

## EXHIBIT T-1 PLANNING CODE AMENDMENTS CASE REPORT

### Case Report HEARING ON 9/28/2006

**Case No:** **2003.0347EEMTZ**  
Resolution of Intention to Initiate Amendments  
to the Planning Code to implement the Market  
and Octavia Area Plan and the Market and  
Octavia Neighborhood Plan

**Case Planners:** AnMarie Rodgers, Plan Manager 558-6395,  
Kearstin Dischinger, Stephen Shotland, and  
Aksel Olsen

**Date:** September 18th, 2006

**Reviewed By:** John Billovits, 558-6390

**Applicant:** San Francisco Planning Department

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The San Francisco Planning Department is proposing to amend the San Francisco General Plan, Planning Code and Zoning Map as the culmination of the Better Neighborhoods planning effort. This amendment will implement the Market and Octavia Neighborhood Plan ("Neighborhood Plan") and bring the land use and other Planning Code regulations for this area into consistency. This Case Report provides information concerning the proposed initiation of amendments to the Planning Code. The accompanying General Plan Amendment for the Market and Octavia Area Plan ("The Plan") contains proposals for changes to standards for land use, height, bulk, building design, parking and loading, open space, rear yards, and other standards from those currently established by the San Francisco Planning Code. The Planning Department therefore proposes to initiate amendments to the Planning Code to implement The Plan.

Planning Code Section 302 provides for amendments to the Planning Code and the Zoning Map by Planning Commission adoption of a Resolution of Intention to amend the Code. Pursuant to Planning Code Section 302(c), if the Commission

adopts the Resolutions of Intention, hearings on the Planning Code amendments will be scheduled for the Planning Commission's regularly scheduled meeting on or after 9/28/2006.

### **Preliminary Staff Recommendation**

Staff recommends adoption of the draft Resolution of Intention to initiate amendments to the Planning Code. Amendments to the Planning Code include revisions adding Sections 121.5, 158.1, 206.4, 207.6, 207.7, 230, 249.27, 261.1, 263.18, 326- 326.8, 341, 731, 731.1, 732, 732.1 and by amending Planning Code Sections 102.5, 121.1, 121.2, 124, 132, 134, 135, 144, 145.1, 145.4, 151.1, 152, 153, 154, 155, 156, 166, 167, 201, 207.4, 208, 209.1-209.9, 234.2, 253, 270, 303, 304, 311, 316, 603, 606 702.1, and 720.1.

### **Project Description**

#### Planning Code Amendment

The Planning Code amendments, proposed to make the Code consistent with the General Plan, as it is proposed to be amended, consist of the following components:

- Revised Planning Code standards that encourage construction of a mix of housing types, with clear standards for ground floor uses, parking and off-street loading, height and bulk. The proposed Code amendments would encourage more active ground floor uses and a more convenient and attractive neighborhood environment;
- An implementation program (public benefits program) that leverages funding for public improvements from new private development.
- A monitoring program of key housing, parking, and transportation indicators.
- The amendments contain proposals for changes to standards from those currently established by the Planning Code; including those for land use, height and bulk, building design, loading, density, residential demolition and parking. Proposed Planning Code text and map amendments will a) establish three new zoning districts, b) amend the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts (NCDs), c) update height and bulk districts and d) make related revisions to the Planning Code necessary to implement the General Plan as proposed to be amended

### **Background**

#### *Transit-oriented Planning Code*

Much of the existing neighborhood fabric was built in a transit-oriented manner. The neighborhood has had a healthy mix of neighborhood services within walking distance of housing, a substantial investment in transit infrastructure, with most of the private development being oriented towards housing people. More recent development has been required by the Planning Code to devote much more space for storing parked cars resulting in less space available for housing people and amenities within public rights-of-way. This has resulted in a degradation of the pedestrian realm and a loss of potential housing space. The changes proposed here seek to address these issues by no longer requiring parking, changing the density controls for housing, and encouraging a mix of services and uses as well as a built environment that supports all travel modes.

#### *Neighborhood Character Protection*

Anti-demolition policies, lot size limits, building frontage controls, unit size and unit mix protections, alley height controls, are all meant to protect the historic character of the Plan Area and ensure new development is complimentary to the “fragile virtues” the community identified as important to neighborhood character.

#### *Implementation: Improvement Fees and Monitoring*

Key to The Plan’s success are a number of pedestrian, transit, traffic-calming, open space and other public improvements. The Plan calls for a comprehensive program of new and/or additional public infrastructure for the area’s growing population. The Market and Octavia Community Improvements Fund and Community Infrastructure Impact Fee will create the necessary financial mechanism to fund these improvements in proportion to the need generate by new development.

In order to track implementation, the Planning Department will monitor key indicators. The plan’s performance will be tracked relative to benchmarks informed by existing neighborhood conditions and professional standards. If monitoring surveys indicate an imbalance in growth and relevant infrastructure and support, the Planning Department may recommend policy changes to balance development with infrastructure. Appropriate responses may include temporary or permanent alterations to Market and Octavia Neighborhood Plan policies, or heightened prioritization of plan area improvements.

#### **Proposed Planning Code Text Amendments**

The proposed amendments establish intent and detailed controls for land use, urban form, open space, parking and other development requirements, as well as refer to other areas of the Code for additional standards related to open space, height, bulk, parking and loading and review process for exceptions.

Following is a more detailed discussion of the proposed Planning Code amendments necessary, in part, to implement the Market and Octavia Area Plan. To avoid duplicating all of the proposed Code text here, references are given to Code sections proposed to be added or amended (in **bold** type). Staff discussion (in normal type) follows each Code section or group of sections. The complete amendment proposal is in the attached draft Board Ordinance.

### **New Zoning Districts and New Special Use District**

Staff proposes amending the Planning Code to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) (Sec. 249.33), the Neighborhood Commercial Transit-Oriented District (NCT) (Sec. 712.1), the Transit-Oriented Residential District (RTO)(Sec. 206.4), and NCT named districts for the Hayes-Gough Neighborhood Commercial District and portions of the Upper Market and Valencia Neighborhood Commercial Districts within the plan area. In all new districts, flexibility with parking and housing density are key controls as is incorporation of The Plan's fundamental design principles and monitoring program.

#### **Section 249.33 Van Ness and Market Downtown Residential Special Use District**

This new Code section will establish a new Special Use District, the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) and will roughly cover the northeast portion of the Market and Octavia plan area (excluding the Civic Center Area). The VNMDR-SUD will establish specific development controls and requirements, including land use, urban design, and open space requirements to create a new mixed-use residential neighborhood. VNMDR-SUD districts would overlay C-3 districts within the plan area.

#### **Section 712.1: Transit-Oriented Neighborhood Commercial District (NCT, Named NCT, NC-1(T) Districts)**

This new Code section will establish the Transit-Oriented Neighborhood Commercial District (NCT) and will roughly cover Market Street from Noe to Franklin Streets and the area north and south of Market between Golden Gate and Duboce Avenue. The NCT will reside in Article 7 of the Planning Code. The NCT zoning district will replace existing NC-2 and NC-3 zoning districts in the plan area. Named NCD zoning districts, specifically the Hayes-Gough NCD, portions of the Upper Market NCD, and the Valencia NCD will be replaced with the Hayes-Gough NCT, the Upper Market NCT, and the Valencia NCT. NC-1(T) districts will replace NC-1 districts. In named NCT districts, parking requirements and housing density controls are revised to encourage housing above ground-floor retail uses. Other controls in these districts remain unchanged.

#### **Section 206.4: A Transit-Oriented Residential District (RTO)**

This new Code section will establish the Transit-Oriented Residential District (RTO) and will cover the remaining portions of the plan area not covered by the above-mentioned zoning districts. The RTO zoning district will be the predominant zoning district in the plan area and is located in its western portion, north and south of Market Street. RTO districts would replace RM and RH-3 Districts in the Plan area and will encourage moderate-density, multi-family residential infill, in scale with the area's current development pattern. Small areas of existing RH-1 and RH-2 zoning would remain unchanged under the Plan.

*Additions and Amendments to implement three new Zoning Districts*

**Section 102.5 (District)**

This amendment adds NCT to the list of districts referenced throughout the Code.

**Section 121.1 (Development on Large Lots, Residential Districts)**

**Section 121.2 (Use Size Limits (non-residential), Neighborhood Commercial Districts)**

These amendments add NCT with NC-3 controls.

**Section 121.5 (Development on Large Lots, Residential Districts)**

This new section details large lot size limits in RTO districts.

**Section 124 (Basic Floor Area Ratio)**

This amendment adds RTO and NCT Districts to the 'Basic Floor Area Ratio Limits' table.

**Section 132 (Front Setback)**

This amendment adds the RTO District to the front setback requirements.

**Section 134 (Rear Yards)**

This amendment adds the NCT and RTO Districts to rear yard requirements.

**Section 135 (Usable Open Space For Dwelling Units and Group Housing)**

This amendment adds the RTO and NCT Districts to Table 135 'Minimum Usable Open Space for Dwelling Units and Group Housing.'

**Section 144 (Treatment of Ground Story On Street Frontages)**

This amendment adds a new section "Parking Setback" to limit garage door widths and adds a wrapping requirement.

**Section 145.1(c) (Street Frontages, Neighborhood Commercial Districts)**

This amendment adds new subsections on above-grade parking setbacks, required ground floor commercial for NCT frontages and definition of active uses.

**Section 145.4 (Street Frontages Downtown and Mixed-Use Districts)**

This amendment adds Market Street, Van Ness Avenue, and South Van Ness Avenue to a list of streets where ground floor commercial uses will be required.

**Section 151.1 (Schedule of Required Off-Street Parking Spaces)**

This amendment adds NCT and RTO to the title and to all references in the section, and adds NCT and RTO to table 151.1 and articulates specific conditions necessary for conditional uses.

**Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market)**

This amendment makes an exception for RTO and NCT to this section of the code.

**Section 153(c) (Rules for Calculation of Required Spaces)**

This amendment adds a new subsection to include NCT and RTO Districts for rules regarding required spaces.

**Section 154(b)(4) (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces)**

This amendment adds NCT and RTO for minimum dimensions for required off-street parking, freight loading and service vehicle spaces.

**Section 155(r) (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities)**

This amendment adds a new subsection that restricts curb cuts on Market Street, Church Street, Van Ness Avenue, and Hayes Street.

**Section 156 (Parking Lots)**

This amendment adds NCT districts to the list of districts where permanent parking lots are restricted.

**Section 158.1 (Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District)**

This new section establishes criteria for non-accessory parking facilities in NCT and RTO districts.

**Section 166(b)(1) (Requirements for Provision of Car-Share Parking Spaces)**

This amendment adds NCT and RTO to districts with car share space requirements.

**Section 167(a) (Parking Costs Separated from Housing Costs in New Residential Buildings)**

This amendment adds NCT and RTO to districts with parking unbundling requirements.

**Section 201 (Classes of Use Districts)**

This amendment adds NCT and RTO to the list of districts.

**Section 206.4 (RTO (Transit Oriented Residential) District)**

This amendment adds a new intent section for RTO districts. See full description above.

**Section 207.6 Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts**

This new section details unit size diversity requirements for RTO and NCT districts and details necessary conditions for unit subdivisions.

**Section 207.7 (Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts)**

This new section details the conditions which restrict demolition, conversion and unit mergers in RTO and NCT districts.

**Section 208 (Density Limitations for Group Housing)**

This amendment adds a new subsection establishing no density limits for group housing in NCT and RTO Districts.

**Section 209.1-209.9 (Uses Permitted in RTO Districts)**

This amendment adds RTO to the table of uses and their appropriate controls.

**Section 230 (Limited Corner Commercial Uses in RTO Districts)**

This amendment adds a new section "Limited Corner Commercial Uses in RTO Districts" with detailed controls.

**Section 234.2 (Conditional uses in P Districts)**

This amendment revises adds a requirement for Conditional Use authorization for certain specified land uses in P Districts located within the Market and Octavia Plan Area.

**Section 249.3333 Van Ness and Market Downtown Residential Special Use District**

This new section details the purpose and controls for the VNMDR-SUD.

**Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts)**

This amendment exempts RTO from CU requirements for buildings larger than 40' in R Districts.

**Section 261.1 Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts.**

This new section describes height limits which protect sun access on alleys and narrow streets.

**Section 263.18 Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts**

This new section encourages a generous ground floor height for retail uses.

**Section 270(f) (Bulk Limits: Measurement)**

This amendment details tower spacing for VNMDR-SUD.

**Section 303(c)(6) (Conditional Uses: Determination)**

This amendment adds RTO to a list of districts regarding outstanding live/work applications.

**Section 304(d)(5) (Planned Unit Developments: Criteria and Limitations)**

This amendment adds language regarding corner commercial uses in RTO to the existing Planned Unit Development criteria.

**Section 311(b) (Residential Permit Review Procedures for RH and RM Districts: Applicability)**

This amendment adds RTO to list of districts where 311 Notification is required.

**Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts)**

This amendment adds RTO to districts with procedures for CU Authorization for Live/work units.

**Section 326 (Market and Octavia Community Improvements Fund)**

This new section details the findings, purpose, function, and administration of the MOCIF.

**Section 341 (Better Neighborhoods Area Plan Monitoring Program)**



This new section details the form, function, and content of the Better Neighborhoods Monitoring program.

**Section 603(j) (Exempted Signs)**

This amendment adds RTO to districts where MUNI can erect general advertising signs on transit shelters.

**Section 606 (Residential Districts)**

This amendment adds RTO to signage controls for residential districts.

**Section 702.1 (Neighborhood Commercial Use Districts)**

This amendment modifies the Hayes-Gough NCT to correspond to NCT controls.

**Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District)**

This amendment adds NCT to the list of Neighborhood Commercial Districts.

**Section 731 (NCT-3 Moderate-Scale Neighborhood Commercial Transit District)**

This amendment refers to NCT controls and defines NCT as a new district.

**Section 732 (Upper Market Street Neighborhood Commercial Transit District)**

This amendment refines existing controls and intent to incorporate NCT concepts for the district.

**Environmental Review and Consistency with the Priority Policies and the General Plan**

The Planning Commission will consider certification of the Market and Octavia Neighborhood Plan Environmental Impact Report and adoption of CEQA Findings prior to taking action to adopt the proposed Planning Code and related General Plan amendments.

The proposed amendment is consistent with Planning Code Section 101.1(b) Priority Policies. As discussed in related documents, the proposed amendment is, on balance, in conformity with the General Plan, as it is proposed to be amended.

## EXHIBIT T-1-A PLANNING CODE AMENDMENTS

### CASE REPORT ADDENDUM

For Hearing on February 8<sup>th</sup> 2007  
Action Proposed for February 15<sup>th</sup> 2007

**Case No:** **2003.0347EMTZ**

Addendum to Amendments to the Planning Code to implement the Market and Octavia Area Plan and the Market and Octavia Neighborhood Plan, initiated at the commission on September 28th, 2006.

**Case Planners:** AnMarie Rodgers, Plan Manager 558-6395,  
Kearstin Dischinger, Stephen Shotland, and  
Aksel Olsen

**Date:** February 1, 2007

**Reviewed By:** John Billovits, 558-6390

**Applicant:** San Francisco Planning Department

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The San Francisco Planning Department is proposing to amend the San Francisco General Plan, Planning Code and Zoning Map as the culmination of the Better Neighborhoods planning effort, as initiated on September 28<sup>th</sup> with the following addendums to the Planning Code amendment. Below is a summary of proposed addenda to the initiation packet. The full text of changes can be found in **Exhibit T-3a Draft Board of Supervisors Ordinance Amending the Planning Code Amendments**.

#### Addendum/Errata Summary

1. Section 134(a)(1)(C) REAR YARDS, R, NC, C, SPD, M, RSD, SLR, SLI AND SSO DISTRICTS; *Rear yard exception for freeway parcels along east side of Octavia Blvd. This control was omitted accidentally from the original draft ordinance.* The proposed Market & Octavia Area Plan contains policies to encourage and provide appropriate controls for infill

- development on the vacant land created from the demolition of the Central Freeway and construction of Octavia Boulevard. The parcels immediately fronting the **east side** of the Boulevard are key opportunity sites and necessary for enhancement of the neighborhood, yet are very narrow and irregular. As described in the objectives and policies of the Area Plan, the background “Market & Octavia Neighborhood Plan” document contains specific recommendations to not require traditional rear yards for these lots.
2. Section 145.1(d)(4) STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL DISTRICTS; *Require retail frontage along Church Street in NCT-3.* The requirement for this frontage, included in the proposed Area Plan, was omitted accidentally from the original draft ordinance.
  3. Section 155(r) GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES; *Consistency correction: restrictions to parking and loading access from Octavia Boulevard, creation of new streets and alleys.* Proposed requirements for ground floor commercial space and restrictions on garage access along Octavia are included in Section 145.1 and 720 respectively. This language was accidentally omitted from Section 155(r), which is referenced in the other sections. Also, clarifications were added to explicitly exempt the creation of new streets and alleys from the parking access restrictions and to clarify that the Conditional Use and 309 exceptions permitted in subsection (4) do not apply to those streets listed in subsection (2) where parking access is explicitly prohibited.
  4. Section 156(e) PARKING LOTS; *Required screening of parking lots in NCT districts.* This control would require screening of parking lots of 10 spaces or more in NCT districts consistent with other districts.
  5. Sections 207.4(c) DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS, 208(d) DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS, 209.1(n) DWELLINGS, 720.91 RESIDENTIAL DENSITY, DWELLING UNITS, 720.92 RESIDENTIAL DENSITY, GROUP HOUSING, 731.91 RESIDENTIAL DENSITY, DWELLING UNITS, 731.92 RESIDENTIAL DENSITY, GROUP HOUSING, 732.91 RESIDENTIAL DENSITY, DWELLING UNITS, 732.92 RESIDENTIAL DENSITY, GROUP HOUSING; *Additional language on limitations to residential density in NCT and RTO based on design review, the General Plan, and applicable guidelines.* Additional language is proposed to emphasize that density, while not strictly controlled based on lot area, is regulated—in addition to strict building envelope controls—by design review and applicable policies and guidelines which may require the reduction of project intensity or scale.

6. Section 304(d)(9) PLANNED UNIT DEVELOPMENTS; *Modify PUD criteria for extension of streets and alleys.* Conditions requiring large lots to mitigate the size of development by minimizing block size and extending existing or creating new streets and alleys was added to the section regulating Planned Unit Developments.
7. Sections 720.22 OFF-STREET PARKING, COMMERCIAL/ INSTITUTIONAL, 731.22 OFF-STREET PARKING, COMMERCIAL/INSTITUTIONAL, 732.22 OFF-STREET PARKING, COMMERCIAL/INSTITUTIONAL; *NCT parking consistency correction.* The parking controls for non-residential uses in NCT districts are detailed in Section 151.1. These controls are generally described in the tables in Article 7 for each district and cross-referenced to the controls in Section 151.1. However, the description of the controls in the NCT tables in these sections was accidentally inconsistent with the proposed controls described in 151.1.
8. Section 121.5 DEVELOPMENT OF LARGE LOTS, RESIDENTIAL DISTRICTS. *Increase square footage for development by right on existing lots in RTO districts.* The proposed lot size threshold above which Conditional Use authorization from the Planning Commission is required for development in RTO districts was raised from 5,000 to 10,000 square feet, consistent with the existing controls for Hayes-Gough NCT, Upper Market NCT, and NCT-3 districts.
9. Section 121.6 RESTRICTION OF LOT MERGERS IN RESIDENTIAL DISTRICTS AND ON PEDESTRIAN-ORIENTED STREET; *Add new section to address the Merger of lots restricted in residential districts and on pedestrian-oriented streets.* Consistent with proposed Market & Octavia Area Plan policies discouraging land assembly and merger of smaller lots, this proposed control would generally prohibit merger of lots to create large lots in RTO districts and along key pedestrian-oriented street frontages in NCT districts. Specific conditions permit the Zoning Administrator to administratively exempt certain lot mergers from this prohibition, and the Planning Commission may grant approval of lot mergers meeting other more subjective criteria that meet unique public interests.
10. Section. 249.33(b)(3) VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT: *Establish a Residential Affordable Housing Program for the SUD consistent with the new affordable housing legislation for all new development in the Plan Area.* This new clause clarifies that all new development projects in the Van Ness and Market Downtown Residential Special Use District will provide 15 percent onsite or 20 percent offsite inclusionary regardless of exception clauses provided in Section 315 of the Planning Code.

11. Section. 249.33(f) VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT: *Refines administrative structure of infrastructure fund.* These updates clarify: 1. that interest is accrued directly to the fund; 2. that the city must approve instruments of credit provided by project sponsors; 3. remove caps on studies and engineering that are inconsistent with the community improvements program; and 4. clarifies circumstances for coordination with the Department of Recreation and Parks.
12. Section 341 BETTER NEIGHBORHOODS AREA PLAN MONITORING PROGRAM; *Mandates the establishment of a Citizens Advisory Committee.* This new clause establishes a CAC for the purposes of providing community perspective on the implementation of the Market and Octavia Plan in coordination with the larger plan monitoring effort. The structure and function of the CAC has been refined since the publication of the Community Improvements Program Document and has been codified in this section.
13. Section 326. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND
  - a. Abbreviated findings section.
  - b. Updated cost projections and associated calculations such as coverage ratio and component of impact fee (table 1 and 3)
  - c. Removed redundant definitions and added new definitions as needed
  - d. Clarified fee administration
  - e. Refined in-kind procedures
  - f. Removed limit on expenditure on study and design to make consistent with programming.
  - g. Restructured the fund to be board appropriated rather than self appropriated

Errata

14. Initial summary paragraph; *typographical error.* Correct description of Section 121.1 to read Development on Large Lots, Neighborhood Commercial.

SAN FRANCISCO  
PLANNING COMMISSION  
RESOLUTION NO. 17409

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

The San Francisco Planning Department is proposing to amend the Planning Code to implement the Market and Octavia Neighborhood Plan ("Neighborhood Plan") and to bring the Planning Code regulations governing this area into consistency with the Market and Octavia Area Plan ("The Plan").

Starting in 2000, the Planning Department initiated a public planning process, the Better Neighborhoods Program, which developed a series of policies and proposals including those for land use, height, bulk, building design, density, transportation, and parking in the Market and Octavia area as described in "The Market and Octavia Neighborhood Plan: Draft for Public Review," which was published by the Planning Department in December 2002. Subsequent revisions are recorded in the "Market and Octavia Plan Revisions" published in the summer of 2006, all preceding revisions are captured in this final document. The Draft Plan together with the Plan Revisions provide a comprehensive set of policies and implementation programming to realize the vision for the Market and Octavia plan area. As part of the companion case 2003.0347M, the Planning Commission proposes to amend the General Plan, adding the Market and Octavia Area Plan as a new area plan and making related amendments to other elements, area plans, and the Land Use Index of the General Plan.

The Planning Code governs permitted land uses and planning standards in the area. Thus, conforming amendments to the Planning Code are required in order to implement the Neighborhood Plan and in order for development to proceed in the Market and Octavia neighborhood area consistent with The Plan.

Pursuant to Planning Code Sections 302 (b) and 306.3, the Planning Commission held a public hearing on September 28, 2006 and adopted Resolution No. 17313, a Resolution of Intention to Initiate amendments to the Planning Code. The amendments contain proposals for changes to standards

from those currently established by the Planning Code; including those for land use, height and bulk, building design, loading, density, residential demolition and parking. Proposed Planning Code text and map amendments will a) establish three new zoning districts, b) amend the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts (NCDs), c) update height and bulk districts and d) make related revisions to the Planning Code necessary to implement the General Plan as proposed to be amended and make related Planning Code Amendments pursuant to the Market and Octavia Area Plan.

The Commission authorized the Department to provide appropriate notice for a series of public hearings on October 26, Nov. 2, Nov. 9, Dec. 7, 2006, January 11, 2007, Feb. 8, and 2007, Feb. 15, 2007, and March 22, 2007 to consider adopting the proposed amendment. At this hearing, the Commission adopted a Motion of Intent to certify the Environmental Impact Report, and to adopt CEQA findings, changes to the Planning Code, General Plan, Zoning Map, and to establish Interim Procedures.

During the course of the public hearings, staff incorporated a number of changes to the draft General Plan amendment, based on testimony from property owners, residents, members of the public, and Planning Commission comments, as contained in a draft ordinance approved as to form by the City Attorney contained in Exhibit M-3a, as though fully set forth herein.

The Western SoMa Citizens Planning Task Force, in its continuing planning for western South of Market, would like to provide recommendations for controls outside their area and may propose further refinements to the planning recommendations for the Market Octavia Plan area on those Market Octavia Plan area portions of Assessor's Blocks 3510, 3511 and a triangular portion of Block 3514 east of South Van Ness Avenue.

Following the adoption of the Market & Octavia Plan, the Western SoMa Citizens Planning Task Force may thereafter seek to revise the boundaries of the Western SoMA area to include the area described above as part of the Western SoMa Planning Area. The Western SoMA Citizens Planning Task Force may then further consider planning and zoning recommendations regarding but not limited to heights and density, housing affordability and business displacement policies in the general area south of Market Street and east of Division, Otis, Gough and Franklin Streets that are currently part of the Market & Octavia Plan.

The Plan's policies and implementation measures encourage production of inherently diverse and new housing less expensive to build. The Plan establishes a comprehensive framework for the production of quality housing, the retention of existing housing, and provision of a variety of housing types, especially low-income housing. The Plan set the framework for the Central Freeway Parcels to both fund Octavia Boulevard and to provide 50% of the new Central Freeway

Parcel housing as affordable housing. The Plan policies also generate some non-traditional units by reducing the costs of building housing through new parking policies and by allowing in-law and other added units that are inherently more affordable.

There are also many opportunities for new infill housing that can strengthen the neighborhood--such as the vacant Central Freeway parcels--and enhance its role as a walkable, transit-oriented neighborhood that supports urban living. Housing opportunities are also furthered by the Plan's policies and implementation measures to ease constraints on housing generated by the existing parking requirement. The constraint on housing, as it currently exists, is two-fold: First, providing off-street parking adds significantly to the cost of a new unit, and second, the addition of an extra unit to an existing structure is often infeasible due to the current inflexible code requirement to provide off-street parking with any new unit. Therefore, the Plan's parking policies further goals of reducing the cost of building housing. The Plan seeks to retain existing housing by codifying the Commission's current demolition policies.

Still the need for additional permanently affordable housing is great. There is an opportunity to provide for the public good of affordable housing where it is more feasible for projects to provide additional affordable housing due to rezoning resulting from the Plan.

The draft ordinance, attached hereto as **Exhibit T-3-B**, has been drafted in order to revise the Planning Code necessary to implement the Market and Octavia Area Plan, including adding Sections 121.5, 121.6, 158.1, 206.4, 207.6, 207.7, 230, 249.33, 249.34, 261.1, 263.18, 263.20, 326, 341, 731, 732, and by amending Planning Code Sections 102.5, 121.1, 121.2, 124, 132, 134, 135, 144, 145.1, 145.4, 151.1, 152, 153, 154, 155, 156, 166, 167, 201, 207.1, 207.4, 208, 209.1-209.9, 234.2, 253, 270, 303, 304, 311, 316, 603, 606 702.1, and 720.1 to implement the Market and Octavia Neighborhood Plan and conform with the General Plan amendment adopted by the Commission by Resolution No. 17408. The City Attorney's Office has reviewed the draft ordinance and approved it as to form.

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

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

*The proposed amendments will have a positive effect on neighborhood serving retail uses. The Market and Octavia Plan supports existing and new commerce by encouraging ground floor*



*retail in commercial areas and other improvements to the pedestrian realm. New development enabled by the Market and Octavia Plan will enhance the neighborhood commercial districts along Market Street, Octavia Boulevard, Hayes Street, Gough Street, and Inner Valencia Street, providing potential employment and ownership opportunities for San Francisco residents. The proposed amendments will support the creation of new housing units, providing a market for increased retail uses along these corridors and allow expansion of the customer base for neighborhood serving businesses beyond the constraints of automobile congestion and parking.*

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

*The Plan protects and enhances the existing neighborhood character by applying appropriate height and bulk limits, protecting landmark and other historic buildings, reinforcing neighborhood commercial districts, preserving and enhancing cultural and educational institutions, marking major intersections as landmarks, discouraging land assembly, and detailing fundamental design principles.*

*The proposed height and bulk controls emphasize consistency with current development patterns. Additionally the controls were designed with a focus on protecting sunlight access for streets and alleyways.*

*Neighborhood-serving retail will be concentrated along Hayes, Gough, Market, Valencia, Church, and Castro streets, and Van Ness Avenue accordant with existing patterns.*

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

*The proposed amendments will have a positive effect on the City's housing stock, and the Market & Octavia Neighborhood's share of housing. They will enable the creation of new housing units in the Market & Octavia Neighborhood, positively effecting the City's housing supply. Projects within the plan area will be subject to inclusionary housing requirements; fifteen to twenty percent of units would be permanently affordable. Additional mechanisms to ensure permanent housing affordability include preservation of existing housing stock, unbundling parking from housing, and*

*flexibility in density controls. The redevelopment of the 22 Central Freeway parcels will result in the net increase of about 800 to 900 housing units in the Project Area by 2025. Approximately 50% of these units will be available at below market rates. The plan requires that any demolished units be replaced by an equal or greater number of units.*

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

*The proposed amendments would not result in commuter traffic impeding Muni transit service or overburdening the streets or neighborhood parking. Currently numerous bus lines and Muni trains run through Market and Octavia Neighborhood; including those along Market Street, Haight Street, Fillmore Street, Church Street, Mission Street, Valencia Street, Van Ness Avenue, and Eleventh Street. To mitigate potential impacts to these Muni lines, the proposed amendments encourage the creation of a Bus Rapid Transit lanes, transit lanes, transit preemption/prioritization signaling, and other transit improvements.*

*The proposed amendments would support an increase in the residential population of the area, which would increase trips originating and/or terminating in the neighborhood. The high concentration of new residential development, easy access to jobs, service and transit, and pedestrian improvements indicates that new Market and Octavia residents would make a greater share of trips without the use of the automobile, lessening the impacts of new residents on the overburdening of streets and neighborhood parking.*

*The Market and Octavia Plan policies support a transportation strategy that builds on the existing transit and pedestrian infrastructure when appropriate. Existing neighborhood parking is protected by policies that shift demand, manage existing and future supply, and encourage higher utilization through innovative transit such as car sharing.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The proposed amendments would not adversely affect the industrial or service sectors. The existing industrial and service businesses in the plan area are currently in the SoMa West neighborhood. These businesses would not be displaced by commercial office development. Due to its proximity to the downtown, the Plan envisions transforming this area into a vibrant new mixed-use residential neighborhood, providing much needed housing, a full range of new services and vibrant streets and public spaces. A portion of the original Market and Octavia study area included a portion of the Mission District that included repair and service sector uses, these blocks, south of Division Street, have been removed from the Market and Octavia Area Plan. Other than the SoMa West area, the proposed amendments do not make major changes to the allowable uses in the plan area.*

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

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

7. That landmarks and historic buildings be preserved.

*The proposed amendments would not have a negative effect on the preservation of landmarks and historic buildings. The Market and Octavia Area Plan calls for the protection of existing landmarks and historic buildings. An historic survey of the plan area will ensure that no potential historic resources are impacted by the Plan. The plan strengthens protection for historic resources and potential historic districts.*

*Prior to completion of the historic resources survey, the Plan establishes interim procedures to review development proposals to protect potential historic resources. When completed, findings of the historic resources survey will be incorporated into the plan to protect identified historic resources.*

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

*The proposed amendments would have a positive effect on parks and open space, and would not adversely affect existing open spaces or their access to sunlight and vistas. The proposed amendments include a series of open space improvements: the*

*development of Hayes Green, McCoppin Park near the freeway touchdown, a neighborhood park on Brady Street, and the conversion of sidewalks and alleys to open space amenities. The Market and Octavia Plan details concepts and strategies for living sidewalks and alleyways and identifies numerous opportunities for these types of improvements within the plan area.*

Individual buildings reviewed according to procedures described in Planning Code Section 295 are evaluated to identify the impacts of projects and buildings. Project permits can't be approved if the impacts are found to be significant.

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

NOTE: General Plan Elements are in *CAPITAL ITALICS*  
General Plan Objectives are in CAPITAL LETTERS  
General Plan Policies are in Arial standard font  
Key Policies and Objectives are **Bolded**

## *AIR QUALITY ELEMENT*

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

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

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

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

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

POLICY 3.3 Continue existing city policies that require housing development in conjunction with office development and expand this requirement to other types of commercial developments.

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

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

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

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

***URBAN DESIGN ELEMENT***

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

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

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

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

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

POLICY 4.11 Make use of street space and other unused public areas for recreation.

*TRANSPORTATION ELEMENT*

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

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

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

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

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

POLICY 3.1 The existing vehicular capacity of the bridges, highways, and freeways entering the city should not be increased and, for single-occupant vehicles, should be reduced where possible.

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

POLICY 7.1 Reserve a majority of the off-street parking spaces at the periphery of downtown for short term parking.

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

**OBJECTIVE 14: DEVELOP AND IMPLEMENT A PLAN FOR OPERATIONAL CHANGES AND LAND USE POLICIES THAT WILL MAINTAIN MOBILITY AND SAFETY DESPITE A RISE IN TRAVEL DEMAND THAT COULD OTHERWISE RESULT IN SYSTEM CAPACITY DEFICIENCIES.**

**POLICY 14.1** Reduce road congestion on arterials through the implementation of traffic control strategies, such as signal-light synchronization and turn controls, that improve vehicular flow without impeding movement for pedestrians and bicyclists.

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

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

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

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

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

**POLICY 15.1** Discourage excessive automobile traffic on residential streets by incorporating traffic-calming treatments.

Such treatments may include signalization and signage changes that favor other modes of transportation, widened sidewalks, landscape strips, bicycle lanes or transit stops, bicycle-and-transit friendly speed bumps, or reduced traffic speeds.

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

**POLICY 18.2** Design streets for a level of traffic that serves, but will not cause a detrimental impact on adjacent land uses.

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

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

OBJECTIVE 24: IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

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

OBJECTIVE 27: ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION AS WELL AS FOR RECREATIONAL PURPOSES.

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

*COMMERCE AND INDUSTRY ELEMENT*

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

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

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

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

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

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



POLICY 6.7 Promote high quality urban design on commercial streets.

POLICY 7.1 Promote San Francisco, particularly the civic center, as a location for local, regional, state and federal governmental functions.

*RECREATION AND OPEN SPACE ELEMENT*

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

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

POLICY 2.9 Maintain and expand the urban forest.

POLICY 2.12 Expand community garden opportunities throughout the City.

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

POLICY 4.7 Provide open space to serve neighborhood commercial districts.

*ARTS ELEMENT*

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

Prior to considering the relevant amendments to the General Plan, Planning Code and Zoning Map, on April 5, 2007, the Planning Commission adopted Motion No. 17406. In that action, the Commission certified the Market and Octavia Neighborhood Plan Environmental Impact Report. The Planning Commission also adopted Motion No. 17407, adopting California Environmental Quality Act Findings related to the Market and Octavia Plan project.

NOW, THEREFORE BE IT RESOLVED, That pursuant to Planning Code Section 302 (c), the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the approval of the proposed Planning Code amendment,

**AND BE IT FURTHER RESOLVED,** That the Planning Commission wishes to adopt amendments to the Planning Code, making changes to standards from those currently established by the Planning Code; including those for land use, height and bulk, building design, loading, density, residential demolition and parking. Proposed Planning Code text and map amendments will

a) establish three new zoning districts, b) amend the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts (NCDs), c) update height and bulk districts and d) make related revisions to the Planning Code necessary to implement the General Plan as proposed to be amended and make related Planning Code Amendments pursuant to the Market and Octavia Area Plan. The Planning Code amendments are contained in the draft ordinance approved as to form by the City Attorney in **Exhibit T-3-B**, as though fully set forth herein.

AND BE IT FURTHER RESOLVED, that an additional affordability requirement should be levied on parcels in the Plan Area where rezoning has increased the feasibility for a greater contribution toward affordable housing. An economic sensitivity analysis is underway to determine the appropriate level of the extra inclusionary requirement. This new requirement, as described above, is integral to the Plan, including General Plan, Planning Code and Zoning Controls. The Planning Commission intends that its adoption of the Plan and its accompanying documents be effective only after a new affordable housing requirement as described herein is also adopted by the Commission and enacted by the Board of Supervisors, and becomes effective.

AND BE IT FURTHER RESOLVED, the Planning Commission directs Staff to prepare a specific program for additional affordable housing requirement in areas where increased financial feasibility permits it. This program shall be presented to the Commission for action within three months of the date of this Resolution.

I hereby certify that the foregoing Resolution was **ADOPTED** by the City Planning Commission on April 5, 2007.

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Linda Avery  
Commission Secretary

AYES: Alexander, Antonini, Sue Lee, William Lee and Sugaya

NOES: Moore and Olague

ABSENT: none

ACTION: Adoption of Planning Code Amendments

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

**Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits:**

1 Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned  
2 Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review  
3 Procedures for RH and RM Districts: Applicability); Section 316 (Procedures for  
4 Conditional Use Authorization in Neighborhood Commercial and South of Market  
5 Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted  
6 Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial  
7 Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District)  
8 to conform these sections with the new VNMDR-SUD, NCT and RTO district controls;  
9 and adding new zoning districts and a new special use district including Section 121.5  
10 to establish controls for Development on Large Lots in Residential Districts; Section  
11 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets;  
12 Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and  
13 the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to  
14 establish the Transit-Oriented Residential District (RTO); Section 207.6 related to  
15 Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and  
16 NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and  
17 Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing  
18 Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van  
19 Ness and Market Downtown Residential Special Use District (VNMDR-SUD); Section  
20 249.34 Fulton Street Grocery Store Special Use District; Section 261.1 related to  
21 Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts;  
22 Section 263.18 creating a Special Height Exception: Additional Five Feet Height for  
23 Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20  
24 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X  
25

1 Height District; Sections 326-326.8 establishing the Market and Octavia Community  
2 Improvements Fee and Fund; Sections 341-341.4 establishing a Better Neighborhoods  
3 Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-  
4 Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the  
5 Upper Market Street Neighborhood Commercial Transit District; adding an uncodified  
6 Section 4 calling for a study and implementation of an additional affordable housing  
7 program, and providing that this ordinance and the accompanying Market and Octavia  
8 General Plan amendments and zoning map amendments will not be effective until the  
9 effective date of such a program adopted by the Board of Supervisors; and adopting  
10 environmental findings and findings of consistency with the General Plan and the eight  
11 priority policies of Planning Code Section 101.1.

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

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

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

18 (a) Under Planning Code Section 302, the Board of Supervisors finds that this  
19 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
20 Planning Commission Resolution No. 17409 recommending the approval of this Planning  
21 Code Amendment, and incorporates such reasons by this reference thereto. A copy of said  
22 resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

23 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this  
24 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the  
25

1 Planning Code and with the General Plan as proposed to be amended in companion  
2 legislation and hereby adopts the findings of the Planning Commission, as set forth in  
3 Planning Commission Resolution No. 17409, and incorporates said findings by this reference  
4 thereto.

5 (c) In accordance with the actions contemplated herein, this Board adopted Motion  
6 No. 17407, concerning findings pursuant to the California Environmental Quality Act  
7 (California Public Resources Code sections 21000 et seq.). A copy of said Motion is on file  
8 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by  
9 reference herein.

10 Section 2. The San Francisco Planning Code is hereby amended by amending  
11 Sections 102.5, 121.1, 121.2, 124, 132, 134, 135, 144, 145.1, 145.4, 151.1, 152, 153, 154,  
12 155, 156, 166, 167, 201, 207.1, 207.4, 208, 209.1-209.9, 234.2, 253, 270, 303, 304, 311, 316,  
13 603, 606 702.1, and 720.1 to read as follows:

14 **SEC. 102.5. DISTRICT.**

15 A portion of the territory of the City, as shown on the Zoning Map, within which certain  
16 regulations and requirements or various combinations thereof apply under the provisions of  
17 this Code. The term "district" shall include any use, special use, height and bulk, or special  
18 sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-  
19 1, RM-2, RM-3, RM-4, RTO, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District"  
20 shall mean any C-1, C-2, C-3, or C-M District. The term "M District" shall mean any M-1 or M-  
21 2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3  
22 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term  
23 "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall  
24 mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article  
25

11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any NC-1, NC-2, NC-3, 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,	

1	Outer Clement Street,	
2	Upper Fillmore Street,	
3	Haight Street,	
4	North Beach,	
5	Sacramento Street,	
6	Union Street,	
7	24th Street-Mission,	
8	24th Street-Noe Valley,	
9	West Portal Avenue	10,000 sq. ft.
10	NC-2,	
11	NC-3, <u>NCT-3</u>	
12	Hayes-Gough,	
13	Upper Market Street,	
14	Polk Street,	
15	Valencia Street	Not Applicable
16	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	3,000 sq. ft.
NC-1	
Broadway	
Hayes-Gough	
Upper Market Street	
Polk Street	
Valencia Street	4,000 sq. ft.
NC-2	

NC-3, <u>NCT-3</u>	6,000 sq. ft.
NC-S	

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

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

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

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

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

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

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

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

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, <i>RTO</i>	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	2.5 to 1
NC-2	
Broadway	
Upper Fillmore	

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

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  
25

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.  
25

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  
25

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

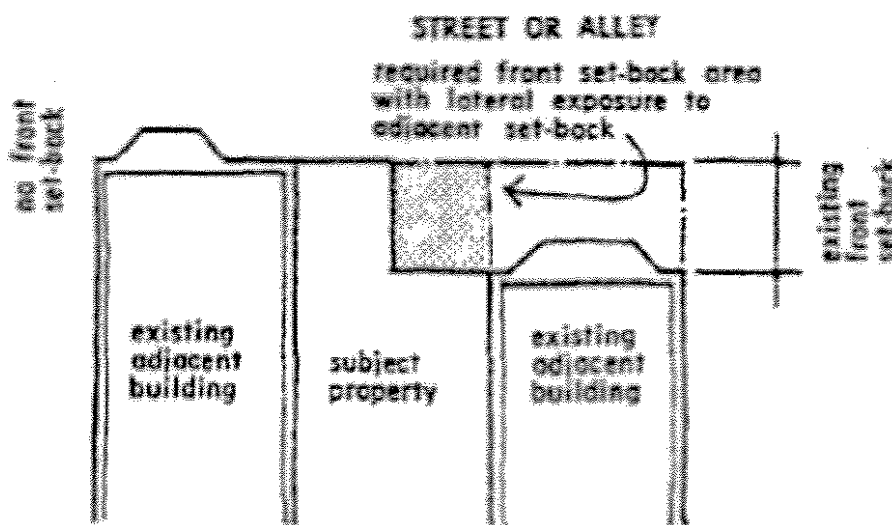
20 (2) The parking requirement for live/work units subject to this subsection shall  
21 be equal to that required for dwelling units within the subject district.

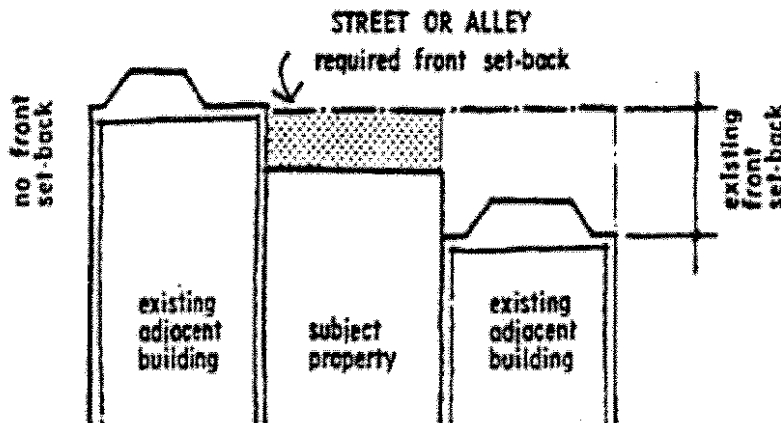
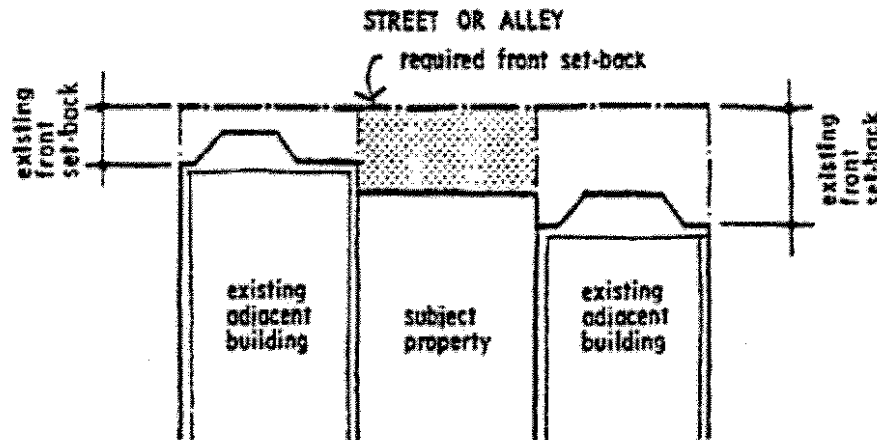
22 **SEC. 132. FRONT SETBACK AREAS, RH AND RM DISTRICTS.**  
23  
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1 The following requirements for minimum front setback areas shall apply to every  
2 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the  
3 existing front setbacks of adjacent buildings.

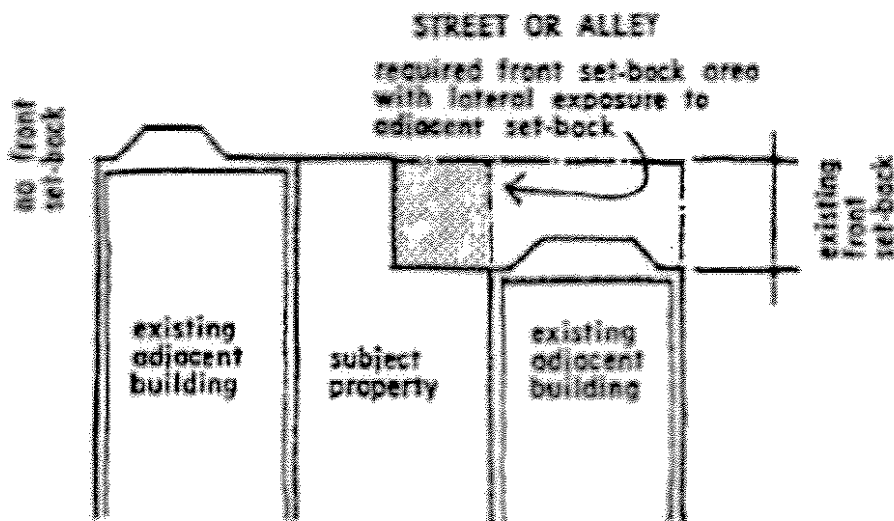
4 (a) Basic Requirement. Where one or both of the buildings adjacent to the  
5 subject property have front setbacks along a street or alley, any building or  
6 addition constructed, reconstructed or relocated on the subject property shall be  
7 set back to the average of the two adjacent front setbacks. 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."

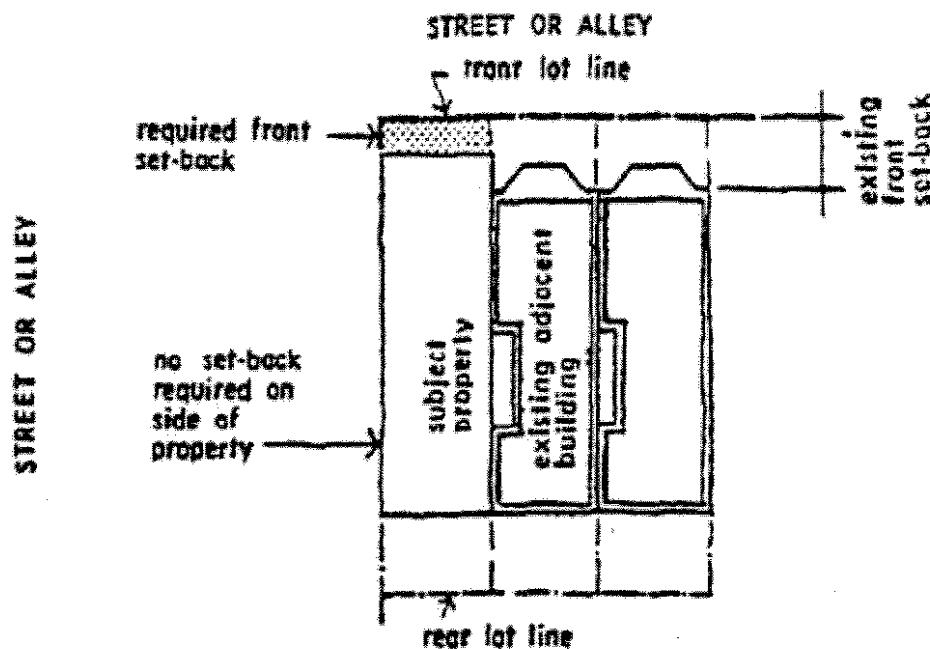




(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged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





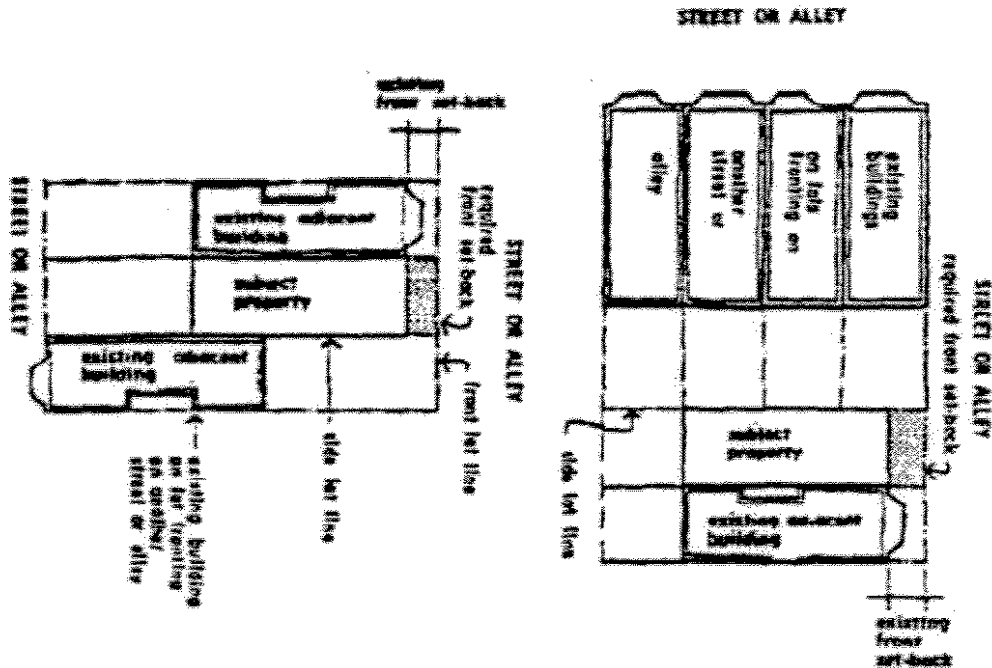
(c) Method of Measurement. The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the street or alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures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

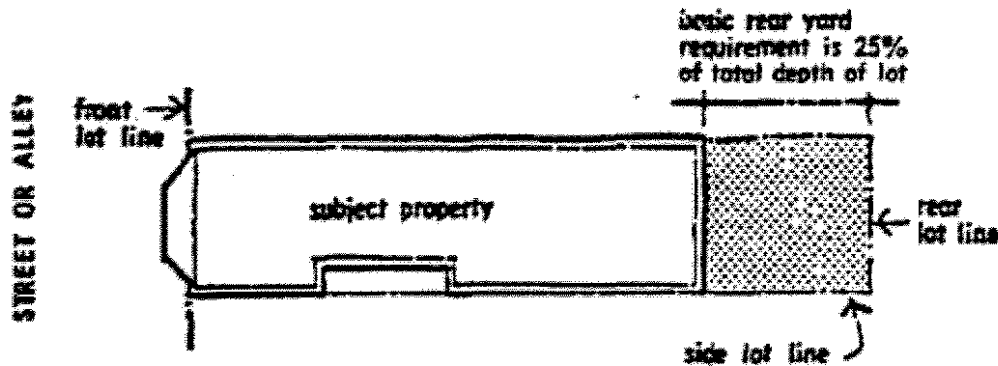
6 (a) Basic Requirements. The basic rear yard requirements shall be as follows  
7 for the districts indicated:

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,  
25

and at each succeeding story of the building, and at the first story if it contains a dwelling unit.



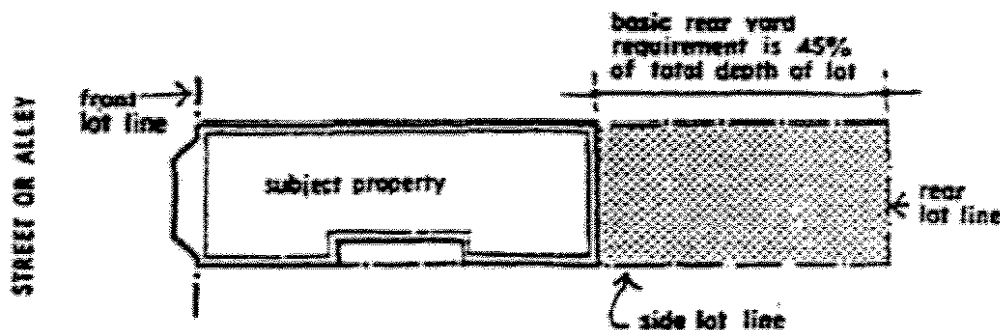
(C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI and SSO Districts. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. *In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for dwelling units per Section 135, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.*

(D) Upper Market NCT. Rear yards shall be provided at the grade level, and at each succeeding story of the building.. For buildings in the Upper Market NCT that do not contain residential uses and that do not



1 abut adjacent lots with an existing pattern of rear yards or mid-block  
2 open space, the Zoning Administrator may waive or reduce this rear yard  
3 requirement pursuant to the procedures of subsection (e).

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



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

22 (c) Reduction of Requirements in RH-2, RH-3, RTO, RM-1 and RM-2 Districts.  
23 The rear yard requirement stated in Paragraph (a)(2) above, for RH-2, RH-3,  
24 RTO, RM-1 and RM-2 Districts, and as stated in Paragraph (a)(1) above, for  
25

1 single room occupancy buildings in the South of Market base area not  
2 exceeding a height of 65 feet, shall be reduced in specific situations as  
3 described in this Subsection (c), based upon conditions on adjacent lots. Except  
4 for those SRO buildings referenced above in this paragraph whose rear yard  
5 can be reduced in the circumstances described in Subsection (c) to a 15-foot  
6 minimum, under no circumstances, shall the minimum rear yard be thus reduced  
7 to less than a depth equal to 25 percent of the total depth of the lot on which the  
8 building is situated, or to less than 15 feet, whichever is greater.

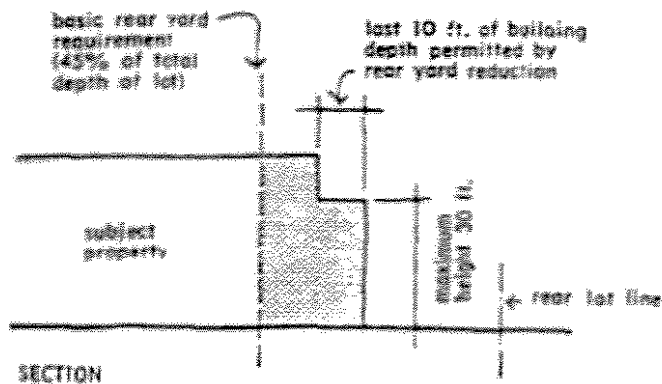
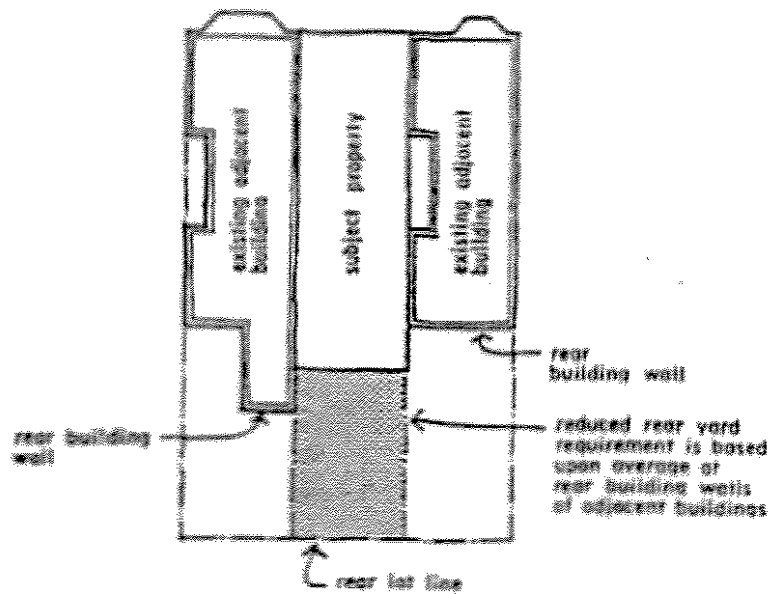
9 (1) General Rule. In such districts, the forward edge of the required rear  
10 yard shall be reduced to a line on the subject lot, parallel to the rear lot  
11 line of such lot, which is an average between the depths of the rear  
12 building walls of the two adjacent buildings. Except for single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

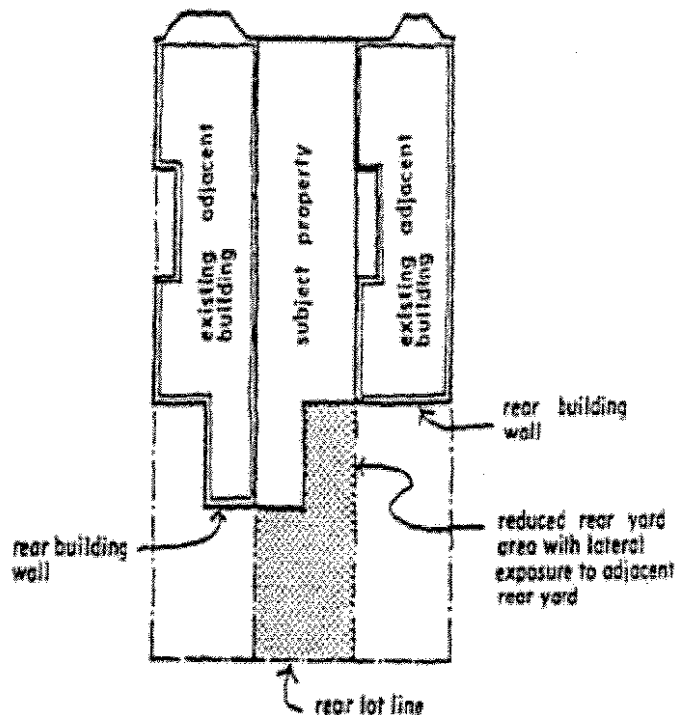
18 (2) Alternative Method of Averaging. If, under the rule stated in  
19 Paragraph (c)(1) above, a reduction in the required rear yard is permitted,  
20 the reduction may alternatively be averaged in an irregular manner;  
21 provided that the area of the resulting reduction shall be no more than the  
22 product of the width of the subject lot along the line established by  
23 Paragraph (c)(1) above times the reduction in depth of rear yard  
24 permitted by Paragraph (c)(1); and provided further that all portions of the  
25

1 open area on the part of the lot to which the rear yard reduction applies  
2 shall be directly exposed laterally to the open area behind the adjacent  
3 building having the lesser depth of its rear building wall.

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

19 (4) Applicability to Special Lot Situations. In the following special lot  
20 situations, the general rule stated in Paragraph (c)(1) above shall be  
21 applied as provided in this Paragraph (c)(4), and the required rear yard  
22 shall be reduced if conditions on the adjacent lot or lots so indicate and if  
23 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.

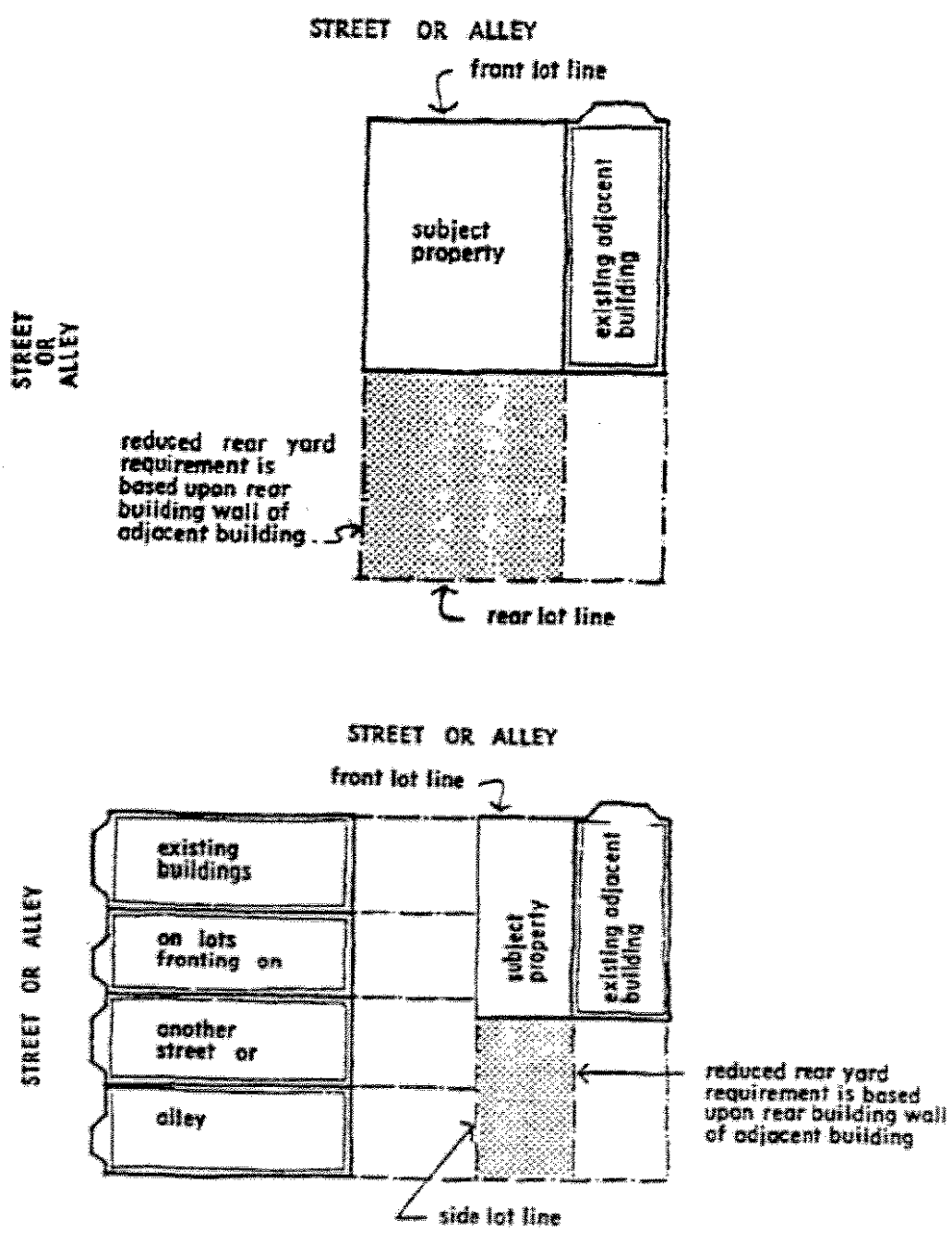
(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required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

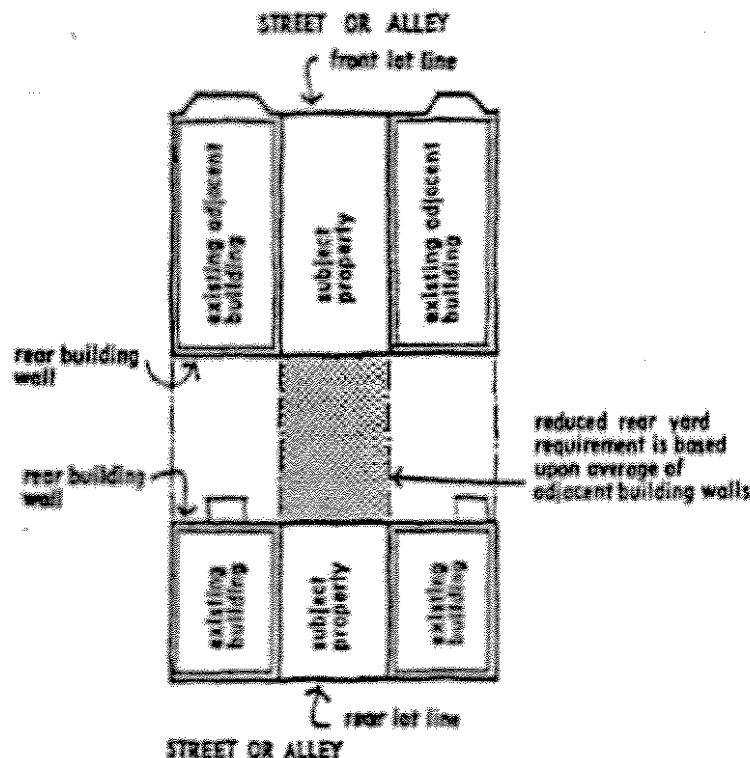
6 (C) Through Lots Abutting Properties that Contain Two Buildings.

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  
25

setback areas shall be applicable along both street or alley frontages of the subject through lot.



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



(e) Modification of Requirements in NC and South of Market 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.

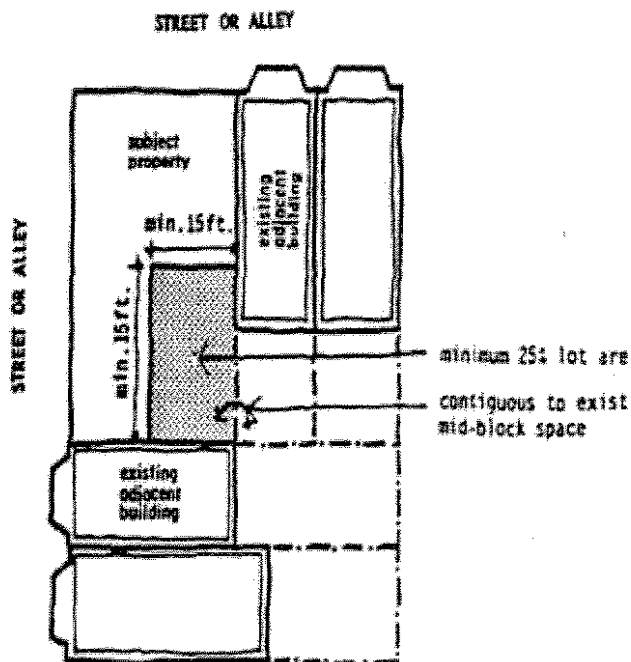
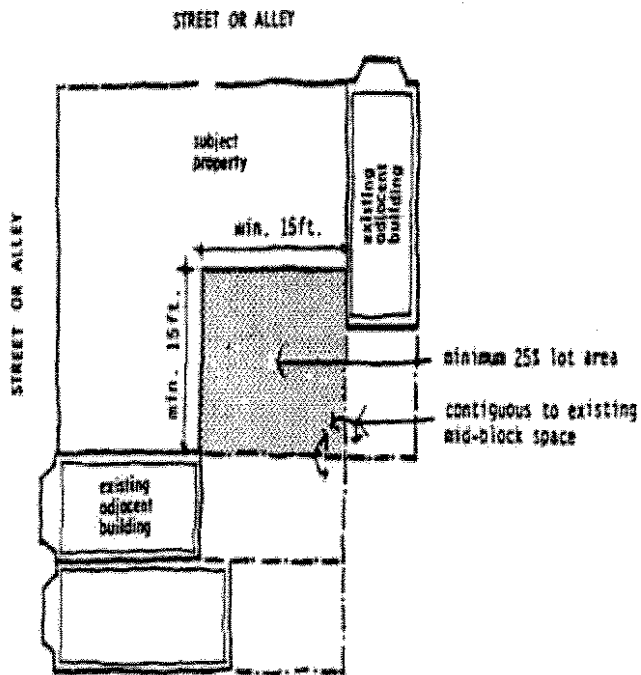
9 The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional  
10 conditions as are deemed necessary by the Zoning Administrator to further the purposes of  
11 this Section.

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.  
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**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.  
24  
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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  
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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 2	NC-1, NC-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
3 4 5 6 7	NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, <i>NCT-3</i>	80	1.33
8 9	Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
10 11 12 13	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
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.

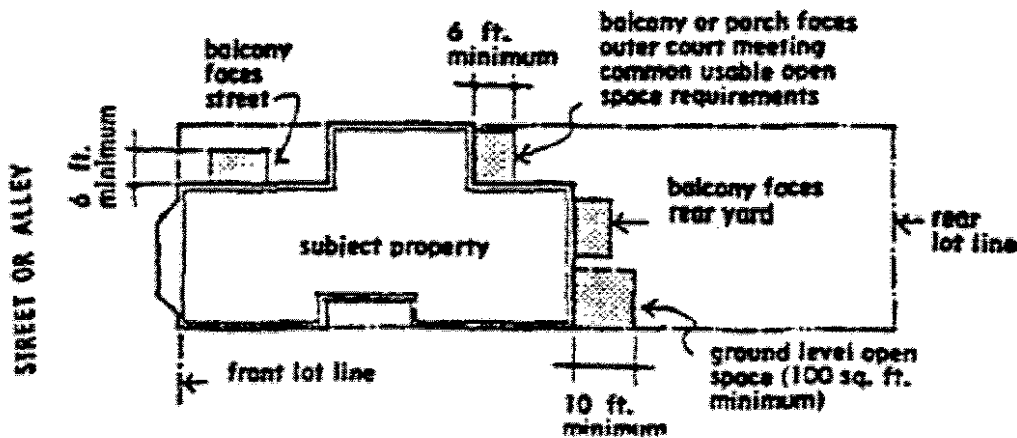
(f) **Private Usable Open Space: Additional Standards.**

(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



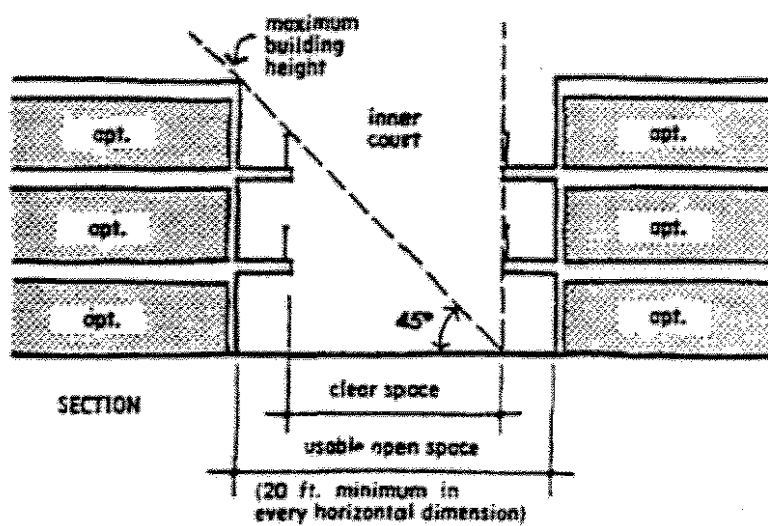
1 other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable  
2 open space on grounds of lack of privacy or usability.

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.



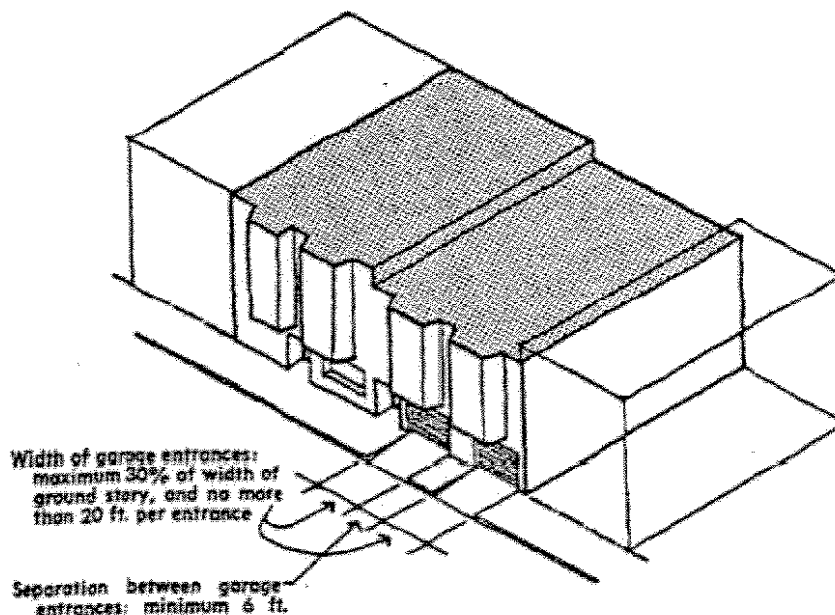
(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less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

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



1 (c) Features To Be Provided. In the case of every dwelling in such districts, no less  
2 than 30 percent of the width of the ground story along the front lot line, along a street side lot  
3 line, and along a building wall that is set back from any such lot line, shall be devoted to  
4 windows, entrances for dwelling units, landscaping, and other architectural features that  
5 provide visual relief and interest for the street frontage.

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

## 12 **SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL DISTRICTS.**

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

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

22  
23 (a) If such structures contain any of the permitted uses in the Zoning Control  
24 Categories listed below, at least 1/2 the total width of such new or altered  
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structures at the commercial street frontage shall be devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

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

1 (b) In all NC Districts other than NC-S Districts, no more than 1/3 of the width of such  
2 new or altered structure, parallel to and facing such street, shall be devoted to  
3 ingress/egress to parking, provided that in no case shall such ingress/egress exceed  
4 20 feet in width or be less in width than eight feet for garages containing up to three  
5 cars, nine feet for garages containing up to ten cars, and ten feet for garages  
6 containing up to 50 cars. Development lots in NCT districts are limited to a total of 20  
7 feet per block frontage devoted to entrances to off-street parking. A "development lot"  
8 shall be any lot containing a proposal for new construction, building alterations which  
9 would increase the gross square footage of a structure by 20 percent or more, or  
10 change of use of more than 50 percent of the gross floor area of a structure containing  
11 parking.

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

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

3  
4 (d) **Required Ground Floor Commercial Uses.** In the locations listed in this subsection, active,  
5 pedestrian-oriented commercial uses, as described in subsection (e), and permitted by the specific  
6 district in which it is located, are a required ground floor use on street-facing building frontages.  
7 Where these uses are required, they shall occupy no less than 75 percent of the building frontage to a  
8 depth of not less than 25 feet, and shall be open at the pedestrian eye level, allowing visibility to the  
9 inside of the building, and shall meet the standards described in subsection (a). This requirement  
10 applies to the following street frontages:

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

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

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

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

15 (e) Definition of Active Uses.

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

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

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

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

Table 145.1

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



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<u>Other Entertainment</u>	<u>§ 790.38</u>
<u>Financial Service</u>	<u>§ 790.110</u>
<u>Limited Financial Service</u>	<u>§ 790.112</u>
<u>Medical Service</u>	<u>§ 790.114</u>
<u>Personal Service</u>	<u>§ 790.116</u>
<u>Business or Professional Service</u>	<u>§ 790.108</u>
<u>Automotive Service Station</u>	<u>§ 790.17*</u>
<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 at all other levels from any facade facing a street. Space for active uses as defined in this Section and permitted by the specific district in which it is located shall be provided along the frontages for the above-mentioned setback depths.

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

1 open to perpendicular view. This requirement applies to the following street  
2 frontages:

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

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

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

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

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

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

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

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

20 (1) **Ground Floor.** Active uses at the ground floor shall include those  
21 that are oriented to public access and walk-up pedestrian activity. These  
22 uses shall not include any use whose primary function is the storage of  
23 goods or vehicles, utility installations, any office use, any use oriented  
24 toward motorized vehicles, or any use or portion of a use which by its  
25

1 nature requires non-transparent walls facing a public street. Uses  
2 considered active uses on the ground floor shall include lobbies for any  
3 use, and the uses listed in Table 145.4 and as defined by the referenced  
4 Code Sections. Uses noted with an asterisk in Table 145.4 are restricted  
5 as follows:

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

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

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

21 (D) Automobile Sale or Rental are only considered as active uses meeting  
22 the requirements of subsection (b) for frontages in the Van Ness and  
23 Market Downtown Residential Special Use District, and if no curb-cuts,  
24 garage doors, or loading access are required on Van Ness Avenue or  
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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>
890.22	Bar
890.23	Business Goods and Equipment Sales and Repair Service
890.34	Eating and Drinking Use
890.37	Entertainment, Other
890.39	Gift Store-Tourist Oriented
890.50	Institutions, Other
890.51	Jewelry Store
890.68	Neighborhood-Serving Business
890.69*	Non-Auto Vehicle Sales or Rental
890.80*	Public Use
890.88*	Residential Use
890.90	Restaurant, Fast-Food (Small)
890.91	Restaurant, Fast-Food (Large)
890.92	Restaurant, Full-Service
890.102	Sales and Service, Other Retail

890.104	Sales and Services, Retail
890.112	Service, Limited Financial
890.116	Service, Personal
890.122	Take-Out Food
890.124	Trade Shop
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.

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

(a) For any use in DTR, NCT, RTO or and C-3 Districts, off-street accessory parking shall not be required as specified in Section 151.1 herein. The quantities specified in Table 151.1 shall serve as the maximum amount of off-street parking that may be provided as accessory to the uses specified. For uses in DTR, NCT and RTO districts not described in Table 151.1, the off-street requirements specified in Table 151 and set forth in Section 204.5 of this Code shall serve as maximums for the total amount of accessory parking that may be provided. For uses in C-3 Districts not described in Table 151.1, Section 204.5 shall determine the maximum permitted accessory parking that may be provided. Variances may not be granted in C-3, NCT and RTO Districts above the maximum accessory parking specified in this Section 151.1. Where off-street parking is provided that exceeds the quantities specified in Table 151.1 or as set forth in Section 204.5 of this Code, such parking shall be classified not as accessory parking

but as either a principally permitted or conditional use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 157 of this Code.

(b) Where a number or ratio of spaces are described in Table 151.1, such number or ratio shall refer to the total number of parked cars accommodated in the project proposal, regardless of the arrangement of parking, and shall include all spaces accessed by mechanical means, valet, or non-independently accessible means. For the purposes of determining the total number of cars parked, the area of an individual parking space, except for those spaces specifically designated for persons with physical disabilities, may not exceed 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of vertical stacking.

(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. Upper Market NCT see 151.1(g)</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, except as specified below</u>	<u>P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.</u>
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</u>



square feet, subject to the conditions and criteria of  
Section 151.1(f). NP above.

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

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

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

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

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

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

(e) In C-3 Districts, any request for accessory parking in excess of what is permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309 of this Code. In

1 granting approval for parking accessory to residential uses above that permitted by  
2 right in Table 151.1, the Planning Commission shall make the following affirmative  
3 findings:

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

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

23 (3) The findings of Section 151.1(d)(2), (d)(3) and (d)(5) are satisfied;  
24  
25

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

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

9 (1) Parking for all uses

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

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

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

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

19 (2) Parking for Residential Uses

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

24 (3) Parking for Non-Residential Uses  
25

1 (A) Projects that provide more than 10 spaces for non-residential uses must dedicate 5% of  
2 these spaces, rounded down to the nearest whole number, to short-term, transient use by  
3 vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or  
4 other co-operative auto programs. These spaces shall not be used for long-term storage nor  
5 satisfy the requirement of Section 166, but rather to park them during trips to commercial uses.  
6 These spaces may be used by shuttle or delivery vehicles used to satisfy subsection (B).  
7 (B) Retail uses larger than 20,000 square feet, including but not limited to grocery, hardware,  
8 furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell  
9 merchandise that is bulky or difficult to carry by hand or by public transit, shall offer, at  
10 minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This  
11 is encouraged, but not required, for retail uses less than 20,000 square feet.  
12 (C) Parking shall be limited to short-term use only.  
13 (D) Parking shall be available to the general public at times when such parking is not needed to  
14 serve the use or uses to which it is accessory.  
15 (g) In Upper Market NCT projects are permitted one parking space per two units and can be  
16 granted a conditional use permit for up to one parking space per unit if they meet the  
17 performance criteria outlined in Section 151.1(f).

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

20 In districts other than C-3 and the South of Market Districts, off-street freight loading  
21 spaces shall be provided in the minimum quantities specified in the following table, except in  
22 RTO and NCT districts and as otherwise provided in Section 152.2 and Section 161 of this  
23 Code. The measurement of gross floor area shall be as defined in this Code, except that  
24  
25

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

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

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

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

23 (5) When the calculation of the required number of off-street parking or freight  
24 loading spaces results in a fractional number, a fraction of 1/2 or more shall be  
25

adjusted to the next higher whole number of spaces, and a fraction of less than 1/2 may be disregarded.

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

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

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

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

(a) Parking Spaces.

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

(2) In the case of any structure or use for which four or more off-street parking spaces are required, the fourth such space may be a compact car space, and for each two spaces required in excess of four, the second such space may be a

compact car space. For this purpose every compact car space shall have a minimum area of 127.5 square feet and shall be specifically marked and identified as a compact car space. For dwelling units or group housing within RED, SPD, RSD, SLR, SLI or SSO Districts, 100 percent compact sizes shall be permitted. Special provisions relating to the Bernal Heights Special Use District are set forth in Section 242.

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

(4) In DTR, ~~and C-3~~, RTO, and NCT Districts, there shall be no minimum area or dimension requirements for off-street parking spaces, except as required elsewhere in this Code for spaces specifically designated for persons with physical disabilities, nor shall they be required to be independently accessible.

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

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

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



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

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

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

9 Required off-street parking and freight loading facilities shall meet the following  
10 standards as to location and arrangement. In addition, facilities which are not required but are  
11 actually provided shall meet the following standards unless such standards are stated to be  
12 applicable solely to required facilities. In application of the standards of this Code for off-street  
13 parking and loading, reference may be made to provisions of other portions of the Municipal  
14 Code concerning off-street parking and loading facilities, and to standards of the Bureau of  
15 Engineering of the Department of Public Works. Final authority for the application of such  
16 standards under this Code, and for adoption of regulations and interpretations in furtherance  
17 of the stated provisions of this Code shall, however, rest with the Department of City Planning.

18 (a) Every required off-street parking or loading space shall be located on the  
19 same lot as the use served by it, except as provided in Sections 159, 160 and  
20 161 of this Code.

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

23 (c) Every off-street parking or loading space shall have adequate means of  
24 ingress from and egress to a street or alley. Every required off-street parking or  
25

1 loading space shall be independently accessible, with the exception of a parking  
2 space for a minor second dwelling unit in an RH-1(S) District, or as otherwise  
3 provided by the Bernal Heights Special Use District set forth in Section 242. In  
4 C-3 Districts, if it is found, in accordance with the provisions of Section 309, that  
5 independently accessible spaces are infeasible due to site constraints, or in  
6 South of Market Districts if it is found, in accordance with the provisions of  
7 Section 307(g) of this Code, that independently accessible spaces for  
8 nonresidential activities are infeasible due to site constraints or that valet parking  
9 would provide a more convenient and efficient means of serving business  
10 clients, the substitution of attendant parking spaces for independently accessible  
11 spaces may be approved. Access to off-street loading spaces shall be from  
12 alleys in preference to streets.

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

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

19 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-  
20 G, and South of Market Districts shall be completely enclosed and access from a public  
21 street or alley shall be provided by means of a private service driveway, which is totally  
22 contained within the structure. Such a private service driveway shall include adequate  
23 space to maneuver trucks and service vehicles into and out of all provided spaces, and  
24 shall be designed so as to facilitate access to the subject property while minimizing  
25

1 interference with street and sidewalk circulation. Any such private service driveway  
2 shall be of adequate width to accommodate drive-in movement from the adjacent curb  
3 or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing,  
4 if an adjacent street or alley is determined to be primarily used for building service,  
5 pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, or the  
6 provisions of Section 307(g) in a South of Market District, up to four spaces may be  
7 allowed to be individually accessible directly from such a street or alley.

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

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

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

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

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

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

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

22 (l) Driveways crossing sidewalks shall be no wider than necessary for ingress and  
23 egress, and shall be arranged, to the extent practical, so as to minimize the width and  
24 frequency of curb cuts, to maximize the number and size of on-street parking spaces  
25

1 available to the public, and to minimize conflicts with pedestrian and transit  
2 movements.

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

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

7 (o) No area credited as all or part of a required off-street parking space shall also be  
8 credited as all or part of a required off-street loading space, or used as all or part of an  
9 unrequired off-street loading space. No area credited as all or part of a required off-  
10 street loading space shall also be credited as all or part of a required off-street parking  
11 space, or used as all or part of an unrequired off-street parking space.

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

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

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

- 22 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except  
23 as set forth in Section 827.
- 24  
25

1 (2) The entire portion of Market Street in the C-3, NCT-3 and Upper Market NCT  
2 Districts, Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-  
3 3 and Upper Market NCT Districts, Van Ness Avenue from Hayes Street to Mission  
4 Street, Mission Street from 10<sup>th</sup> Street to Division Street, Octavia Street from Hayes  
5 Street to Fell Street, not permitted.

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

13 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading  
14 shall be created or utilized on street frontages identified along any Transit  
15 Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as  
16 designated in the Transportation Element of the General Plan or official city bicycle  
17 routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes,  
18 the prohibition on curb cuts applies to the side or sides of the street where bicycle  
19 lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts  
20 shall apply to the right side of the street only, unless the officially adopted alignment  
21 is along the left side of the street. Where an alternative frontage is not available,  
22 parking or loading access along any Transit Preferential, Citywide Pedestrian  
23 Network or Neighborhood Commercial Streets as designated in the Transportation  
24 Element of the General Plan or official city bicycle lane or bicycle route, may be  
25

1 allowed on streets not listed in subsection (2) above as an exception in the manner  
2 provided in Section 309 for C-3 Districts and in Section 303 for NCT and RTO districts in  
3 cases where it can be clearly demonstrated that the final design of the parking  
4 access minimizes negative impacts to transit movement and to the safety of  
5 pedestrians and bicyclists to the fullest extent feasible.

6 (5) A "development lot" shall mean any lot containing a proposal for new construction,  
7 building alterations which would increase the gross square footage of a structure by  
8 20 percent or more, or change of use of more than 50 percent of the gross floor  
9 area of a structure containing parking. Pre-existing access to off-street parking and  
10 loading on development lots that violates the restrictions of this Section 155(r) may  
11 not be maintained.

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

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

17 (A) All off-street parking in C-3 Districts (both as accessory and principal  
18 uses) shall be built no higher than the ground-level (up to a maximum  
19 ceiling height of 20 feet from grade) unless an exception to this  
20 requirement is granted in accordance with Section 309 and subsection  
21 155(s)(2) or a conditional use is authorized in accordance with Section  
22 303 and subsections 155(s)(2) or 155(s)(3) below.

23 (B) Parking at the ground-level to the full height of the ground-level  
24 parking shall be lined with active uses, as defined by Section 145.4(e), to  
25

1 a depth of at least 25 feet along all street frontages, except for space  
2 allowed for parking and loading access, building egress, and access to  
3 mechanical systems. So as not to preclude conversion of parking space  
4 to other uses in the future, parking at the ground-level shall not be sloped  
5 and shall have a minimum clear ceiling height of nine feet.

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

15 (C) Parking allowed above the ground-level in accordance with an  
16 exception under Section 309 or a conditional use in accordance with  
17 Section 303 as authorized by subsections 155(s)(2) or 155(s)(3) shall be  
18 entirely screened from public rights-of-way in a manner that accentuates  
19 ground floor retail and other uses, minimizes louvers and other  
20 mechanical features and is in keeping with the overall massing and  
21 architectural vocabulary of the building's lower floors. So as not to  
22 preclude conversion of parking space to other uses in the future, parking  
23 allowed above the ground-level shall not be sloped and shall have a  
24 minimum clear ceiling height of nine feet.  
25



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

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

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

21 (3) Non-accessory off-street parking garages. For non-accessory off-street  
22 parking garages in C-3 Districts permitted under Section 223(m)--(p), two  
23 additional floors of above-grade parking beyond the at-grade parking allowed by  
24 Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be  
25

1 permitted subject to the provisions of subsections 155(s)(3)(A) or 155(s)(3)(B)  
2 below:

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

12 (B) As a conditional use in accordance with the criteria set forth in  
13 Section 303, provided the site contains an existing non-accessory off-  
14 street surface parking lot with valid permits for such parking as of the  
15 effective date of the ordinance enacting this subsection and the site is  
16 located in the following Mid-Market area: Assessor's Block 0341, Lots 4  
17 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350,  
18 Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot  
19 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block  
20 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block  
21 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block  
22 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54,  
23 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56  
24 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704,  
25

1           Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45,  
2           62 and 67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93;  
3           Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173;  
4           Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block  
5           0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This  
6           subsection 155(s)(3)(B) shall sunset eight years from the effective date of  
7           the ordinance enacting this subsection.

8           (4) Parking lots permitted in C-3 Districts as temporary uses according to  
9           Section 156(h) and expansions of existing above-grade publicly accessible  
10          parking facilities are not subject to the requirements of subsections 155(s)(1)--  
11          (3).

12          (5) Parking and Loading Access.

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

20               (B) Porte cocheres to accommodate passenger loading and unloading  
21               are not permitted except as part of a hotel, inn or hostel use. For the  
22               purpose of this Section, a "porte cochere" is defined as an off-street  
23               driveway, either covered or uncovered, for the purpose of passenger  
24  
25

1 loading or unloading, situated between the ground floor facade of the  
2 building and the sidewalk.

3 **SEC. 156. PARKING LOTS.**

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

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

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

19 (d) Any parking lot for the parking of two or more automobiles which adjoins a lot in  
20 any R District, or which faces a lot in any R District across a street or alley, shall be  
21 screened from view therefrom, except at driveways necessary for ingress and egress,  
22 by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in  
23 height.

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

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

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

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

16 (i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections  
17 813 through 818 of this Code shall be screened from views from every street, except at  
18 driveways necessary for ingress and egress, by a solid fence or a solid wall not less  
19 than four feet in height, except where this requirement would prevent otherwise  
20 feasible use of the subject lot as an open space or play area for nearby residents.

21 **SEC. 166. CAR SHARING.**

22 (a) Findings. The Board hereby finds and declares as follows: One of the challenges  
23 posed by new development is the increased number of privately-owned automobiles it  
24 brings to San Francisco's congested neighborhoods. Growth in the number of privately-  
25

1 owned automobiles increases demands on the City's limited parking supply and often  
2 contributes to increased traffic congestion, transit delays, pollution and noise. Car-  
3 sharing can mitigate the negative impacts of new development by reducing the rate of  
4 individual car-ownership per household, the average number of vehicle miles driven  
5 per household and the total amount of automobile-generated pollution per household.  
6 Accordingly, car-sharing services should be supported through the Planning Code  
7 when a car-sharing organization can demonstrate that it reduces: (i) the number of  
8 individually-owned automobiles per household; (ii) vehicle miles traveled per  
9 household; and (iii) vehicle emissions generated per household.

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

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

23 (2) A "certified car-share organization" is any public or private entity that  
24 provides a membership-based car-share service to the public and manages,  
25

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

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

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



(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>

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

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

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

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

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

20 (D) if it is demonstrated to the satisfaction of the Planning Department  
21 that no certified car-share organization can make use of the dedicated  
22 car-share parking spaces, the spaces may be occupied by non-car-share  
23 vehicles; provided, however, that upon ninety (90) days of advance  
24 written notice to the property owner from a certified car-sharing  
25

1 organization, the property owner shall terminate any non car-sharing  
2 leases for such spaces and shall make the spaces available to the car-  
3 share organization for its use of such spaces.

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

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

12 **SEC. 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW**  
13 **RESIDENTIAL BUILDINGS.**

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

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

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

5 In order to carry out the purposes and provisions of this Code, the City is hereby  
6 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>
<b>Neighborhood Commercial Districts</b> <b>(Also see Article 7)</b> <b>General Area Districts</b>	
NC-1	Neighborhood Commercial Cluster District

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NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial District	
Inner Clement Street Neighborhood Commercial District	
Outer Clement Street Neighborhood Commercial District	
Upper Fillmore Street Neighborhood Commercial District	
Haight Street Neighborhood Commercial District	
Hayes-Gough Neighborhood Commercial District	
Inner Sunset Neighborhood Commercial District	
Upper Market Street Neighborhood Commercial District	
North Beach Neighborhood Commercial District	
Polk Street Neighborhood Commercial District	
Sacramento Street Neighborhood Commercial District	
Union Street Neighborhood Commercial District	
Valencia Street Neighborhood Commercial	

District
24th Street-Mission Neighborhood Commercial District
24th Street-Noe Valley Neighborhood Commercial District
West Portal Avenue Neighborhood Commercial District
<b><u>Neighborhood Commercial Transit Districts (NCT)</u></b>
<u>NCT-3</u> <u>Moderate Scale Neighborhood Commercial Transit District</u>
<b><u>Individual Area Neighborhood Commercial Transit (NCT) Districts</u></b>
<u>Hayes-Gough NCT</u>
<u>Upper Market Street NCT</u>
Chinatown Mixed Use Districts (Also see Article 8)
<b>CCB      Chinatown Community Business District</b>
<b>CR/NC      Chinatown Residential/Neighborhood Commercial District</b>
<b>CVR      Chinatown Visitor Retail District</b>
<b>C-1      Neighborhood Shopping Districts</b>
<b>C-2      Community Business Districts</b>
<b>C-M      Heavy Commercial Districts</b>
<b>C-3-O      Downtown Office District</b>
<b>C-3-R      Downtown Retail District</b>
<b>C-3-G      Downtown General Commercial District</b>
<b>C-3-S      Downtown Support District</b>
<b>M-1      Light Industrial Districts</b>
<b>M-2      Heavy Industrial Districts</b>
<b>South of Market Use Districts (Also see Article 8)</b>

<b>RED</b>	<b>Residential Enclave Districts</b>
<b>SPD</b>	<b>South Park District</b>
<b>RSD</b>	<b>Residential Service District</b>
<b>SLR</b>	<b>Service/Light Industrial/Residential District</b>
<b>SLI</b>	<b>Service/Light Industrial District</b>
<b>SSO</b>	<b>Service/Secondary Office District</b>
<b>Downtown Residential Districts</b> <b>(Also see Article 8)</b>	
<b>RH DTR</b>	<b>Rincon Hill Downtown Residential</b>
<b>Mission Bay Districts</b> <b>(Also see Article 9)</b>	
<b>MB-R-1</b>	<b>Mission Bay Lower Density Residential District</b>
<b>MB-R-2</b>	<b>Mission Bay Moderate Density Residential District</b>
<b>MB-R-3</b>	<b>Mission Bay High Density Residential District</b>
<b>MB-NC-2</b>	<b>Mission Bay Small Scale Neighborhood Commercial District</b>
<b>MB-NC-3</b>	<b>Mission Bay Moderate Scale Neighborhood Commercial District</b>
<b>MB-NC-S</b>	<b>Mission Bay Neighborhood Commercial Shopping Center District</b>
<b>MB-O</b>	<b>Mission Bay Office District</b>
<b>MB-CI</b>	<b>Mission Bay Commercial-Industrial District</b>
<b>MB-H</b>	<b>Mission Bay Hotel District</b>
<b>MB-CF</b>	<b>Mission Bay Community Facilities District</b>
<b>MB-OS</b>	<b>Mission Bay Open Space District</b>

## **SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.**

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

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

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

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

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

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

21 (f) In RTO districts, dwelling units that are affordable (meeting the criteria of  
22 Section 326.3(h)(2)(B) or the requirements of Section 315) shall not count  
23 toward density calculations or be limited by lot area.  
24  
25



**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.

1	Castro Street	
2	Inner Clement Street	
3	Outer Clement Street	
4	Upper Fillmore Street	
5	Haight Street	
6	Union Street	
7	Valencia Street	
8	24th Street-Mission	
9	24th Street-Noe Valley	
10	Broadway	One dwelling unit for each 400 sq. ft. of lot area.
11	Hayes-Gough	
12	Upper Market Street	
13	North Beach	
14	Polk Street	

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

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

## **SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.**

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

4 (a) The maximum number of bedrooms on each lot shall be as specified in the  
5 following table for the district in which the lot is located, except that in RTO and all  
6 NCT districts the density of group housing shall not be limited by lot area, and except  
7 that for lots in NC Districts, the group housing density shall not exceed the  
8 number of bedrooms permitted in the nearest Residential District provided that  
9 the maximum density not be less than the amount permitted by the ratio  
10 specified for the NC District in which the lot is located.

11 Table 208

12 MAXIMUM DENSITY FOR  
13 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	

1	Sacramento Street	
2	West Portal Avenue	
3	NC-3	210
4	NC-S	
5	Castro Street	
6	Inner Clement Street	
7	Outer Clement Street	
8	Upper Fillmore Street	
9	Haight Street	
10	Union Street	
11	Valencia Street	
12	24th Street-Mission	
13	24th Street-Noe Valley	
14		
15	Broadway	140
16	<del>Hayes-Gough</del>	
17	Upper Market Street	
18	North Beach	
19	Polk Street	
20		
21	Chinatown Community Business	70
22	Chinatown Residential	
23	Neighborhood Commercial	
24	Chinatown Visitor Retail	
25		
	RED	140
	RSD, SLR, SLI and SSO	70
	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, as well as by the Residential Design Guidelines in RTO districts, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.*

## SEC. 209.1. DWELLINGS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	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.

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	C	C	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.
			C	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
				C	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
					P	NA	NA	NA	<u>NA</u>	P	NA	NA	NA	(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.
						P	NA	NA	<u>P</u>		P	NA	NA	(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.
							P	NA	<u>C</u>			P	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.

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								P	<u>C</u>				P	(l) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to 3/4 of a dwelling unit.
P	P	P	P	P	P	P	P	P	<u>P</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 shall be limited to such occupancy for the actual lifetime of the building by the requirements of State or Federal programs for housing for senior citizens or physically handicapped persons, or otherwise by design features and by legal arrangements approved as to form by the City Attorney and satisfactory to the Department of City Planning.





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														at a time and housing six or more persons in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity and sorority house but shall not include group housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by this Code. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	P	P	P	P	<u>P</u>	P	P	P	P	(b) Group housing, religious orders: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a religious order calling for collective work or worship

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														and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	C	C	C	C	(c) Group housing, medical and educational institutions: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such facility is affiliated with and operated by a medical or educational institution as defined and regulated by Sections 209.3(a), (g), (h) and (i) of this Code but not located on the same lot as such institution and not used for inpatient care. Such housing shall meet the applicable provisions of

														Section 304.5 of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	<u>C</u>	C	C	C	C	(d) Hotel, inn or hostel containing no more than five rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as defined and regulated by Section 216(c) of this Code.
										C	C	C	C	(e) Hotel, inn or hostel as specified in Subsection 209.2(d) above but with six or more guestrooms or suites.

### SEC. 209.3. INSTITUTIONS.

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

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														institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of

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														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 of Subsection 209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.
										C	C	C	C	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)
P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 13 or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(g) Elementary school, either public

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														or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	(i) Post secondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	(j) Church or other religious institution

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													which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)
									P	P	P	P	(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in

[illegible]

Section 209.4(a) of this Code, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in subsection (i), it is located not less than

1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in Section 209.4(a) of this Code; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor 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 abuse services that is licensed or certified by the State of California or funded by the Department of Public Health; (e) no



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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 individuals or groups which have made a written request for notification of regarding specific properties, areas or medical cannabis dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of 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 application for a medical cannabis dispensary. The scheduling and the mailed notice
												for this hearing shall be processed in accordance with Section 312(e) of this Code; (i) Medical cannabis dispensaries that can demonstrate to the Planning Department, based on any criteria it may develop, they were in operation as of April 1, 2005 and have remained in continuous operation since then, 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 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

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														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 denial of a permit application if it occurs before the end of that 18 month period. Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be considered to be in continuous operation. Any dispensary operating in a Residential-House or Residential-Mixed district of 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,

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**SEC. 209.5. OPEN RECREATION AND HORTICULTURE.**

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

														premises. (With respect to RC Districts, see also Section 209.9(d).)
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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 similar use.
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Utility installation, including but not necessarily limited to water, gas, electric, transportation or communications utilities, or public service facility, except as stated in Section 209.6(c), provided that operating requirements necessitate placement at this location.
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Utility Installation that is an Internet Services Exchange defined as a location that contains any of the following uses (excluding any commercial wireless

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														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, 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>	(b) <u>Shared community</u>

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



[illegible]

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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 message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
										C	NA	NA	NA	(b) Except for message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											P	P	P	(c) Except for message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located within or

														below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											C	C	C	(d) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
									<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.

(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.

(e) Any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that:

(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and

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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.
C	C	C	C	C	C	C	C	C	C				(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 102.2 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 Section applies.

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										P	P	P	P	(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.
C	C	C	C	C	C	C	C	C	C	P	P	P	P	(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
										P	P	P	P	(i) Arts activities except those uses subject to Sections 209.3(d) or (h).
C	C	C	C	C	C	C	C	C	C	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.

1     **SEC. 234.2. CONDITIONAL USES, P DISTRICTS.**

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

4     (a) Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j); 209.4(a); 209.5(a), (b);  
5     209.6(b); 209.6(c); 209.9(c); and 234.2(c) and (d) of this Code.

6     (b) With respect to any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or  
7     Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no  
8     accessory nonpublic use shall be permitted, unless such use or feature complies with the  
9     controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial  
10    District or Restricted Use Subdistrict located within 1/4 mile of the lot, excluding the provisions  
11    of zoning category .82, as defined in Section 790.80 of Article 7.

12    (c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code when  
13    located within any P district within the South of Market Base District, the Market and Octavia  
14    Plan Area, and within the right-of-way of any State or federal highway.

15    (d) In any P District which is within the South of Market Base District, if the use is located  
16    within the right-of-way of any State or federal highway, the following uses:

17    (1) Retail and personal service uses primarily meeting the needs of commuters on nearby  
18    streets and highways or persons who work or live nearby, provided that:

19    (A) The space is on the ground floor of a publicly-accessible parking garage;

20    (B) The total gross floor area per establishment does not exceed 2,500 square feet;

21    (C) The space fronts on a major thoroughfare; and

22    (D) The building facade incorporates sufficient fenestration and lighting to create an  
23    attractive urban design and pedestrian-oriented scale.

1 (2) Open-air sale of new or used merchandise, except vehicles, located within a publicly-  
2 accessible parking lot, provided that:

3 (A) The sale of goods and the presence of any booths or other accessory appurtenances are  
4 limited to weekend and/or holiday daytime hours;

5 (B) Sufficient numbers of publicly-accessible toilets and trash receptacles are provided on-  
6 site and are adequately maintained; and

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

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

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

16 (b) In reviewing any such proposal for a building or structure exceeding 40 feet in  
17 height, the City Planning Commission shall consider the expressed purposes of this  
18 Code, of the R Districts, and of the height and bulk districts, set forth in Sections 101,  
19 206 through 206.3 and 251 hereof, as well as the criteria stated in Section 303(c) of  
20 this Code and the objectives, policies and principles of the Master Plan, and may  
21 permit a height of such building or structure up to but not exceeding the height limit  
22 prescribed by the height and bulk district in which the property is located.

23  
24 **SEC. 270 BULK LIMITS: MEASUREMENT.**  
25



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

TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
<b>A</b>	<b>40</b>	<b>110</b>	<b>125</b>
<b>B</b>	<b>50</b>	<b>110</b>	<b>125</b>
<b>C</b>	<b>80</b>	<b>110</b>	<b>125</b>
<b>D</b>	<b>40</b>	<b>110</b>	<b>140</b>
<b>E</b>	<b>65</b>	<b>110</b>	<b>140</b>
<b>F</b>	<b>80</b>	<b>110</b>	<b>140</b>
<b>G</b>	<b>80</b>	<b>170</b>	<b>200</b>
<b>H</b>	<b>100</b>	<b>170</b>	<b>200</b>

<b>I</b>	<b>150</b>	<b>170</b>	<b>200</b>
<b>J</b>	<b>40</b>	<b>250</b>	<b>300</b>
<b>K</b>	<b>60</b>	<b>250</b>	<b>300</b>
<b>L</b>	<b>80</b>	<b>250</b>	<b>300</b>
<b>M</b>	<b>100</b>	<b>250</b>	<b>300</b>
<b>N</b>	<b>40</b>	<b>50</b>	<b>100</b>
<b>R</b>	<b>This table not applicable. But see Section 270(e).</b>		
<u><b>R-2</b></u>	<u><i>This table not applicable. But see Section 270(f).</i></u>		
<b>V</b>		<b>110</b>	<b>140</b>
<b>V</b>	<b>* At setback height established pursuant to Section 253.2.</b>		
<b>OS</b>	<b>See Section 290.</b>		
<b>S</b>	<b>This table not applicable. But see Section 270(d).</b>		
<b>T</b>	<b>At setback height established pursuant to Section 132.2, but no higher than 80 feet.</b>	<b>110</b>	<b>125</b>
<b>X</b>	<b>This table not applicable. But see Section 260(a)(3).</b>		
<b>TB</b>	<b>This table not applicable. But see Section 263.18.</b>		

(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.

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

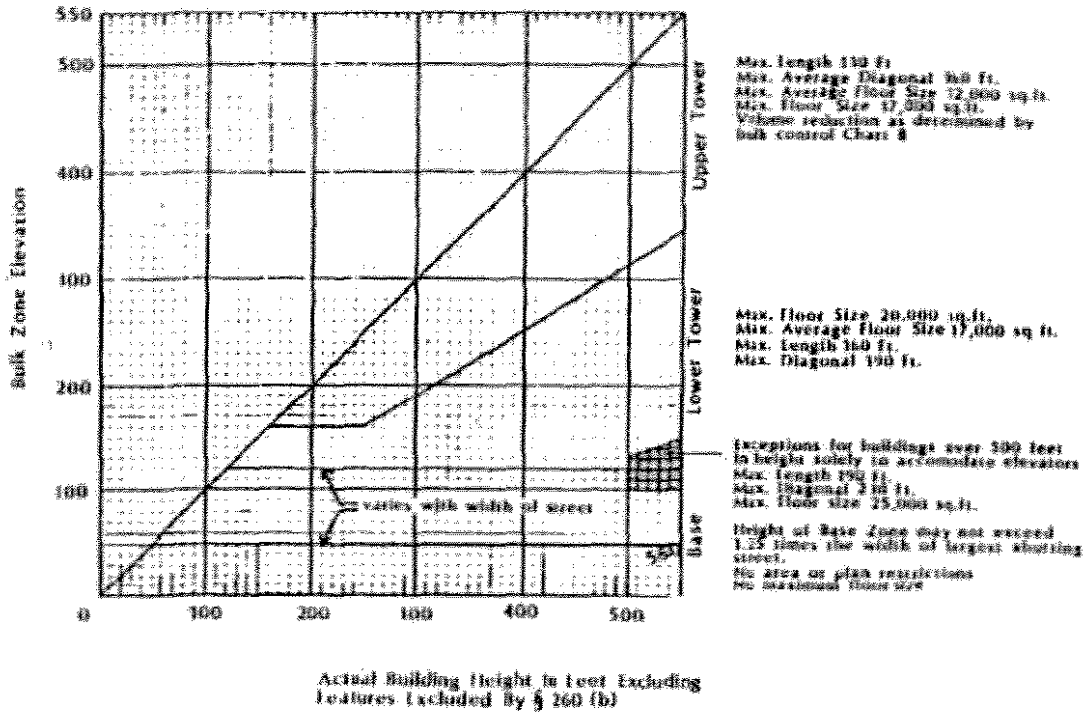
3 (d) The bulk limits contained in this subsection shall apply in S Bulk Districts as designated  
4 on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

5 (1) Base. The base is the lowest portion of the building extending vertically to a streetwall  
6 height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more.  
7 There are no length or diagonal dimension limitations applicable to the base. The building  
8 base shall be delineated from the lower and upper tower and related to abutting buildings by a  
9 setback, cornice line or equivalent projection or other appropriate means.

10 (2) Lower Tower.

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

## CHART B BULK LIMITS



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

### (3) Upper Tower.

(A) Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the

1 height shown on Chart B, which height excludes the vertical attachment  
2 and other features exempted by Section 260 and excludes the extended  
3 upper tower height exceptions provided for in Section 263.7 of this Code.  
4 The bulk controls for the upper tower are: a maximum length of 130 feet;  
5 a maximum average floor size of 12,000 square feet; a maximum floor  
6 size for any floor of 17,000 square feet; and a maximum average  
7 diagonal measure of 160 feet. In determining the average floor size of the  
8 upper tower, areas with a cross-sectional area of less than 4,000 square  
9 feet may not be counted and sculptured architectural forms that contain  
10 large volumes of space but no usable floors shall be included in average  
11 floor size calculation by computing the cross section at 12.5-foot intervals.

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

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

22 (D) Termination of the Tower. The top of the tower shall be massed in a  
23 manner that will create a visually distinctive roof or other termination of  
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1 the building facade. Modifications to a proposed project may be required,  
2 in the manner provided in Section 309, to achieve this purpose.

3 (e) Rincon Hill. In Bulk District R (Rincon Hill DTR District), bulk limitations are as  
4 follows:

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

7  
8 (2) Tower Bulk and Spacing. Structures above 85 feet in height shall meet the  
9 following bulk limitations, as illustrated in Chart C.

10 (A) Buildings between 85 and 240 feet in height may not exceed a plan  
11 length of 90 feet and a diagonal dimension of 120 feet, and may not  
12 exceed a maximum average floor area of 7,500 gross square feet.

13 (B) Buildings between 241 and 300 feet in height may not exceed a plan  
14 length of 100 feet and a diagonal dimension of 125 feet, and may not  
15 exceed a maximum average floor area of 8,500 gross square feet.

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

19 (D) Buildings between 351 and 550 feet in height may not exceed a plan  
20 length of 115 feet and a diagonal dimension of 145 feet. They may not  
21 exceed a maximum average floor area of 10,000 gross square feet.  
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1 (E) To allow variety in the articulation of towers, the floor plates of  
2 individual floors may exceed the maximums described above by as much  
3 as 5 percent, provided the maximum average floor plate is met.

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

8 (G) In order to provide adequate sunlight and air to streets and open  
9 spaces, a minimum distance of 115 feet must be preserved between all  
10 structures above 110 feet in height at all levels above 110 feet in height.  
11 Spacing shall be measured horizontally from the outside surface of the  
12 exterior wall of the subject building to the nearest point on the closest  
13 structure above 110 feet in height. Any project that is permitted pursuant  
14 to the exception described in Section 270(e)(3) shall not be considered  
15 for the purposes of measuring tower spacing pursuant to this Section.

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

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

21  
22 (3) Exceptions to tower spacing and upper tower sculpting requirements. An  
23 exception to the 115 feet tower spacing requirement and the upper tower  
24 sculpting requirement described in (F) and (G) above may be granted to a  
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1 project only on Block 3747 on a lot formed by the merger of part or all of Lots  
2 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code  
3 provided that projects meet the following criteria:

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

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

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

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

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

16 (vi) For the purposes of subsection (iv) above, the term "gross square  
17 feet" shall be the sum of the gross areas of all floors of a building or  
18 buildings above street grade measured from the exterior faces of exterior  
19 walls or from the center lines of walls separating two buildings, excluding  
20 area below street grade. Where columns are outside and separated from  
21 an exterior wall (curtain wall) which encloses the building space or are  
22 otherwise so arranged that the curtain wall is clearly separated from the  
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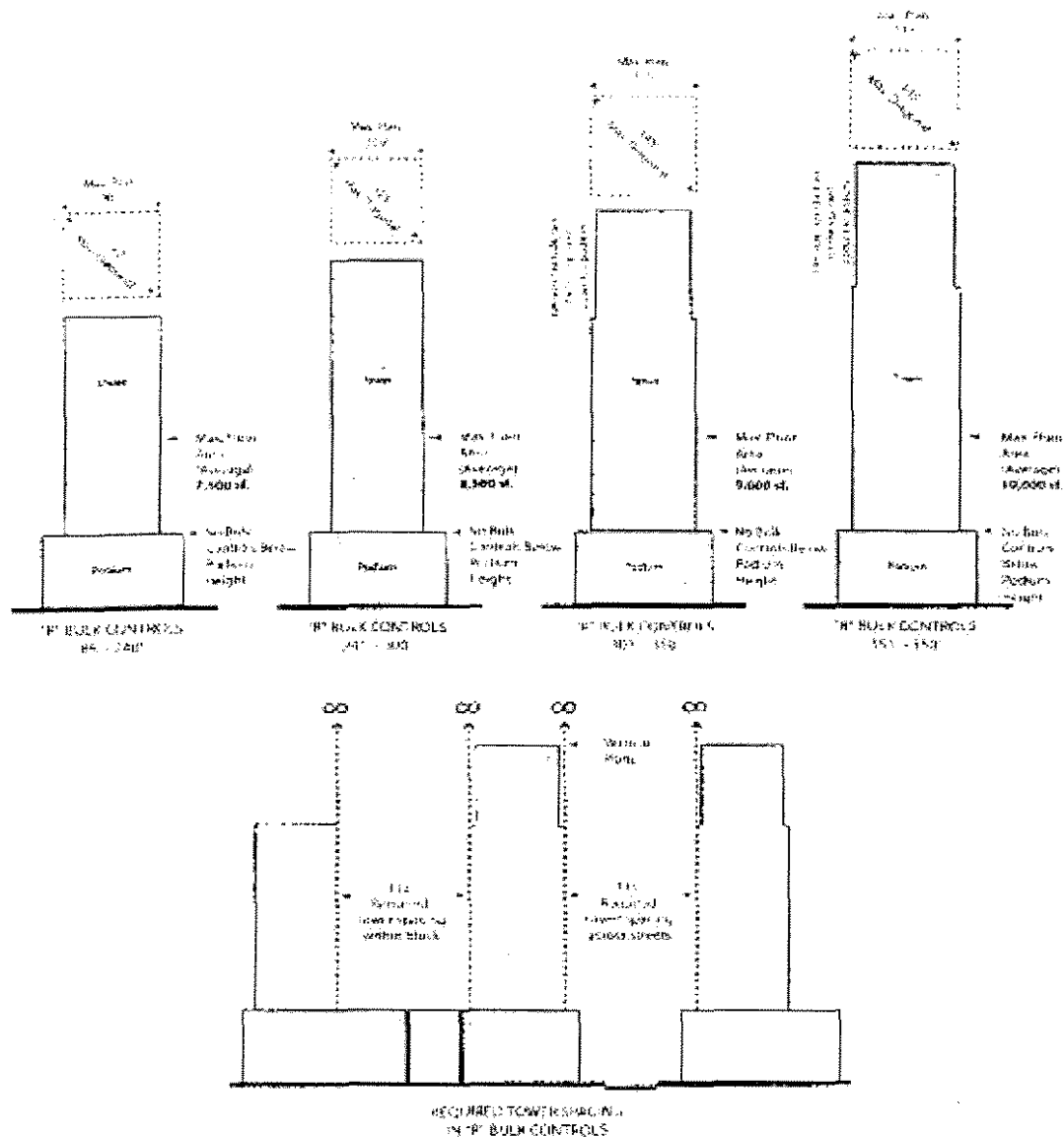
1 structural members, the exterior face of the curtain wall shall be the line  
2 of measurement, and the area of the columns themselves at each floor  
3 shall also be counted.

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

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

12 (ii) Up to a height of one-and-one-half times the maximum permitted  
13 podium height, tower spacing described in (G) above may be reduced by  
14 not more than 15 percent; (iii) up to a height of 180 feet, tower spacing  
15 described in (G) above may be reduced by not more than 10 percent; and  
16 (iv) all floors above 180 feet achieve the full 115-foot minimum tower  
17 spacing requirement described in (G) above. A project may average the  
18 tower separation of all floors below 180 feet so long as the requirements  
19 of (iii) and (iv) are satisfied.  
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21 Chart C:  
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(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  
25

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 persons 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.  
24  
25

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 RH, ~~and~~ RM, 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 has 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  
24  
25

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;

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;  
25

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  
23  
24  
25

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;
- 25

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.  
25

1                   (9) *In RTO and NCT Districts, include the extension of adjacent alleys or*  
2                   *streets onto or through the site, and/or the creation of new publicly-*  
3                   *accessible streets or alleys through the site as appropriate, in order to break*  
4                   *down the scale of the site, continue the surrounding existing pattern of block*  
5                   *size, streets and alleys, and foster beneficial pedestrian and vehicular*  
6                   *circulation.*

7     **SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, ~~AND RM~~ , AND RTO**  
8     **DISTRICTS.**

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

15          (b) Applicability. Except as indicated herein, all building permit applications for  
16          demolition and/or new construction, and/or alteration of residential buildings in RH, ~~and~~  
17          RM, and RTO districts shall be subject to the notification and review procedures  
18          required by this Section. Subsection 311(e) regarding demolition permits and approval  
19          of replacement structures shall apply to all R Districts. For the purposes of this Section,  
20          an alteration shall be defined as any change in use or change in the number of dwelling  
21          units of a residential building, removal of more than 75 percent of a residential  
22          building's existing interior wall framing or the removal of more than 75 percent of the  
23          area of the existing framing, or an increase to the exterior dimensions of a residential  
24  
25



1 building except those features listed in Section 136(c)(1) through 136(c)(24) and  
2 136(c)(26).

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

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

23 (2) Notification. Upon determination that an application is in compliance with  
24 the development standards of the Planning Code, the Planning Department shall  
25

1 cause a notice to be posted on the site pursuant to rules established by the  
2 Zoning Administrator and shall cause a written notice describing the proposed  
3 project to be sent in the manner described below. This notice shall be in addition  
4 to any notices required by the Building Code and shall have a format and  
5 content determined by the Zoning Administrator. It shall include a description of  
6 the proposal compared to any existing improvements on the site with  
7 dimensions of the basic features, elevations and site plan of the proposed  
8 project including the position of any adjacent buildings, exterior dimensions and  
9 finishes, and a graphic reference scale. The notice shall describe the project  
10 review process and shall set forth the mailing date of the notice and the  
11 expiration date of the notification period.

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

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

22 (B) The latest City-wide Assessor's roll for names and addresses of  
23 owners shall be used for said notice.  
24  
25

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

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

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

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

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

22 (B) Information stating whether the proposed project includes horizontal,  
23 vertical, or both horizontal and vertical additions.  
24  
25

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

4 (D) 11 by 17 drawings at a measurable scale with all dimensions legible  
5 that shows (i) both existing and proposed floor plans, (ii) specific  
6 dimensional changes to the building, including parapets, penthouses, and  
7 other proposed building extensions and (iii) the location and amount of  
8 removal of exterior walls.

9 (E) Floor plans where there is a new building, building expansion, or  
10 change in the floor plans of an existing building.

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

13 (G) A description of the project review process, information on how to  
14 obtain additional information about the project, and information about the  
15 recipient's rights to request additional information, to request  
16 discretionary review by the Planning Commission, and to appeal to other  
17 boards or commissions.

18 (d) Requests for Planning Commission Review. A request for the Planning  
19 Commission to exercise its discretionary review powers over a specific building permit  
20 application shall be considered by the Planning Commission if received by the Planning  
21 Department no later than 5:00 p.m. of the last day of the notification period as  
22 described under Subsection (c)(3) above, subject to guidelines adopted by the  
23 Planning Commission.  
24  
25

1 The project sponsor of a building permit application may request discretionary review  
2 by the Planning Commission to resolve conflicts between the Director of Planning and the  
3 project sponsor concerning requested modifications to comply with the Residential Design  
4 Guidelines.

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

8 (2) Notice. Mailed notice of the discretionary review hearing by the Planning  
9 Commission shall be given not less than 10 days prior to the date of the hearing  
10 to the notification group as described in Paragraph 311(c)(2) above. Posted  
11 notice of the hearing shall be made as provided under Planning Code Section  
12 306.8.

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

22 (1) The demolition of any building whether or not historically and architecturally  
23 important may be approved administratively where the Director of the  
24 Department of Building Inspection or the Chief of the Bureau of Fire Prevention  
25

1 and Public Safety determines, after consultation with the Zoning Administrator,  
2 that an imminent safety hazard exists, and the Director of the Department of  
3 Building Inspection determines that demolition or extensive alteration of the  
4 structure is the only feasible means to secure the public safety.

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

8 In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this Code, the  
9 following procedures set forth in this and the following sections shall govern applications for  
10 conditional use authorization where this authorization is required pursuant to Sections 178,  
11 179, 181(f) or (g), 209.9(f), 209.9(h), 260(b)(2)(P) or 263.11 of this Code; zoning categories  
12 .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through ~~729~~ 732 of this  
13 Code for each Neighborhood Commercial District; or Sections 813 through 818 for the South  
14 of Market Mixed Use Districts. The criteria for determinations on such applications are set  
15 forth in Section 303(c) of this Code. Additional criteria for determinations on applications  
16 pursuant to zoning categories .10, .11, and .21 of Article 7 are set forth in the Section of this  
17 Code containing the control. Additional criteria for determinations on certain applications  
18 within South of Market Districts are set forth in Sections 263.11 and 803.5 of this Code.

19 **SEC. 603. EXEMPTED SIGNS.**

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

- 21 (a) Official public notices, and notices posted by public officers in performance  
22 of their duties;  
23  
24  
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- 1 (b) Governmental signs for control of traffic and other regulatory purposes,  
2 street signs, danger signs, railroad crossing signs, and signs of public service  
3 companies indicating danger and aids to service or safety;
- 4 (c) Temporary display posters, without independent structural support, in  
5 connection with political campaigns and with civic noncommercial health, safety  
6 and welfare campaigns, provided that in R districts such posters shall be  
7 removed within 60 days following the conclusion of the campaign;
- 8 (d) Flags, emblems, insignia and posters of any nation or political subdivision,  
9 and temporary displays of a patriotic, religious, charitable or other civic  
10 character;
- 11 (e) House numbers, whether illuminated or not, "no trespassing," "no parking,"  
12 and other warning signs;
- 13 (f) Commemorative plaques placed by recognized historical agencies;
- 14 (g) Signs within a stadium, open-air theater or arena which are designed  
15 primarily to be viewed by patrons within such stadium, open-air theater or arena;
- 16 (h) Religious symbols attached to buildings if not projecting beyond any street  
17 property line or building setback line;
- 18 (i) Flags indicating weather conditions, and single flags which are emblems of  
19 business firms, enterprises and other organizations;
- 20 (j) Two general advertising signs each not exceeding 24 square feet in area on  
21 either a transit shelter or associated advertising kiosk furnished by contract with  
22 the Public Utilities Commission or Public Transportation Commission for the  
23 Municipal Railway in RTO, RM-2, RM-3, RM-4, RC, NC, C, M and South of  
24 Market Districts, and in those P Districts where such signs would not adversely  
25

1 affect the character, harmony or visual integrity of the district as determined by  
2 the City Planning Commission; eight general advertising signs each not  
3 exceeding 24 square feet in area on transit shelters located on publicly owned  
4 property on a high level Municipal Railway boarding platform in an RH-1D  
5 District adjacent to a C-2 District, provided that such advertising signs solely  
6 face the C-2 District; and up to three double-sided general advertising signs  
7 each not exceeding 24 square feet in area on or adjacent to transit shelters on  
8 publicly owned high level Municipal Railway boarding platforms along The  
9 Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd  
10 and King Streets, and up to four double-sided panels at 4th and King Streets  
11 and 6th and King Streets. Each advertising sign on a high level boarding  
12 platform shall be designed and sited in such a manner as to minimize  
13 obstruction of public views from pedestrian walkways and/or public open space.

14 Notwithstanding the above, no sign shall be placed on any transit shelter or associated  
15 advertising kiosk located on any sidewalk which shares a common boundary with any  
16 property under the jurisdiction of the Recreation and Park Commission, with the exception of  
17 Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat  
18 Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake  
19 Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf  
20 Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced  
21 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign  
22 Districts as established in Section 608.3 of this Code;

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



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

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

10 (m) Two general advertising signs each not exceeding 52 square feet in area  
11 on a public service kiosk furnished by contract with the Department of Public  
12 Works which contract also provides for the installation and maintenance of  
13 automatic public toilets. Each such public service kiosk shall be divided into  
14 three sections, one of which shall provide a public service, such as a newsstand,  
15 newsrack, map, public telephone, vending machine, display of public service  
16 information, or interactive video terminal;

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

19 **SEC. 606. RESIDENTIAL DISTRICTS.**

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

22 (a) General Provisions for All Signs.

23 (1) No sign shall project beyond a street property line or legislated  
24 setback line, or into a required front setback area.  
25

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

4 (3) No roof sign, wind sign, or general advertising sign shall be  
5 permitted.

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

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

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

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

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

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

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

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

15                   (4) Temporary nonilluminated signs of persons and firms connected with  
16                   work on buildings under actual construction or alteration, giving their  
17                   names and information pertinent to the project, not exceeding a height of  
18                   12 feet, with the combined area of all such signs not to exceed 10 square  
19                   feet for each street frontage of the project.

20                   (c) Signs for Nonconforming Uses. Signs for any use in an R District which is  
21                   nonconforming under the provisions of Sections 180 through 187 of this Code,  
22                   or which is given conditional use status under said sections, shall be subject to  
23                   the provisions of this Subsection (c), except that any such use that would first be  
24                   permitted as either a principal or a conditional use in some other R District under  
25

1 Article 2 of this Code, other than an RC District, shall be subject to the  
2 provisions of Subsection 606(b) above. Any illumination permitted for signs  
3 covered by this Subsection (c) shall be extinguished at all times when the  
4 nonconforming use is not open for business.

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

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

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

23 (2) Open Land Uses. If there is no building with more than 50 square  
24 feet of floor area involved in the use, one business sign is permitted for  
25

1 each street frontage occupied by such use, not exceeding a height of 12  
2 feet and having an area not exceeding one square foot for each foot of  
3 such street frontage. The total area of all signs for such a use shall not  
4 exceed 50 square feet. Any such sign may be nonilluminated or indirectly  
5 illuminated.

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

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

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

21 The description and purpose statements and landuse controls applicable to each of the  
22 general and individual area districts are set forth in Sections 710.1 through 729.95 of this  
23 Code for each district class. The boundaries of the various Neighborhood Commercial  
24  
25

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	
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
Hayes-Gough Neighborhood Commercial <i>Transit</i> District	§ 720
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724

Union Street Neighborhood Commercial District	§ 725
Valencia Street Neighborhood Commercial District	§ 726
24th Street-Mission Neighborhood Commercial District	§ 727
24th Street-Noe Valley Neighborhood Commercial District	§ 728
West Portal Avenue Neighborhood Commercial District	§ 729
Inner Sunset Neighborhood Commercial District	§ 730
<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*

1 neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of  
2 buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses,  
3 including open space and exposure, and urban design guidelines. Residential parking is not required  
4 and generally limited. Commercial establishments are discouraged or prohibited from building  
5 accessory off-street parking in order to preserve the pedestrian-oriented character of the district and  
6 prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-  
7 street parking and loading on critical stretches of commercial and transit streets to preserve and  
8 enhance the pedestrian-oriented character and transit function.

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

10 The Hayes-Gough Neighborhood Commercial Transit District is located within walking  
11 distance of the Civic Center, lying west of Franklin Street and east of Laguna Street, with its  
12 southern tip resting at Lily Street edge generally at Lily Street, with an extension south along both  
13 sides of Octavia Boulevard to Market Street. This mixed-use commercial district contains a limited  
14 range of retail commercial activity, which primarily caters to the immediate needs of the  
15 neighborhood. The few comparison goods that it does provide attract clientele from a wider  
16 area outside its neighborhood, mostly the Performing Arts and Civic Center workers and  
17 visitors. There are a number of restaurants and art galleries, but other types of retail activity  
18 are limited.

19 The Hayes-Gough District controls are designed to allow for growth and expansion that  
20 is compatible with the existing building and use scales. Building standards protect the  
21 moderate building and use size and require rear yards at residential levels. To maintain the  
22 mixed-use character of the district, most commercial uses are permitted at the first and  
23 second stories and housing is strongly encouraged at the third story and above. In order to  
24 encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and  
25



problematic uses, eating and drinking, and entertainment uses are directed to the ground story. Retail sales activity, especially neighborhood-serving businesses, is further promoted by restricting new ground-story medical, business and professional offices. To protect continuous frontage, drive-up and most automobile uses are prohibited, above-ground parking is required to be setback or below ground, and active, pedestrian-oriented ground floor uses are required on Hayes Street and portions of Octavia Boulevard.

Housing development in new buildings is encouraged above the second story, and is controlled not by lot area but by physical envelope controls. Existing residential units are protected by limitations on demolitions, mergers, subdivisions, and upper-story conversions. Given the area's central location and accessibility to the downtown and to the city's transit network, accessory parking for residential uses is not required. The code controls for this district are supported and augmented by design guidelines and policies in the Market and Octavia Area Plan of the General Plan.

## **SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

### **ZONING CONTROL TABLE**

			Hayes-Gough
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
720.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, <u>261.1</u> , <u>263.18</u> , 270, 271	<u>Varies, 50-X, 65-A 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>

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>		<u>Minimum 25 feet on ground floor, 15 feet on floors above</u>  <u>§ 145.1(c), (e)</u>
<u>720.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>		<u>Hayes Street;</u>  <u>Octavia Street, from Fell to Hayes Streets</u>  <u>§ 145.1(d), (e)</u>
<u>720.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>		<u>NP: Hayes Street; Octavia Street. § 155(r)</u>
720.14	Awning	§ 790.20	P § 136.1(a)
720.15	Canopy	§ 790.26	P § 136.1(b)
720.16	Marquee	§ 790.58	P § 136.1(c)
720.17	Street Trees		Required § 143
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
720.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
720.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
720.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, <u>166</u> , 204.5	<i>Generally, none required if occupied floor area is less than 5,000 sq. ft. None required. For uses in Table 151 that are described as a</i>

			<p><i>ratio of occupied floor area, P up to 1 space per 500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above.</i></p> <p>§§ 151, 161(g) 151.1, 166, 145.1</p>
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)
720.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
720.25	Drive-Up Facility	§ 790.30	NP
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

1	720.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)
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No.	Zoning Category	§ References	Hayes-Gough		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
720.38	Residential Conversion	§§ 790.84, <u>207.7</u>	<u>PC</u>	C	
720.39	Residential Demolition	§§ 790.86, <u>207.7</u>	<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 Restaurant	§ 790.91	P		
720.45	Liquor Store	§ 790.55	C		
720.46	Movie Theater	§ 790.64	P		
720.47	Adult Entertainment	§ 790.36			

1	720.48	Other Entertainment	§ 790.38	C		
2	720.49	Financial Service	§ 790.110	P	C	
3						
4	720.50	Limited Financial Service	§ 790.112	P		
5						
6	720.51	Medical Service	§ 790.114	C	P	
7	720.52	Personal Service	§ 790.116	P	P	C
8	720.53	Business or Professional Service	§ 790.108	C	P	C
9						
10	720.54	Massage Establishment	§ 790.60, § 2700 Police Code	C		
11						
12	720.55	Tourist Hotel	§ 790.46	C	C	C
13	720.56	Automobile Parking	§§ 790.8, 156, <u>158.1</u> , 160, <u>166</u>	C	C	C
14						
15	720.57	Automotive Gas Station	§ 790.14			
16	720.58	Automotive Service Station	§ 790.17			
17						
18	720.59	Automotive Repair	§ 790.15			
19	720.60	Automotive Wash	§ 790.18			
20						
21	720.61	Automobile Sale or Rental	§ 790.12			
22	720.62	Animal Hospital	§ 790.6	C		
23	720.63	Ambulance Service	§ 790.2			
24						
25						

1	720.64	Mortuary	§ 790.62			
2	720.65	Trade Shop	§ 790.124	P	C	
3	720.66	Storage	§ 790.117			
4	720.67	Video Store	§ 790.135	C	C	
5	<b>Institutions and Non-Retail Sales and Services</b>					
6	720.70	Administrative Service	§ 790.106			
7	720.80	Hospital or Medical Center	§ 790.44			
8	720.81	Other Institutions, Large	§ 790.50	P	C	C
9	720.82	Other Institutions, Small	§ 790.51	P	P	P
10	720.83	Public Use	§ 790.80	C	C	C
11	720.84	Medical Cannabis Dispensary	§ 790.141	P		
12	<b>RESIDENTIAL STANDARDS AND USES</b>					
13	720.90	Residential Use	§ 790.88	<i>P, except C for frontages listed in 145.1(d)</i>	P	P
14	720.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	<i>Generally, 1 unit per 400 sq. ft. lot area <u>No residential density limit by lot area.</u> Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</i> <b>§§ 207.4, 207.6</b>		

720.92	<b>Residential Density, Group Housing</b>	<b>§§ 207.1, 790.88(b)</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, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u> § 208		
720.93	<b>Usable Open Space [Per Residential Unit]</b>	<b>§§ 135, 136</b>	<b>Generally, either 60 sq. ft. if private, or 80 sq. ft. if common § 135(d)</b>		
720.94	<b>Off-Street Parking, Residential</b>	<b>§§ 150, 153-157, 159--160, 204.5</b>	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	<b>Community Residential Parking</b>	§ 790.10, 145.1, 151.1(f), 155(r), 166	<b>C</b>	<b>C</b>	<b>C</b>

Section 3. The San Francisco Planning Code is hereby amended by adding Sections 121.5, 121.6, 158.1, 206.4, 207.6, 207.7, 230, 249.33, 249. 34, 261.1, 263.18, 263.20, 326-326.8, 341-341.4, 731, 731.1, 732, 732.1 to read as follows:

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

In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing

1 buildings on lots of the same size or larger than the square footage stated in the table below shall be  
2 permitted only as conditional uses subject to the provisions set forth in Sections 303 of this Code.

<u>District</u>	<u>Lot Size Limit</u>
<u>RTO</u>	<u>10,000</u>

5  
6 In addition to the criteria of Section 303(c)(1) of this Code, the Planning Commission shall  
7 consider the extent to which the following criteria are met:

- 8 (1) The mass and articulation of the proposed structures are compatible with the intended scale of  
9 the district.
- 10 (2) For development sites greater than 1/2-acre, the extension of adjacent alleys or streets onto or  
11 through the site, and/or the creation of new publicly-accessible streets or alleys through the  
12 site as appropriate, in order to break down the scale of the site, continue the surrounding  
13 existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular  
14 circulation.
- 15 (3) The site plan, including the introduction of new streets and alleys, the provision of open space  
16 and landscaping, and the articulation and massing of buildings, is compatible with the goals  
17 and policies of the applicable Area Plan in the General Plan.

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

20  
21 In order to promote, protect, and maintain a fine-grain scale of development in residential districts  
22 and on important pedestrian-oriented commercial streets which is appropriate to each district,  
23 compatible with adjacent buildings; provide for a diverse streetscape; ensure the maintenance and  
24 creation of multiple unique buildings and building frontages rather than large single structures  
25



superficially treated; promote diversity and multiplicity of land ownership and discourage consolidation of property under single ownership, merger of lots in RTO and NCT Districts are regulated as follows:

- (a) In RTO districts, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsections (d) and (e) below.
- (b) In NCT districts, merger of lots resulting in a lot with street frontage greater than that stated in the table below on the specified streets is prohibited except according to the procedures and criteria in subsections (c) and (d) below.

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

(c) The Zoning Administrator may administratively waive certain lot mergers from the restrictions of subsections (b) and (c) only when one or more of the following conditions is present:

- (1) One of the lots to be merged has total street frontage on the restricted street of less than 20 feet;  
or
- (2) Project sponsor is a government agency or institution subject to Section 304.5 of this Code, and the purpose of the project is for a public facility, public building, or institutional building; or
- (3) The project involves normalizing of irregular parcels that are publicly owned or are being transferred from public to private ownership, including lots of the former Central Freeway; or
- (4) The lots to be merged contain a pre-existing single building spanning multiple lots; or

1       (5) The lot merger will enable a specific residential project in which a majority of the units on-site  
2       will be affordable to households at or below 60% of Area Median Income for at least 55 years.

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

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

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

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

13  
14       **SEC. 158.1. NON-ACCESSORY PARKING GARAGES IN NCT AND RTO DISTRICTS AND**  
15       **THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT.**

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

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

23              (1) The rate structure of Section 155(g) shall apply.  
24  
25

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 1/2-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):  
23  
24  
25

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 1/4-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  
24  
25

1 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically  
2 range from two to five stories in height. While some one- and two-family structures are present, the  
3 character of the district is primarily of structures with three or more units of a range of sizes and types  
4 suitable for a variety of households. Buildings are moderately scaled and segmented, and units or  
5 groups of units have separate entrances directly from the street. The overall residential density is  
6 regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along  
7 with residential design guidelines. Because of the high availability of transit service and the proximity  
8 of retail and services within walking distance, many households do not own cars; it is common that not  
9 every dwelling unit has a parking space and overall off-street residential parking is limited. Open  
10 space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is  
11 augmented by nearby public parks, plazas, and enhanced streetscapes.

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

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

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

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

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

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

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

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

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

19 (b) Demolition of any dwelling unit, merger of any two or more dwelling units, or conversion of  
20 a dwelling unit to a non-residential use (herein all generally referred to as "demolition") in  
21 an RTO or NCT district shall be permitted only with Conditional Use authorization from the  
22 Planning Commission. Under no circumstance may the Commission grant a Conditional  
23 Use for demolition of a dwelling unit absent consideration of a replacement Code-  
24 complying project on the same lot. In granting any Conditional Use, the Commission shall  
25

1 consider each of the following characteristics of the dwelling unit(s) proposed for  
2 demolition and of the proposed replacement project, and shall approve such demolition if,  
3 on balance, the proposal meets these criteria, and serves the public interest:

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

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

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

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

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

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

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

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

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

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

22 (11) the proposed replacement project serves as supportive housing or serves a  
23 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  
8           (a) Purpose. Corner stores enhance and support the character and traditional pattern of  
9           RTO districts. These small neighborhood-oriented establishments provide convenience goods and  
10           services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a  
11           short walking distance of their homes. These uses tend to be small in scale, to serve primarily walk-in  
12           trade, and cause minimum interference with nearby streets and properties. These uses are permitted  
13           only on the ground floor of corner buildings, and their intensity and operating hours are limited to  
14           ensure compatibility with the predominantly residential character of the district. Accessory off-street  
15           parking is prohibited for these uses to maintain the local neighborhood walk-in character of the uses.

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

17           (1) completely within an RTO district

18           (2) on or below the ground floor; and.

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

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

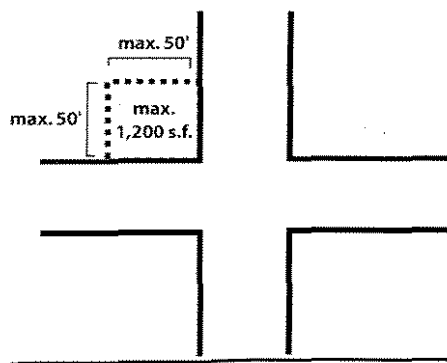
23           (1) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and



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

3 (3) Any Restricted Use Subdistrict within 1/4-mile of the use, as set forth in Sections 781  
4 through 781.7 of this Code.

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



7  
8  
9  
10  
11  
12  
13 Figure 230. Limitations on Corner Retail in RTO Districts

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

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

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

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

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

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

24 (4) Noise, odors and other nuisance factors shall be adequately controlled; and  
25

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

2  
3       **SEC. 249.33 VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT**

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

20           (b) Use Controls.

21           (1) Non-residential uses. For newly-constructed buildings or additions which exceed 20 percent  
22 or more of an existing structure's gross floor area, non-residential uses are not permitted above the 4th  
23 story, and at least two occupied square feet of residential use shall be provided for each occupied  
24  
25

1 square foot of non-residential use. In order to accommodate local government office uses near City  
2 Hall, publicly-owned or leased buildings or lots are exempted from the requirements of this subsection.

3  
4 (2) Residential Density. There shall be no density limit for residential uses by lot area, but by  
5 the applicable requirements and limitations elsewhere in this Code, including but not limited to height,  
6 bulk, setbacks, open space, and exposure, as well as by the Market & Octavia Area Plan Fundamental  
7 Principals for Design, other applicable design guidelines, applicable elements and area plans of the  
8 General Plan, and design review by the Planning Department. The limitations of Section 215 shall not  
9 apply.

10 (3) Residential Affordable Housing Program. All projects in this district shall be subject to all  
11 the terms of Section 315 and following of the Residential Inclusionary Affordable Housing Program.  
12 Notwithstanding the foregoing, projects within the Van Ness and Market Downtown Residential  
13 Special Use District shall at a minimum fulfill the requirements to the levels specified in this section.  
14 Should Section 315 require greater contributions to the affordable housing program, those  
15 requirements shall supercede this section. Proposed exceptions to these requirements due to hardships  
16 associated with construction type, specifically heights above 120 feet, are not applicable in this  
17 Special Use District because parcels are receiving an up zoning through increased density and  
18 benefits through the general transformation of the district to a transit oriented neighborhood with a  
19 mixed use character. Requirements and administration of this program shall follow the conditions  
20 outlined in Section 315 of the Planning Code unless otherwise specified in this section.

21 (A) On site housing requirements and benefits. For projects that choose to fulfill the  
22 requirements of Section 315 through the provision of onsite housing, the Planning Department shall  
23 require that 15% of all units constructed on the project site shall be affordable to qualifying  
24 households so that a project applicant must construct .15 times the total number of units produced in  
25

1 the principal project beginning with the construction of the fifth unit. If the total number of units is not  
2 a whole number, the project applicant shall round up to the nearest whole number for any portion of  
3 .5 or above.

4 (B) Compliance through in-lieu fees. Projects in the Van Ness and Market Special Use  
5 District may choose to fulfill no more than fifty percent (50%) of the requirements of Section 315 and  
6 following through the payment of in-lieu fees as provided in Section 315.6.

7 (C) Compliance through off-site housing development. For projects that choose to fulfill the  
8 requirements of Section 315 through the provision of off-site housing, the Planning Department shall  
9 require that 20% of all units constructed on the project site shall be affordable to qualifying households  
10 so that a project applicant must construct .20 times the total number of units produced in the principal  
11 project beginning with the construction of the fifth unit. If the total number of units is not a whole  
12 number, the project applicant shall round up to the nearest whole number for any portion of .5 or  
13 above.

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

1 (A) Off-site provision of required open space. Up to 40 percent of usable open space required  
2 by 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  
5 (2) Publicly-Accessible Open Space Standards.

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

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

10 (ii) An unenclosed plaza at street grade, with seating areas and landscaping and no more than  
11 10 percent of the floor area devoted to food or beverage service;

12 (iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section  
13 827(g)(3)(A)-(E);

14 (iv) A terrace or roof garden with landscaping;

15 (v) Streetscape improvements with landscaping and pedestrian amenities that result in  
16 additional space beyond the pre-existing sidewalk width and conform to the Market & Octavia Area  
17 Plan, such as sidewalk widening or building setbacks; and

18 (vi) Streetscape improvements with landscaping and pedestrian amenities on alleyways from  
19 building face to building face, beyond basic street tree planting or street lighting as otherwise required  
20 by this Code, in accordance with the Market & Octavia Area Plan.

21 (B) Open space must meet the following standards:

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

24 (ii) Be appropriately landscaped;

1 (iii) Be protected from uncomfortable winds;

2 (iv) Incorporate ample seating and, if appropriate, access to limited amounts of food and  
3 beverage service, which will enhance public use of the area;

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

5 (vi) Be well lighted if the area is of the type requiring artificial illumination;

6 (vii) Be designed to enhance user safety and security;

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

8 (ix) Have access to drinking water and toilets if feasible.

9 (3) Maintenance. Open spaces shall be maintained at no public expense, except as might be  
10 provided for by any community facilities district that may be formed in the RH DTR. The owner of the  
11 property on which the open space is located shall maintain it by keeping the area clean and free of  
12 litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure  
13 continued maintenance of the open space for the actual lifetime of the building giving rise to the open  
14 space requirement may be imposed in accordance with the provisions of Section 309.1.

15 (4) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no less than  
16 24 inches by 36 inches in size shall be placed in a publicly conspicuous location outside the building at  
17 street level, or at the site of any publicly-accessible open space, identifying said open space feature and  
18 its location, stating the right of the public to use the space and the hours of use, describing its principal  
19 required features (e.g., number of seats, availability of food service) and stating the name and address  
20 of the owner or owner's agent responsible for maintenance.

21 (5) The Zoning Administrator shall have authority to require a property owner to hold harmless  
22 the City and County of San Francisco, its officers, agents and employees, from any damage or injury  
23 caused by the design, construction or maintenance of open space, and to require the owner or owners

1 or subsequent owner or owners of the property to be solely liable for any damage or loss occasioned by  
2 any act or neglect in respect to the design, construction or maintenance of the open space.

3  
4 (d) Lot coverage. The rear yard requirements of Section 134 shall not apply. Lot coverage is  
5 limited to 80 percent at all residential levels except on levels in which all residential units face onto a  
6 public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions  
7 permitted in yards per Section 136(c). Exceptions to the 20 percent open area may be granted pursuant  
8 to the procedures of Section 309 for conversions of existing non-residential structures where it is  
9 determined that provision of 20 percent open area would require partial demolition of the existing non-  
10 residential structure.

11 (e) Floor Area Ratio.

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

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

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

21 (b) Projects are eligible to apply bonus FAR only for that floor area above the maximum ratio  
22 permitted in Section 123(c) and provided that the project has acquired Transferable Development  
23 Rights from a Transfer Lot or Lots pursuant to the provisions of Sections 127-128 for that increment of  
24 FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). If a  
25

1 project sponsor demonstrates that the potential supply of TDR from all remaining potential eligible  
2 Transfer Lots as provided in Section 128, is insufficient to satisfy the demand produced by a specific  
3 project, the Planning Commission may permit the substitution of the Van Ness and Market  
4 Neighborhood Infrastructure Program described in subsection (e) and (f) for that square footage that  
5 would otherwise require TDR.

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

7 (1) Purpose. The Van Ness & Market Residential SUD enables the creation of a very dense  
8 residential neighborhood in an area built for back-office and industrial uses. Projects that seek the  
9 FAR bonus above the maximum cap would introduce a very high localized density in an area generally  
10 devoid of necessary public infrastructure and amenities, as described in the Market & Octavia Area  
11 Plan. While envisioned in the Plan, such projects would create localized levels of demand for open  
12 space, streetscape improvements, community facilities and public transit above and beyond the levels  
13 both existing in the area today and funded by the Market & Octavia Community Improvements Fee.  
14 Such projects also entail construction of relatively taller or bulkier structures in a concentrated area,  
15 increasing the need for offsetting open space for relief from the physical presence of larger buildings.  
16 Additionally, the FAR bonus provisions herein are intended to provide an economic incentive for  
17 project sponsors to provide public infrastructure and amenities that improve the quality of life in the  
18 area. The bonus allowance is calibrated based on the cost of responding to the intensified demand for  
19 public infrastructure generated by increased densities available through the FAR density bonus  
20 program.

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



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

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

12           (3) The Van Ness and Market Neighborhood Infrastructure Program ("Program") is hereby  
13 established and shall be implemented through In-Kind public improvements, participation in  
14 Community Facilities (Mello-Roos) District, or in-lieu payment into the Van Ness and Market  
15 Neighborhood Infrastructure Fund ("Fund").

16           (4) The Program shall be administered by the Board of Supervisors.

17           (5) Value, Form, and Timing of Contribution to the Program. The value of the contribution  
18 ("contribution") to the Program shall be equal to \$15 per additional gross square foot above a site  
19 FAR of 9:1. The contribution must be made prior to issuance by the Department of Building Inspection  
20 of the first site or building permit for the subject project. The fee may be adjusted in accordance with  
21 the procedures described in Section 326.3(d). The contribution may take the form of any combination,  
22 either in whole or in part, of an In-Kind Agreement to provide neighborhood improvements, In-Lieu  
23 Payment to the City Treasurer, or a Community Facilities District Agreement to participate in a Mello-  
24 Roos Community Facilities District.

1        (A) In-Kind Improvements. The Planning Commission may allow the provision of In-Kind  
2 Improvements, through the approval of an In-Kind Agreement in accordance with the procedures  
3 outlined in Section 326.3(e).

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

13        (C) Community Facilities District. The Planning Commission may allow the participation in a  
14 Community Facilities (Mello-Roos) District through the procedures described in Section 326.3 (f) and  
15 (g)..

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

21        (6) There is hereby established a separate fund set aside for a special purpose entitled the Van  
22 Ness and Market Neighborhood Infrastructure Fund ("Fund"). All monies collected by the Treasurer  
23 pursuant to subsection (5) above shall be deposited in this fund to be maintained by the Controller. The  
24  
25

1 receipts of the Fund are hereby appropriated in accordance with law to be used solely to fund public  
2 infrastructure subject to the following conditions:

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

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

15 (C) The Controller's Office shall file an annual report with the Board of Supervisors beginning  
16 one year after the effective date of this ordinance, which report shall set forth the amount of money  
17 collected in the Fund. Monies in the Fund shall be appropriated by the Board of Supervisors and  
18 administered by the Director of Planning.

19 (D) Expenditure of funds shall be coordinated with appropriate city agencies as detailed in  
20 Section 326.6 (d) and (e).

21  
22 (E) The Director of Planning shall have the authority to prescribe rules and regulations  
23 governing the Fund, which are consistent with this ordinance. The Director of Planning shall make  
24 recommendations to the Board regarding allocation of funds.  
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7 **SECTION 249.34 FULTON STREET GROCERY STORE SPECIAL USE DISTRICT**

8 (a) Purpose. In order to provide for the consideration of a neighborhood-serving grocery store of  
9 moderate size in a location accessible to the Hayes Valley and Western Addition neighborhoods, there  
10 shall be a Fulton Street Grocery Store Special Use District, consisting of Lots 001, 015 and 028 of  
11 Assessor's Block 0794 as designated on Sectional Map 2SU of the Zoning Map. This Special Use  
12 District would enable the consideration of a project containing a grocery store in a district that does  
13 not permit such uses and of a building height not permitted by the established height limitations in the  
14 surrounding NCT district.

15  
16 (b) Definitions.

17 (1) "Grocery Store" shall mean a retail use which provides fresh produce and other  
18 unprepared perishable food products (such as dairy, fish, grains), in addition to other general  
19 groceries, personal items, household goods and similar goods.

20 (c) Application. This special use district shall apply only to projects that meet all of the following  
21 standards:

22 (1) Project is mixed-use, with both commercial and residential uses;

23 (2) Commercial uses include a grocery store larger than 15,000 square feet of gross occupied  
24 floor area; and

1           (3) Residential uses achieve a density of not less than 1 unit per 600 square feet of lot area  
2           (d) Controls. The following controls apply to projects meeting the criteria of subsection (c) and to any  
3           subsequent alterations or changes of use in a building approved under this Section.

4           (1) The controls of the Hayes-Gough NCT apply in their entirety, except as specified in this Section.

5           (2) Any commercial uses in addition to the grocery store may not exceed 3,000 square feet of  
6           occupied floor area per use.

7           (3) Accessory off-street parking shall not be permitted for any commercial use except the grocery  
8           store.

9           (4) All subsequent changes of use shall require Conditional Use from the Planning Commission.

10           The only non-residential uses which may be permitted in the space initially approved for a  
11           grocery store shall include Trade Shop (790.124), Other Institutions, Large (790.50), Other  
12           Institutions, Small (790.51), and Public Use (790.80), except that Other Retail Sales and  
13           Services (790.102) may be permitted provided that no individual tenant occupies more than  
14           3,000 square feet of gross floor area.

15           (e) The controls of this Section are effective only if a grocery store subject to the requirements of this  
16           section is approved by the Planning Commission within five years of the effective date of this  
17           ordinance.

18  
19           **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN RTO**  
20           **AND NCT DISTRICTS.**

21           (a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in width or narrower)  
22           and alleys is an important and unique component of the City and certain neighborhoods in  
23           particular. The scale of these streets should be preserved to ensure they do not become  
24  
25

1 overshadowed or overcrowded. Heights along alleys and narrow streets are hereby limited to  
2 provide ample sunlight and air, as follows:

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

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

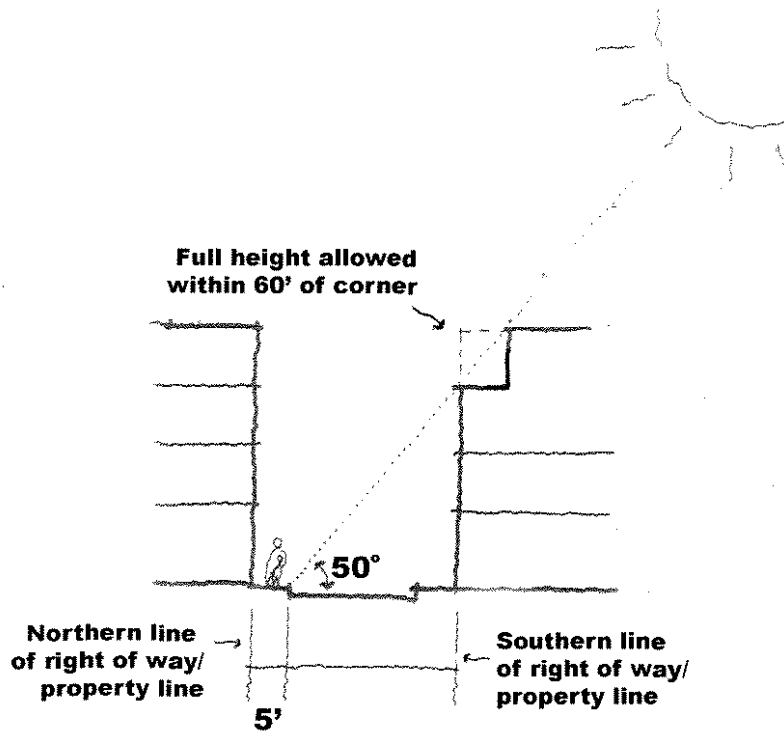
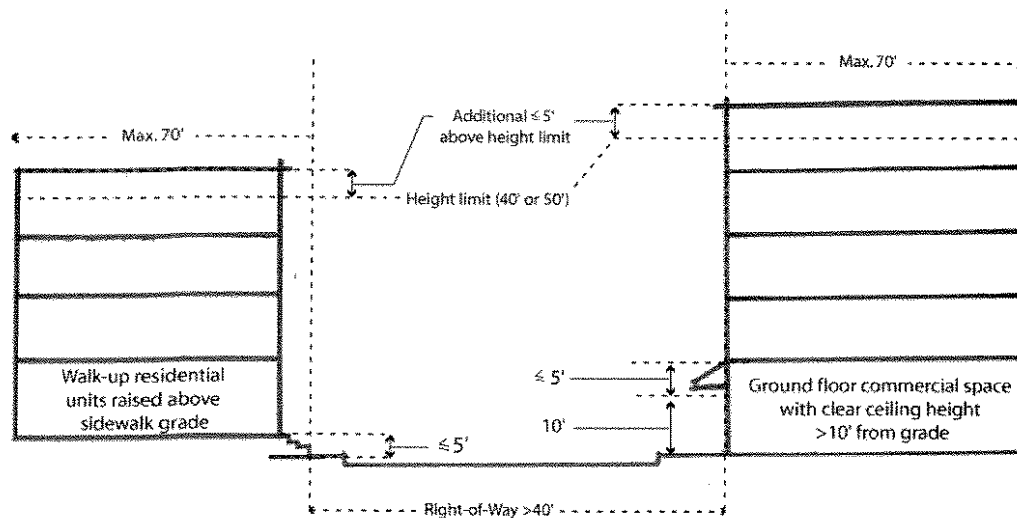


Figure 261.1A

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

- 3 (a) Intent. In order to encourage generous ground floor ceiling heights for commercial and other  
4 active uses, encourage additional light and air into ground floor spaces, allow for walk-up  
5 ground floor residential uses to be raised slightly from sidewalk level for privacy and usability  
6 of front stoops, and create better building frontage on the public street, up to an additional 5' of  
7 height is allowed along major streets in NCT districts for buildings that feature either higher  
8 ground floor ceilings for non-residential uses or ground floor residential units (that have direct  
9 walk-up access from the sidewalk) raised up from sidewalk level.
- 10 (b) Applicability. The special height exception described in this section shall only apply to projects  
11 that meet all of the following criteria:
- 12 (1) project is located in a 40-X or 50-X Height and Bulk District as designated on the Zoning Map;  
13 (2) project is located in an NCT district as designated on the Zoning Map;  
14 (3) project features ground floor commercial space or other active use as defined by Section  
15 145.1(e) with clear ceiling heights in excess of ten feet from sidewalk grade, or in the case of  
16 residential uses, such walk-up residential units are raised up from sidewalk level; and  
17 (4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented  
18 along a right-of-way wider than 40 feet.
- 19 (c) One additional foot of height, up to a total of five feet, shall be permitted above the designated  
20 height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from  
21 sidewalk grade, or in the case of residential units, for each foot the unit is raised above  
22 sidewalk grade. Such additional height shall not extend more than 70 feet in depth back from  
23 the right-of-way(s) described in (b)(4).
- 24  
25





**SECTION 263.20 SPECIAL HEIGHT EXCEPTIONS: FULTON STREET GROCERY STORE  
SPECIAL USE DISTRICT 40-X/50-X HEIGHT DISTRICT.**

(a) In the 40-X/50-X Height and Bulk District, as designated on Section Map No. 2H of the Zoning Map, located within the boundaries of the Fulton Street Grocery Store Special Use District, height exceptions above the 40-foot base height limit to a maximum of 50 feet may be approved for a project in accordance with the Conditional Use procedures. The criteria for granting such height exceptions shall be those set forth below.

(b) The project must meet all of the criteria and controls of Section 249.34 (Fulton Street Grocery Store Special Use District).

1 (c) The allowances of Section 263.18(c) providing for additional height shall apply in this Special Use  
2 District regardless of whether the criteria in Section 263.18(b)(4) requiring orientation along a right-  
3 of-way wider than 40 feet or the criteria of Section 263.18(c) related to the the 70 foot depth limitation  
4 is met.

5 (d) The controls of this Section are effective only if a grocery store subject to the requirements of this  
6 section is approved by the Planning Commission within five years of the effective date of this  
7 ordinance.

#### 8 9 **SEC. 326. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.**

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

#### 12 **SEC. 326.1. FINDINGS.**

##### 13 A. Market and Octavia Plan Objectives

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

18 The Market and Octavia Plan Area encompasses a variety of districts, most of which are  
19 primarily residential or neighborhood commercial. The Area Plan calls for a maintenance of the well-  
20 established neighborhood character in these districts with a shift to a more transit-oriented type of  
21 districts. A transit-oriented district, be it neighborhood commercial or residential in character,  
22 generates a unique type of infrastructure needs.  
23  
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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.

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

20       The Market and Octavia Plan Area presents opportunity for infill development on various sites,  
21 including parcels along Octavia Boulevard known as 'the Central Freeway parcels', some parcels  
22 along Market Street, and the SoMa West portions of the Plan Area. These sites are compelling  
23 opportunities because new housing can be built within easy walking distance of the downtown and  
24

1 Civic Center employment centers and city and regional transit centers, while maintaining the  
2 comfortable residential character and reinforcing the unique and exciting neighborhood qualities.

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

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

14 San Francisco is experiencing a severe shortage of housing available to people at all income  
15 levels, especially to those with the lowest incomes while seeing a sharp increase in housing prices. The  
16 Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND)  
17 forecasts that San Francisco must produce 2,716 new units of housing annually to meet projected  
18 needs. At least 5,639 of these new units should be available to moderate income households. New  
19 affordable units are funded through a variety of sources, including inclusionary housing and in lieu  
20 fees leveraged by new market rate residential development pursuant to Sections 313 and 315. The  
21 Planning Department projects that approximately 1,400 new units of affordable housing will be  
22 developed as a result of the plan. New Development Requires new Community Infrastructure.  
23  
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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  
9        The amendments to the General Plan, Planning Code, and Zoning Maps that correspond to this  
10       ordinance will permit an increased amount of new residential and commercial development. The  
11       Planning Department anticipates an increase of 5,960 units within the next 20 years, and an increase  
12       of 9,875 residents, as published in the environmental impact report. This new development will have an  
13       extraordinary impact on the Plan Area's infrastructure. As described more fully in the Market and  
14       Octavia Plan Final Environmental Impact Report, San Francisco Planning Department, Case No.  
15       \_\_\_\_\_ on file with the Clerk of the Board in File No. \_\_\_\_\_, and the Market and Octavia  
16       Community Improvements Program Document, San Francisco Planning Department, Case No.  
17       \_\_\_\_\_ on file with the Clerk of the Board in File No. \_\_\_\_\_, new development will generate  
18       substantial new pedestrian, vehicle, bicycle, and transit trips which will impact the area. The transition  
19       to a new type of district is tantamount to the development of new subdivisions, or the transition of a  
20       district type, in terms of the need for new infrastructure.

21  
22       The Market and Octavia Area Plan proposes to mitigate these impacts by providing extensive  
23       pedestrian, transit, traffic-calming and other streetscape improvements that will encourage residents to  
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1 make as many daily trips as possible on foot, by bicycle or on transit; by creating new open space,  
2 greening, and recreational facilities that will provide necessary public spaces; and by establishing a  
3 range of other services and programming that will meet the needs of community members. A  
4 comprehensive program of new public infrastructure is necessary to lessen the impacts of the proposed  
5 new development and to provide the basic community improvements to the area's new community  
6 members. The Market and Octavia Community Improvements Program Document provides a more  
7 detailed description of proposed Community Improvements.

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

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

20 C. Program Scope

21 The purpose of the proposed Market and Octavia Community Improvements Impact Fees is to  
22 provide specific public improvements, including community open spaces, pedestrian and streetscape  
23 improvements and other facilities and services. These improvements are described in the Market and  
24

1 Octavia Area Plan and Neighborhood Plan and the accompanying ordinances, and are necessary to  
2 meet established City standards for the provision of such facilities. The Market and Octavia  
3 Community Improvements Fund and Community Improvements Impact Fee will create the necessary  
4 financial mechanism to fund these improvements in proportion to the need generated by new  
5 development.

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

14 The proposed Market and Octavia Community Infrastructure Impact Fee is necessary to  
15 maintain progress towards relevant state and national service standards, as well as local standards in  
16 the Goals and Objectives of the General Plan for open space and streetscape improvements as  
17 discussed in Planning Code section 318.1 (F). Additionally the fee contributes to library resources and  
18 childcare facilities standards discussed below:

19 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 demand  
21 for a new branch library in the Market and Octavia Plan Area at this time. However, the  
22 library services. The San Francisco Public Library does not anticipate adequate demand  
23 for a new branch library in the Market and Octavia Plan Area at this time. However, the  
24 library services. The San Francisco Public Library does not anticipate adequate demand  
25 for a new branch library in the Market and Octavia Plan Area at this time. However, the

1 increase in population in Plan Area will create additional demand at other libraries,  
2 primarily the Main Library and the Eureka Valley Branch Library. The Market and Octavia  
3 Community Infrastructure Impact Fee includes funding for library services equal to \$69 per  
4 new resident, which is consistent with the service standards used by the San Francisco  
5 Public Library for allocating resources to neighborhood branch libraries.  
6 Child Care Facilities: New households in the Plan Area will generate a need for additional  
7 childcare facilities. Childcare services are integral to the financial and social success of  
8 families. Nationwide, research and policies are strengthening the link between childcare  
9 and residential growth, many Bay Area counties are leading in efforts to finance new  
10 childcare through new development. San Mateo has conducted detailed research linking  
11 housing to childcare needs. Santa Clara County has developed exemplary projects that  
12 provide childcare facilities in proximity to transit stations, and Santa Cruz has levied a fee  
13 on residential development to fund childcare. Similarly many research efforts have  
14 illustrated that adequate childcare services are crucial in supporting a healthy local  
15 economy, see research conducted by Louise Stoney, Mildred Warner, PPIC, County of San  
16 Mateo, CA on file with the Clerk of the Board in File No. \_\_\_\_\_, MOCD's Project  
17 Connect Report identified childcare as an important community service in neighboring  
18 communities. Project connect did not survey the entire Market and Octavia Plan Area, it  
19 focused on low income communities, including Market and Octavia's neighbors in the  
20 Mission, Western Addition, and the Tenderloin. The Department of Children Youth and  
21 Their Families projects new residents of Market and Octavia will generate demand for an  
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1 additional 435 childcare spaces, of those 287 will be serviced through new child care  
2 development centers.

3 D. Programmed Improvements and Costs

4 Community improvements to mitigate the impact of new development in the Market and Octavia  
5 Plan Area were identified through a community planning process, based on proposals in the Market  
6 and Octavia Area Plan on file with the Clerk of the Board in File No. \_\_\_\_\_, and on a standards  
7 based analysis, and on community input during the Plan adoption process. The Planning Department  
8 developed cost estimates to the extent possible for all proposed improvements. These are summarized  
9 by use type in Table 1. Cost projections in Table 1 are realistic estimates made by the Planning  
10 Department of the actual costs for improvements needed to support new development. More  
11 information on these cost estimates is located in the Market and Octavia Community Improvements  
12 Program Document. Cost estimates for some items on Table 1 are to be determined through ongoing  
13 analyses conducted in coordination with implementation of the Market and Octavia Plan Community  
14 Improvements Program. In many cases these projects require further design work, engineering, and  
15 environmental review, which may alter the nature of the improvements; the cost estimates are still  
16 reasonable approximates for the eventual cost of providing necessary community improvements to  
17 respond to identified community needs. The Board of Supervisors is not committing to the  
18 implementation of any particular project at this time. Projects may be substituted for like projects  
19 should new information from the Citizens Advisory Committee, the Interagency Plan Implementation  
20 Committee, other stakeholders, or the environmental review process illustrate that substitute projects  
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1 should be prioritized. Cost projections will be updated at a minimum approximately every five years  
2 after adoption.

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

4 Market and Octavia Community Improvements

5 <u>Greening</u>	<u>\$ 55,822,455</u>
6 <u>Parks</u>	<u>\$ 9,299,236</u>
7 <u>Park Improvements</u>	<u>\$ TBD</u>
8 <u>Vehicle</u>	<u>\$ 49,249,000</u>
9 <u>Pedestrian</u>	<u>\$ 23,728,017</u>
10 <u>Transportation</u>	<u>\$ 81,148,932</u>
11 <u>Transit User Infrastructure</u>	<u>\$ TBD</u>
12 <u>Bicycle</u>	<u>\$ 903,333</u>
13 <u>Childcare</u>	<u>\$ 17,163,748</u>
14 <u>Library Materials</u>	<u>\$ 681,375</u>
15 <u>Recreational Facilities</u>	<u>\$ 15,056,875</u>
16 <u>Future Studies</u>	<u>\$ 454,640</u>
17 <u>Program Administration</u>	<u>\$ 7,311,041</u>
18 <u>Total</u>	<u>\$260,818,650</u>

19  
20 Provision of affordable housing needs are addressed in Sections 313 and 315 of the Planning  
21 Code. Additionally subsidized affordable housing may be granted a waiver from the Market and  
22 Octavia Community Improvement Fee as provided for in section 326.3 (h(3)). This waiver may be  
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1 leveraged as a local funding 'match' to federal and state affordable housing subsidies enabling  
2 affordable housing developers to capture greater subsidies for projects in the Plan Area.

3 E. Sharing the Burden

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

6 To fund such community infrastructure and amenities, new development in the district shall be  
7 assessed development impact fees proportionate to the increased demand for such infrastructure and  
8 amenities. The City will use the proceeds of the fee to build new infrastructure and enhance existing  
9 infrastructure, as described in preceding sections. A Community Improvements Impact Fee shall be  
10 established for the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD),  
11 and the Neighborhood Commercial Transit (NCT) and Residential Transit Oriented (RTO) districts as  
12 set forth herein.  
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1 Many counties, cities and towns have one standardized impact fee schedule that covers the  
2 entire municipality. Although this type of impact fee structure works well for some types of  
3 infrastructure, such as affordable housing and basic transportation needs, it cannot account for the  
4 specific improvements needed in a neighborhood to accommodate specific growth. A localized impact  
5 fee gives currency to the community planning process and encourages a strong nexus between  
6 development and infrastructure improvements.

7 Development impact fees are an effective approach to achieve neighborhood mitigations and  
8 associate the costs with new residents, workers, and a new kind of development. The proposed Market  
9 and Octavia Community Improvements Impact Fee would be dedicated to infrastructure improvements  
10 in the Plan Area, directing benefits of the fund clearly to those who pay into the fund, by providing  
11 necessary infrastructure improvements, needed to serve new development. The net increases in  
12 individual property values in these areas due to the enhanced neighborhood amenities financed with  
13 the proceeds of the fee are expected to exceed the payments of fees by project sponsors.

14 The fee rate has been calculated by the Planning Department based on accepted professional  
15 methods for the calculation of such fees. The Market and Octavia Community Improvements Program  
16 Document contains a full discussion of impact fee calculation. Cost estimates are based on an  
17 assessment of the potential cost to the city of providing the specific improvements described in the  
18 Market and Octavia Plan Area. The Planning Department assigned a weighted value to new  
19 construction based on projected population increases in relation to the total population.

20 The proposed fee would cover less than 80% of the estimated costs of the community  
21 improvements calculated as necessary to mitigate the impacts of new development. By charging  
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1 developers less than the maximum amount of the justified impact fee, the City avoids any need to refund  
2 money to developers if the fees collected exceed costs. The proposed fees only cover impacts caused by  
3 new development and are not intended to remedy existing deficiencies; those costs will be paid for by  
4 public, community, and other private sources.

5 The Market and Octavia community improvements program relies on public, private, and  
6 community capital. Since 2000, when the Market and Octavia planning process was initiated, the area  
7 has seen upwards of \$100 million in public investment, including the development of Octavia  
8 Boulevard, the new Central freeway ramp, Patricia's Green in Hayes Valley and related projects.  
9 Additionally private entities have invested in the area by improving private property and creating new  
10 commercial establishments. Community members have invested by creating a Community Benefits  
11 District in the adjacent Castro neighborhood, organizing design competitions, and lobbying for  
12 community programming such as a rotating arts program on Patricia's Green in Hayes Valley. Project  
13 sponsor contributions to the Market and Octavia Community Improvements Fund will help leverage  
14 additional public and community investment.

15 As a result of this new development, projected to occur over a 20 year period, property tax  
16 revenue is projected to increase by as much as \$28 million annually when projected housing  
17 production is complete. Sixteen million dollars of this new revenue will be diverted directly to San  
18 Francisco (see the Market and Octavia Community Improvements Program Document for a complete  
19 discussion of increased property tax revenue). These revenues will fund improvements and expansions  
20 to general city services, including police, fire, emergency, and other services needed to partially meet  
21 increased demand associated with new development. New development's local impact on community  
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1 infrastructure will be greater in the Market and Octavia Plan Area, relative to those typically funded by  
2 city government through property tax revenues. Increased property taxes will contribute to continued  
3 maintenance and service delivery of new infrastructure and amenities. The relative cost of capital  
4 improvements, along with the reduced role of state and federal funding sources, increases the necessity  
5 for development impact fees to cover these costs. Residential and commercial impact fees are one of the  
6 many revenue sources necessary to mitigate the impacts of new development in the Market and Octavia  
7 Plan Area.

8  
9 **SEC. 326.2. DEFINITIONS.**

10 The following definitions shall govern this ordinance:

- 11 (a) Definitions from section 318.2 shall apply unless otherwise noted in this section  
12 (b) "Community facilities" shall mean all uses as defined under Section 209.4(a) and  
13 209.3(d) of this Code.  
14 (c) "Commercial use" shall mean any structure or portion thereof intended for occupancy  
15 by retail or office uses that qualify as an accessory use, as defined and regulated in  
16 Sections 204 through 204.5.  
17 (d) "Commercial development project" shall mean any new construction, addition,  
18 extension, conversion or enlargement, or combination thereof, of an existing structure  
19 which includes any occupied floor area of commercial use; provided, however, that for  
20 projects that solely comprise an addition to an existing structure which would add  
21 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) "In-kind Agreement" shall mean an agreement acceptable in form and substance to the  
4 City Attorney and the Director of Planning between a project sponsor and the Planning  
5 Commission subject to the approval of the Planning Commission in its sole discretion  
6 to provide a specific set of community improvements, at a specific phase of construction,  
7 in lieu of contribution to the Market and Octavia Community Improvement Fund. The  
8 In-kind agreement shall also mandate a covenant of the project sponsor to reimburse all  
9 city agencies for their administrative and staff costs in negotiating, drafting, and  
10 monitoring compliance with the In-Kind agreement. The City also shall require the  
11 project sponsor to provide a letter of credit or other instrument, acceptable in form and  
12 substance to the Planning Department and the City Attorney, to secure the City's right to  
13 receive payment as described in the preceding sentence.

14  
15 (f) "Net addition of occupiable square feet of commercial use" shall mean occupied floor  
16 area, as defined in Section 102.10 of this Code, to be occupied by or primarily serving,  
17 non-residential use excluding common areas such as hallways, maintenance facilities  
18 and lobbies, less the occupied floor area in any structure demolished or rehabilitated as  
19 part of the proposed commercial development project which occupied floor area was  
20 used primarily and continuously for commercial use and was not accessory to any use  
21 other than residential use for at least five years prior to Planning Department approval  
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1 of the residential development project subject to this Section, or for the life of the  
2 structure demolished or rehabilitated, whichever is shorter.

3 (g) "Program" shall mean the Market and Octavia Community Improvements as described  
4 in the Market and Octavia Community Improvements Program Document.

5 (h) "Program Area" shall mean the Market and Octavia Plan Area in Map 1 (Land Use  
6 Plan) of the Market and Octavia Area Plan of the San Francisco General Plan, which  
7 includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few  
8 parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market  
9 Downtown Residential Special Use District (VMDRSUD).

10 (i) "Waiver Agreement" means an agreement acceptable in form and substance to the  
11 Planning Department and the City Attorney, under which the City agrees to waive all or  
12 a portion of the Community Improvements Impact Fee, conditioned upon the project  
13 sponsor's covenant to make a good faith effort to secure the formation of a Community  
14 Facilities (Mello-Roos) District, if such a district has not already been successfully  
15 formed, and in any event to take all steps necessary to support the construction of a  
16 portion of the improvements described in Sections 326.6 (the "CFD Improvements")  
17 using the proceeds of one or more series of special tax bonds or moneys otherwise made  
18 available by such a district ("CFD Funds"). Such agreement shall include a specific  
19 description of the CFD Improvements and a specific date for the commencement of such  
20 improvements. Such agreement shall also provide that the project sponsor shall pay the  
21 full amount of the waived Community Improvements Impact Fee plus interest in the  
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1 event that CFD Funds are not received in amounts necessary to commence construction  
2 of the CFD Improvements on the stated commencement date listed in the Waiver  
3 Agreement. The City also shall require the project sponsor to provide a letter of credit  
4 or other instrument, acceptable in form and substance to the Planning Department and  
5 the City Attorney, to secure the City's right to receive payment as described in the  
6 preceding sentence.

7  
8 (j) "Residential Space Subject to the Community Improvement Impact Fee" means each net  
9 addition of occupiable square feet within the Program Area which results in an  
10 additional residential unit or contributes to a 20 percent increase of residential space  
11 from the time that this ordinance is adopted within the Market and Octavia Community  
12 Improvements Fund.

13 (k) "Commercial Space Subject to the Community Improvement Impact Fee" means for  
14 each net addition of occupiable square feet within the Program Area which results in an  
15 additional commercial unit or any increased commercial capacity that is beyond 20  
16 percent of the non-residential capacity at the time that this ordinance is adopted.

17  
18 **SEC. 326.3. APPLICATION.**

19 (a) Program Area. The Market and Octavia Community Improvements Neighborhood  
20 Program is hereby established and shall be implemented through district-specific community  
21 improvements funds which apply to the following areas:

22 The Program Area includes properties identified as part of the Market and Octavia Plan Area  
23 in Map 1 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan.  
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1       **(b) The sponsor shall pay to the Treasurer Market and Octavia Community Improvements**  
2       **Impact Fees of the following amounts:**

3       **(1) Prior to the issuance by DBI of the first site or building permit for a residential**  
4       **development project, or residential component of a mixed use project within the Program Area, a**  
5       **\$10.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in**  
6       **(a)above, for the Market and Octavia Community Improvements Fund, for each net addition of**  
7       **occupiable square feet which results in an additional residential unit or contributes to a 20 percent**  
8       **increase of residential space from the time that this ordinance is adopted.**

9  
10       **(2) Prior to the issuance by DBI of the first site or building permit for a commercial**  
11       **development project, or commercial component of a mixed use project within the Program Area, a**  
12       **\$4.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in (a)**  
13       **above, for the Market and Octavia Community Improvements Fund for each net addition of occupiable**  
14       **square feet which results in an additional commercial capacity that is beyond 20 percent of the non-**  
15       **residential capacity at the time that this ordinance is adopted.**

16  
17       **(c) Upon request of the sponsor and upon payment of the Community Improvements Impact**  
18       **Fee in full to the Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as**  
19       **described herein, the Treasurer shall issue a certification that the obligations of this section of the**  
20       **Planning Code have been met. The sponsor shall present such certification to the Planning Department**  
21       **and DBI prior to the issuance by DBI of the first site or building permit for the development project.**  
22       **DBI shall not issue the site or building permit without the Treasurer's certification. Any failure of the**  
23       **Treasurer, DBI, or the Planning Department to give any notice under this Section shall not relieve a**  
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1 sponsor from compliance with this Section. Where DBI inadvertently issues a site or building permit  
2 without payment of the fee, Planning and DBI shall not issue any further permits or a certificate of  
3 occupancy for the project without notification from the Treasurer that the fees required by this Section  
4 have been paid or otherwise satisfied. The procedure set forth in this Subsection is not intended to  
5 preclude enforcement of the provisions of this Section under any other section of this Code, or other  
6 authority under the laws of the State of California.

7 (d) Fee Adjustments

8  
9 (1) Inflation Adjustments. The Planning Commission may adjust the amount of the development  
10 impact fees set forth in the annual fee adjustments on an annual basis before the annual budget is  
11 approved. The Market and Octavia Community Improvements Impact Fee adjustments should be based  
12 on the following factors: (a) the percentage increase or decrease in the cost to acquire real property  
13 for public park and open space use in the area and (b) the percentage increase or decrease in the  
14 construction cost of providing these and other improvements listed in § 326.1(E)(a). Fluctuations in the  
15 construction market can be gauged by indexes such as the Engineering News Record or a like index.  
16 Revision of the fee should be done in coordination with revision to other like fees, such as those  
17 detailed in Sections 247, 313, 314, 315, 318, and 319 of the Planning Code. The Planning Department  
18 shall provide notice of any fee adjustment including the formula used to calculate the adjustment, on its  
19 website and to any interested party who has requested such notice at least 30 days prior to the  
20 adjustment taking effect.

21  
22 (2) Program Adjustments. Upon Planning Commission and Board approval adjustments may be made  
23 to the fee to reflect changes to (a) the list of planned community improvements listed in § 326.1(D); (b)  
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1 re-evaluation of the nexus based on new conditions; or (c) further planning work which recommends a  
2 change in the scope of the community improvements program. Changes may not be made to mitigate  
3 temporary market conditions. Notwithstanding the foregoing, it is the intent of the Board of Supervisors  
4 that it is not committing to the implementation of any particular project at this time and changes to,  
5 additions, and substitutions of individual projects listed in the related program document can be made  
6 without adjustment to the fee rate or this ordinance as those individual projects are placeholders that  
7 require further public deliberation and environmental review.  
8

9  
10 (3) Unless and until an adjustment has been made, the schedule set forth in this ordinance shall  
11 be deemed to be the current and appropriate schedule of development impact fees.

12 (e) Option for In-Kind Provision of Community Improvements. The Planning  
13 Commission may reduce the Community Improvements Impact Fee described in (b) above for specific  
14 development proposals in cases where a project sponsor has entered into an In-Kind agreement with  
15 the City to provide in-kind improvements in the form of streetscaping, sidewalk widening,  
16 neighborhood open space, community center, and other improvements that result in new public  
17 infrastructure and facilities described in Section 326.1(E)(a) or similar substitutes. For the purposes of  
18 calculating the total value of in-kind community improvements, the project sponsor shall provide the  
19 Planning Department with a cost estimate for the proposed in-kind community improvements from two  
20 independent contractors or, if relevant, real estate appraisers. If the city has completed a detailed site  
21 specific cost estimate for a planned community improvement this may serve as one of the cost estimates,  
22 required by this clause; if such an estimate is used it must be indexed to current cost of construction.  
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1 Based on these estimates, the Director of Planning shall determine their appropriate value and the  
2 Planning Commission may reduce the Community Improvements Impact Fee assessed to that project  
3 proportionally. Approved in-kind improvements should generally respond to priorities of the  
4 community, or fall within the guidelines of approved procedures for prioritizing projects in the Market  
5 and Octavia Community Improvements Program. Open space or streetscape improvements, including  
6 off-site improvements per the provisions of this Special Use District, proposed to satisfy the usable  
7 open space requirements of Section 135 and 138 are not eligible for credit toward the contribution as  
8 In-Kind improvements. No credit toward the contribution may be made for land value unless ownership  
9 of the land is transferred to the City or a permanent public easement is granted, the acceptance of  
10 which is at the sole discretion of the City. A permanent easement shall be valued at no more than 50%  
11 of appraised fee simple land value, and may be valued at a lower percentage as determined by the  
12 Director of Planning in its sole discretion. Any proposal for contribution of property for public open  
13 space use shall follow the procedures of subsection (6)(D) below. The Planning Commission may reject  
14 in-kind improvements if they do not fit with the priorities identified in the plan, by the Interagency Plan  
15 Implementation Committee (see Section 36 of the Administrative Code), the Market and Octavia  
16 Citizens Advisory Committee (Section 341.5) or other prioritization processes related to Market and  
17 Octavia Community Improvements Programming.

18 (f) Option for Provision of Community Improvements via a Community Facilities (Mello-  
19 Roos) District. The Planning Commission may waive the Community Improvements Impact Fee  
20 described in 326.3(b) above, either in whole or in part, for specific development proposals in cases  
21 where one or more project sponsors have entered into a Waiver Agreement with the City approved by  
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1 the Board of Supervisors. Such waiver shall not exceed the value of the improvements to be provided  
2 through the Mello Roos district. In consideration of a Mello-Roos waiver agreement, the Board of  
3 Supervisors shall consider whether provision of Community Improvements through a Community  
4 Facilities (Mello-Roos) District will restrict funds in ways that will limit the City's ability to provide  
5 community amenities according to the established community priorities detailed in the Market and  
6 Octavia Area Plan, or to further amendments. The Board of Supervisors shall have the opportunity to  
7 comment on the structure of bonds issued for Mello Roos districts. The Board of Supervisors may  
8 decline to enter into a Waiver Agreement if the establishment of a Mello Roos district does not serve  
9 the City or Area Plan's objectives related to Market and Octavia Community Improvements and  
10 general balance of revenue streams.

11  
12 (g) Applicants who provide community improvements through a Community Facilities (Mello  
13 Roos) District or an in-kind development will be responsible for all additional time and materials costs  
14 including, Planning Department staff, City Attorney time, and other costs necessary to administer the  
15 alternative to the direct payment of the fee. These costs shall be paid in addition to the community  
16 improvements obligation and billed no later than expenditure of bond funds on approved projects for  
17 Districts or promptly following satisfaction of the In-Kind Agreement. The Planning Department may  
18 designate a base fee for the establishment of a Mello Roos district, that project sponsors would be  
19 obliged to pay before the district is established. The base fee should cover basic costs associated with  
20 establishing a district but may not account for all expenses, a minimum estimate of the base fee will be  
21 published annually by the Planning Department.

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24 (h) Waiver or Reduction:  
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1           (1) Waiver or Reduction Based on Absence of Reasonable Relationship

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

7           (B) Any appeal of waiver requests under this clause shall be made in writing and filed with the  
8 Clerk of the Board no later than 15 days after the date the sponsor is required to pay to the Treasurer  
9 the fee as required in Section 326.3(b). The appeal shall set forth in detail the factual and legal basis  
10 for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal  
11 at the hearing within 60 days after the filing of the appeal. The appellant shall bear the burden of  
12 presenting substantial evidence to support the appeal, including comparable technical information to  
13 support appellant's position. The decision of the Board shall be by a simple majority vote and shall be  
14 final. If a reduction, adjustment, or waiver is granted, any change of use or scope of the project shall  
15 invalidate the waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment  
16 or waiver, the Clerk of the Board shall promptly transmit the nature and extent of the reduction,  
17 adjustment or waiver to the Treasurer and Planning Department.

18           (2) Waiver or Reduction, Based on Housing Affordability or Duplication of Fees. This  
19 section details waivers and reductions available by right for project sponsors that fulfill the  
20 requirements below. The Planning Department shall publish an annual schedule of specific values for  
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1 waivers and reductions available under this clause. Planning Department staff shall apply these  
2 waivers based on the most recent schedule published at the time that fee payment is made.

3 (A) A project applicant subject to the requirements of this Section who has received an  
4 approved building permit, conditional use permit or similar discretionary approval and who submits a  
5 new or revised building permit, conditional use permit or similar discretionary approval for the same  
6 property shall be granted a reduction, adjustment or waiver of the requirements of Section 326 of the  
7 Planning Code with respect to the square footage of construction previously approved.

8 (B) The Planning Commission shall give special consideration to offering reductions or waivers  
9 of the impact fee to housing projects on the grounds of affordability in cases in which the State of  
10 California, the Federal Government, the Mayor's Office of Housing, the San Francisco Redevelopment  
11 Agency, or other public subsidies target new housing for households at or below 50% of the Area  
12 Median Income as published by HUD. This waiver clause intends to provide a local 'match' for these  
13 deeply subsidized units and should be considered as such by relevant agencies. Specifically these units  
14 may be rental or ownership opportunities but they must be subsidized in a manner which maintains  
15 their affordability for a term no less than 55 years. Project sponsors must demonstrate to the Planning  
16 Department staff that a governmental agency will be enforcing the term of affordability and reviewing  
17 performance and service plans as necessary, usually this takes the form of a deed restriction. Projects  
18 that meet the requirements of this clause are eligible for a 100 percent fee reduction until an alternative  
19 fee schedule is published by the Planning Department. Ideally some contribution will be made to the  
20 Market and Octavia Community Improvement Program, as these units will place an equal demand on  
21 community improvements infrastructure. This waiver clause shall not be applied to units built as part of  
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1 a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, and  
2 section 315.

3 (B) The city shall make every effort not to assess duplicative fees on new development. This  
4 section discusses the method to determine the appropriate reduction amount for known possible  
5 conflicts. In general project sponsors are only eligible for fee waivers under this clause if a  
6 contribution to another fee program would result in a duplication of charges for a particular type of  
7 community infrastructure. Therefore applicants may only receive a waiver for the portion of the Market  
8 and Octavia Community Improvements Fund that addresses that infrastructure type. Refer to Table 2  
9 for fee composition by infrastructure type. The Planning Department shall publish a schedule annually  
10 of all known opportunities for waivers and reductions under this clause, including the specific rate.  
11 Requirements under Section 135 and 138 do not qualify for waiver or reductions. Should future fees  
12 pose a duplicative charge, such as a citywide open space or childcare fee, the same methodology shall  
13 apply and the Planning Department shall update the schedule of waivers or reductions accordingly.  
14 Additionally the City should work to ensure that fees levied on development in the Plan Area through  
15 other fee programs should be targeted towards improvements identified through the Market and  
16 Octavia Plan, especially fees that allow project sponsors to obtain a waiver from the Market and  
17 Octavia Community Improvement's Fund.

18 (i)

19 Table 2. Breakdown of Market and Octavia Community Improvements Fee by Infrastructure Type.

Components of Proposed Impact Fee

	<u>Residential</u>	<u>Commercial</u>
<u>Greening</u>	<u>33.1%</u>	<u>48.0%</u>
<u>Parks</u>	<u>7.9%</u>	<u>13.2%</u>
<u>Park Improvements</u>	<u>tbd</u>	<u>tbd</u>
<u>Vehicle</u>	<u>0.4%</u>	<u>0.4%</u>
<u>Pedestrian</u>	<u>6.7%</u>	<u>6.0%</u>
<u>Transportation</u>	<u>21.5%</u>	<u>19.2%</u>
<u>Transit user infrastructure</u>	<u>tbd</u>	<u>tbd</u>
<u>Bicycle</u>	<u>0.3%</u>	<u>0.2%</u>
<u>Childcare</u>	<u>8.3%</u>	<u>0.0%</u>
<u>Library Materials</u>	<u>0.9%</u>	<u>0.0%</u>
<u>Recreational Facilities</u>	<u>13.1%</u>	<u>0.0%</u>
<u>Future Studies</u>	<u>0.2%</u>	<u>0.3%</u>
<u>Program Administration</u>	<u>7.6%</u>	<u>12.7%</u>

(ii) 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 7.9 percent of calculated contribution for residential development or 13.2 percent for commercial development.

**SEC. 326.4. LIEN PROCEEDINGS.**

1       (a) A sponsor's failure to comply with the requirements of Sections 326.3, shall constitute  
2 cause for the City to record a lien against the development project in the sum of the fees required under  
3 this ordinance. The fee required by Section 326.3(b) of this ordinance is due and payable to the  
4 Treasurer prior to issuance of the first building or site permit for the development project unless a  
5 Waiver Agreement has been executed. If, for any reason, the fee remains unpaid following issuance of  
6 the permit and no Waiver Agreement has been executed, any amount due shall accrue interest at the  
7 rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the permit  
8 until the date of final payment.

9  
10       (b) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following  
11 issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of  
12 Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee,  
13 including interest, a lien against all parcels used for the housing development project and shall send all  
14 notices required by that Article to the owner of the property as well as the sponsor. The Treasurer  
15 shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the  
16 Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall  
17 contain the sponsor's name, a description of the sponsor's housing development project, a description  
18 of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the  
19 current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and  
20 place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of  
21 record of the parcels of real property subject to lien. Except for the release of lien recording fees  
22 authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to  
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1 this ordinance shall be held in trust by the Treasurer and deposited in the Market and Octavia  
2 Community Improvements Fund established in Section 326.6.

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

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11  
12 **SEC. 326.5. COMMUNITY IMPROVEMENTS IMPACT FEE REFUND WHEN BUILDING**  
13 **PERMIT EXPIRES PRIOR TO COMPLETION OF WORK AND COMMENCEMENT OF**  
14 **OCCUPANCY.**

15 In the event a building permit expires prior to completion of the work on and commencement of  
16 occupancy of a residential or commercial development project so that it will be necessary to obtain a  
17 new permit to carry out any development, the obligation to comply with this ordinance shall be  
18 cancelled, and any Community Improvements Impact Fee previously paid to the Treasurer shall be  
19 refunded. If and when the sponsor applies for a new permit, the procedures set forth in this ordinance  
20 regarding payment of the Community Improvements Impact Fee shall be followed.  
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1  
2 **SEC. 326.6. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.**

3 (a) There is hereby established a separate fund set aside for a special purpose entitled the  
4 Market and Octavia Community Improvements Fund ("Fund"). All monies collected by the Treasurer  
5 pursuant to Section 326.3(b) shall be deposited in a special fund maintained by the Controller. The  
6 receipts in the Fund to be used solely to fund community improvements subject to the conditions of this  
7 Section.

8 (b) The Fund shall be administered by the Board of Supervisors.

9  
10 (1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop  
11 and improve neighborhood open spaces, pedestrian and streetscape improvements, community  
12 facilities, childcare facilities, and other improvements that result in new publicly-accessible facilities  
13 and related resources within the Market and Octavia Plan Area or within 250 feet of the Plan Area.  
14 Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible". Funds  
15 generated for 'library resources' should be used for materials at the Main Library, the Eureka Valley  
16 Library, or other library facilities that directly service Market and Octavia Residents. Funds may be  
17 used for additional studies and fund administration as detailed in the Market and Octavia Community  
18 Improvements Program Document. These improvements shall be consistent with the Market and  
19 Octavia Civic Streets and Open Space System as described in Map 4 of the Market and Octavia Area  
20 Plan of the General Plan, and any Market and Octavia Improvements Plan. Monies from the Fund may  
21 be used by the Planning Commission to commission economic analyses for the purpose of revising the  
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1 fee pursuant to Section 326.3(d) above, to complete an updated nexus study to demonstrate the  
2 relationship between development and the need for public facilities if this is deemed necessary, .

3 (2) No portion of the Fund may be used, by way of loan or otherwise, to pay any  
4 administrative, general overhead, or similar expense of any public entity, except for the purposes of  
5 administering this fund. Administration of this fund includes time and materials associated with  
6 reporting requirements, facilitating the Market and Octavia Citizens Advisory Committee meetings, and  
7 maintenance of the fund. Total expenses associated with administration of the fund shall not exceed the  
8 proportion calculated in Table 3 (above). All interest earned on this account shall be credited to the  
9 Market and Octavia Community Improvements Fund.  
10

11 (c) With full participation by the Planning Department and related implementing agencies  
12 the Controller's Office shall file an annual report with the Board of Supervisors beginning 180 days  
13 after the last day of the fiscal year of the effective date of this ordinance, which shall include the  
14 following elements: (1) a description of the type of fee in each account or fund; (2) Amount of the fee;  
15 (3) Beginning and ending balance of the accounts or funds including any bond funds held by an outside  
16 trustee; (4) Amount of fees collected and interest earned; (5) Identification of each public improvement  
17 on which fees or bond funds were expended and amount of each expenditure; (6) An identification of  
18 the approximate date by which the construction of public improvements will commence; (7) A  
19 description of any inter-fund transfer or loan and the public improvement on which the transferred  
20 funds will be expended; and (8) Amount of refunds made and any allocations of unexpended fees that  
21 are not refunded.  
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1 Every fifth fiscal year following the first deposit into the account the following account  
2 reporting shall be made by the Controller's office in coordination with the Planning Department: (1)  
3 Purpose to which the fee is to be put; (2) Demonstrate a reasonable relationship between the fee and  
4 the purpose for which it is charged; (3) Identify all sources and amounts of funding anticipated to  
5 complete financing in incomplete improvements identified in this ordinance and subsequent reporting;  
6 and (4) Designate the approximate dates on which the funding referred to above (3) is expected to be  
7 deposited into the appropriate account or fund. The reporting requirements detailed in this section  
8 refer to the current requirements under AB 1600; and are detailed here to insure that this fund fulfills  
9 all legal obligations as detailed by the State of California. Any amendments to AB1600 automatically  
10 apply to the reporting requirements of this ordinance and the ordinance should be amended  
11 accordingly.

12  
13 (d) A public hearing shall be held by both the Recreation and Parks Commissions to elicit  
14 public comment on proposals for the acquisition of property using monies in the Fund in the Fund or  
15 through agreements for in-kind or Community Facilities (Mello-Roos) District that will ultimately be  
16 maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in  
17 an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the  
18 time, place, and purpose of the hearing. . The Parks Commissions may vote to recommend to the  
19 Board of Supervisors that it appropriate money from the Fund for acquisition of property for park use  
20 and for development of property acquired for park use.

21  
22 (e) The Planning Commission shall work with other City agencies and commissions,  
23 specifically the Department of Recreation and Parks, Department of Public Works, and the  
24

1 Metropolitan Transportation Agency, to develop agreements related to the administration of the  
2 improvements to existing and development of new public facilities within public rights-of-way or on any  
3 acquired property designed for park use, using such monies as have been allocated for that purpose at  
4 a hearing of the Board of Supervisors.

5 (f) The Director of Planning shall have the authority to prescribe rules and regulations  
6 governing the Fund, which are consistent with this ordinance. The Director of Planning shall make  
7 recommendations to the Board regarding allocation of funds.  
8

9  
10 **SEC. 326.7. DIRECTOR OF PLANNING'S EVALUATION AND STUDY**

11 The Planning Department shall fulfill all relevant evaluation, reporting and study requirements  
12 to insure that the fee program remains up to date. These requirements include those outlined in Section  
13 326.6(c), 341.2, and 341.3 of the Planning Code, and Section 36.4 of the Administrative Code.  
14 Fulfillment of these reporting requirements shall be coordinated to minimize staff time. Funds to fulfill  
15 these requirements should be considered monitoring and program administration.  
16

17  
18 **SEC. 341 BETTER NEIGHBORHOODS AREA PLAN MONITORING PROGRAM**

19 Sections 341.1 to 341.4 set forth the requirements and procedures for the Market and Octavia  
20 Community Monitoring Program.

21  
22 **SEC. 341.1. FINDINGS.**

23 (a) The Planning Commission has adopted the Market and Octavia Area Plan as part of the General  
24 Plan of the City and County of San Francisco. The Area Plan, in conjunction with the Market and  
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1 Octavia Neighborhood Plan, outlines specific goals that cumulatively frame the community's vision for  
2 the management of growth and development in the plan area. The Market and Octavia Neighborhood  
3 Plan introduces innovative policies and land use controls to achieve the plan goals. Successful fruition  
4 of the plan's goals requires a coordinated implementation of land use controls, community and public  
5 service delivery, key policies, and community infrastructure improvements.

6 (b) In order to ensure a balanced implementation of the Market and Octavia Neighborhood Plan, the  
7 Planning Department will implement a formal monitoring program, with a focus on key indicators. The  
8 monitoring program is necessary to evaluate the effectiveness of the Plan and the impacts of growth,  
9 particularly housing supply, neighborhood character, and transportation infrastructure and service.  
10 The monitoring program will determine whether necessary infrastructure improvements have keep pace  
11 with development in the Plan Area. If monitoring surveys indicate an imbalance in growth of  
12 neighborhood and relevant infrastructure and support, the Planning Department must recommend  
13 policy changes to balance development with infrastructure and services. Appropriate responses may  
14 include further study of specific conditions, temporary or permanent alterations to Market and Octavia  
15 Neighborhood Plan policies, amendments to the Planning Code, and the dedication of additional  
16 revenue for planned improvements.

17 (c) Monitoring reports are a standard tool used to ensure a plan's success. The Downtown Plan of  
18 1985 implemented a model monitoring system, which includes both an annual and 5-year monitoring  
19 cycle. Annual monitoring efforts for the Market and Octavia Plan Area should be coordinated with  
20 these efforts, but include a focus on policies and indicators relevant to the Market and Octavia  
21 Plan Area.

1 Neighborhood Plan. The Market and Octavia time series monitoring report should be published  
2 independently.

3 (d) The Market and Octavia Plan is a pilot planning effort, implementing modern planning  
4 strategies. Data on the successes will be a useful contribution to the field of planning and to  
5 other municipalities aiming to achieve transit-oriented communities.

6 (e) The Planning Department will execute a two-tiered monitoring program. The two tiers are: 1)  
7 An annual collection and reporting of data from selected sources that are gathered on a regular  
8 basis, and 2) every five years, a more extensive data collection effort that includes a evaluation  
9 of policy objectives specific to the Market and Octavia Area Plan and reporting of  
10 neighborhood trends. The annual monitoring will provide notice for trends that may develop,  
11 gauging progress towards long range goals. The time series report will provide in depth  
12 analysis of the Plan Area, including a discussion of qualitative trends.

13 (f) In coordination with relevant Board of Supervisor representatives and related city agencies a  
14 Citizens Advisory Committee shall be formed to participate in the on-going implementation of  
15 the Market and Octavia Plan. This Committee shall participate in monitoring efforts, as needed,  
16 and be presented a copy of all reports.

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19 **SEC. 341.2. ANNUAL REPORTING.**

20 The Planning Department shall prepare an annual report detailing the housing supply and  
21 development, commercial activities, and transportation trends in the Market and Octavia Plan Area.  
22 The information shall be presented to the Board of Supervisors, Planning Commission, the Citizens  
23 Advisory Committee, and Mayor, and shall address: (1) the extent of development in the Market and  
24 Octavia Plan Area; (2) the consequences of that development; (3) the effectiveness of the policies set  
25

1 forth in the Market and Octavia Area Plan in maintaining San Francisco's environment and character;  
2 and (4) recommendations for measures deemed appropriate to deal with the impacts of neighborhood  
3 growth.

4 (a) Time Period and Due Date. Reporting shall be presented by July 1st of each year, and shall  
5 address the immediately preceding calendar year.

6 (b) Data Source. The Planning Department shall assemble data for the purpose of providing the  
7 reports. City records shall be used wherever possible. Outside sources shall be used when data from  
8 such sources are reliable, readily available and necessary in order to supplement City records. When  
9 data is not available for the exact boundaries of the Plan Area, a similar geography will be used and  
10 noted.

11 (c) Categories of Information. The following categories of information shall be included:

12 Commercial Space and Employment.

13 (1) The amount of office space "Completed," "Approved," and "Under Construction" during the  
14 preceding year, both within the Plan Area and elsewhere in the City. This inventory shall include the  
15 location and square footage (gross and net) of those projects, as well as an estimate of the dates when  
16 the space "Approved" and "Under Construction" will become available for occupancy.

17 (2) Plan Area and Citywide Employment trends. An estimate of additional employment, by  
18 occupation type, in the Plan Area and citywide.

19 (3) Retail Space and Employment. An estimate of the net increment of retail space and of the  
20 additional retail employment relocation trends and patterns Plan Area and citywide.

21 (4) Business Formation and Relocation. An estimate of the rate of the establishment of new  
22 businesses and business and employment relocation trends and patterns within the Plan Area and  
23 citywide.

24 Housing.

1 (5) Housing Units Certified for Occupancy. An estimate of the number of housing units in the Plan  
2 Area and throughout the City newly constructed, demolished, or converted to other uses.

3 (6) Affordable Housing Production. An estimate of the number of new affordable housing units in  
4 the Plan Area and throughout the City, including information on affordability and funding sources.

5 (7) Unit size. An estimate of the mix of unit sizes in the Plan Area and throughout the City including  
6 new construction, unit mergers and unit subdivisions.

7 (8) Unit Conversion. An estimate of average number by unit type in the Plan Area and throughout the  
8 City, including condo conversion, and eviction cases.

9 Transportation.

10 (9) Parking Inventory. An estimate of the net increment of off-street parking spaces in all Districts.

11 (10) Transit Service. An estimate of transit capacity for peak periods.

12 (11) Transit Impact Fee. A summary of the use of the transit impact development fee funds,  
13 identifying the number of vehicles, personnel and facilities acquired.

14 (d) Report. The analysis of the factors under Commercial Space, Housing and Transportation will  
15 compare Plan Area trends to existing conditions, citywide trends, and regional trends, when relevant.  
16 The comparisons will indicate the degree that the City is able to accommodate new development as  
17 projected within the Plan Area. Based on this data, the Department shall analyze the effectiveness of  
18 City policies governing Plan Area growth and shall recommend any additional measures deemed  
19 appropriate.

20 SEC. 341.3. TIME SERIES REPORT.

21 By July 15, 2008, and every fifth year thereafter on July 15th, the report submitted shall address the  
22 preceding five calendar years and, in addition to the data described above, shall include a cordon  
23 count of the following key indicators:

1 (a) Implementation of Proposed Programming. The area plan proposes the implementation of various  
2 programs including impact fees for development, parking and curb cuts, residential permit parking  
3 reform, shared parking programs, and historic preservation survey. Implementation of said programs  
4 shall report the following:

5 (1) Fees. Monitor expenditure of all implemented fees. Report on studies and implementation  
6 strategies for additional fees and programming.

7 (2) Parking Programs. Report on implementation strategies, including cooperation with  
8 relevant agencies, and success of program as implemented.

9 (3) Historic Preservation Surveys. Report findings of survey. Detail further proceedings with  
10 regards to findings of survey work.

11 (b) Community Improvements. The Area Plan outlines major community improvements in the areas of  
12 open space, transportation, pedestrian realm, and community services. Implementation of  
13 improvements will be documented.

14 (c) Planning Code Performance. Better Neighborhoods plans aim to clarify development  
15 proceedings, thus reducing the number of variances, articulating conditional use processes, and  
16 facilitating the development process. The permit process in the Plan Area and Citywide will be  
17 evaluated.

18 **SEC. 341.4. INFORMATION TO BE FURNISHED.**

19 It shall be the duty of the heads of all departments, offices, commissions, bureaus and divisions of the  
20 City and County of San Francisco, upon request by the Planning Department, to furnish such  
21 information as they may have or be able to obtain relating to the matters to be included in the reports  
22 required herein.

23 **SEC. 341.5 MARKET AND OCTAVIA CITIZENS ADVISORY COMMITTEE**  
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1 Within 6 months of adoption of the Market and Octavia Area Plan and related planning code changes,  
2 a Citizens Advisory Committee shall be established for the purposes of providing input on the  
3 prioritization of community improvements, updating the community improvements program at a  
4 minimum of every fifth year in coordination with relevant city agencies, and providing input to plan  
5 area monitoring efforts as appropriate. The Board of Supervisor shall appoint committee members that  
6 represent the diversity of the plan area The Citizens Advisory Committee shall be comprised of 7-11  
7 community members from varying geographic, socio-economic, ethnic, racial, gender, and sexual  
8 orientations living or working within the plan area. The CAC should adequately represent key  
9 stakeholders including resident renters, resident homeowners, low-income residents, local merchants,  
10 and other groups identified through refinement of the CAC process. The Interagency Plan  
11 Implementation Committee shall designate necessary staffing from relevant agencies, as needed.

12  
13 **SEC. 731.1 NCT-3 - MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**  
14 **DISTRICT.**

15 NCT-3 districts are transit-oriented moderate- to high-density mixed-use neighborhoods of  
16 varying scale concentrated near transit services. The NCT-3 districts are mixed use districts that  
17 support neighborhood-serving commercial uses on lower floors and housing above. These districts are  
18 well-served by public transit and aim to maximize residential and commercial opportunities on or near  
19 major transit services. The district's form can be either linear along transit-priority corridors,  
20 concentric around transit stations, or broader areas where transit services criss-cross the  
21 neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of  
22 buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses,  
23 including open space and exposure, and urban design guidelines. Residential parking is not required  
24 and generally limited. Commercial establishments are discouraged or prohibited from building  
25

1 accessory off-street parking in order to preserve the pedestrian-oriented character of the district and  
2 prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-  
3 street parking and loading on critical stretches of NC and transit streets to preserve and enhance the  
4 pedestrian-oriented character and transit function.

5 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and specialty  
6 goods and services to a population greater than the immediate neighborhood, additionally providing  
7 convenience goods and services to the surrounding neighborhoods. NCT-3 Districts include some of  
8 the longest linear commercial streets in the City, some of which have continuous retail development for  
9 many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-  
10 scaled commercial streets, although the districts may include small as well as moderately scaled lots.  
11 Buildings may range in height, with height limits varying from four to eight stories.

12 NCT-3 building standards permit moderately large commercial uses and buildings. Rear yards are  
13 protected at residential levels.

14 A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of  
15 uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking,  
16 entertainment, and financial service uses generally are permitted with certain limitations at the first  
17 and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal  
18 services and offices are permitted at all stories of new buildings. Limited storage and administrative  
19 service activities are permitted with some restrictions.

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

22  
23 **SEC. 731 MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3**  
24 **ZONING CONTROL TABLE**

			<u>NCT-3</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<b><u>BUILDING STANDARDS</u></b>			
<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. &amp; above</u> <u>§ 121.1</u>
<u>731.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at residential 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-Grade Parking Setback and Active Uses</u>		<u>Minimum 25 feet on ground floor, 15 feet on floors above</u>  <u>§ 145.1(c), (e)</u>
<u>731.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>		<u>Market Street, Church Street</u>  <u>§ 145.1(d)</u>
<u>731.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>		<u>§ 155(r)</u>  <u>NP: Market Street, Church Street, Mission Street</u>



			<u>C: Duboce Street, Haight 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>
<b><u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u></b>			
<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. &amp; 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. For uses</u> <u>in Table 151 that are</u> <u>described as a ratio of</u> <u>occupied floor area, P up</u> <u>to 1 space per 500 feet of</u> <u>occupied floor area or the</u> <u>quantity specified in</u> <u>Table 151, whichever is</u> <u>less, and subject to the</u> <u>conditions of Section</u> <u>151.1(f); NP above. For</u> <u>retail grocery stores</u> <u>larger than 20,000 square</u> <u>feet, P up to 1:500, C up</u> <u>to 1:250 for space in</u> <u>excess of 20,000 s.f.</u> <u>subject to conditions of</u> <u>151.1(f); NP above. For</u> <u>all other uses, P up to the</u> <u>quantity specified in</u> <u>Table 151, and subject to</u>

			<u>the conditions of Section 151.1(f); NP above.</u>		
			<u>§§ 151.1, 166, 145.1</u>		
<u>731.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155, 204.5</u>	<u>Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)</u>		
<u>731.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if located elsewhere § 145.2(a)</u>		
<u>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.; C if not recessed § 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, 609</u>	<u>P # § 607.1(e)2</u>		
<u>731.31</u>	<u>Business Sign</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P # § 607.1(f)3</u>		
<u>731.32</u>	<u>Other Signs</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P # § 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>
<u>731.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>731.54</u>	<u>Massage Establishment</u>	<u>§ 790.60,</u> <u>§ 2700 Police Code</u>	<u>C</u>	<u>C</u>	-
<u>731.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
<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>
<u>731.57</u>	<u>Automobile Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-

1	<u>731.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
2	<u>731.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	-
3	<u>731.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>	-	-
4	<u>731.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>	-	-
5	<u>731.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	-
6	<u>731.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>	-	-
7	<u>731.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
8	<u>731.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
9	<u>731.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>C</u>	<u>C</u>	<u>C</u>
10	<u>731.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>
11	<b><u>Institutions and Non-Retail Sales and Services</u></b>					
12	<u>731.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
13	<u>731.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
14	<u>731.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
15	<u>731.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
16	<u>731.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
17	<u>731.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
18	<b><u>RESIDENTIAL STANDARDS AND USES</u></b>					
19	<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>
20	<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</u>		

			<u>restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u> <u>§ 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 ared. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u> <u>§ 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</u> <u>§ 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.</u> <u>§ 151.1, 166, 167, 145.1</u>		
<u>731.95</u>	<u>Community Residential</u>	<u>§ 790.10, 145.1, 166</u>	<u>C</u>	<u>C</u>	<u>C</u>

	<u>Parking</u>				
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## **SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS**

<b><u>Article 7 Code Section</u></b>	<b><u>Other Code Section</u></b>	<b><u>Zoning Controls</u></b>
<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

1 corridor. Housing density is limited not by lot area, but by the regulations on the built envelope of  
2 buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses,  
3 including open space and exposure, and urban design guidelines. Residential parking is not required  
4 and generally limited. Commercial establishments are discouraged or prohibited from building  
5 accessory off-street parking in order to preserve the pedestrian-oriented character of the district and  
6 prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-  
7 street parking and loading on Market and Church Streets to preserve and enhance the pedestrian-  
8 oriented character and transit function.

9 The Upper Market Street district controls are designed to promote moderate-scale development  
10 which contributes to the definition of Market Street's design and character. They are also intended to  
11 preserve the existing mix of commercial uses and maintain the livability of the district and its  
12 surrounding residential areas. Large-lot and use development is reviewed for consistency with existing  
13 development patterns. Rear yards are protected at all levels. To promote mixed-use buildings, most  
14 commercial uses are permitted with some limitations above the second story. In order to maintain  
15 continuous retail frontage and preserve a balanced mix of commercial uses, ground-story  
16 neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial  
17 service uses are limited. Ground floor-commercial space is required along Market and Church Streets.  
18 Most automobile and drive-up uses are prohibited or conditional.

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

21 **SEC. 732 UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
22 **ZONING CONTROL TABLE**

			<u>Upper Market Street</u>
-	-	-	

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<b><u>BUILDING STANDARDS</u></b>			
<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. &amp; above</u> <u>§ 121.1</u>
<u>732.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required from grade level</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>
<b><u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u></b>			
<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. &amp; 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. For uses in</u> <u>Table 151 that are</u> <u>described as a ratio of</u> <u>occupied floor area, P up</u> <u>to 1 space per 500 feet of</u> <u>occupied floor area or the</u> <u>quantity specified in Table</u> <u>151, whichever is less, and</u> <u>subject to the conditions of</u> <u>Section 151.1(f); NP</u> <u>above. For retail grocery</u> <u>stores larger than 20,000</u> <u>square feet, P up to 1:500,</u> <u>C up to 1:250 for space in</u> <u>excess of 20,000 s.f.</u> <u>subject to conditions of</u> <u>151.1(f); NP above. For all</u> <u>other uses, P up to the</u> <u>quantity specified in Table</u> <u>151, and subject to the</u> <u>conditions of Section</u> <u>151.1(f); NP above. §§</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>		
<u>732.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602-604, 608, 609</u>	-		
<u>732.31</u>	<u>Business Sign</u>	<u>§§ 262, 602-604, 608, 609</u>	<u>P #</u> <u>§ 607.1(f)2</u>		
<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>		
-	-	-	<u>Upper Market Street</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>732.38</u>	<u>Residential Conversion</u>	<u>§§ 790.84, 207.7</u>	<u>C</u>	<u>C</u>	-
<u>732.39</u>	<u>Residential Demolition</u>	<u>§§ 790.86, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>732.39a</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>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>	-

1	<u>732.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>C</u>	-	-
2	<u>732.42</u>	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>C</u>	-	-
3	<u>732.43</u>	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>	-	-	-
4	<u>732.44</u>	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>	<u>C</u>	-	-
5	<u>732.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>	-	-
6	<u>732.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	-	-
7	<u>732.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	-	-	-
8	<u>732.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>C#</u>	-	-
9	<u>732.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>C</u>	<u>C</u>	-
10	<u>732.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	-	-
11	<u>732.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>C</u>
12	<u>732.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>C</u>
13	<u>732.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>C</u>
14	<u>732.54</u>	<u>Massage Establishment</u>	<u>§ 790.60,</u> <u>Police Code § 2700</u>	<u>C</u>	<u>C</u>	-
15	<u>732.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
16	<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>
17	<u>732.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	-	-	-
18	<u>732.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	-	-	-
19	<u>732.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-

<u>732.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
<u>732.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	-	-	-
<u>732.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
<u>732.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
<u>732.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
<u>732.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-
<u>732.66</u>	<u>Storage</u>	<u>§ 790.117</u>	-	-	-
<u>732.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	-
<b><u>Institutions and Non-Retail Sales and Services</u></b>					
<u>732.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	-	-	-
<u>732.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	-	-	-
<u>732.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>732.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>732.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>732.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P</u>	-	-
<b><u>RESIDENTIAL STANDARDS AND USES</u></b>					
<u>732.90</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>732.91</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</u>		

			<u>envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6</u>		
<u>732.92</u>	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 790.88(b)</u>	<u>No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208</u>		
<u>732.93</u>	<u>Usable Open Space [Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)</u>		
<u>732.94</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 1 § 151.1</u>		
<u>732.95</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 UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
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<u>§ 732.31</u> <u>§ 732.32</u>	<u>§ 608.10</u>	<u>UPPER MARKET STREET SPECIAL SIGN DISTRICT</u>  <u><b>Boundaries:</b> Applicable only for the portions of the Upper Market Street NCD as mapped on Sectional Map SSD</u>  <u><b>Controls:</b> Special restrictions and limitations for signs</u>
<u>§ 732.48</u>	-	<u><b>Boundaries:</b> Applicable for the Upper Market Street NCD.</u>  <u><b>Controls:</b> Existing bars in the Upper Market Street Neighborhood Commercial Transit District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have 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>

**Section 4. Additional Affordable Housing Study and Effective Date of This Ordinance and**

**Accompanying Ordinances:** The Planning Department shall prepare a study of the potential for an increased affordable housing requirement for parcels that are granted upzoning through the Market and Octavia Plan.

1 The study shall consist of the following analysis:

- 2 a. Revised Sensitivity analysis. The study will look at a number of prototypes to determine  
3 whether proposed levels of upzoning change the economic impacts of adjusted  
4 inclusionary requirements on market-rate housing projects on upzoned parcels;  
5 Specifically the study shall compare existing development potential to new development  
6 potential under Market and Octavia zoning controls. The study shall analyze whether  
7 the increased potential would make increased affordable housing contributions feasible.  
8 The study shall focus on development on sites that received increased heights through  
9 the Market and Octavia Area Plan but shall not limit the definition of upzoning to height  
10 increases. The analysis will evaluate what level of additional affordable housing  
11 requirement, if any, is appropriate on sites that were upzoned without jeopardizing the  
12 feasibility of the project. This information will be developed in consultation with  
13 economic consultants and presented at a public hearing approximately thirty to 60 days  
14 after Planning Commission adoption of the Market and Octavia Plan.
- 15 b. Additional Affordable Contribution Program. Based on the findings of the updated  
16 sensitivity analysis, various models for implementing an additional affordable housing  
17 requirement will be evaluated. The Planning Department shall recommend the most  
18 appropriate mechanisms for increasing affordable housing requirements in select areas  
19 of the Market and Octavia Area Plan. The program shall be codified as a supplement to  
20 section 315 that calls for specific additional affordable housing contributions for parcels  
21 deemed to be 'upzoned'. The Department shall evaluate the following potential  
22 mechanisms:
- 23 i. a higher inclusionary housing requirement,  
24 ii. an additional fee contribution to affordable housing.  
25

1                   iii. additional onsite affordable housing requirements, and

2                   iv. all additional strategies recommended by the Planning Commission.

3           c. Timeline. The Planning Department shall present initial findings of the sensitivity  
4           analysis within 30 to 60 days of Planning Commission adoption of the Market and  
5           Octavia Plan. The Planning Department shall recommend the appropriate increased  
6           affordable housing program within three months of Planning Commission adoption of  
7           the Market and Octavia Plan.

8           d. Effective Date. The Market and Octavia Plan, including this ordinance, and  
9           accompanying Market and Octavia General Plan Amendment and Zoning Map  
10          Amendment on file in Board File No. \_\_\_\_\_, will be effective on the effective date  
11          of the additional affordable housing requirement program that the Board enacts  
12          consistent with the findings of the revised sensitivity analysis described above.

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

16 By:

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18 Susan Cleveland-Knowles  
19 Deputy City Attorney  
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