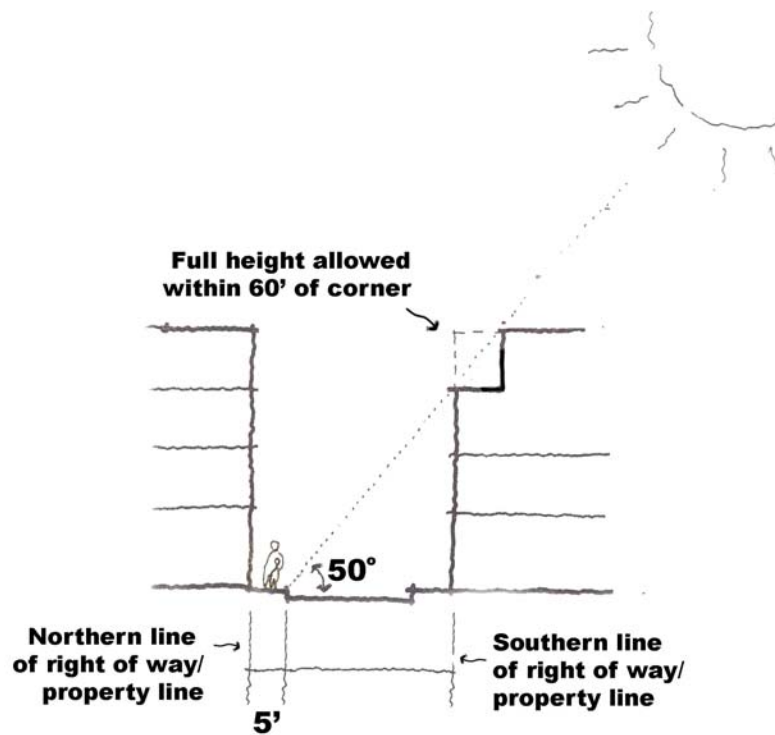
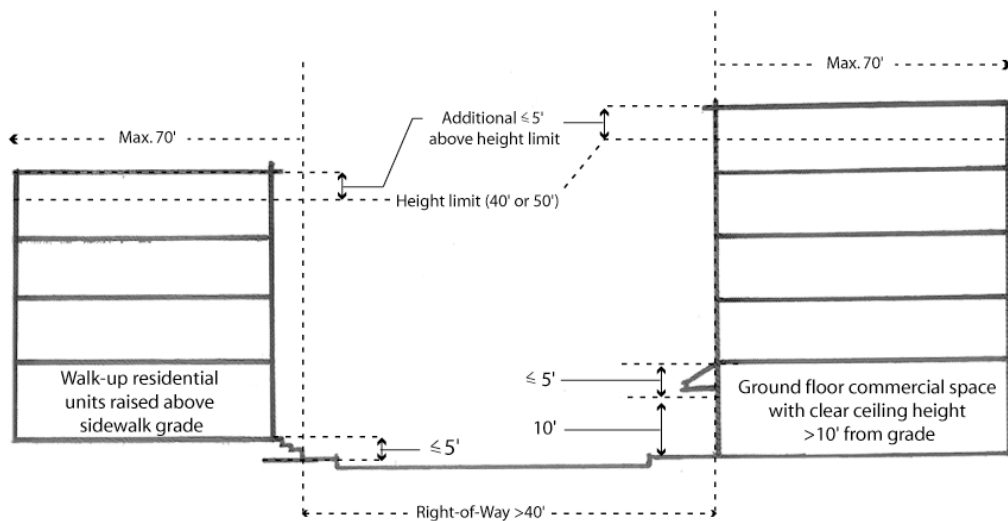


Figure 261.1A
(2)

**SEC. 263.18. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR
GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK DISTRICTS.**

- (a) Intent. In order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street, up to an additional 5' of height is allowed along major streets in NCT districts for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.
- (b) Applicability. The special height exception described in this section shall only apply to projects that meet all of the following criteria:
- (1) project is located in a 40-X or 50-X Height and Bulk District as designated on the Zoning Map;
- (2) project is located in an NCT district as designated on the Zoning Map;
- (3) project features ground floor commercial space or other active use as defined by Section 145.1(e) with clear ceiling heights in excess of ten feet from sidewalk grade, or in the case of residential uses, such walk-up residential units are raised up from sidewalk level; and
- (4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented along a right-of-way wider than 40 feet.
- (c) One additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade. Such additional height shall not extend more than 70 feet in depth back from the right-of-way(s) described in (b)(4).



SEC. 326. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.

Sections 326.1 to 326.8 set forth the requirements and procedures for the Market and Octavia Community Improvements Fund.

SEC. 326.1. FINDINGS.

A. Market and Octavia Plan Objectives

The Market and Octavia Area Plan embodies the community's vision of a better neighborhood, which achieves multiple objectives including creating a healthy, vibrant transit-oriented neighborhood. The Planning Department coordinated development of the Area Plan objectives around the tenants of the Better Neighborhood Planning process and within the larger framework of the General Plan.

The Market and Octavia Plan Area encompasses a variety of districts, most of which are primarily residential or neighborhood commercial. The Area Plan calls for a maintenance of the well-established neighborhood character in these districts with a shift to a more transit-oriented type of districts. A transit-oriented district, be it neighborhood commercial or residential in character, generates a unique type of infrastructure needs.

1 The overall objective of the Market and Octavia planning effort is to encourage balanced
2 growth in a centrally located section of the city that is ideal for transit oriented development. The Area
3 Plan calls for an increase in housing and retail capacity simultaneous to infrastructure improvements
4 in an effort to maintain and strengthen neighborhood character.

5 B. Need for New Housing and Retail

6 New residential construction in San Francisco is necessary to accommodate a growing
7 population. The population of California has grown by more than 11 percent since 1990 and is
8 expected to continue increasing. The San Francisco Bay Area is growing at a rate similar to the rest of
9 the state.

10 The City should encourage new housing production in a manner that enhances existing
11 neighborhoods and creates new high-density residential and mixed-use neighborhoods. One solution
12 to the housing crisis is to encourage the construction of higher density housing in areas of the City best
13 able to accommodate such housing. Areas like the Plan Area can better accommodate growth because
14 of easy access to public transit, proximity to downtown, convenience of neighborhood shops to meet
15 daily needs, and the availability of development opportunity sites. San Francisco's land constraints, as
16 described in Section 318.1 (A), limit new housing construction to areas of the City not previously
17 designated as residential areas, infill sites, or areas that can absorb increased density.

18 The Market and Octavia Plan Area presents opportunity for infill development on various sites,
19 including parcels along Octavia Boulevard known as 'the Central Freeway parcels', some parcels
20 along Market Street, and the SoMa West portions of the Plan Area. These sites are compelling
21 opportunities because new housing can be built within easy walking distance of the downtown and
22 Civic Center employment centers and city and regional transit centers, while maintaining the
23 comfortable residential character and reinforcing the unique and exciting neighborhood qualities.

1 To respond to the identified need for housing, repair the fabric of the neighborhood, and
2 support transit-oriented development, the Market and Octavia Plan Area is zoned for the appropriate
3 residential and commercial uses. The Planning Department is adding a Van Ness Market Downtown
4 Residential Special Use District (VNMDR-SUD) in the Plan Area and establishing a Residential
5 Transit-oriented (RTO) district and several Neighborhood Commercial Transit (NCT) districts. New
6 zoning controls encourage housing and commercial development appropriate to each district.

7 The plan builds on existing neighborhood character and establishes new standards for
8 amenities necessary for a transit-oriented neighborhood. A transit-oriented neighborhood requires a
9 full range of neighborhood serving businesses. New retail and office space will provide both
10 neighborhood- and city-serving businesses.

11 San Francisco is experiencing a severe shortage of housing available to people at all income
12 levels, especially to those with the lowest incomes while seeing a sharp increase in housing prices. The
13 Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND)
14 forecasts that San Francisco must produce 2,716 new units of housing annually to meet projected
15 needs. At least 5,639 of these new units should be available to moderate income households. New
16 affordable units are funded through a variety of sources, including inclusionary housing and in lieu
17 fees leveraged by new market rate residential development pursuant to Sections 313 and 315. The
18 Planning Department projects that approximately 1,200 new units of affordable housing will be
19 developed within the Plan Area (Projection assumes that 50% of projected units on the Central
20 Freeway parcels and 15% (new inclusionary housing requirement) of remainder of projected
21 development will be affordable. Should developers choose to fulfill their inclusionary requirements by
22 developing off-site the city could gain as many as 1,400 new inclusionary units related to the full build
23 out of the Market and Octavia Plan.).

24 C. New Development Requires New Community Infrastructure
25

1 The purpose for new development in the Plan Area is established above (Section 326.1(a)). New
2 construction should not diminish the City's open space, jeopardize the City's Transit First Policy, or
3 place undue burden on the City's service systems. The new residential and commercial construction
4 should preserve the existing neighborhood services and character, as well as increase the level of
5 service for all modes necessary to support transit-oriented development. New development in the area
6 will create additional impact on the local infrastructure, thus generating a substantial need for
7 community improvements as the district's population and workforce grows.

8 The amendments to the General Plan, Planning Code, and Zoning Maps that correspond to this
9 ordinance will permit an increased amount of new residential and commercial development. The
10 Planning Department anticipates an increase of 5,960 units within the next 20 years, and an increase
11 of 9,875 residents, as published in the environmental impact report. This new development will have an
12 extraordinary impact on the Plan Area's infrastructure. As described more fully in the Market and
13 Octavia Plan Final Environmental Impact Report, San Francisco Planning Department, Case No.
14 _____ on file with the Clerk of the Board in File No. _____, and the Market and Octavia
15 Community Improvements Program Document, San Francisco Planning Department, Case No.
16 _____ on file with the Clerk of the Board in File No. _____, new development will generate
17 substantial new pedestrian, vehicle, bicycle, and transit trips which will impact the area. The transition
18 to a new type of district is tantamount to the development of new subdivisions, or the transition of a
19 district type, in terms of the need for new infrastructure.

20 The Market and Octavia Area Plan proposes to mitigate these impacts by providing extensive
21 pedestrian, transit, traffic-calming and other streetscape improvements that will encourage residents to
22 make as many daily trips as possible on foot, by bicycle or on transit; by creating new open space,
23 greening, and recreational facilities that will provide necessary public spaces; and by establishing a
24 range of other services and programming that will meet the needs of community members. A
25

1 comprehensive program of new public infrastructure is necessary to lessen the impacts of the proposed
2 new development and to provide the basic community improvements to the area's new community
3 members. See Market and Octavia Community Improvements Program Document for a description of
4 proposed Community Improvements.

5 In order to enable the City and County of San Francisco to provide necessary public services to
6 new residents; to maintain and improve the Market and Octavia Plan Area character; and to increase
7 neighborhood livability and investment in the district, it is necessary to upgrade existing streets and
8 streetscaping; acquire and develop neighborhood parks, recreation facilities and other community
9 facilities to serve the new residents and workers.

10 While the open space requirements imposed on individual developments address minimum
11 needs for private open space and access to light and air, such open space does not provide the
12 necessary public social and recreational opportunities as attractive public facilities such as sidewalks,
13 parks and other community facilities that are essential urban infrastructure, nor does it contribute to
14 the overall transformation of the district into a safe and enjoyable transit-oriented neighborhood.

15 D. Needs Standards

16 The purpose of the proposed Market and Octavia Community Improvements Impact Fees is to
17 provide specific public improvements, including community open spaces, pedestrian and streetscape
18 improvements and other facilities and services. These improvements are described and prioritized in
19 the Market and Octavia Area Plan and Neighborhood Plan and the accompanying ordinances, and are
20 necessary to meet established City standards for the provision of such facilities. The Market and
21 Octavia Community Improvements Fund and Community Improvements Impact Fee will create the
22 necessary financial mechanism to fund these improvements in proportion to the need generated by new
23 development.

1 National and international transportation studies (such as the Dutch Pedestrian Safety
2 Research Review. T. Hummel, SWOV Institute for Road Safety Research (Holland), and University of
3 North Carolina Highway Safety Research Center for the U.S. Department of Transportation, 1999 on
4 file with the Clerk of the Board in File No. _____) have demonstrated that pedestrian, traffic-
5 calming and streetscape improvements of the type proposed for the Market and Octavia Plan Area
6 result in safer, more attractive pedestrian conditions. These types of improvements are essential to
7 making pedestrian activity a viable choice, thereby helping to mitigate traffic impacts associated with
8 excess automobile trips that could otherwise be generated by new development.

9 The proposed Market and Octavia Community Infrastructure Impact Fee is necessary to meet
10 relevant state and national service standards, as well as local standards in the Goals and Objectives of
11 the General Plan as described below.

- 12 i. Open Space: The San Francisco General Plan contains the following objectives
13 and policies that call for the provision of streetscape parks and community
14 facilities improvements to serve San Francisco's residential population:

15 Recreation and Open Space Element

- 16 1. Objective 2 (Develop and maintain a diversified and balanced citywide
17 system of high quality public open space.); Policy 2.1 (Provide an
18 adequate total quantity and equitable distribution of public open spaces
19 throughout the city.); Policy 2.7 (Acquire additional open space for
20 public use.), Objective 4 (Provide opportunities for recreation and the
21 enjoyment of open space in every San Francisco neighborhood.), Policy
22 4.4 (Acquire and develop new public open space in existing residential
23 neighborhoods, giving priority to areas which are most deficient in open
24 space.), Policy 4.6 (Assure the provision of adequate public open space

1 to serve new residential development.), and Urban Design Element
2 Policy 4.8 (Provide convenient access to a variety of recreation
3 opportunities.).

4 2. The Recreation and Open Space Element of the General Plan cites the
5 National Park and Recreation Association (NPRA) open space standard
6 of 10 acres per 1,000 residents. Although the General Plan and NPRA
7 acknowledge that this standard is unachievable in a built-out city with
8 limited open space opportunities such as San Francisco, it notes that San
9 Francisco does have an average of approximately 5.5 open space acres
10 per resident, and states, “to the extent it reasonably can, the City should
11 increase the per capita supply of public open space within the City.” This
12 standard is consistent with the latest NPRA standards for the provision of
13 open space to serve residential uses. NPRA suggests that each city should
14 develop its own standards.

15 3. Additionally, the General Plan Recreation and Open Space Element
16 contains standards for the distribution of public open space. Areas
17 within acceptable walking distance of open space include areas within 1/2
18 mile of a “Citywide” open space (1-1,000 acres), 3/8 mile of a “District”
19 open space (> 10 acres), 1/4 mile of a “Neighborhood” open space (1-10
20 acres), and 1/8 mile of a “Subneighborhood” open space (< 1 acre).

21 4. Projected new development will create a need for open space to serve the
22 new residential population, pursuant to Recreation and Open Space
23 Element Policy 4.6, which states, “Assure the provision of adequate
24 public open space to serve new residential development.”
25

1 5. The neighborhood open spaces to be funded through the Market and
2 Octavia Community Infrastructure Impact Fee would alleviate a portion
3 of the impacts associated with new development and meet the needs of the
4 new population by raising the per capita amount of open space in the
5 district, and by bringing parts of the district within ¼ mile of an open
6 space as called for in the General Plan. Together with existing and other
7 proposed parks, approximately 12 acres of open space would be
8 available to serve the Market and Octavia Area's projected population of
9 36,525 residents, or .33 acres of open space per 1,000 residents. The
10 Market and Octavia Community Improvements Fee will contribute only
11 to the portion of new facilities that will benefit new residents.

12 ii. Streetscape Improvements: The proposed pedestrian and streetscape
13 improvements would increase the amount of useable open space in the Market
14 and Octavia Area, improve pedestrian safety, reduce automobile trips and
15 therefore mitigate traffic impacts expected in the district. Policy 4.11 of the
16 Urban Design Element states, "Make use of street space and other unused public
17 areas for recreation," and continues: "Walking along neighborhood streets is
18 the common form of recreation. The usefulness of streets for this purpose can in
19 many cases be improved by widening of sidewalks and installation of simple
20 improvements such as benches and landscaping. Such improvements can often be
21 put in place without narrowing of traffic lanes by use of parking bays with
22 widening of sidewalks at the intersections and at other points unsuitable for
23 parking. Streets that have roadways wider than necessary, and streets that are
24 not developed for traffic because of their steepness, provide exceptional
25

opportunities for recreation. These areas can be developed with playgrounds, sitting areas, viewpoints and landscaping that make them neighborhood assets and increase the opportunities for recreation close to the residents' homes."

1. Map 9 of the Recreation and Open Space Element identifies parts of the Market and Octavia Area as a place to "Improve Street Space for Recreation and Landscaping where Possible."

2. In the sections of the Plan Area that will be deficient in open space and where available land for new open space is scarce, excess street space that can be used for open space an important component of the open space system. A portion of the funds collected from the Market and Octavia Community Infrastructure Impact Fee would be used to improve sidewalks and alleyways for pedestrians, this space can be used for recreation and open space amenities, thereby helping to alleviate the open space need brought about by new development. A portion of the funds collected will also be used to acquire property for public parks and open space use.

iii. Community Facilities: The Community Facilities Element of the General Plan contains the following relevant provisions: Objective 3 (Assure that neighborhood residents have access to needed services and a focus for neighborhood activities.), Policy 3.1 (Provide neighborhood centers in areas lacking adequate community facilities.), Policy 3.3 (Develop centers to serve an identifiable neighborhood.), Policy 3.4 (Locate neighborhood centers so they are easily accessible and near the natural center of activity.), and Policy 3.5 (Develop neighborhood centers that are multipurpose in character, attractive in

1 design, secure and comfortable, and inherently flexible in meeting the current
2 and changing needs of the neighborhood served.).

3 iv. The proposed improvements described in Table 1 are necessary to serve the new
4 population at the anticipated densities and to meet established standards for
5 local access to parks and community facilities described in the General Plan.

6 v. A portion of the funds from the Market and Octavia Community Infrastructure
7 Impact Fee would pay for the development of new community facilities, which
8 would provide space to be used for public community arts, education, and
9 recreation facilities. National and international best practices identify the need
10 to provide community facilities to serve residential areas, especially in areas
11 rezoned for high-density housing without existing community infrastructure.
12 Vancouver B.C. has established service standards for the provision of community
13 facilities in high-density residential areas. The Planning Department has
14 determined that the provision of 2.29 square feet of recreational facilities per
15 resident is consistent with community needs. Funds from the Community
16 Infrastructure Impact Fee would be used to directly fund a portion of a new
17 community center, creating a public recreation, arts, and education facility
18 accessible to all Market and Octavia residents.

19 b. Library Resources: New residents in Plan Area will generate a substantial new need for
20 library services. The San Francisco Public Library does not anticipate adequate
21 demand for a new branch library in the Market and Octavia Plan Area at this time.
22 However, the increase in population in Plan Area will create additional demand at other
23 libraries, primarily the Main Library and the Eureka Valley Branch Library. The
24 Market and Octavia Community Infrastructure Impact Fee includes funding for library
25

1 services equal to \$69 per new resident, which is consistent with the service standards
2 used by the San Francisco Public Library for allocating resources to neighborhood
3 branch libraries.

4 c. Child Care Facilities: New households in the Plan Area will generate a need for
5 additional childcare facilities. Childcare services are integral to the financial and social
6 success of families. Nationwide, research and policies are strengthening the link
7 between childcare and residential growth, many Bay Area counties are leading in efforts
8 to finance new childcare through new development. San Mateo has conducted detailed
9 research linking housing to childcare needs. Santa Clara County has developed
10 exemplary projects that provide childcare facilities in proximity to transit stations, and
11 Santa Cruz has levied a fee on residential development to fund childcare. Similarly
12 many research efforts have illustrated that adequate childcare services are crucial in
13 supporting a healthy local economy, see research conducted by Louise Stoney, Mildred
14 Warner, PPIC, County of San Mateo, CA. MOCD's Project Connect Report identified
15 childcare as an important community service in neighboring communities. Project
16 connect did not survey the entire Market and Octavia Plan Area, it focused on low
17 income communities, including Market and Octavia's neighbors in the Mission, Western
18 Addition, and the Tenderloin. The Department of Children and Family Services projects
19 new residents of Market and Octavia will generate demand for an additional 435
20 childcare spaces, of those 287 will be serviced through new child care development
21 centers.

22 E. Programmed Improvements and Costs

23 The proposed Market and Octavia Community Infrastructure Impact Fee would fund
24 mitigations of the impacts of new development on:

- 1 ▪ Open Space: Acquisition and development of neighborhood parks, including McCoppin Square,
2 Brady Block Park, and living alleyways, which will serve as a open space.
- 3 ▪ Streets: Extensive streetscape improvements throughout the district, including sidewalk widening
4 of Hayes and McCoppin Streets, and greening of key civic streets; streetscape art; streets that
5 would result in pocket parks and linear greens;
- 6 ▪ Transit: Transit facilities such as dedicated bus lanes, signal prioritization, and transit amenities
7 such as improved signage and facilities. Major projects include BRT and an overhaul of Church
8 Street north of Market Street.
- 9 ▪ Community Facilities: planning, acquisition and development of a community facility available
10 for public uses, including community arts, recreation and education facilities; and
- 11 ▪ Community Services: Funding to provide library resources to the area's new residential
12 population to established city standards, whether provided in the area or in existing San
13 Francisco Public Library facilities. Funding to develop childcare facilities in the Plan Area to
14 service new households at anticipated demand rates.

15

16 Specific community improvements to mitigate the impact of new development in the Market and
17 Octavia Plan Area were identified through an elaborate Community Planning Process, see the Market
18 and Octavia Area Plan. The Planning Department developed cost estimates for all proposed
19 improvements. These are described in Table 1. Cost projections in Table 1 are realistic estimates made
20 by the Planning Department of the actual costs for improvements. More information on these cost
21 estimates are on file at the Planning Department in Case File No. _____ and on file with the
22 Clerk of the Board in File No. _____. In many cases these projects require further design work,
23 engineering, and environmental review, which may alter the nature of the improvements; the cost
24 estimates are still reasonable approximates for the eventual cost of providing necessary community
25

improvements to respond to identified community needs. These cost projections will be updated at a minimum every fifth year after adoption.

Table 1. Cost of proposed community improvements in the Market and Octavia Plan Area.

Projected Costs for Market and Octavia Community Improvements			
Projected Costs		Funding Needs	
Open Space			
"Living Street" Improvements for select Alleys	\$32,760,000		\$32,800,000
Street Tree Plantings for Key Streets	\$21,050,000		\$21,100,000
Brady Park - New Open Space SoMa West	\$2,470,000		\$2,500,000
McCoppin Plaza - New Open Space	\$900,000		\$900,000
McCoppin Plaza Extension - New Open Space	\$1,220,000		\$1,300,000
McCoppin Street Greening	\$1,350,000		\$1,400,000
Hayes Green - Recently Built	\$1,500,000		\$0
Under Freeway Park - Near Valencia Street	\$3,340,000		\$3,400,000
Hayes Green Rotating Art Project	\$250,000		\$300,000
Moving People and Goods			
Octavia Boulevard - Recently Built	\$42,000,000		\$0
Immediate Freeway Mitigation	\$660,000		\$700,000
Study Further Central Freeway Removal	\$200,000		\$200,000
Hayes Street Traffic Study	\$200,000		\$200,000
Improve Safety of City Parking Garages	\$70,000		\$100,000
Parking Supply Survey and Program Recommendations	\$300,000		\$300,000
Pedestrian Improvements for Priority Intersections	\$14,810,000		\$14,900,000
Extend Octavia ROW to Golden Gate Avenue	\$1,630,000		\$1,700,000
Church Street and Van Ness Avenue Muni Metro Entrance	\$2,140,000		\$2,200,000
Widen Hayes Street Sidewalk	\$2,330,000		\$2,400,000
Dolores Street Median Extension	\$180,000		\$200,000
Re-establishment of Vacated Alleyways	\$2,200,000		\$2,200,000
Van Ness Bus Rapid Transit Project	\$58,340,000		\$58,400,000
Transit Preferential Street Improvements	\$8,290,000		\$8,300,000
Dedicated Transit Lanes	\$4,990,000		\$5,000,000
Church Street Improvements	\$4,510,000		\$4,600,000
Transit Pass Program, as parking mitigation	\$4,920,000		\$5,000,000
Bicycle Network Improvements	\$170,000		\$200,000
Muni Bike Racks	\$40,000		\$100,000
On-Street Bike Racks	\$20,000		\$100,000
Page St Bicycle Boulevard	\$630,000		\$700,000
Childcare Facilities			
Existing Needs (deficit)	\$10,710,000		\$10,800,000
Future Needs	\$6,460,000		\$6,500,000
Library Materials	\$690,000		\$700,000
Recreational Facilities	\$11,310,000		\$11,400,000
Duboce Streetcar Museum	\$3,750,000		\$3,800,000
Historic Resource Survey	\$260,000		\$0
Plan Area Monitoring	\$200,000		\$200,000
Capital Improvements Program Administration	\$7,040,000		\$7,100,000
Subtotal	\$253,750,000		\$210,000,000

1
2 Provision of affordable housing needs are addressed in Sections 313 and 315 of the Planning
3 Code. Additionally subsidized affordable housing may be granted a waiver from the Market and
4 Octavia Community Improvement Fee in some circumstances see section 362.3 (h(3)). This waiver can
5 be leveraged as a local funding ‘match’ to federal and state affordable housing subsidies.

6 F. Sharing the Burden

7 As detailed above, new development in the Plan Area will clearly generate new infrastructure
8 demands.

9 To fund such community infrastructure and amenities, new development in the district shall be
10 assessed development impact fees proportionate to the increased demand for such infrastructure and
11 amenities. The City will use the proceeds of the fee to build new infrastructure and enhance existing
12 infrastructure, as described in preceding sections. A Community Improvements Impact Fee shall be
13 established for VNMDR-SUD, and the NCT and RTO districts as set forth herein.

14 Many counties, cities and towns have one standardized impact fee schedule that covers the
15 entire municipality. Although this type of impact fee structure works well for some types of
16 infrastructure, such as affordable housing and basic transportation needs, it cannot account for the
17 specific improvements needed in a neighborhood to accommodate specific growth. A localized impact
18 fee gives currency to the community planning process and encourages a strong nexus between
19 development and infrastructure improvements.

20 Development impact fees are an effective approach to achieve neighborhood mitigations and
21 associate the costs with new residents, workers, and a new kind of development. The proposed Market
22 and Octavia Community Improvements Impact Fee would be dedicated to infrastructure improvements
23 in the Plan Area, directing benefits of the fund clearly to those who pay into the fund, by providing
24 necessary infrastructure improvements, needed to serve new development. The net increases in
25

individual property values in these areas due to the enhanced neighborhood amenities financed with the proceeds of the fee are expected to exceed the payments of fees by project sponsors.

While these fees will increase the overall burden on new development in the area, the burden is typically reflected in a reduced sale price for developable land, or passed on to the buyers/renters of housing in the area and thus is born primarily by those who have caused the impact and who will ultimately enjoy the benefits of the community improvements it pays for. The fee structure allows project sponsor's to finance fees through the creation of a Community Benefits (Mello Roos) District, when reasonable.

The fee rate has been calculated by the Planning Department based on accepted professional methods for the calculation of such fees, as used for the Rincon Hill and Visitation Valley fees (Section 318 and 319). See Market and Octavia Community Improvements Program Document for a full discussion of impact fee calculation. Cost estimates are based on an assessment of the potential cost to the city of providing the specific improvements described in the Market and Octavia Plan Area. The Planning Department assigned a weighted value to new construction based on projected population increases in relation to the total population.

The Ordinance imposes the following fee structure.

Projected Revenue of Market and Octavia Community Improvements Impact Fee	
	Fee Rate
Residential	\$10.00
Commercial	\$4.00

Table 2. Market and Octavia Community Improvements Fee, Rates and Projected Revenue

The fee will contribute to capital improvements described in Table 1. Further explanations of capital improvements and a community prioritization schedule are available in the Market and Octavia

1 Community Improvements Program Document, filed with the Clerk of the Board in File
2 number_____. The fees would be used solely for community improvements and programming
3 described in the community improvements program document and any subsequent amendments
4 approved by the Planning Commission. The proposed fees only cover impacts caused by new
5 development and are not intended to remedy existing deficiencies; those costs will be paid for by
6 public, community, and other private sources.

7 The proposed fee would cover 95% of the estimated costs of the community improvements
8 necessary to mitigate the impacts of new development. By charging developers less than the maximum
9 amount of the justified impact fee, the City avoids any need to refund money to developers if the fees
10 collected exceed costs.

11 The Market and Octavia planning effort will generate proportionate public, private, and
12 community capital. Since 2000, when the Market and Octavia planning process was initiated, the area
13 has seen upwards of \$100 million in public investment, including the development of Octavia
14 Boulevard, the new Central freeway ramp, Patricia's Green in Hayes Valley and related projects.
15 Additionally private entities have invested in the area by improving private property and creating new
16 commercial establishments. Community members have invested by creating a Community Benefits
17 District in the adjacent Castro neighborhood, organizing design competitions, and lobbying for
18 community programming such as a rotating arts program on Patricia's Green in Hayes Valley. Project
19 sponsor contributions to the Market and Octavia Community Improvements Fund will help leverage
20 additional public and community investment.

21 As a result of this new development, projected to occur over a 20 year period, property tax
22 revenue is expected to increase by as much as \$55.7 million annually when projected housing
23 production is complete. Thirty-one point seven million dollars of this new revenue will be diverted
24 directly to San Francisco (see the Market and Octavia Community Improvements Program Document
25

1 for a complete discussion of increased property tax revenue). These revenues will fund improvements
2 and expansions to general city services, including police, fire, emergency, and other services needed to
3 partially meet increased demand associated with new development. New development's local impact on
4 community infrastructure will be greater in the Market and Octavia Plan Area, relative to those
5 typically funded by city government through property tax revenues. Increased property taxes will
6 contribute to continued maintenance and service delivery of new infrastructure and amenities. The
7 relative cost of capital improvements, along with the reduced role of state and federal funding sources,
8 increases the necessity for development impact fees to cover these costs. Residential and commercial
9 impact fees are one of the many revenue sources necessary to mitigate the impacts of new development
10 in the Market and Octavia Plan Area.

11 **SEC. 326.2. DEFINITIONS.**

12 The following definitions shall govern this ordinance:

- 13 (a) "Child-care facility" shall mean a child day-care facility as defined in California
14 Health and Safety Code Section 1596.750.
- 15 (b) "Community facilities" shall mean all uses as defined under Section 209.4(a) of this
16 Code.
- 17 (c) "Commercial use" shall mean any structure or portion thereof intended for occupancy
18 by retail or office uses that qualify as an accessory use, as defined and regulated in
19 Sections 204 through 204.5.
- 20 (d) "Commercial development project" shall mean any new construction, addition,
21 extension, conversion or enlargement, or combination thereof, of an existing structure
22 which includes any occupied floor area of commercial use; provided, however, that for
23 projects that solely comprise an addition to an existing structure which would add
24 occupied floor area in an amount less than 20 percent of the occupied floor area of the
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1 existing structure, the provisions of this Section shall only apply to the new occupied
2 square footage.

3 (e) "DBI" shall mean the Department of Building Inspection.

4 (f) "DPW" shall mean the Department of Public Works.

5 (g) "First certificate of occupancy" shall mean either a temporary certificate of occupancy
6 or a Certificate of Final Completion and Occupancy, as defined in San Francisco
7 Building Code Section 109, whichever is issued first.

8 (h) "Infrastructure" shall mean street paving, crosswalks, signs, medians, bulbouts,
9 sidewalks, trees, parks and open space, day care centers, libraries, and community
10 facilities.

11 (i) "Infrastructure fee" shall mean a monetary contribution based upon the cost to provide
12 infrastructure under this program.

13 (j) "MOH" shall mean the Mayor's Office of Housing.

14 (k) "Net addition of occupiable square feet of commercial use" shall mean occupied floor
15 area, as defined in Section 102.10 of this Code, to be occupied by or primarily serving,
16 non-residential use excluding common areas such as hallways, maintenance facilities
17 and lobbies, less the occupied floor area in any structure demolished or rehabilitated as
18 part of the proposed commercial development project which occupied floor area was
19 used primarily and continuously for commercial use and was not accessory to any use
20 other than residential use for at least five years prior to Planning Department approval
21 of the residential development project subject to this Section, or for the life of the
22 structure demolished or rehabilitated, whichever is shorter.

23 (l) "Net addition of occupiable square feet of residential use" shall mean occupied floor
24 area, as defined in Section 102.10 of this Code, including bathrooms provided as part of
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dwelling units, to be occupied by or primarily serving, residential use excluding common areas such as hallways, fitness centers and lobbies, less the occupied floor area in any structure demolished or rehabilitated as part of the proposed residential development project which occupied floor area was used primarily and continuously for residential use and was not accessory to any use other than residential use for at least five years prior to Planning Department approval of the residential development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(m) "Program" shall mean the Market and Octavia Community Improvements as described in the Market and Octavia Community Improvements Program Document.

(n) "Program Area" shall mean the Market and Octavia Neighborhood Plan Area, which includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market Downtown Residential Special Use District (VMDRSUD).

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

(p) "Residential use" shall mean any structure or portion thereof intended for occupancy by uses as defined in Section 890.88 of this Code and shall not include any use which qualifies as an accessory use, as defined and regulated in Sections 204 through 204.5.

- 1 (q) "Sponsor" shall mean an applicant seeking approval for construction of a residential
2 development project subject to this Section and such applicant's successors and assigns.
- 3 (r) "Waiver Agreement" means an agreement acceptable in form and substance to the
4 Planning Department and the City Attorney, under which the City agrees to waive all or
5 a portion of the Community Improvements Impact Fee, conditioned upon the project
6 sponsor's covenant to make a good faith effort to secure the formation of a Community
7 Facilities (Mello-Roos) District, if such a district has not already been successfully
8 formed, and to take all steps necessary to support the construction of a portion of the
9 improvements described in Sections 326.6 (the "CFD Improvements") using the
10 proceeds of one or more series of special tax bonds or moneys otherwise made available
11 by such a district ("CFD Funds"). Such agreement shall include a specific description
12 of the CFD Improvements and a specific date for the commencement of such
13 improvements. Such agreement shall also provide that the project sponsor shall pay the
14 full amount of the waived Community Improvements Impact Fee in the event that CFD
15 Funds are not received in amounts necessary to commence construction of the CFD
16 Improvements on the stated commencement date. The City also shall require the project
17 sponsor to provide a letter of credit or other instrument to secure the City's right to
18 receive payment as described in the preceding sentence.

19 **SEC. 326.3. APPLICATION.**

20 (a) Program Area. The Market and Octavia Community Improvements Neighborhood
21 Program is hereby established and shall be implemented through district-specific community
22 improvements funds which apply to the following areas:

23 Properties identified as part of the Market and Octavia Plan Area in Map 1 (Land Use Plan) of
24 the Market and Octavia Area Plan of the San Francisco General Plan.

1 (b) The sponsor shall pay to the Treasurer Market and Octavia Community Improvements
2 Impact Fees of the following amounts for each net addition of occupiable square feet which results in
3 an additional residential unit or any increased commercial capacity that is beyond 10 percent of the
4 non-residential capacity at the time that this ordinance is adopted.

5 (i) Prior to the issuance by DBI of the first site or building permit for a residential
6 development project, or residential component of a mixed use project within the Program Area, a
7 \$10.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in
8 (a)(i) above, for the Market and Octavia Community Improvements Fund.

9 (ii) Prior to the issuance by DBI of the first site or building permit for a commercial
10 development project, or commercial component of a mixed use project within the Program Area, a
11 \$4.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in (a)(i)
12 above, for the Market and Octavia Community Improvements Fund. See Section 326.3(h)4 for relevant
13 waivers and reductions.

14 (c) Upon request of the sponsor and upon payment of the Community Improvements Impact
15 Fee in full to the Treasurer, the execution of a waiver or in-kind agreement, the Treasurer shall issue a
16 certification that the obligations of this section of the Planning Code have been met. The sponsor shall
17 present such certification to the Planning Department and DBI prior to the issuance by DBI of the first
18 site or building permit for the development project. DBI shall not issue the site or building permit
19 without the Treasurer's certification. Any failure of the Treasurer, DBI, or the Planning Department to
20 give any notice under this Section shall not relieve a sponsor from compliance with this Section. Where
21 DBI inadvertently issues a site or building permit without payment of the fee, DBI shall not issue any
22 certificate of occupancy for the project without notification from the Treasurer that the fees required by
23 this Section have been paid. The procedure set forth in this Subsection is not intended to preclude

1 enforcement of the provisions of this Section under any other section of this Code, or other authority
2 under the laws of the State of California.

3 (d) The Planning Commission or Board of Supervisors may adjust the amount of the
4 development impact fees set forth in the annual fee adjustments on an annual or triennial basis. Unless
5 and until an adjustment has been made, the schedule set forth in this ordinance shall be deemed to be
6 the current and appropriate schedule of development impact fees. The Market and Octavia Community
7 Improvements Impact Fee adjustments could be based on the following factors: (a) the percentage
8 increase or decrease in the cost to acquire real property for public park and open space use in the area
9 and (b) the percentage increase or decrease in the construction cost of providing these and other
10 improvements listed in § 326.1(E)(a), or (c) to account for alterations to the list of planned community
11 improvements listed in § 326.1(E)(a) as approved by the Planning Commission. Fluctuations in the
12 construction market can be gauged by indexes such as the Engineering News Record or a like index.
13 Revision of the fee should be done in coordination with revision to other like fees, such as those
14 detailed in Sections 247, 313, 314, 318, and 319 of the Planning Code.

15 (e) Option for In-Kind Provision of Community Improvements. The Planning Commission
16 may reduce the Community Improvements Impact Fee described in (b) above for specific development
17 proposals in cases where a project sponsor has entered into an agreement with the City to provide in-
18 kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space,
19 community center, and other improvements that result in new public infrastructure and facilities
20 described in Section 326.1(E)(a) or similar substitutes. For the purposes of calculating the total value
21 of in-kind community improvements, the project sponsor shall provide the Planning Department with a
22 cost estimate for the proposed in-kind community improvements from two independent contractors.
23 Based on these estimates, the Director of Planning shall determine their appropriate value and the
24 Planning Commission may reduce the Community Improvements Impact Fee assessed to that project
25

1 proportionally. Approved in-kind provisions should generally respond to priorities of the community,
2 or fall within the guidelines of approved procedures for prioritizing projects in the Market and Octavia
3 Community Improvements Program.

4 (f) Option for Provision of Community Improvements via a Community Facilities (Mello-
5 Roos) District. The Planning Commission may waive the Community Improvements Impact Fee
6 described in 326.3(b) above, either in whole or in part, for specific development proposals in cases
7 where one or more project sponsors have entered into a Waiver Agreement with the City. Such waiver
8 shall not exceed the value of the improvements to be provided under the Waiver Agreement. In
9 consideration of a Mello-Roos waiver agreement, the Planning Commission shall consider whether
10 provision of Community Improvements through a Community Facilities (Mello-Roos) District will
11 restrict funds in ways that will limit the City's ability to provide community amenities according to the
12 established community priorities detailed in the Market and Octavia Area Plan, or to further
13 amendments.

14 (g) Applicants who provide community improvements through a Community Facilities (Mello
15 Roos) District or an in-kind development will be responsible for all additional city staff and
16 administration costs including, Planning Department staff, City Attorney time, and other costs
17 necessary to administer the alternative to the direct payment of a fee. These costs shall be paid in
18 addition to the community improvements obligation. The Planning Department may designate a base
19 fee for the establishment of a Mello Roos district, that project sponsors would be obliged to pay before
20 the district is established. The base fee should cover basic costs associated with establishing a district
21 but may not account for all expenses, a minimum estimate of the base fee will be published annually by
22 the Planning Department.

23 (h) Waiver or Reduction:
24
25

1 (1) A project applicant of any project subject to the requirements in this Section may appeal
2 to the Planning Commission for a reduction, adjustment, or waiver of the requirements based upon the
3 absence of any reasonable relationship or nexus between the impact of development and the amount of
4 the fee charged or for the reasons set forth in subsection (3) below, a project applicant may request a
5 waiver from the Planning Commission.

6 (2) 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 may appeal for a reduction, adjustment or waiver of the requirements with respect to the
10 square footage of construction previously approved.

11 (3) The Planning Commission shall give special consideration to offering
12 reductions or waivers to housing projects on the grounds of affordability in cases in
13 which the State of California, the Federal Government, the Mayor's Office of
14 Housing, the San Francisco Redevelopment Agency, or other public subsidies target
15 new housing for populations at or below 50% of the Area Median Income. This
16 waiver clause intends to provide a local 'match' for these deeply subsidized units
17 and should be considered as such by relevant agencies. Specifically these units may
18 be rental or ownership opportunities but they must be subsidized in a manner, which
19 maintains their affordability for a term no less than 55 years. Project sponsors must
20 demonstrate to the Planning Commission that a governmental agency will be
21 enforcing the term of affordability and reviewing performance and service plans as
22 necessary, usually this takes the form of a deed restriction. Staff should recommend
23 the exact fee reduction to the Planning Commission based on the 'match' necessary
24 to make deeply affordable housing work in the Plan Area. Ideally some contribution
25

1 will be made to the Market and Octavia Community Improvement Program, as these
2 units will place an equal demand on community improvements. The Planning
3 Commission may grant a waiver on the condition of a project sponsor securing
4 future funding that will fulfill the requirements of this clause, in the instance that this
5 will expedite planning approval or facilitate the sponsors ability to serve a specific
6 population.

7 (4) The city shall make every effort not to assess duplicative fees on new development. This
8 section discusses the method to determine the appropriate reduction amount for known possible
9 conflicts. Should future fees pose a duplicative charge, such as a citywide open space or childcare fee,
10 the same methodology shall apply. Additionally the City should work to ensure that fees levied on
11 development in the Plan Area through other fee programs should be targeted towards improvements
12 identified through the Market and Octavia Plan, especially fees that allow project sponsor's to obtain a
13 waiver from the Market and Octavia Community Improvement's Fund.

14 (a) In general project sponsors are only eligible for fee waivers under this clause if a
15 contribution to another fee program would result in a duplication of charges for a particular type of
16 community infrastructure. Therefore applicants may only receive a waiver for the portion of the Market
17 and Octavia Community Improvements Fund that addresses that infrastructure type. Refer to Table 3
18 for fee composition by infrastructure type. This calculation should be updated with major changes to
19 the related community improvements programming.

Table 3. Breakdown of Market and Octavia Community Improvements Fee by Infrastructure Type.

<u>Components of Proposed Impact Fee</u>		
	<u>Residential</u>	<u>Commercial</u>
<u>Open Space</u>	<u>33%</u>	<u>51%</u>
<u>Vehicle</u>	<u>15%</u>	<u>13%</u>
<u>Pedestrian</u>	<u>6%</u>	<u>7%</u>
<u>Transportation</u>	<u>16%</u>	<u>14%</u>
<u>Bicycle</u>	<u>0%</u>	<u>0%</u>
<u>Childcare</u>	<u>10%</u>	<u>0%</u>
<u>Library Materials</u>	<u>1%</u>	<u>0%</u>
<u>Recreational Facilities</u>	<u>10%</u>	<u>0%</u>
<u>Future Studies</u>	<u>0%</u>	<u>0%</u>
<u>Program Administration</u>	<u>9%</u>	<u>15%</u>
<u>Total</u>	<u>100%</u>	<u>100%</u>

(b) Applicants that are subject to the downtown parks fee, Section 139 can reduce their contribution to the Market and Octavia Community Improvements Fund by one dollar for every dollar that they contribute to the downtown parks fund, the total fee waiver or reduction granted through this clause shall not exceed 59 percent of calculated contribution.

(5) Any appeal shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the sponsor is required to pay to the Treasurer the fee as required in Section 326.3(b). The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60

1 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial
2 evidence to support the appeal, including comparable technical information to support appellant's
3 position. The decision of the Board shall be by a simple majority vote and shall be final. If a
4 reduction, adjustment, or waiver is granted, any change of use or scope of the project shall invalidate
5 the waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or waiver,
6 the Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or
7 waiver to the Treasurer.

8 **SEC. 326.4. LIEN PROCEEDINGS.**

9 (a) A sponsor's failure to comply with the requirements of Sections 326.3, shall constitute
10 cause for the City to record a lien against the development project in the sum of the fees required under
11 this ordinance. The fee required by Section 326.3(b) of this ordinance is due and payable to the
12 Treasurer prior to issuance of the first building or site permit for the development project unless a
13 Waiver Agreement has been executed. If, for any reason, the fee remains unpaid following issuance of
14 the permit and no Waiver Agreement has been executed, any amount due shall accrue interest at the
15 rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the permit
16 until the date of final payment.

17 (b) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following
18 issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of
19 Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee,
20 including interest, a lien against all parcels used for the housing development project and shall send all
21 notices required by that Article to the owner of the property as well as the sponsor. The Treasurer
22 shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the
23 Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall
24 contain the sponsor's name, a description of the sponsor's housing development project, a description
25

1 of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the
2 current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and
3 place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of
4 record of the parcels of real property subject to lien. Except for the release of lien recording fees
5 authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to
6 this ordinance shall be held in trust by the Treasurer and deposited in the Market and Octavia
7 Community Improvements Fund established in Section 326.6.

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

15 **SEC. 326.5. COMMUNITY IMPROVEMENTS IMPACT FEE REFUND WHEN BUILDING**
16 **PERMIT EXPIRES PRIOR TO COMPLETION OF WORK AND COMMENCEMENT OF**
17 **OCCUPANCY.**

18 In the event a building permit expires prior to completion of the work on and commencement of
19 occupancy of a residential or commercial development project so that it will be necessary to obtain a
20 new permit to carry out any development, the obligation to comply with this ordinance shall be
21 cancelled, and any Community Improvements Impact Fee previously paid to the Treasurer shall be
22 refunded. If and when the sponsor applies for a new permit, the procedures set forth in this ordinance
23 regarding payment of the Community Improvements Impact Fee shall be followed.

1 **A. SEC. 326.6. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.**

2 (a) There is hereby established a separate fund set aside for a special purpose entitled the
3 Market and Octavia Community Improvements Fund ("Fund"). All monies collected by the Treasurer
4 pursuant to Section 326.3(b) shall be deposited in a special fund maintained by the Controller. The
5 receipts in the Fund are hereby appropriated in accordance with law to be used solely to fund
6 community improvements subject to the conditions of this Section.

7 (b) _____

8 (1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop
9 neighborhood open spaces, pedestrian and streetscape improvements, community facilities, childcare
10 facilities, and other improvements that result in new publicly-accessible facilities within the Market and
11 Octavia Plan Area or within 250 feet of the Plan Area. Funds may be used for childcare facilities that
12 are not publicly owned or "publicly-accessible". Funds may be used for additional studies and fund
13 administration as detailed in the Market and Octavia Community Improvements Program Document.
14 These improvements shall be consistent with the Market and Octavia Civic Streets and Open Space
15 System as described in Map 4 of the Market and Octavia Area Plan of the General Plan, and any
16 Market and Octavia Improvements Plan that is approved by the Board of Supervisors in the future.
17 Monies from the Fund may be used by the Planning Commission to commission economic analyses for
18 the purpose of revising the fee pursuant to Section 326.3(d) above, to complete an updated nexus study
19 to demonstrate the relationship between development and the need for public facilities if this is deemed
20 necessary, or to commission landscape architectural or other planning, design and engineering
21 services in support of the proposed public improvements, provided they do not exceed \$100,000 in one
22 fiscal year.

23 (2) No portion of the Fund may be used, by way of loan or otherwise, to pay any
24 administrative, general overhead, or similar expense of any public entity, except for the purposes of
25

1 administering this fund. All interest earned on this account shall be credited to the Market and Octavia
2 Community Improvements Fund.

3 (c) The Controller's Office shall file an annual report with the Board of Supervisors
4 beginning 180 days after the last day of the fiscal year of the effective date of this ordinance, which
5 shall include the following elements as detailed by AB 1600: (1) a description of the type of fee in each
6 account or fund; (2) Amount of the fee; (3) Beginning and ending balance of the accounts or funds; (4)
7 Amount of fees collected and interest earned; (5) Identification of each public improvement on which
8 fees were expended and amount of each expenditure; (6) An identification of the approximate date by
9 which the construction of public improvements will commence; (7) A description of any inter-fund
10 transfer or loan and the public improvement on which the transferred funds will be expended; and (8)
11 Amount of refunds made and any allocations of unexpended fees that are not refunded.

12 Every fifth fiscal year following the first deposit into the account the following account
13 reporting shall be made by the Controller's office in coordination with the Planning Department: (1)
14 Purpose to which the fee is to be put; (2) Demonstrate a reasonable relationship between the fee and
15 the purpose for which it is charged; (3) Identify all sources and amounts of funding anticipated to
16 complete financing in incomplete improvements identified in this ordinance and subsequent reporting;
17 and (4) Designate the approximate dates on which the funding referred to above (3) is expected to be
18 deposited into the appropriate account or fund. The Controller's office is encouraged but not required
19 to establish a tickler system to insure that proper and timely accounting and reporting is completed.

20 The reporting requirements detailed in this section refer to the current requirements under AB
21 1600; and are detailed here to insure that this fund fulfills all legal obligations as detailed by the State
22 of California. Any amendments to AB1600 automatically apply to the reporting requirements of this
23 ordinance and the ordinance should be amended accordingly.

24 The Fund shall be administered by the Planning Commission.
25

1 (d) A public hearing shall be held by both the Planning and Recreation and Parks
2 Commissions to elicit public comment on proposals for the acquisition of property using monies in the
3 Fund or through agreements for in-kind or Community Facilities (Mello-Roos) District improvements,
4 as described above in Section 326.3(d) and (e). Notice of public hearings shall be published in an
5 official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time,
6 place, and purpose of the hearing. The hearing may be continued to a later date by a majority vote of
7 the members of both Commissions present at the hearing. At a joint public hearing, a quorum of the
8 Planning and Recreation and Parks Commissions may vote to allocate the monies in the Fund for
9 acquisition of property for park use and/or for development of property for park use, or to approve
10 projects proposed in connection with an agreement for in-kind or Community Facilities (Mello-Roos)
11 District Improvements.

12 (e) The Planning Commission shall work with other City agencies and commissions,
13 specifically the Department of Recreation and Parks, Department of Public Works, and the
14 Metropolitan Transportation Agency, to develop agreements related to the administration of the
15 development of new public facilities within public rights-of-way or on any acquired property designed
16 for park use, using such monies as have been allocated for that purpose at a hearing of the Planning
17 Commission.

18 (f) The Director of Planning shall have the authority to prescribe rules and regulations
19 governing the Fund, which are consistent with this ordinance.

20 **SEC. 326.7. DIRECTOR OF PLANNING'S EVALUATION.**

21 Within 18 months following the effective date of this ordinance, and every 12 months thereafter
22 the Director of Planning shall report to the Planning Commission, the Board of Supervisors, and the
23 Mayor on the status of compliance with this ordinance, and the efficacy of this ordinance in funding
24 infrastructure in the Program Area. Every five years the Director of Planning shall report to the
25

1 Planning Commission, the Board of Supervisors, and the Mayor with a revised priority community
2 improvement schedule for the following term.

3 **SEC. 326.8. STUDY**

4 (a) No later than July 1, 2011, and every five years thereafter, the Director of Planning
5 shall complete a study to determine the future demand for infrastructure to serve residential and
6 commercial development projects in the Market and Octavia Plan Area and, based on the study,
7 recommend to the Board of Supervisors changes in the requirements for community improvement
8 impact fees in this ordinance if necessary to help meet that demand.

9 **SEC. 341 BETTER NEIGHBORHOODS AREA PLAN MONITORING PROGRAM**

10 Sections 341.1 to 341.4 set forth the requirements and procedures for the Market and Octavia
11 Community Monitoring Program.

12 **SEC. 341.1. FINDINGS.**

13 (a) The Planning Commission has adopted the Market and Octavia Area Plan as part of the General
14 Plan of the City and County of San Francisco. The Area Plan, in conjunction with the Market and
15 Octavia Neighborhood Plan, outlines specific goals that cumulatively frame the community's vision for
16 the management of growth and development in the plan area. The Market and Octavia Neighborhood
17 Plan introduces innovative policies and land use controls to achieve the plan goals. Successful fruition
18 of the plan's goals requires a coordinated implementation of land use controls, community and public
19 service delivery, key policies, and community infrastructure improvements.

20 (b) In order to ensure a balanced implementation of the Market and Octavia Neighborhood Plan, the
21 Planning Department will implement a formal monitoring program, with a focus on key indicators. The
22 monitoring program is necessary to evaluate the effectiveness of the Plan and the impacts of growth,
23 particularly housing supply, neighborhood character, and transportation infrastructure and service.
24 The monitoring program will determine whether necessary infrastructure improvements have keep pace
25

1 with development in the Plan Area. If monitoring surveys indicate an imbalance in growth of
2 neighborhood and relevant infrastructure and support, the Planning Department must recommend
3 policy changes to balance development with infrastructure and services. Appropriate responses may
4 include further study of specific conditions, temporary or permanent alterations to Market and Octavia
5 Neighborhood Plan policies, amendments to the Planning Code, and the dedication of additional
6 revenue for planned improvements.

7 (c) Monitoring reports are a standard tool used to ensure a plan's success. The Downtown Plan of
8 1985 implemented a model monitoring system, which includes both an annual and 5-year monitoring
9 cycle. Annual monitoring efforts for the Market and Octavia Plan Area should be coordinated with
10 these efforts, but include a focus on policies and indicators relevant to the Market and Octavia
11 Neighborhood Plan. The Market and Octavia time series monitoring report should be published
12 independently.

13 (d) The Market and Octavia Plan is a pilot planning effort, implementing modern planning strategies.
14 Data on the successes will be a useful contribution to the field of planning and to other municipalities
15 aiming to achieve transit-oriented communities.

16 (e) The Planning Department will execute a two-tiered monitoring program. The two tiers are: 1)
17 An annual collection and reporting of data from selected sources that are gathered on a regular basis,
18 and 2) every five years, a more extensive data collection effort that includes a evaluation of policy
19 objectives specific to the Market and Octavia Area Plan and reporting of neighborhood trends. The
20 annual monitoring will provide notice for trends that may develop, gauging progress towards long
21 range goals. The time series report will provide in depth analysis of the Plan Area, including a
22 discussion of qualitative trends.

23 **SEC. 341.2. ANNUAL REPORTING.**

24 The Planning Department shall prepare an annual report detailing the housing supply and
25

development, commercial activities, and transportation trends in the Market and Octavia Plan Area.
The information shall be presented to the Board of Supervisors, Planning Commission, and Mayor, and
shall address: (1) the extent of development in the Market and Octavia Plan Area; (2) the consequences
of that development; (3) the effectiveness of the policies set forth in the Market and Octavia Area Plan
in maintaining San Francisco's environment and character; and (4) recommendations for measures
deemed appropriate to deal with the impacts of neighborhood growth.

(a) Time Period and Due Date. Reporting shall be presented by July 1st of each year, and shall
address the immediately preceding calendar year.

(b) Data Source. The Planning Department shall assemble a data for the purpose of providing the
reports. City records shall be used wherever possible. Outside sources shall be used when data from
such sources are reliable, readily available and necessary in order to supplement City records. When
data is not available for the exact boundaries of the Plan Area, a similar geography will be used and
noted.

(c) Categories of Information. The following categories of information shall be included:

Commercial Space and Employment.

(1) The amount of office space "Completed," "Approved," and "Under Construction" during the
preceding year, both within the Plan Area and elsewhere in the City. This inventory shall include the
location and square footage (gross and net) of those projects, as well as an estimate of the dates when
the space "Approved" and "Under Construction" will become available for occupancy.

(2) Plan Area and Citywide Employment trends. An estimate of additional employment, by
occupation type, in the Plan Area and citywide.

(3) Retail Space and Employment. An estimate of the net increment of retail space and of the
additional retail employment relocation trends and patterns Plan Area and citywide.

(4) Business Formation and Relocation. An estimate of the rate of the establishment of new

1 businesses and business and employment relocation trends and patterns within the Plan Area and
2 citywide.

3 Housing.

4 (5) Housing Units Certified for Occupancy. An estimate of the number of housing units in the Plan
5 Area and throughout the City newly constructed, demolished, or converted to other uses.

6 (6) Affordable Housing Production. An estimate of the number of new affordable housing units in
7 the Plan Area and throughout the City, including information on affordability and funding sources.

8 (7) Unit size. An estimate of the mix of unit sizes in the Plan Area and throughout the City including
9 new construction, unit mergers and unit subdivisions.

10 (8) Unit Conversion. An estimate of average number by unit type in the Plan Area and throughout the
11 City, including condo conversion, and eviction cases.

12 Transportation.

13 (9) Parking Inventory. An estimate of the net increment of off-street parking spaces in all
14 Districts.

15 (10) Transit Service. An estimate of transit capacity for peak periods.

16 (11) Transit Impact Fee. A summary of the use of the transit impact development fee
17 funds, identifying the number of vehicles, personnel and facilities acquired.

18 (d) Report. The analysis of the factors under Commercial Space, Housing and
19 Transportation will compare Plan Area trends to existing conditions, citywide trends, and
20 regional trends, when relevant. The comparisons will indicate the degree that the City is able
21 to accommodate new development as projected within the Plan Area. Based on this data, the
22 Department shall analyze the effectiveness of City policies governing Plan Area growth and
23 shall recommend any additional measures deemed appropriate.

24 **SEC. 341.3. TIME SERIES REPORT.**

1 By July 15, 2008, and every fifth year thereafter on July 15th, the report submitted shall address the
2 preceding five calendar years and, in addition to the data described above, shall include a cordon
3 count of the following key indicators:

4 (a) Implementation of Proposed Programming. The area plan proposes the implementation of various
5 programs including impact fees for development, parking and curb cuts, residential permit parking
6 reform, shared parking programs, and historic preservation survey. Implementation of said programs
7 shall report the following:

8 (1) Fees. Monitor expenditure of all implemented fees. Report on studies and implementation
9 strategies for additional fees and programming.

10 (2) Parking Programs. Report on implementation strategies, including cooperation with
11 relevant agencies, and success of program as implemented.

12 (3) Historic Preservation Surveys. Report findings of survey. Detail further proceedings with
13 regards to findings of survey work.

14 (b) Community Improvements. The Area Plan outlines major community improvements in the areas of
15 open space, transportation, pedestrian realm, and community services. Implementation of
16 improvements will be documented.

17 (c) Planning Code Performance. Better Neighborhoods plans aim to clarify development
18 proceedings, thus reducing the number of variances, articulating conditional use processes, and
19 facilitating the development process. The permit process in the Plan Area and Citywide will be
20 evaluated.

21 **SEC. 341.4. INFORMATION TO BE FURNISHED.**

22 It shall be the duty of the heads of all departments, offices, commissions, bureaus and divisions of the
23 City and County of San Francisco, upon request by the Planning Department, to furnish such
24
25

1 information as they may have or be able to obtain relating to the matters to be included in the reports
2 required herein.

3 **SEC. 731.1 NCT-3 - MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**
4 **DISTRICT.**

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

19 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and specialty
20 goods and services to a population greater than the immediate neighborhood, additionally providing
21 convenience goods and services to the surrounding neighborhoods. NCT-3 Districts include some of
22 the longest linear commercial streets in the City, some of which have continuous retail development for
23 many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-

scaled commercial streets, although the districts may include small as well as moderately scaled lots.

Buildings may range in height, with height limits varying from four to eight stories.

NCT-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

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

SEC. 731 MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3

ZONING CONTROL TABLE

-	-	-	<u>NCT-3</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>731.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271</u>	<u>Varies</u> <u>See Zoning Map</u> <u>Height Sculpting on Alleys; § 261.1</u> <u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18</u>

<u>731.11</u>	<u>Lot Size [Per Development]</u>	<u>§§790.56, 121.1</u>	<u>P up to 9,999 sq. ft.;</u> <u>C 10,000 sq. ft. & above</u> <u>§121.1</u>
<u>731.12</u>	<u>Rear Yard</u>	<u>§§130, 134, 136</u>	<u>Required at residential</u> <u>levels only</u> <u>§134(a)(e)</u>
<u>731.13</u>	<u>Street Frontage</u>	-	<u>Required</u> <u>§ 145.1</u>
<u>731.13a</u>	<u>Street Frontage, Above-</u> <u>Grade Parking Setback and</u> <u>Active Uses</u>		<u>Minimum 25 feet on</u> <u>ground floor, 15 feet on</u> <u>floors above</u> <u>§ 145.1(c), (e)</u>
<u>731.13b</u>	<u>Street Frontage, Required</u> <u>Ground Floor Commercial</u>		<u>Market Street, Church</u> <u>Street</u> <u>§ 145.1(d)</u>
<u>731.13c</u>	<u>Street Frontage, Parking</u> <u>and Loading access</u> <u>restrictions</u>		<u>§ 155(r)</u> <u>NP: Market Street,</u> <u>Church Street, Mission</u> <u>Street</u> <u>C: Duboce Street, Haight</u> <u>Street</u>
<u>731.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P</u> <u>§ 136.1(a)</u>
<u>731.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<u>P</u> <u>§ 136.1(b)</u>
<u>731.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<u>P</u> <u>§ 136.1(c)</u>
<u>731.17</u>	<u>Street Trees</u>	-	<u>Required</u> <u>§ 143</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>731.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>3.6 to 1</u> <u>§ 124(a) (b)</u>

<u>731.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 5,999 sq. ft.;</u> <u>C 6,000 sq. ft. & above</u> <u>§ 121.2</u>
<u>731.22</u>	<u>Off-Street Parking,</u> <u>Commercial/Institutional</u>	<u>§§ 150, 153-157, 159-</u> <u>160, 204.5</u>	<u>None required. Generally</u> <u>none permitted by-right,</u> <u>C up to one space per</u> <u>2,500 square feet. For</u> <u>retail uses larger than</u> <u>10,000 square feet that</u> <u>sell bulky or heavy</u> <u>merchandise, P up to</u> <u>1:500, C up to 1:350 for</u> <u>space in excess of 20,000</u> <u>s.f. subject to conditions</u> <u>of 151.1(f).</u> <u>§§ 151.1, 166, 145.1</u>
<u>731.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155,</u> <u>204.5</u>	<u>Generally, none required</u> <u>if gross floor area is less</u> <u>than 10,000 sq. ft.</u> <u>§§ 152, 161(b)</u>
<u>731.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front;</u> <u>C if located elsewhere</u> <u>§ 145.2(a)</u>
<u>731.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	
<u>731.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.;</u> <u>C if not recessed</u> <u>§ 145.2(b)</u>
<u>731.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>No Limit</u>
<u>731.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602-604, 608,</u> <u>609</u>	<u>P #</u> <u>§ 607.1(e)2</u>
<u>731.31</u>	<u>Business Sign</u>	<u>§§ 262, 602-604, 608,</u> <u>609</u>	<u>P #</u> <u>§ 607.1(f)3</u>
<u>731.32</u>	<u>Other Signs</u>	<u>§§ 262, 602-604, 608,</u> <u>609</u>	<u>P #</u> <u>§ 607.1(c) (d) (g)</u>
-	-	-	<u>NCT-3</u>

			<u>Controls by Story</u>		
-	-	-			
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
-	-	<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd +</u>
<u>731.38</u>	<u>Residential Conversion</u>	<u>§ 790.84, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.39</u>	<u>Residential Demolition</u>	<u>§ 790.86, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.39a</u>	<u>Residential Division</u>	<u>§ 207.6</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales and Services</u>					
<u>731.40</u>	<u>Other Retail Sales and Services</u> <u>[Not Listed Below]</u>	<u>§ 790.102</u>	<u>P #</u>	<u>P #</u>	<u>P #</u>
<u>731.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	-
<u>731.42</u>	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	<u>P</u>	-
<u>731.43</u>	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>	<u>C #</u>	<u>C #</u>	-
<u>731.44</u>	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>	<u>P #</u>	<u>P #</u>	-
<u>731.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	-	-	-
<u>731.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	-
<u>731.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	-
<u>731.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	-
<u>731.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	-
<u>731.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	-
<u>731.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>731.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>

1	<u>731.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
2	<u>731.54</u>	<u>Massage Establishment</u>	<u>§ 790.60,</u> <u>§ 2700 Police Code</u>	<u>C</u>	<u>C</u>	-
3						
4	<u>731.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
5	<u>731.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 158.1,</u> <u>160</u>	<u>C</u>	<u>C</u>	<u>C</u>
6	<u>731.57</u>	<u>Automobile Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
7	<u>731.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
8						
9	<u>731.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	-
10	<u>731.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>	-	-
11	<u>731.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>	-	-
12						
13	<u>731.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	-
14	<u>731.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>	-	-
15	<u>731.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
16	<u>731.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
17	<u>731.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>C</u>	<u>C</u>	<u>C</u>
18	<u>731.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>
19	<u>Institutions and Non-Retail Sales and Services</u>					
20	<u>731.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
21	<u>731.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
22	<u>731.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
23	<u>731.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
24	<u>731.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>

<u>731.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>731.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages listed in 145.1(d)</u>	<u>P</u>	<u>P</u>
<u>731.91</u>	<u>Residential Density, Dwelling Units</u>	<u> §§ 207, 207.1, 790.88(a)</u>	<u>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes. § 207.4, 207.6</u>		
<u>731.92</u>	<u>Residential Density, Group Housing</u>	<u> §§ 207.1, 790.88(b)</u>	<u>No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes. § 208</u>		
<u>731.93</u>	<u>Usable Open Space [Per Residential Unit]</u>	<u> §§ 135, 136</u>	<u>Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)</u>		
<u>731.94</u>	<u>Off-Street Parking, Residential</u>	<u> §§ 150, 153-157, 159-160, 204.5</u>	<u>None required. P up to 0.5; C up to 0.75, except C up to 1.0 for units that have at least 2 bedrooms and 1,000 occupiable square feet. § 151.1, 166, 167, 145.1</u>		
<u>731.95</u>	<u>Community Residential Parking</u>	<u> § 790.10, 145.1, 166</u>	<u>C</u>	<u>C</u>	<u>C</u>

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 731.30</u> <u>§ 731.31</u> <u>§ 731.32</u>	<u>§ 608.10</u>	<u>UPPER MARKET STREET SPECIAL SIGN DISTRICT</u> <u>Boundaries: Applicable only for the portion of the Market Street NCT-3 District from Octavia to Church Streets as mapped on Sectional Map SSD</u> <u>Controls: Special restrictions and limitations for signs</u>
<u>§ 731.84</u> <u>§ 790.141</u>	<u>Health Code § 3308</u>	<u>Medical cannabis dispensaries in NCT-3 District may only operate between the hours of 8 am and 10 pm.</u>

SEC. 732.1 UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Upper Market Street Neighborhood Commercial Transit District is located on Market Street from Church to Noe Streets, and on side streets off Market. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street Transit District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

This district is well served by transit and is anchored by the Market Street subway (with stations Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail lines in the city traverse the district, including the F, J, K, L, M, and N, and additional key cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally, Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by the regulations on the built envelope of

buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented character and transit function.

The Upper Market Street district controls are designed to promote moderate-scale development which contributes to the definition of Market Street's design and character. They are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. Large-lot and use development is reviewed for consistency with existing development patterns. Rear yards are protected at residential levels. To promote mixed-use buildings, most commercial uses are permitted with some limitations above the second story. In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial service uses are limited. Ground floor-commercial space is required along Market and Church Streets. Most automobile and drive-up uses are prohibited or conditional.

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

SEC. 732 UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

-	-	-	<u>Upper Market Street</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			

<u>732.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271</u>	<u>Varies</u> <u>See Zoning Map;</u> <u>Height Sculpting on</u> <u>Alleys; § 261.1</u> <u>Additional 5' Height</u> <u>Allowed for Ground Floor</u> <u>Active Uses in 40-X and</u> <u>50-X; § 263.18</u>
<u>732.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.</u> <u>C 10,000 sq. ft. & above</u> <u>§ 121.1</u>
<u>732.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required from 2nd story</u> <u>and above</u> <u>§ 134(a) (e)</u>
<u>732.13</u>	<u>Street Frontage</u>	-	<u>Required</u> <u>§ 145.1</u>
<u>732.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>		<u>Minimum 25 feet on</u> <u>ground floor, 15 feet on</u> <u>floors above</u> <u>§ 145.1(c), (e)</u>
<u>732.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>		<u>Market Street;</u> <u>Church Street</u> <u>§ 145.1(d)</u>
<u>732.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>		<u>§ 155(r)</u> <u>NP: Market Street,</u> <u>Church Street</u>
<u>732.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<u>P</u> <u>§ 136.1(a)</u>
<u>732.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<u>P</u> <u>§ 136.1(b)</u>
<u>732.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<u>P</u>

			<u>§ 136.1(c)</u>
<u>732.17</u>	<u>Street Trees</u>	-	<u>Required</u> <u>§ 143</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>732.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>3.0 to 1</u> <u>§ 124(a) (b)</u>
<u>732.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 2,999 sq. ft.;</u> <u>C 3,000 sq. ft. & above</u> <u>§ 121.2</u>
<u>732.22</u>	<u>Off-Street Parking.</u> <u>Commercial/Institutional</u>	<u>§§ 150, 153-157, 159-</u> <u>160, 204.5</u>	<u>None required. Generally</u> <u>none permitted by-right, C</u> <u>up to one space per 2,500</u> <u>square feet. For retail uses</u> <u>larger than 10,000 square</u> <u>feet that sell bulky or</u> <u>heavy merchandise, P up</u> <u>to 1:500, C up to 1:350 for</u> <u>space in excess of 20,000</u> <u>s.f. subject to conditions of</u> <u>151.1(f).</u> <u>§§ 151.1, 166, 145.1</u>
<u>732.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155,</u> <u>204.5</u>	<u>Generally, none required if</u> <u>gross floor area is less</u> <u>than 10,000 sq. ft.</u> <u>§§ 152, 161(b)</u>
<u>732.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front;</u> <u>C if located elsewhere</u> <u>§ 145.2(a)</u>
<u>732.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	-
<u>732.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.;</u> <u>C if not recessed</u> <u>§ 145.2(b)</u>
<u>732.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m. - 2 a.m.;</u> <u>C 2 a.m. - 6 a.m.</u>

1	<u>732.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602-604, 608, 609</u>	-		
2	<u>732.31</u>	<u>Business Sign</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P #</u> <u>§ 607.1(f)2</u>		
3	<u>732.32</u>	<u>Other Signs</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P #</u> <u>§ 607.1(c) (d) (g)</u>		
4				<u>Upper Market Street</u>		
5	-	-	-			
6				<u>Controls by Story</u>		
7	-	-	-			
8	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
9	-	-	<u>§§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
10	<u>732.38</u>	<u>Residential Conversion</u>	<u>§§ 790.84, 207.7</u>	<u>C</u>	<u>C</u>	-
11	<u>732.39</u>	<u>Residential Demolition</u>	<u>§§ 790.86, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
12	<u>732.39a</u>	<u>Residential Division</u>	<u>§ 207.6</u>	<u>P</u>	<u>P</u>	<u>P</u>
13	<u>Retail Sales and Services</u>					
14			-	-	-	-
15	<u>732.40</u>	<u>Other Retail Sales and Services</u> <u>[Not Listed Below]</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	-
16	<u>732.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>C</u>	-	-
17	<u>732.42</u>	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>C</u>	-	-
18	<u>732.43</u>	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>	-	-	-
19	<u>732.44</u>	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>	<u>C</u>	-	-
20	<u>732.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>	-	-
21	<u>732.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	-	-
22				-	-	-
23						
24						
25						

1	<u>732.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	-	-	-
2	<u>732.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>C#</u>	-	-
3	<u>732.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>C</u>	<u>C</u>	-
4	<u>732.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	-	-
5	<u>732.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>C</u>
6	<u>732.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>C</u>
7	<u>732.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>C</u>
8	<u>732.54</u>	<u>Massage Establishment</u>	<u>§ 790.60,</u> <u>Police Code § 2700</u>	<u>C</u>	<u>C</u>	-
9	<u>732.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
10	<u>732.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 145.1, 156,</u> <u>158.1, 160, 166</u>	<u>C</u>	<u>C</u>	<u>C</u>
11	<u>732.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	-	-	-
12	<u>732.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	-	-	-
13	<u>732.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-
14	<u>732.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
15	<u>732.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	-	-	-
16	<u>732.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
17	<u>732.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
18	<u>732.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
19	<u>732.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-

1	<u>732.66</u>	<u>Storage</u>	<u>§ 790.117</u>	-	-	-
2	<u>732.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	-
3	<u>Institutions and Non-Retail Sales and Services</u>					
4	<u>732.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	-	-	-
5	<u>732.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	-	-	-
6	<u>732.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
7	<u>732.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
8	<u>732.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
9	<u>732.84</u>	<u>Medical Cannabis</u>	<u>§ 790.141</u>	<u>P</u>	-	-
10		<u>Dispensary</u>				
11	<u>RESIDENTIAL STANDARDS AND USES</u>					
12	<u>732.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except</u>	<u>P</u>	<u>P</u>
13				<u>C for</u>		
14				<u>frontages</u>		
15				<u>listed in</u>		
16				<u>145.1(d)</u>		
17	<u>732.91</u>	<u>Residential Density,</u>	<u>§§ 207, 207.1,</u>	<u>No residential density limit</u>		
18		<u>Dwelling Units</u>	<u>790.88(a)</u>			
19						
20						
21	<u>732.92</u>	<u>Residential Density, Group</u>	<u>§§ 207.1, 790.88(b)</u>	<u>No group housing density</u>		
22		<u>Housing</u>				
23						
24						
25						

			<u>and other Codes.</u> <u>§ 208</u>		
<u>732.93</u>	<u>Usable Open Space</u> <u>[Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either</u> <u>60 sq. ft. if private, or</u> <u>80 sq. ft. if common</u> <u>135(d)</u>		
<u>732.94</u>	<u>Off-Street Parking,</u> <u>Residential</u>	<u>§§ 150, 153-157, 159-</u> <u>160, 204.5</u>	<u>None required. P up to 0.5;</u> <u>C up to 0.75, except C up to</u> <u>1.0 for units that have at</u> <u>least 2 bedrooms and 1,000</u> <u>occupiable square feet.</u> <u>§ 151.1</u>		
<u>732.95</u>	<u>Community Residential</u> <u>Parking</u>	<u>§§ 790.10, 145.1, 166</u>	<u>C</u>	<u>C</u>	<u>C</u>

SPECIFIC PROVISIONS FOR UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 732.31</u> <u>§ 732.32</u>	<u>§ 608.10</u>	<u>UPPER MARKET STREET SPECIAL SIGN</u> <u>DISTRICT</u> <u>Boundaries: Applicable only for the</u> <u>portions of the Upper Market Street NCD as</u> <u>mapped on Sectional Map SSD</u> <u>Controls: Special restrictions and</u> <u>limitations for signs</u>
<u>§ 732.48</u>	-	<u>Boundaries: Applicable for the Upper</u> <u>Market Street NCD.</u> <u>Controls: Existing bars in the Upper</u> <u>Market Street Neighborhood Commercial</u> <u>Transit District will be allowed to apply for</u> <u>and receive a place of entertainment permit</u> <u>from the Entertainment Commission without</u> <u>obtaining conditional use authorization from</u> <u>the Planning Commission if they can</u> <u>demonstrate to the satisfaction of the</u> <u>Entertainment Commission that they have</u>

		<p><i><u>been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.</u></i></p>
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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Susan Cleveland-Knowles
Deputy City Attorney