

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

2
3 **Ordinance amending the San Francisco Planning Code to implement the Market and**
4 **Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section**
5 **121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2**
6 **(Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124**
7 **(Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards);**
8 **Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144**
9 **(Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages,**
10 **Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and**
11 **Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces);**
12 **Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other**
13 **Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces);**
14 **Section 154 (Minimum dimensions for required off-street parking, freight loading and**
15 **service vehicle spaces); Section 155 (General Standards as to Location and**
16 **Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities);**
17 **Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share**
18 **Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New**
19 **Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For**
20 **Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in**
21 **Neighborhood Commercial Districts); Section 208 (Density Limitations for Group**
22 **Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2**
23 **(Requiring CU Authorization for specified uses in P Districts within the Market and**
24 **Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and**
25 **Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits:**

Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a \$10-per-square-foot fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of \$8 in the Van Ness Market Special Use District, \$4 in the Neighborhood Commercial Transit (NCT) district, and \$0 in the Transit-Oriented Residential (RTO) district; 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); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio

1 (FAR) up to a certain ratio by paying \$30 per gross square foot into the Citywide
2 Affordable Housing Fund but not by acquiring Transferable Development Rights
3 (TDRs); and providing that projects may further exceed FAR limits above a site FAR of
4 9:1 by paying \$15 per additional gross square foot into the Van Ness and Market
5 Neighborhood Infrastructure Fund; Section 249.34 to establish the Fulton Street
6 Grocery Store Special Use District; Section 249.35 to establish the Duboce Triangle
7 Flexible Density Special Use District; Section 261.1 related to Additional Height Limits
8 for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a
9 Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-
10 X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton
11 Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8
12 establishing the Market and Octavia Community Improvements Fee and Fund including
13 community improvement fees of \$10 per square foot for certain new residential and \$4
14 per square foot for certain new commercial developments, and a springing fee for
15 transit and parking impacts with a maximum fee of \$9 per square foot for transit
16 impacts from residential development and \$5 per square foot for impacts from new
17 parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan
18 Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale
19 Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper
20 Market Street Neighborhood Commercial Transit District; adding an uncoded Section
21 4 adopting procedures for treatment of historic resources in the Plan Area calling for a
22 study and implementation of an additional affordable housing program, and providing
23 that this ordinance and the accompanying Market and Octavia General Plan
24 amendments and zoning map amendments will not be effective until the effective date
25 of such a program adopted by the Board of Supervisors; and adopting environmental

1 findings and findings of consistency with the General Plan and the eight priority
2 policies of Planning Code Section 101.1.

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

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

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

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

14 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this
15 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the
16 Planning Code and with the General Plan as amended in Ordinance No. 246-07 and hereby
17 reaffirms its findings as set forth in said Ordinance. ~~proposed to be amended in companion~~
18 ~~legislation and hereby adopts the findings of the Planning Commission, as set forth in~~
19 ~~Planning Commission Resolution No. 17409, and incorporates said findings by this reference~~
20 ~~thereto.~~

21 (c) In accordance with the actions contemplated herein, this Board adopted
22 Planning Commission Motion No. 17407, concerning findings pursuant to the California
23 Environmental Quality Act (California Public Resources Code sections 21000 et seq.) and
24 made other related findings in Ordinance 246-07. The Board reaffirms these CEQA findings
25 as set forth in Ordinance 246-07, , which are ~~A copy of said Motion is on file with the Clerk of~~

1 the Board of Supervisors in File No. 071158 and is are incorporated by reference herein. The
2 Board of Supervisors has reviewed a Memorandum from the Planning Department dated
3 February 29, 2008 and March 19, 2008 and, based on that those Memorandum, public
4 testimony, and information in the files of the Board of Supervisor and the Planning
5 Department, including, but not limited to, the Final EIR, together with all supporting materials,
6 reports, documents, public correspondence, public testimony, and Memoranda, makes the
7 following findings: Since adoption of Ordinance No. 246-07 no substantial changes have
8 occurred in the Project proposed for approval under this Ordinance that will require revisions
9 in the Final EIR due to the involvement of new significant environmental effects or a
10 substantial increase in the severity of previously identified significant effects, no substantial
11 changes have occurred with respect to the circumstances under which the Project proposed
12 for approval under the Ordinance are undertaken which will require major revisions to the
13 Final EIR due to the involvement of new environmental effects or a substantial increase in the
14 severity of effects identified in the Final EIR and no new information of substantial importance
15 to the Project as proposed for approval in the Ordinance has become available which
16 indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2)
17 significant environmental effects will be substantially more severe, (3) mitigation measure or
18 alternatives found not feasible which would reduce one or more significant effects have
19 become feasible or (4) mitigation measures or alternatives which are considerably different
20 from those in the Final EIR would substantially reduce one or more significant effects on the
21 environment. Moreover, based on public testimony and information in the files of the Board of
22 Supervisor and the Planning Department, including, but not limited to, the Final EIR, together
23 with all supporting materials, reports, documents, public correspondence, and Memoranda,
24 the Board reiterates its findings in Ordinance No. 246-07 related to the mitigation monitoring
25 program and statement of overriding considerations.

Section 2. The San Francisco Planning Code is hereby amended by amending 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, 315.43, 316, 603, 606. 702.1, and 720.1 to read as follows:

SEC. 102.5. DISTRICT.

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

the area designated as the South of Market Base District shown on Sectional Map 3SU of the Zoning Map.

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

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

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

1	NC-3, <u>NCT-3</u>	
2	Hayes-Gough,	
3	Upper Market Street,	
4	Polk Street,	
5	Valencia Street	
6	NC-S	Not Applicable

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

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

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

13 **SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL** 14 **DISTRICTS.**

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

21	District	Lot Size Limits
22	North Beach	2,000 sq. ft.
23	Castro Street	
24	Inner Clement Street	2,500 sq. ft.
25	Inner Sunset	

1	Outer Clement Street	
2	Upper Fillmore Street	
3	Haight Street	
4	Sacramento Street	
5	Union Street	
6	24th Street-Mission	
7	24th Street-Noe Valley	
8	West Portal Avenue	3,000 sq. ft.
9	NC-1	
10	Broadway	
11	Hayes-Gough	
12	Upper Market Street	
13	Polk Street	
14	Valencia Street	4,000 sq. ft.
15	NC-2	
16	NC-3, <u>NCT-3</u>	
17	NC-S	6,000 sq. ft.

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, <u>RTO</u>	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1

1	RED	1.0 to 1
2	RSD, SPD	1.8 to 1
3	NC-1	1.8 to 1
4	NC-S	
5	Inner Clement	
6	Inner Sunset	
7	Outer Clement	
8	Haight	
9	North Beach	
10	Sacramento	
11	24th Street--Noe Valley	
12	West Portal	
13	NC-2	2.5 to 1
14	Broadway	
15	Upper Fillmore	
16	Polk	
17	Valencia	
18	24th Street-Mission	
19	Castro	3.0 to 1
20	Hayes-Gough	
21	Upper Market	
22	Union	
23	NC-3, <u>NCT-3</u>	3.6 to 1
24	Chinatown R/NC	1.0 to 1
25	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

1	C-3-C	6.0 to 1
2	C-3-O	9.0 to 1
3	C-3-R	6.0 to 1
4	C-3-G	6.0 to 1
5	C-3-S	5.0 to 1
6	C-3-O (SD)	6.0 to 1
7	C-3-S (SU)	7.5 to 1
8	C-M	9.0 to 1
9	M-1, M-2	5.0 to 1
10	SLR, SLI	2.5 to 1
11	SSO and in a 40 or 50 foot height district	3.0 to 1
12	SSO and in a 65 or 80 foot height district	4.0 to 1
13	SSO and in a 130 foot height district	4.5 to 1

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

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

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

1 (e) In the Waterfront Special Use Districts, as described in Sections 240 through
2 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

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

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

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

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

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

11 (B) "Base rent" shall mean .45 times the median income for the County
12 of San Francisco as set forth in California Administrative Code Section
13 6932 for a family of a size equivalent to the number of persons residing in
14 a household renting a designated unit.

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

19 (D) "Household of low or moderate income" shall mean a household
20 composed of one or more persons with a combined annual net income for
21 all adult members which does not exceed 150 percent of the qualifying
22 limit for a median income family of a size equivalent to the number of
23 persons residing in such household, as set forth for the County of San
24 Francisco in California Administrative Code Section 6932.
25

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

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

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

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

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

24 (1) Considering all dwelling units and all live/work units on the lot, existing and
25 to be constructed, there shall be no more than one live/work unit and/or dwelling

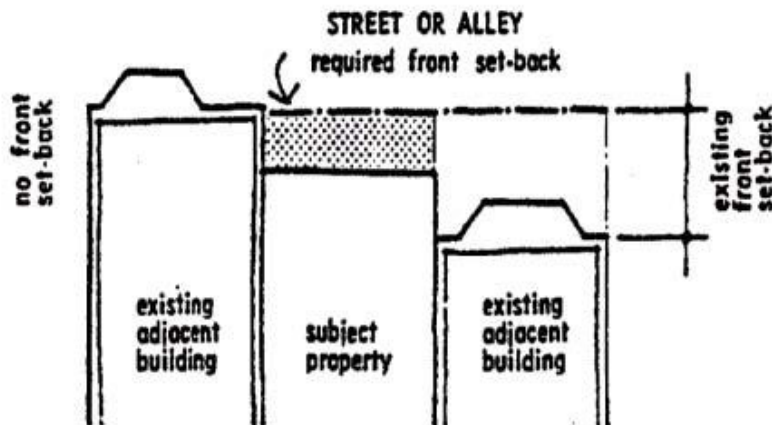
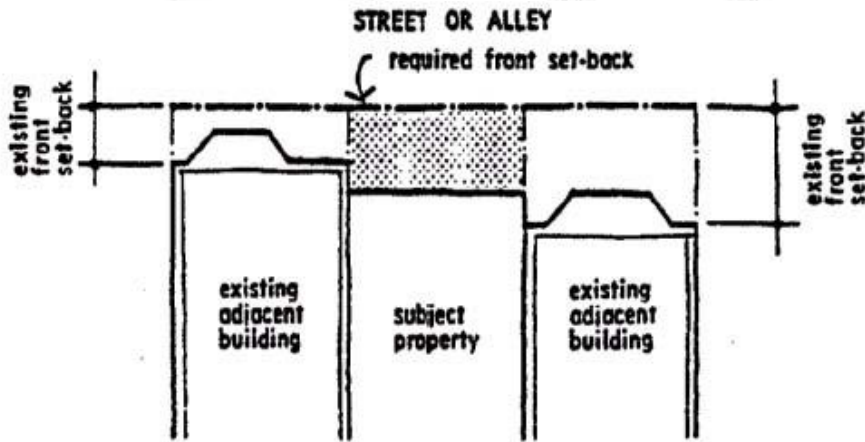
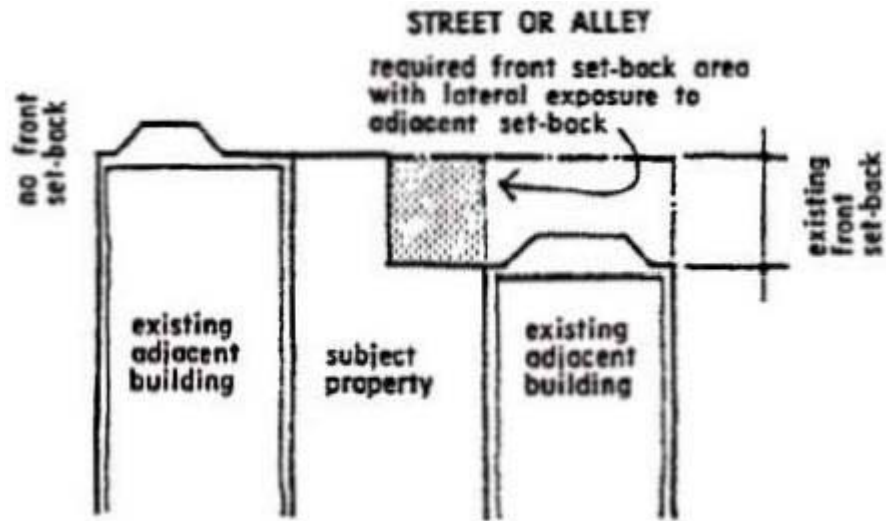
1 unit per 200 square feet of lot area, except that, for projects in the RSD District
2 which will exceed 40 feet in height, and therefore are required to obtain
3 conditional use approval, the allowable density for dwelling units and live/work
4 units shall be established as part of the conditional use determination; and

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

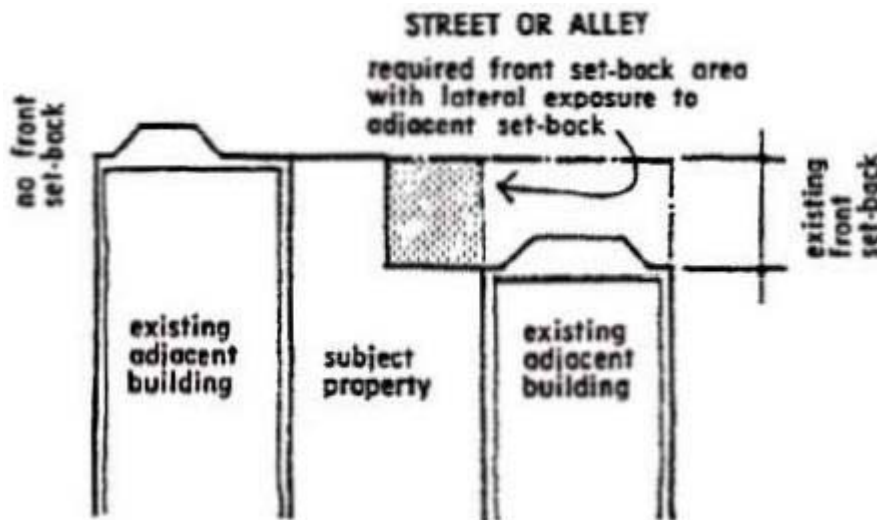
7 **SEC. 132. FRONT SETBACK AREAS, RH AND RM DISTRICTS.**

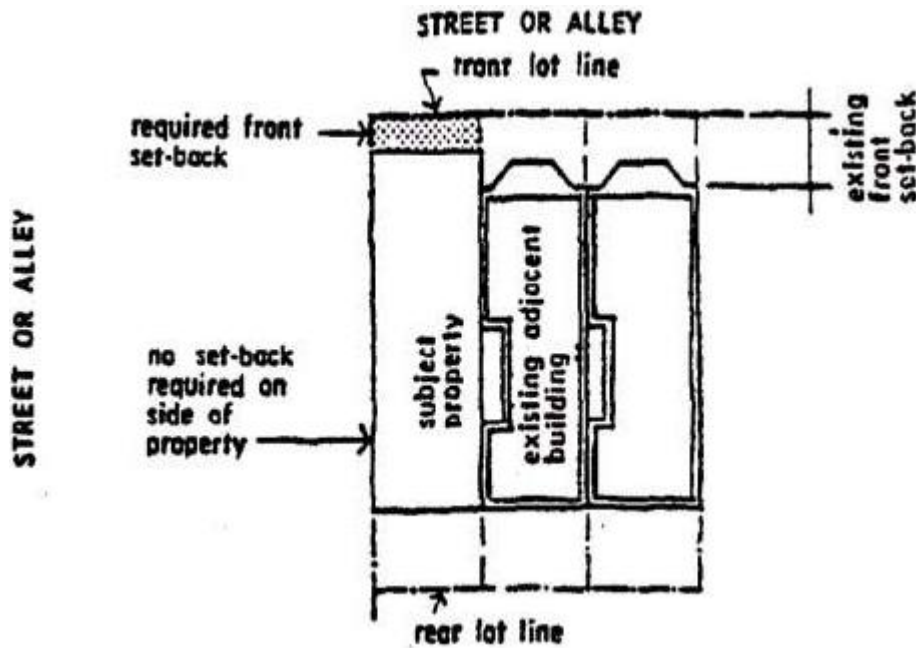
8 The following requirements for minimum front setback areas shall apply to every
9 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the
10 existing front setbacks of adjacent buildings.

11 (a) Basic Requirement. Where one or both of the buildings adjacent to the
12 subject property have front setbacks along a street or alley, any building or
13 addition constructed, reconstructed or relocated on the subject property shall be
14 set back to the average of the two adjacent front setbacks. If only one of the
15 adjacent buildings has a front setback, or if there is only one adjacent building,
16 then the required setback for the subject property shall be equal to one-half the
17 front setback of such adjacent building. In any case in which the lot constituting
18 the subject property is separated from the lot containing the nearest building by
19 an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or
20 alley, such nearest building shall be deemed to be an "adjacent building," but a
21 building on a lot so separated for a greater distance shall not be deemed to be
22 an "adjacent building."
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(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the street or alley times the setback depth required by Subsections (a) and (c) of this Section; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of Subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by Subsection (a) above, in the form of a single line parallel to the street or alley.





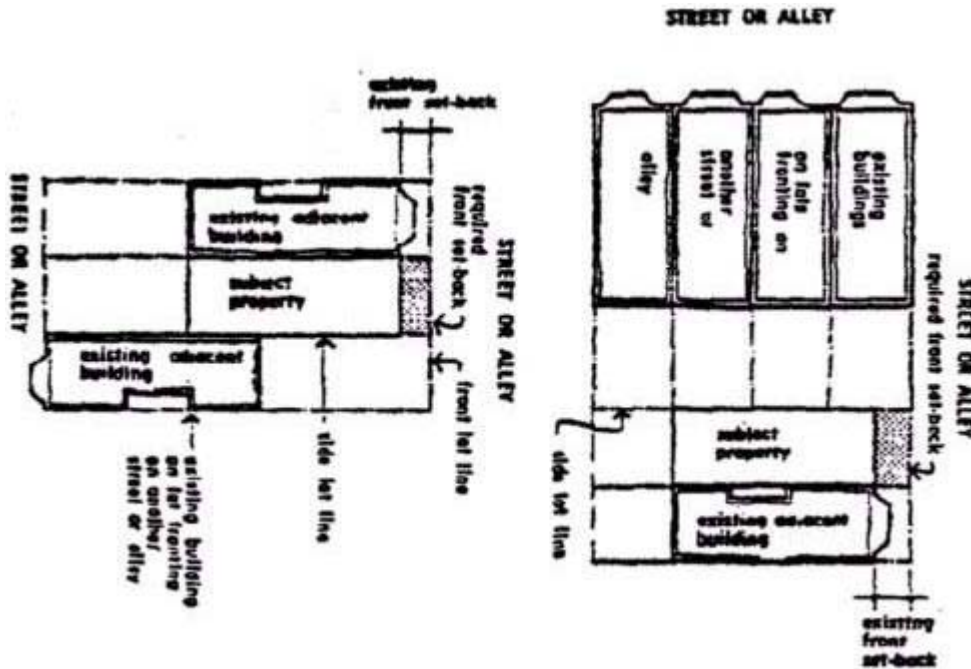
(c) Method of Measurement. The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the street or alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures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

(d) Applicability to Special Lot Situations.

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

(2) Lots Abutting Properties That Front on Another Street or Alley. In the case of any lot that abuts along its side lot line upon a lot that fronts on another street or alley, the lot on which it so abuts shall be disregarded,

1 and the required setback for the subject lot shall be equal to the front
2 setback of the adjacent building on its opposite side.



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

20 (e) Maximum Requirements. The maximum required front setback in any of the
21 cases described in this Section 132 shall be 15 feet from the property line along
22 the street or alley, or 15 percent of the average depth of the lot from such street
23 or alley, whichever results in the lesser requirement. The required setback for
24 lots located within the Bernal Heights Special Use District is set forth in Section
25 242 of this Code.

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

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

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

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

15 The rear yard requirements established by this Section 134 shall apply to every
16 building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted
17 in Subsection (a), except those buildings which contain only single room occupancy (SRO) or
18 live/work units and except in the Bernal Heights Special Use District and Residential
19 Character Districts to the extent these provisions are inconsistent with the requirements set
20 forth in Section 242 of this Code. With the exception of dwellings in the South of Market base
21 area, containing only SRO units the rear yard requirements of this Section 134 shall also
22 apply to every dwelling in a(n) SPD, RSD, SLR, SLI, SSO, NC-2, NC-3, NCT-3, Individual Area
23 Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as
24 noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts.
25 These requirements are intended to assure the protection and continuation of established

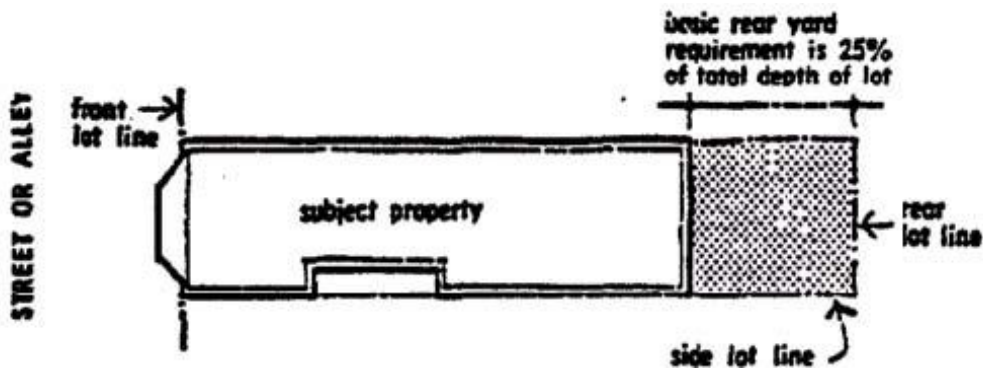
1 midblock, landscaped open spaces, and maintenance of a scale of development appropriate
2 to each district, consistent with the location of adjacent buildings.

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

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

14 (A) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, Inner
15 Sunset, Outer Clement Street, Haight Street, Sacramento Street,
16 24th Street-Noe Valley, and West Portal Avenue Districts. Rear
17 yards shall be provided at grade level and at each succeeding
18 level or story of the building.

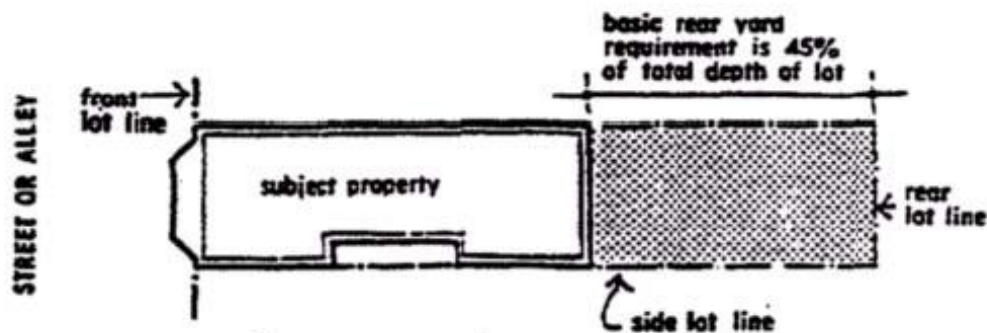
19 (B) NC-2, Castro Street, Inner Clement Street, Upper Fillmore
20 Street, North Beach, Union Street, Valencia Street, 24th Street-
21 Mission Districts. Rear yards shall be provided at the second story,
22 and at each succeeding story of the building, and at the first story if
23 it contains a dwelling 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 abut adjacent lots with an existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce this rear yard requirement pursuant to the procedures of subsection (e).

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



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

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

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

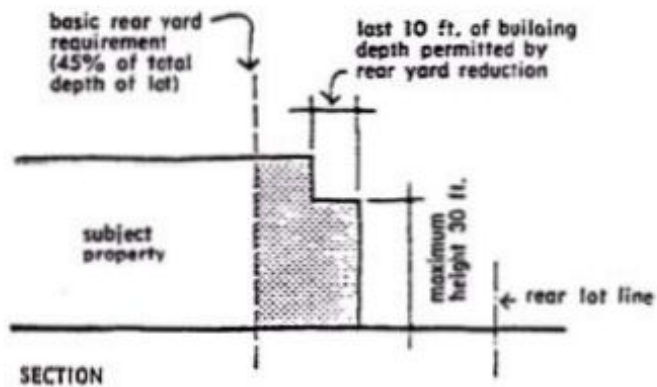
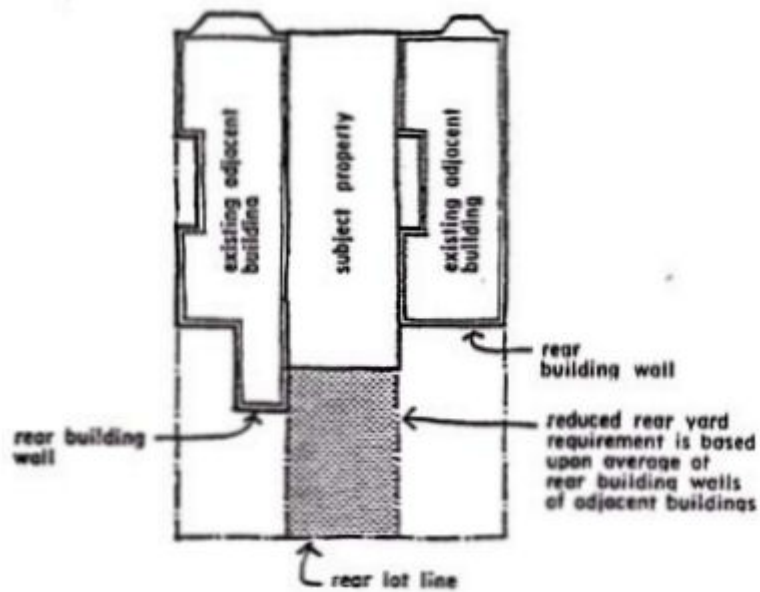
5 (1) General Rule. In such districts, the forward edge of the required rear
6 yard shall be reduced to a line on the subject lot, parallel to the rear lot
7 line of such lot, which is an average between the depths of the rear
8 building walls of the two adjacent buildings. Except for single room
9 occupancy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

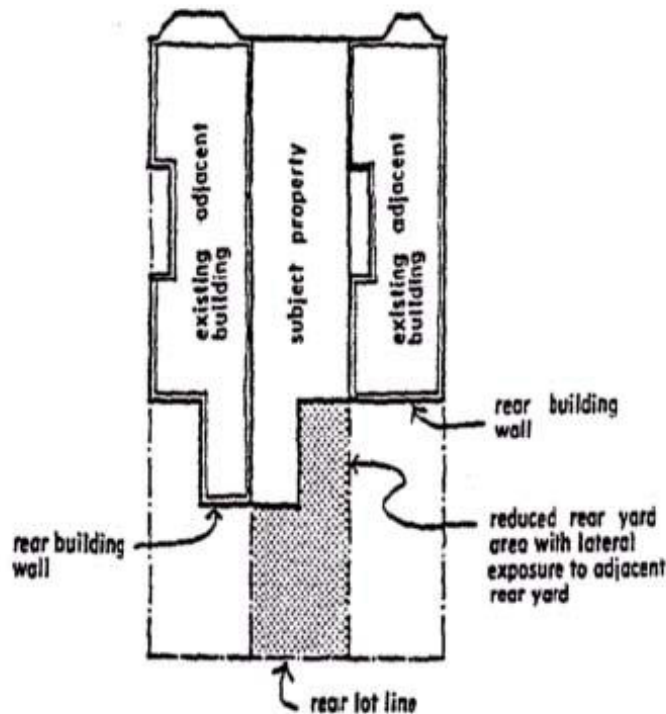
14 (2) Alternative Method of Averaging. If, under the rule stated in
15 Paragraph (c)(1) above, a reduction in the required rear yard is permitted,
16 the reduction may alternatively be averaged in an irregular manner;
17 provided that the area of the resulting reduction shall be no more than the
18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

24 (3) Method of Measurement. For purposes of this Subsection (c), an
25 "adjacent building" shall mean a building on a lot adjoining the subject lot

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

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





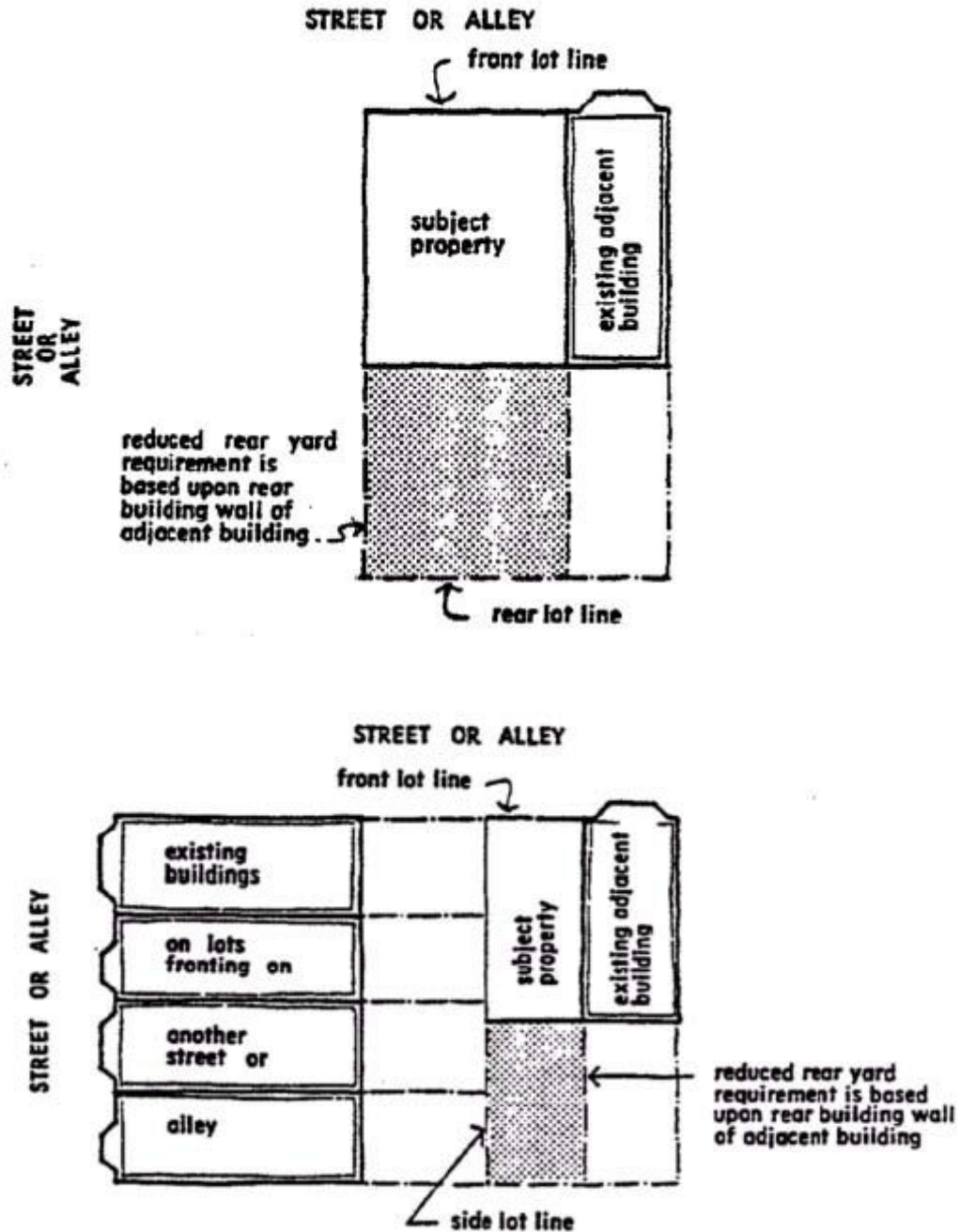
(A) Corner Lots and Lots at Alley Inter-sections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the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

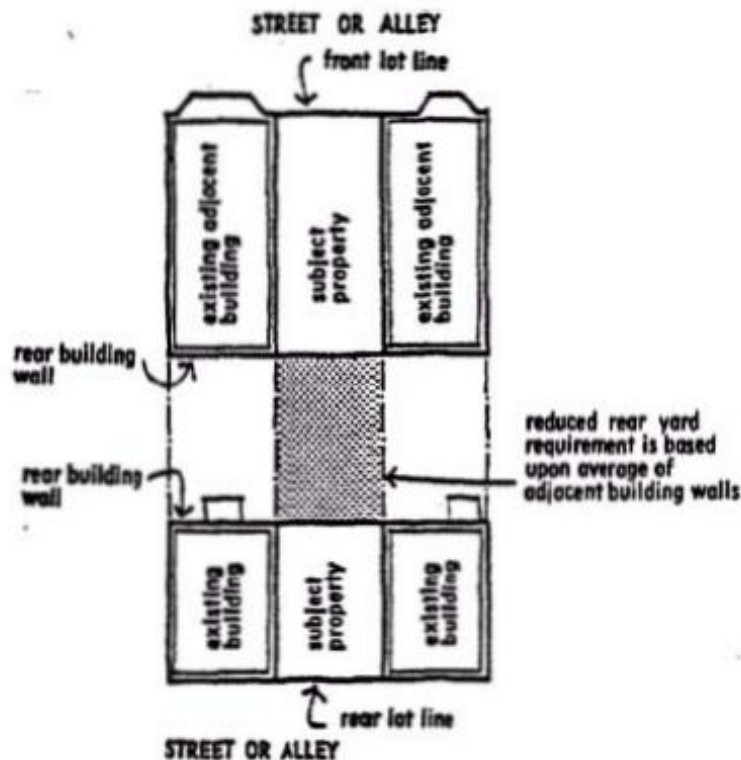
1 case of any lot that abuts along both its side lot lines upon lots with
2 buildings that front on another street or alley, both lots on which it
3 so abuts shall be disregarded, and the minimum rear yard depth
4 for the subject lot shall be equal to 25 percent of the total depth of
5 the subject lot,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

1 setback areas shall be applicable along both street or alley
2 frontages of the subject through lot.
3



(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.

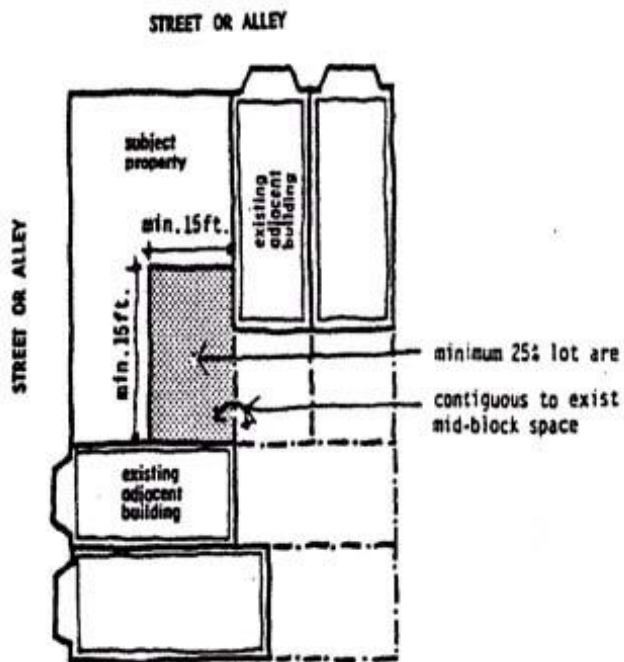
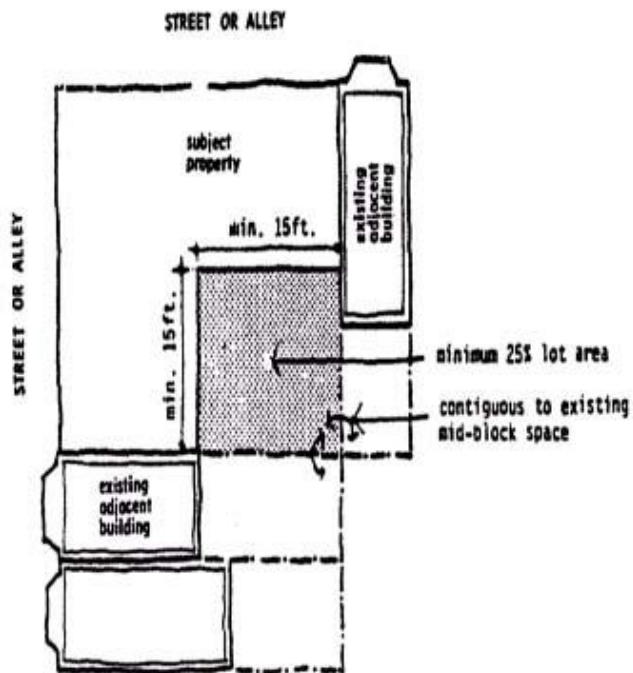
9 The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional
10 conditions as are deemed necessary by the Zoning Administrator to further the purposes of
11 this Section.

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.
24
25



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

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

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

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

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

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

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

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

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

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

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

bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

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

TABLE 135

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable OpenSpace That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, <u>RTO</u>	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33

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

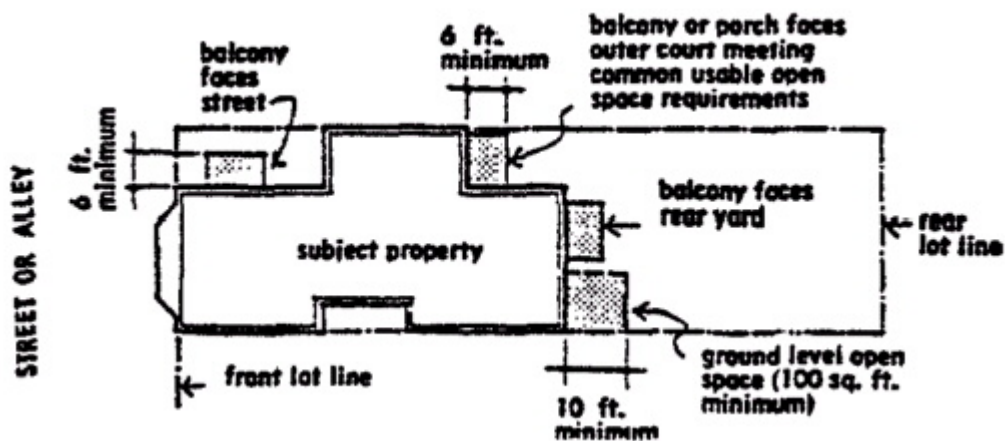
(f) **Private Usable Open Space: Additional Standards.**

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

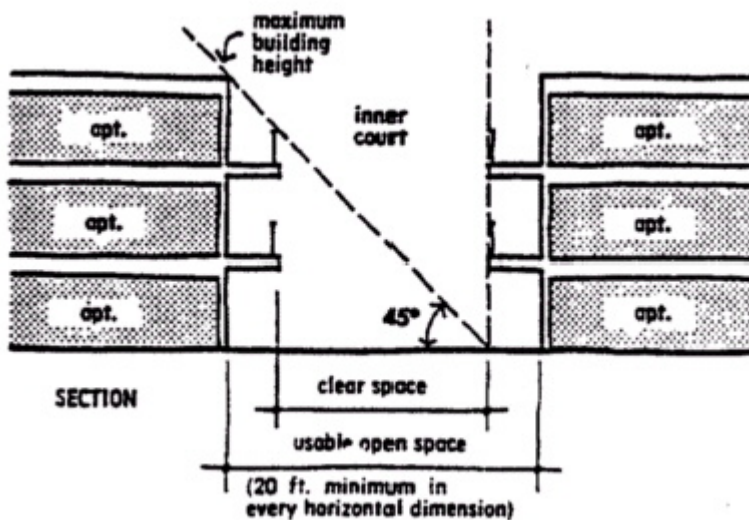
(4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear

1 glazing on not less than 50 percent of its perimeter and (ii) not less than 30 percent of its overhead area
2 and 25 percent of its perimeter are open or can be opened to the air.

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

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

7 (2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as
8 common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension
9 and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection
10 135(c) above) the height of the walls and projections above the court on at least three sides (or 75
11 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is
12 higher than one foot for each foot that such point is horizontally distant from the opposite side of the
13 clear space in the court.



22 (3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as
23 common usable open space if the space is not less than 15 feet in every horizontal dimension and 300
24

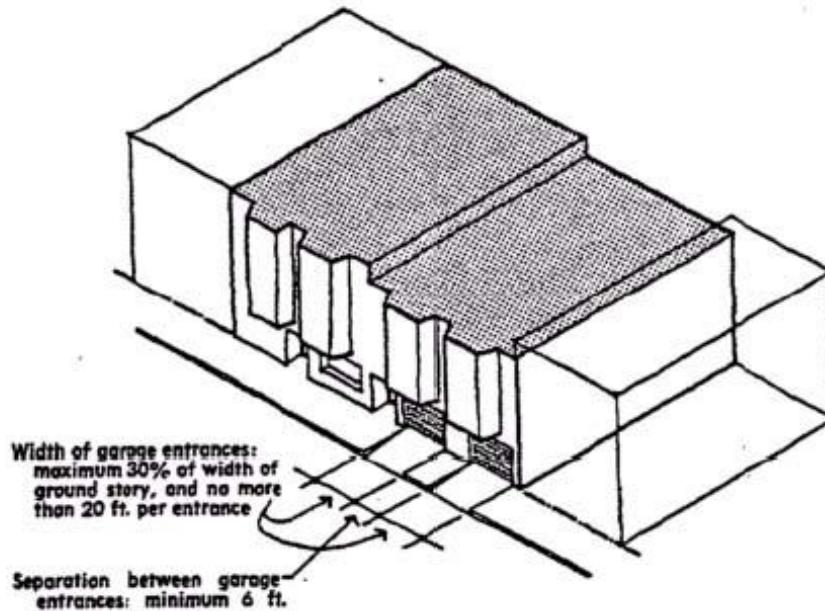
1 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less
2 than 30 percent of its perimeter and 30 percent of its overhead area.

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

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

11 (b) Entrances to Off-Street Parking. Except as otherwise provided herein, in the case
12 of every dwelling in such districts no more than 30 percent of the width of the ground
13 story along the front lot line, or along a street side lot line, or along a building wall that
14 is set back from any such lot line, shall be devoted to entrances to off-street parking,
15 except that in no event shall a lot be limited by this requirement to a single such
16 entrance of less than 16 feet in width, or to a single such entrance of less than 8 feet in RTO
17 districts. In addition, no entrance to off-street parking for a dwelling on any lot shall be
18 wider than 20 feet, and where two or more separate entrances are provided there shall
19 be a minimum separation between such entrances of six feet. Lots in RTO districts are
20 limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. The
21 requirements of this Subsection (b) shall not be applicable where the lot has an upward
22 or downward slope from the front lot line to the forward edge of the required rear yard,
23 along the centerline of the building, of more than 20 percent; or where the lot depth and
24 the requirements of this Code for dimensions, areas and open spaces are such that the
25

permitted building depth is less than 40 feet in an RH-2 District or less than 65 feet in an RH-3, RM-1 or RM-2 District.



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

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

SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL DISTRICTS.

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

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

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

No.	Zoning Control Category
.40	Other Retail Sales and Services
.41	Bar
.42	Full-Service Restaurant
.43	Small Fast Food Restaurant
.44	Large Fast Food Restaurant

.45	Take-Out Food
.46	Movie Theater
.49	Financial Service
.50	Limited Financial Service
.51	Medical Service
.52	Personal Service
.53	Business or Professional Service
.55	Tourist Hotel
.61	Automobile Sale or Rental
.62	Animal Hospital
.65	Trade Shop
.70	Administrative Service

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

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

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

12
13 (d) **Required Ground Floor Commercial Uses.** In the locations listed in this subsection, active,
14 pedestrian-oriented commercial uses, as described in subsection (e), and permitted by the specific
15 district in which it is located, are a required ground floor use on street-facing building frontages.
16 Where these uses are required, they shall occupy no less than 75 percent of the building frontage to a
17 depth of not less than 25 feet, and shall be open at the pedestrian eye level, allowing visibility to the
18 inside of the building, and shall meet the standards described in subsection (a). This requirement
19 applies to the following street frontages:

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

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

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

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

24 (e) **Definition of Active Uses.**
25

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

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

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

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

Table 145.1

Other Retail Sales and Services

§ 790.102

[Not Listed Below]

1	<u>Bar</u>	<u>§ 790.22</u>
2		
3	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>
4	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>
5		
6	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>
7	<u>Liquor Store</u>	<u>§ 790.55</u>
8		
9	<u>Other Entertainment</u>	<u>§ 790.38</u>
10	<u>Financial Service</u>	<u>§ 790.110</u>
11		
12	<u>Limited Financial Service</u>	<u>§ 790.112</u>
13	<u>Medical Service</u>	<u>§ 790.114</u>
14		
15	<u>Personal Service</u>	<u>§ 790.116</u>
16	<u>Business or Professional</u>	<u>§ 790.108</u>
17	<u>Service</u>	
18		
19	<u>Automotive Service Station</u>	<u>§ 790.17*</u>
20	<u>Automotive Repair</u>	<u>§ 790.15*</u>
21		
22	<u>Automobile Sale or Rental</u>	<u>§ 790.12*</u>
23	<u>Animal Hospital</u>	<u>§ 790.6</u>
24		
25		

<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

1 located, are a required ground floor use on street-facing building frontages in the
2 locations listed in this subsection. Where these uses are required, they shall
3 occupy no less than 75 percent of the building frontage and shall be open at the
4 pedestrian eye level, allowing visibility to the inside of the building. Such
5 openings shall use clear, untinted, glass except for decorative or architectural
6 accent. Any decorative railings or decorative grille work, other than wire mesh,
7 which is placed in front of or behind such windows, shall be at least 75 percent
8 open to perpendicular view. This requirement applies to the following street
9 frontages:

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

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

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

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

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

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

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

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

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

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

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

20 (C) Residential Uses described in 890.88 are considered active
21 uses only if a majority of residential uses at the ground level have
22 direct, individual pedestrian access to a public sidewalk or street.
23 Spaces accessory to residential uses, such as fitness or
24 community rooms, are considered active uses only if they meet the
25

intent of this section and have access directly to the public sidewalk or street.

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

Table 145.4

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

1	890.80*	Public Use
2	890.88*	Residential Use
3	890.90	Restaurant, Fast-Food (Small)
4	890.91	Restaurant, Fast-Food (Large)
5	890.92	Restaurant, Full-Service
6	890.102	Sales and Service, Other Retail
7	890.104	Sales and Services, Retail
8	890.112	Service, Limited Financial
9	890.116	Service, Personal
10	890.122	Take-Out Food
11	890.124	Trade Shop
12	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 unit in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District</u>	<u>P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit subject to the criteria and procedures of Section 151.1(f). NP above two cars for each four dwelling units. NP above one car for each four dwelling units.</u>
<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 .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. NP above .75 cars for each dwelling unit. C up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); 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). Upper Market NCT see 151.1(g)</u>
Dwelling units in NCT Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area.	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>Dwelling units in RTO Districts, except as specified below</u>	<u>P up to three <u>two</u> three cars for each four dwelling units; C up to one <u>one</u> .75 <u>one</u> cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one <u>one</u> .75 <u>one</u> cars 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 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(f). NP above.</u>
<u>Retail grocery store uses in NCT districts with over 20,000 square feet of occupied floor area</u>	<u>P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(f). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(f). NP above.</u>

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

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

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

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

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

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

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

1 not significantly increase the capacity of the parking space above the maximums
2 in Table 151.1;

3 (2) For any project with residential accessory parking in excess of 0.375
4 parking spaces for each dwelling unit, the project complies with the housing
5 requirements of Sections 315

6 through 315.9 of this Code except as follows: the inclusionary housing
7 requirements that apply to projects seeking conditional use authorization as
8 designated in Section 315.3(a)(2) shall apply to the project.

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

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

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

18 (1) Parking for all uses

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

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

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

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

6 (2) Parking for Residential Uses

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

11 (3) Parking for Non-Residential Uses

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

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

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

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

(g) In Upper Market NCT projects are permitted one parking space per two units and can be granted a conditional use permit for up to one parking space per unit if they meet the performance criteria outlined in Section 151.1(f).

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

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

Table 152

OFF-STREET FREIGHT LOADING SPACES REQUIRED

(OUTSIDE C-3 AND SOUTH OF MARKET DISTRICTS)

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, wholesaling, manufacturing, live/work units in newly constructed structures, and all other uses primarily engaged in the handling of goods.	0--10,000	0
	10,001--60,000	1
	60,001--100,000	2
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
Offices, hotels, apartments, live/work units not	0--100,000	0

1	included above, and all other uses not included above	100,001-- 200,000	1
2		200,001-- 500,000	2
3		over 500,000	3 plus 1 for each additional 400,000 sq. ft.
4			
5			

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

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

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

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

(3) Where a structure or use is divided by a zoning district boundary line, the requirements as to quantity of off-street parking and loading spaces shall be

1 calculated in proportion to the amount of such structure or use located in each
2 zoning district.

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

6 (5) When the calculation of the required number of off-street parking or freight
7 loading spaces results in a fractional number, a fraction of 1/2 or more shall be
8 adjusted to the next higher whole number of spaces, and a fraction of less than
9 1/2 may be disregarded.

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

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

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

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

23 (a) Parking Spaces.

24 (1) Every required off-street parking space shall have a minimum area of 160
25 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

1 a minimum vertical clearance including entry and exit of 14 feet, except as provided
2 below.

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

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

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

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

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

23 (a) Every required off-street parking or loading space shall be located on the
24 same lot as the use served by it, except as provided in Sections 159, 160 and
25 161 of this Code.

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

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

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

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

23 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-
24 G, and South of Market Districts shall be completely enclosed and access from a public
25 street or alley shall be provided by means of a private service driveway, which is totally

1 contained within the structure. Such a private service driveway shall include adequate
2 space to maneuver trucks and service vehicles into and out of all provided spaces, and
3 shall be designed so as to facilitate access to the subject property while minimizing
4 interference with street and sidewalk circulation. Any such private service driveway
5 shall be of adequate width to accommodate drive-in movement from the adjacent curb
6 or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing,
7 if an adjacent street or alley is determined to be primarily used for building service,
8 pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, or the
9 provisions of Section 307(g) in a South of Market District, up to four spaces may be
10 allowed to be individually accessible directly from such a street or alley.

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

15 (f) In a C-3 or South of Market District, whenever off-street freight loading spaces are
16 provided, freight elevators immediately accessible from the loading dock shall be
17 provided to all floors which contain uses that are included in the calculation of required
18 number of freight loading spaces. If freight loading facilities are subterranean, the
19 location and operation of freight elevators shall be designed, where feasible, to
20 discourage use of freight elevators for deliveries from the ground floor. Directories of
21 building tenants shall be provided at all freight elevators. A raised loading dock or
22 receiving area shall be provided with sufficient dimensions to provide for short-term
23 storage of goods. All required freight loading and service vehicle spaces shall be made
24 available only to those vehicles at all times, and provision shall be made to minimize
25

1 interference between freight loading and service operations, and garbage dumpster
2 operations and storage.

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

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

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

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

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

24 (l) Driveways crossing sidewalks shall be no wider than necessary for ingress and
25 egress, and shall be arranged, to the extent practical, so as to minimize the width and

1 frequency of curb cuts, to maximize the number and size of on-street parking spaces
2 available to the public, and to minimize conflicts with pedestrian and transit
3 movements.

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

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

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

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

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

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

23 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except
24 as set forth in Section 827.
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 10th 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 16th 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 allowed on streets not listed in subsection (2) above as an exception in the manner

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

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

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

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

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

(B) Parking at the ground-level to the full height of the ground-level parking shall be lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet along all street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems. So as not to preclude conversion of parking space

1 to other uses in the future, parking at the ground-level shall not be sloped
2 and shall have a minimum clear ceiling height of nine feet.

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

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

22 (2) Residential accessory parking. For residential accessory off-street parking
23 in C-3 Districts, two additional floors of above-grade parking beyond the at-
24 grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35
25

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

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

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

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

24 (A) As a conditional use in accordance with the criteria set forth in
25 Section 303, provided it can be clearly demonstrated that transportation

1 easements or contaminated soil conditions make it practically infeasible
2 to build parking below-ground. The determination of practical infeasibility
3 shall be made based on an independent, third-party geotechnical
4 assessment conducted by a licensed professional and funded by the
5 project sponsor. The Planning Director shall make a determination as to
6 the objectivity of the study prior to the Planning Commission's
7 consideration of the conditional use permit application.

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

1 subsection 155(s)(3)(B) shall sunset eight years from the effective date of
2 the ordinance enacting this subsection.

3 (4) Parking lots permitted in C-3 Districts as temporary uses according to
4 Section 156(h) and expansions of existing above-grade publicly accessible
5 parking facilities are not subject to the requirements of subsections 155(s)(1)--
6 (3).

7 (5) Parking and Loading Access.

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

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

21 **SEC. 156. PARKING LOTS.**

22 (a) A "parking lot" is hereby defined as an off-street open area or portion thereof
23 solely for the parking of passenger automobiles. Such an area or portion shall be
24 considered a parking lot whether or not on the same lot as another use, whether or not
25

1 required by this Code for any structure or use, and whether classified as an accessory,
2 principal or conditional use.

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

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

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

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

22 (f) All artificial lighting used to illuminate a parking lot for any number of automobiles in
23 any R, NC, C, or South of Market District shall be so arranged that all direct rays from
24 such lighting fall entirely within such parking lot.
25

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

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

9 (i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections
10 813 through 818 of this Code shall be screened from views from every street, except at
11 driveways necessary for ingress and egress, by a solid fence or a solid wall not less
12 than four feet in height, except where this requirement would prevent otherwise
13 feasible use of the subject lot as an open space or play area for nearby residents.

14 **SEC. 166. CAR SHARING.**

15 (a) Findings. The Board hereby finds and declares as follows: One of the challenges
16 posed by new development is the increased number of privately-owned automobiles it
17 brings to San Francisco's congested neighborhoods. Growth in the number of privately-
18 owned automobiles increases demands on the City's limited parking supply and often
19 contributes to increased traffic congestion, transit delays, pollution and noise. Car-
20 sharing can mitigate the negative impacts of new development by reducing the rate of
21 individual car-ownership per household, the average number of vehicle miles driven
22 per household and the total amount of automobile-generated pollution per household.
23 Accordingly, car-sharing services should be supported through the Planning Code
24 when a car-sharing organization can demonstrate that it reduces: (i) the number of
25

1 individually-owned automobiles per household; (ii) vehicle miles traveled per
2 household; and (iii) vehicle emissions generated per household.

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

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

16 (2) A "certified car-share organization" is any public or private entity that
17 provides a membership-based car-share service to the public and manages,
18 maintains and insures motor vehicles for shared use by individual and group
19 members. To qualify as a certified car-share organization, a car-share
20 organization shall submit a written report prepared by an independent third party
21 academic institution or transportation consulting firm that clearly demonstrates,
22 based on a statistically significant analysis of quantitative data, that such car-
23 sharing service has achieved two or more of the following environmental
24 performance goals in any market where they have operated for at least two
25 years: (i) lower household automobile ownership among members than the

1 market area's general population; (ii) lower annual vehicle miles traveled per
2 member household than the market area's general population; (iii) lower annual
3 vehicle emissions per member household than the market area's general
4 population; and (iv) higher rates of transit usage, walking, bicycling and other
5 non-automobile modes of transportation usage for commute trips among
6 members than the market area's general population. This report shall be called
7 a Car-sharing Certification Study and shall be reviewed by Planning Department
8 staff for accuracy and made available to the public upon request. The Zoning
9 Administrator shall only approve certification of a car-share organization if the
10 Planning Department concludes that the Certification Study is technically
11 accurate and clearly demonstrates that the car-share organization has achieved
12 two or more of the above environmental performance goals during a two-year
13 period of operation. The Zoning Administrator shall establish specific
14 quantifiable performance thresholds, as appropriate, for each of the three
15 environmental performance goals set forth in this subsection.

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

21 (4) An "off-street car-share parking space" is any parking space generally
22 complying with the standards set forth for the district in which it is located and
23 dedicated for current or future use by any car share organization through a deed
24 restriction, condition of approval or license agreement. Such deed restriction,
25 condition of approval or license agreement must grant priority use to any

1 certified car-share organization that can make use of the space, although such
2 spaces may be occupied by other vehicles so long as no certified car-share
3 organization can make use of the dedicated car-share spaces. Any off-street
4 car-share parking space provided under this Section must be provided as an
5 independently accessible parking space. In new parking facilities that do not
6 provide any independently accessible spaces other than those spaces required
7 for disabled parking, off-street car-share parking may be provided on vehicle lifts
8 so long as the parking space is easily accessible on a self-service basis 24
9 hours per day to members of the certified car-share organization. Property
10 owners may enact reasonable security measures to ensure such 24-hour
11 access does not jeopardize the safety and security of the larger parking facility
12 where the car-share parking space is located so long as such security measures
13 do not prevent practical and ready access to the off-street car-share parking
14 spaces.

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

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

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

20 (1) In newly constructed buildings containing residential uses or existing buildings being
21 converted to residential uses, if parking is provided, car-share parking spaces shall be
22 provided in the amount specified in Table 166. In newly constructed buildings in NCT Districts or
23 the Van Ness and Market Downtown Residential Special Use District containing parking for non-
24 residential uses, including non-accessory parking in a garage or lot, car-share parking spaces shall be
25 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><i>Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility</i></u>	<u><i>Number of Required Car Share Parking Spaces</i></u>
<u><i>0-24</i></u>	<u><i>0</i></u>
<u><i>25-49</i></u>	<u><i>1</i></u>
<u><i>50 or more</i></u>	<u><i>1, plus 1 for every 50 parking spaces over 50</i></u>

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

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

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

(B) Prior to Planning Department approval of the first building or site permit for a building subject to the car share requirement, a Notice of

1 Special Restriction on the property shall be recorded indicating the nature
2 of requirements of this Section and identifying the minimum number and
3 location of the required car-share parking spaces. The form of the notice
4 and the location or locations of the car-share parking spaces shall be
5 approved by the Planning Department;

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

8 (D) if it is demonstrated to the satisfaction of the Planning Department
9 that no certified car-share organization can make use of the dedicated
10 car-share parking spaces, the spaces may be occupied by non-car-share
11 vehicles; provided, however, that upon ninety (90) days of advance
12 written notice to the property owner from a certified car-sharing
13 organization, the property owner shall terminate any non car-sharing
14 leases for such spaces and shall make the spaces available to the car-
15 share organization for its use of such spaces.

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

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

24 **SEC. 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW**
25 **RESIDENTIAL BUILDINGS.**

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

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

SEC. 201. CLASSES OF USE DISTRICTS.

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

P	Public Use Districts
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit

1	RH-2	Residential, House Districts, Two-Family
2	RH-3	Residential, House Districts, Three-Family
3	RM-1	Residential, Mixed Districts, Low Density
4	RM-2	Residential, Mixed Districts, Moderate Density
5	RM-3	Residential, Mixed Districts, Medium Density
6	RM-4	Residential, Mixed Districts, High Density
7	RC-1	Residential-Commercial Combined Districts, Low Density
8	RC-2	Residential-Commercial Combined Districts, Moderate Density
9	RC-3	Residential-Commercial Combined Districts, Medium Density
10	RC-4	Residential-Commercial Combined Districts, High Density
11	<u>RTO</u>	<u>Residential, Transit-Oriented Neighborhood Districts</u>
12	Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
13	NC-1	Neighborhood Commercial Cluster District
14	NC-2	Small-Scale Neighborhood Commercial District
15	NC-3	Moderate-Scale Neighborhood Commercial District
16	NC-S	Neighborhood Commercial Shopping Center District
17	Individual Area Districts	
18	Broadway Neighborhood Commercial District	
19	Castro Street Neighborhood Commercial District	
20	Inner Clement Street Neighborhood Commercial District	
21	Outer Clement Street Neighborhood Commercial District	
22	Upper Fillmore Street Neighborhood Commercial District	
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1	Haight Street Neighborhood Commercial District
2	Hayes-Gough Neighborhood Commercial District
3	Inner Sunset Neighborhood Commercial District
4	Upper Market Street Neighborhood Commercial District
5	North Beach Neighborhood Commercial District
6	Polk Street Neighborhood Commercial District
7	Sacramento Street Neighborhood Commercial District
8	Union Street Neighborhood Commercial District
9	Valencia Street Neighborhood Commercial District
10	24th Street-Mission Neighborhood Commercial District
11	24th Street-Noe Valley Neighborhood Commercial District
12	West Portal Avenue Neighborhood Commercial District
13	
14	
15	<u>Neighborhood Commercial Transit Districts (NCT)</u>
16	<u>NCT-3</u>
17	<u>Moderate Scale Neighborhood Commercial Transit District</u>
18	
19	<u>Individual Area Neighborhood Commercial Transit (NCT) Districts</u>
20	<u>Hayes-Gough NCT</u>
21	<u>Upper Market Street NCT</u>
22	
23	
24	Chinatown Mixed Use Districts
25	

(Also see Article 8)	
CCB	Chinatown Community Business District
CR/NC	Chinatown Residential/Neighborhood Commercial District
CVR	Chinatown Visitor Retail District
C-1	Neighborhood Shopping Districts
C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts
South of Market Use Districts (Also see Article 8)	
RED	Residential Enclave Districts
SPD	South Park District
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District
Downtown Residential Districts (Also see Article 8)	
RH DTR	Rincon Hill Downtown Residential
Mission Bay Districts (Also see Article 9)	
MB-R-1	Mission Bay Lower Density Residential District
MB-R-2	Mission Bay Moderate Density Residential District
MB-R-3	Mission Bay High Density Residential District
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District

MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
MB-O	Mission Bay Office District
MB-CI	Mission Bay Commercial-Industrial District
MB-H	Mission Bay Hotel District
MB-CF	Mission Bay Community Facilities District
MB-OS	Mission Bay Open Space District

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

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

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

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

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

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

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

8 (f) In RTO districts, the Duboce Triangle Flexible Density Special Use District,
9 RTO districts, dwelling units that are affordable (meeting the criteria of Section
10 326.3(h)(2)(B) or the requirements of Section 315) shall not count toward density
11 calculations or be limited by lot area.
12

13 **SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL**
14 **DISTRICTS.**

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

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

21 The dwelling unit density in Neighborhood Commercial Districts shall be at a density
22 ratio not exceeding the number of dwelling units permitted in the nearest Residential District,
23 provided that the maximum density ratio shall in no case be less than the amount set forth in
24 the following table. The distance to each Residential District shall be measured from the
25

midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density.

NC District	Residential Density Limits
NC-1	One dwelling unit for each 800 sq. ft of lot area.
NC-2	
NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	One dwelling unit for each 600 sq. ft. of lot area.
Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Union Street	
Valencia Street	
24th Street-Mission	
24th Street-Noe Valley	
Broadway	One dwelling unit for each 400 sq. ft. of lot area.
Hayes-Gough	
Upper Market Street	
North Beach	
Polk Street	

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

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

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.

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

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

Table 208

MAXIMUM DENSITY FOR
GROUP HOUSING

District	Minimum Number of
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1		Square Feet of Lot Area for Each Bedroom
2		
3	RH-2	415
4	RH-3, RM-1, RC-1	275
5	RM-2, RC-2	210
6	RM-3, RC-3	140
7	RM-4, RC-4	70
8		
9	NC-1	275
10	NC-2	
11	NC-S	
12	Inner Sunset	
13	Sacramento Street	
14	West Portal Avenue	
15		
16	NC-3	210
17	NC-S	
18	Castro Street	
19	Inner Clement Street	
20	Outer Clement Street	
21	Upper Fillmore Street	
22	Haight Street	
23	Union Street	
24	Valencia Street	
25	24th Street-Mission	
	24th Street-Noe Valley	
	Broadway	140
	Hayes-Gough	
	Upper Market Street	
	North Beach	
	Polk Street	

1	Chinatown Community Business	70
2	Chinatown Residential	
3	Neighborhood Commercial	
4	Chinatown Visitor Retail	
5		
6	RED	140
7	RSD, SLR, SLI and SSO	70
8	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. ~~In the Duboce Triangle Flexible Density Special Use District, the group housing density may only exceed 275 square feet of lot area per bedroom with Conditional Use authorization per the criteria of Section 249.35.~~

SEC. 209.1. DWELLINGS.

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

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				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>CP</u> <u>C</u>			P	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.
								P	<u>CP</u> <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.

1	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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									CP C					<u>(n) Dwelling at a density not 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 the Residential Design Guidelines and other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. In lieu of the conditions of Section 303, the Planning Commission shall affirmatively find all of the following: (1) the proposed project has a physical design and articulation compatible with the character of surrounding structures, (2) that the proposed accessory parking does not exceed that amount principally permitted under Section 151.1 without Conditional Use, and (3) the project meets all the minimum Code requirements without variance for usable open space, exposure, rear yards and setbacks.</u>
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									G					(e) In the Duboce Triangle Flexible Density Special Use District, dwelling at a density not limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, and meeting the criteria of Sec. 249.35.
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SEC. 209.2. OTHER HOUSING.

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

1														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.
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8				C	C	P	P	P	P	<u>P</u>	P	P	P	P
9														(b) Group housing, religious orders: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a religious order calling for collective work or worship and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
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1			C	C	C	C	C	C	<u>C</u>	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.
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20			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
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														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>RTO</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons

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														in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
C	C	C	C	C	C	C	C	C	C	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).)

1	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
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6	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).)
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13	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(g) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
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18	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
19															
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25	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(i) Post secondary

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														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	<u>C</u>	C	C	C	C	(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)
										P	P	P	P	(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that: (a) the medical cannabis

1													dispensary has applied for a permit from the
2													Department of
3													Public Health
4													pursuant to Section
5													3304 of the San
6													Francisco Health
7													Code; (b) if medical
8													cannabis is smoked
9													on the premises, the
10													parcel containing
11													the medical
12													cannabis
13													dispensary is
14													located not less
15													than 1,000 feet from
16													the parcel
17													containing the
18													grounds of an
19													elementary or
20													secondary school,
21													public or private, or
22													recreation buildings
23													as defined in
24													Section 209.4(a) of
25													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

1													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 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
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													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.

1														Medical cannabis
2														dispensaries that
3														were in operation as
4														of April 1, 2005, and
5														were not in
6														continuous
7														operation since
8														then, but can
9														demonstrate to the
10														Planning
11														Department, based
12														on any criteria it
13														may develop, that
14														the reason for their
15														lack of continuous
16														operation was not
17														closure due to an
18														actual violation of
19														federal, state or
20														local law, also have
21														18 months from the
22														effective date of this
23														legislation to obtain
24														a permit or must
25														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, community cultural center or other community facility not publicly owned but open for public use, in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC Districts, see also Section 209.9(d).)
										C	C	C	C	(b) Private lodge, private clubhouse, private recreational facility or community facility other than as specified in

														Subsection 209.4(a) above, and which is not operated as a gainful business. (With respect to RC Districts, see also Section 209.9(d).)
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SEC. 209.5. OPEN RECREATION AND HORTICULTURE.

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

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 transmitting, receiving or relay facility described in Sections 227(h) and 227(i)): switching equipment (whether wireline or wireless) that joins or connects occupants, customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.

SEC. 209.7. VEHICLE STORAGE AND ACCESS.

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

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														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>	<i>(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section 155(r) and 144., and the car share requirements of section 166.</i>
C	C	C	C	C	C	C	C	C	<u>C</u>	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.
1	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 parking for such use, under the provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking shall meet, where applicable, the requirements of Section 156 for parking lots, Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of this Code. In considering any application for a conditional use for such parking where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5, the Planning Commission shall consider the criteria set forth in Section 157 of this Code. <u>In RTO districts, such parking shall also be subject to criteria and requirements of Sections 158.1,</u>
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SEC. 209.8. COMMERCIAL ESTABLISHMENTS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
										P	NA	NA	NA	(a) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
										C	NA	NA	NA	(b) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											P	P	P	(c) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment

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

SEC. 209.9. OTHER USES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	<u>RTO</u>	RC-1	RC-2	RC-3	RC-4	
P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other

														applicable provisions of this Code.
SEE SECTIONS 205 THROUGH 205.2														(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.
										P	P	P	P	(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.
C	C	C	C	C	C	C	C	C	C					(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	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	<u>C</u>	P	P	P	P	(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
										P	P	P	P	(i) Arts activities except those uses subject to Sections 209.3(d) or (h).
C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(j) Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches.

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.

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

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

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

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

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

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

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

21
22 **SEC. 270 BULK LIMITS: MEASUREMENT.**

23 (a) The limits upon the bulk of buildings and structures shall be as stated in this Section and
24 in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal
25 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
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300

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

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

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

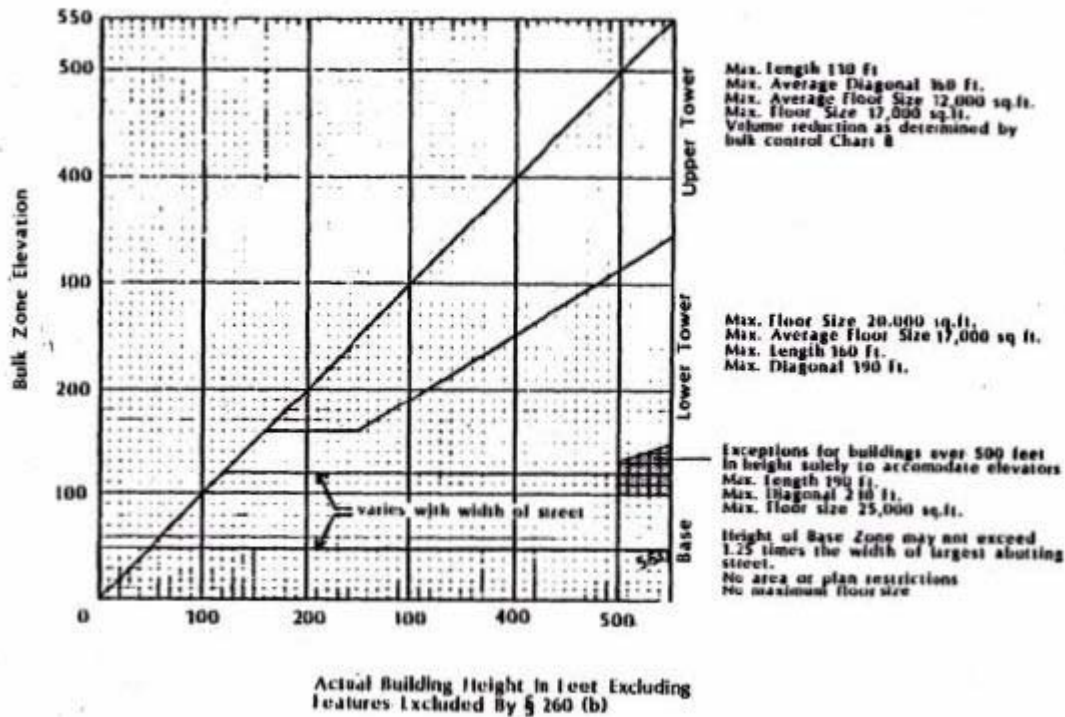
(d) The bulk limits contained in this subsection shall apply in S Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

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

6 (2) Lower Tower.

7 (A) Dimensions. Bulk controls for the lower tower apply to that portion of the building height
8 above the base as shown on Chart B. For buildings of less than 160 feet in height, the lower
9 tower controls are the only bulk controls above the base of the building. The bulk controls for
10 the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square
11 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 height shown on Chart B, which height excludes the vertical attachment

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

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

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

21 (D) Termination of the Tower. The top of the tower shall be massed in a
22 manner that will create a visually distinctive roof or other termination of
23 the building facade. Modifications to a proposed project may be required,
24 in the manner provided in Section 309, to achieve this purpose.
25

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

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

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

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

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

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

17 (D) Buildings between 351 and 550 feet in height may not exceed a plan
18 length of 115 feet and a diagonal dimension of 145 feet. They may not
19 exceed a maximum average floor area of 10,000 gross square feet.
20

21 (E) To allow variety in the articulation of towers, the floor plates of
22 individual floors may exceed the maximums described above by as much
23 as 5 percent, provided the maximum average floor plate is met.
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1 (F) To encourage tower sculpting, the gross floor area of the top one-
2 third of the tower shall be reduced by 10 percent from the maximum floor
3 plates described in (A)--(D) above, unless the overall tower floor plate is
4 reduced by an equal or greater volume.

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

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

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

19 (3) Exceptions to tower spacing and upper tower sculpting requirements. An
20 exception to the 115 feet tower spacing requirement and the upper tower
21 sculpting requirement described in (F) and (G) above may be granted to a
22 project only on Block 3747 on a lot formed by the merger of part or all of Lots
23 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code
24 provided that projects meet the following criteria:
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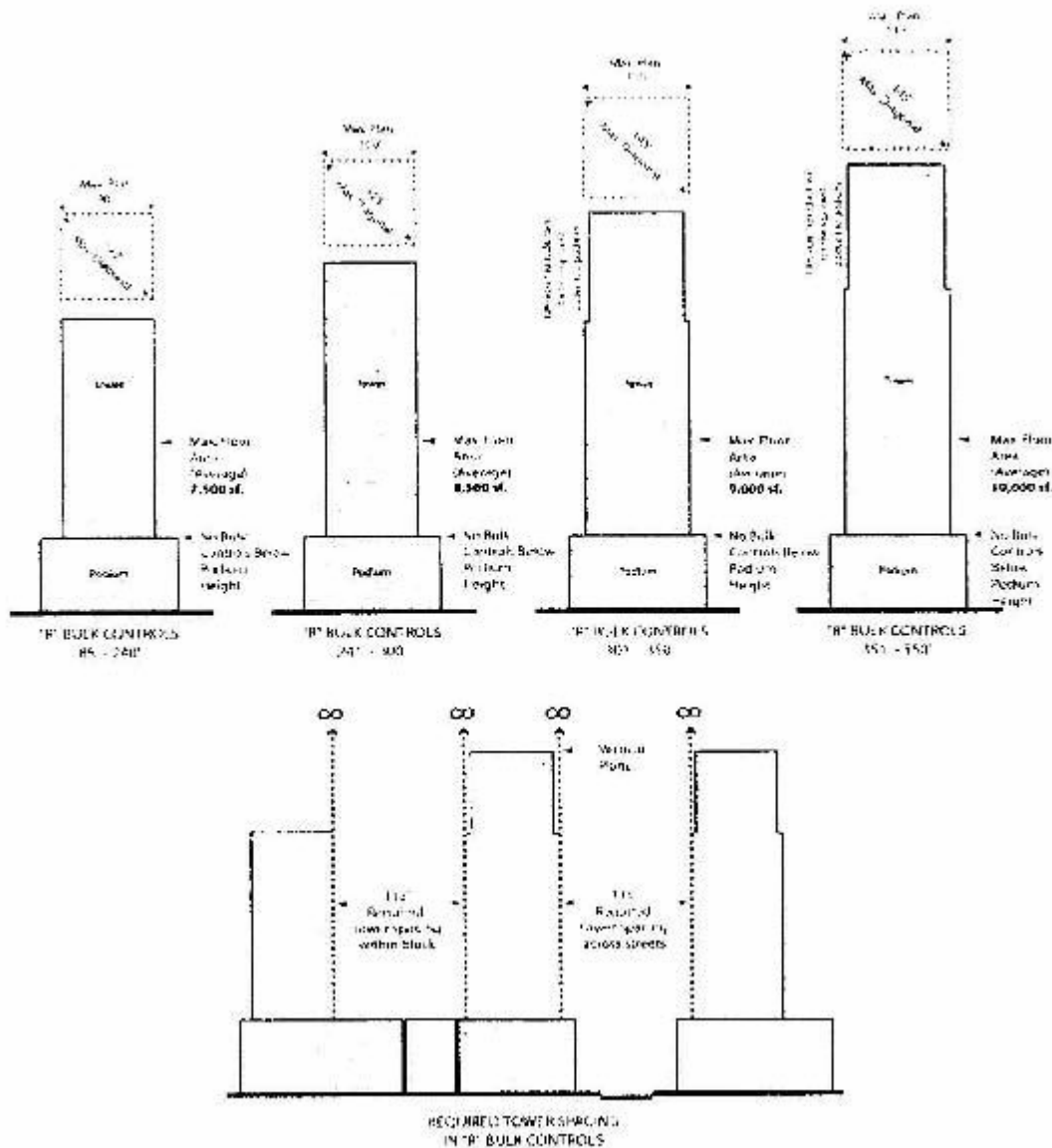
- 1 (i) Applications for environmental review and conditional use related to a
2 building above 85 feet in height on the subject lot have been filed with the
3 Department prior to March 1, 2003 and February 1, 2005, respectively;
- 4 (ii) Given the 115 tower spacing requirement described in (F) above, the
5 existence of an adjacent building greater than 85 feet in height precludes
6 the development of a tower on the subject lot;
- 7 (iii) The subject lot has a total area of no less than 35,000 square feet;
- 8 (iv) The proposed project is primarily residential and has an area of no
9 more than 528,000 gross square feet;
- 10 (v) The proposed project conforms to all other controls described or
11 referenced in Section 827 and any other controls in this Code related to
12 the Rincon Hill DTR District.
- 13 (vi) For the purposes of subsection (iv) above, the term "gross square
14 feet" shall be the sum of the gross areas of all floors of a building or
15 buildings above street grade measured from the exterior faces of exterior
16 walls or from the center lines of walls separating two buildings, excluding
17 area below street grade. Where columns are outside and separated from
18 an exterior wall (curtain wall) which encloses the building space or are
19 otherwise so arranged that the curtain wall is clearly separated from the
20 structural members, the exterior face of the curtain wall shall be the line
21 of measurement, and the area of the columns themselves at each floor
22 shall also be counted.
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1 (4) Allowance for limited reduction in spacing from existing towers. To allow
2 limited variation in tower placement from towers for which a certificate of
3 occupancy has been issued prior to February 1, 2005, a reduction in tower
4 spacing described in (G) above may be granted pursuant to the procedures
5 described in 309.1 of this Code if all the following criteria are met:

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

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

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 (ii) The proposed use will serve the neighborhood, in whole or in
24 significant part, and the nature of the use requires a larger size in
25 order to function; and

1 (iii) The building in which the use is to be located is designed in
2 discrete elements which respect the scale of development in the
3 district; and

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

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

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

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

15 (D) Treatment given, as appropriate, to such aspects as landscaping,
16 screening, open spaces, parking and loading areas, service areas,
17 lighting and signs; and

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

20 (4) With respect to applications filed pursuant to Article 7 of this Code, that
21 such use or feature as proposed will provide development that is in conformity
22 with the stated purpose of the applicable Neighborhood Commercial District, as
23 set forth in zoning control category .1 of Sections 710 through 729 of this Code;
24 and
25

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

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

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

8 (iii) Not use electronic amplification between midnight and six
9 a.m.; and

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

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

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

24 (6) With respect to applications for live/work units in RH₁, ~~and~~ RM₁, and RTO
25 Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

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

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

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

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

14 (d) Conditions. When considering an application for a conditional use as provided
15 herein with respect to applications for development of "dwellings" as defined in Chapter
16 87 of the San Francisco Administrative Code, the Commission shall comply with that
17 Chapter which requires, among other things, that the Commission not base any
18 decision regarding the development of "dwellings" in which "protected class" members
19 are likely to reside on information which may be discriminatory to any member of a
20 "protected class"(as all such terms are defined in Chapter 87 of the San Francisco
21 Administrative Code). In addition, when authorizing a conditional use as provided
22 herein, the City Planning Commission, or the Board of Supervisors on appeal, shall
23 prescribe such additional conditions, beyond those specified in this Code, as are in its
24 opinion necessary to secure the objectives of the Code. Once any portion of the
25 conditional use authorization is utilized, all such conditions pertaining to such

1 authorization shall become immediately operative. The violation of any condition so
2 imposed shall constitute a violation of this Code and may constitute grounds for
3 revocation of the conditional use authorization. Such conditions may include time limits
4 for exercise of the conditional use authorization; otherwise, any exercise of such
5 authorization must commence within a reasonable time.

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

11 (f) Conditional Use Abatement. The Planning Commission may consider the possible
12 revocation of a conditional use or the possible modification of or placement of
13 additional conditions on a conditional use when the Planning Commission determines,
14 based upon substantial evidence, that the applicant for the conditional use had
15 submitted false or misleading information in the application process that could have
16 reasonably had a substantial effect upon the decision of the Commission or the
17 conditional use is not in compliance with a condition of approval, is in violation of law if
18 the violation is within the subject matter jurisdiction of the Planning Commission or
19 operates in such a manner as to create hazardous, noxious or offensive conditions
20 enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of
21 the Planning Commission and these circumstances have not been abated through
22 administrative action of the Director, the Zoning Administrator or other City authority.
23 Such consideration shall be the subject of a public hearing before the Planning
24 Commission but no fee shall be required of the applicant or the subject conditional use
25 operator.

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

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

14 (3) In considering a conditional use revocation, the Commission shall consider
15 whether and how the false or misleading information submitted by the applicant
16 could have reasonably had a substantial effect upon the decision of the
17 Commission, or the Board of Supervisors on appeal, to authorize the conditional
18 use, substantial evidence of how any required condition has been violated or not
19 implemented or how the conditional use is in violation of the law if the violation is
20 within the subject matter jurisdiction of the Planning Commission or operates in
21 such a manner as to create hazardous, noxious or offensive conditions
22 enumerated in Section 202(c) if the violation is within the subject matter
23 jurisdiction of the Planning Commission. As an alternative to revocation, the
24 Commission may consider how the use can be required to meet the law or the
25 conditions of approval, how the hazardous, noxious or offensive conditions can

1 be abated, or how the criteria of Section 303(c) can be met by modifying existing
2 conditions or by adding new conditions which could remedy a violation.

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

14 (5) Reconsideration. The decision by the Planning Commission with regards to
15 a conditional use abatement issue or by the Board of Supervisors on appeal
16 shall be final and not subject to reconsideration within a period of one year from
17 the effective date of final action upon the earlier abatement proceeding, unless
18 the Director of Planning determines that:

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

22 (B) There is substantial new evidence about the same conditional use
23 abatement issue considered in the earlier abatement proceeding, this
24 new evidence was not or could not be reasonably available at the time of
25 the earlier abatement proceeding, and that new evidence indicates that

1 the Commission's decision in the earlier proceeding ha not been
2 implemented within a reasonable time or raises significant new issues not
3 previously considered by the Planning Commission. The decision of the
4 Director of Planning regarding the sufficiency and adequacy of evidence
5 to allow the reconsideration of a conditional use abatement issue within a
6 period of one year from the effective date of final action on the earlier
7 abatement proceeding shall be final.

8 (g) Hotels and Motels.

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

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

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

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

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

23 (A) The proposed project would be located on property under the
24 jurisdiction of the San Francisco Port Commission; and
25

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

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

17 (h) Internet Services Exchange.

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

21 (A) The intensity of the use at this location and in the surrounding
22 neighborhood is not such that allowing the use will likely foreclose the
23 location of other needed neighborhood-serving uses in the area;
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1 (B) The building in which the use is located is designed in discrete
2 elements, which respect the scale of development in adjacent blocks,
3 particularly any existing residential uses;

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

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

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

10 (F) The building is designed to minimize energy consumption, such as
11 through the use of energy-efficient technology, including without
12 limitation, heating, ventilating and air conditioning systems, lighting
13 controls, natural ventilation and recapturing waste heat, and as such
14 commercially available technology evolves;

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

19 (H) The project sponsor shall have submitted design capacity and
20 projected power use of the building as part of the conditional use
21 application; and

22 (2) As a condition of approval, and so long as the use remains an Internet
23 Services Exchange, the project sponsor shall submit to the Planning Department
24 on an annual basis power use statements for the previous twelve-month period
25 as provided by all suppliers of utilities and shall submit a written annual report to

1 the Department of Environment and the Planning Department which shall state:
2 (a) the annual energy consumption and fuel consumption of all tenants and
3 occupants of the Internet Services Exchange; (b) the number of all diesel
4 generators located at the site and the hours of usage, including usage for testing
5 purposes; (c) evidence that diesel generators at the site are in compliance with
6 all applicable local, regional, state and federal permits, regulations and laws;
7 and (d) such other information as the Planning Commission may require.

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

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

14 (B) Upon the effective date of the requirement of a conditional use
15 permit for an Internet Services Exchange, the Planning Department shall
16 submit to the Board of Supervisors and to the Director of the Department
17 of Building Inspection a written report covering all existing Internet
18 Services Exchanges and those Internet Services Exchanges seeking to
19 obtain a conditional use permit, which report shall state the address,
20 assessor's block and lot, zoning classification, square footage of the
21 Internet Services Exchange constructed or to be constructed, a list of
22 permits previously issued by the Planning and/or Building Inspection
23 Departments concerning the Internet Services Exchange, the date of
24 issuance of such permits, and the status of any outstanding requests for
25

1 permits from the Planning and/or Building Inspection Departments
2 concerning Internet Services Exchange; and

3 (C) Within three years from the effective date of the requirement of a
4 conditional use permit for an Internet Services Exchange, the Planning
5 Department, in consultation with the Department of Environment, shall
6 submit to the Board of Supervisors a written report, which report shall
7 contain the Planning Commission's evaluation of the effectiveness of the
8 conditions imposed on Internet Services Exchanges, and whether it
9 recommends additional or modified conditions to reduce energy and fuel
10 consumption, limit airpollutant emissions, and enhance the compatibility
11 of industrial uses, such as Internet Services Exchanges, located near or
12 in residential or commercial districts.

13 (i) Formula Retail Uses.

14 (1) With respect to an application for a formula retail use as defined in Section
15 703.3, whenever a conditional use permit is required per Section 703.3(f), the
16 Planning Commission shall consider, in addition to the criteria set forth in
17 Subsection (c) above:

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

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

22 (C) The compatibility of the proposed formula retail use with the existing
23 architectural and aesthetic character of the Neighborhood Commercial
24 District.

1 (D) The existing retail vacancy rates within the Neighborhood
2 Commercial District.

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

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

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

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

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

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

17 (k) Movie Theater Uses.

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

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

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

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

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

9 (I) Relocation of Existing General Advertising Signs pursuant to a General Advertising
10 Sign Company Relocation Agreement.

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

15 (A) Obtained a current Relocation Agreement approved by the Board of
16 Supervisors under Section 2.21 of the San Francisco Administrative Code
17 that covers the sign or signs proposed to be relocated; and

18 (B) Submitted to the Department a current sign inventory, site map, and
19 the other information required under Section 604.2 of this Code; and

20 (C) Obtained the written consent to the relocation of the sign from the
21 owner of the property upon which the existing sign structure is erected.

22 (D) Obtained a permit to demolish the sign structure at the existing
23 location.

24 (2) The Department, in its discretion, may review in a single conditional use
25 application all signs proposed for relocation by a general advertising company or

1 may require that one or more of the signs proposed for relocation be considered
2 in a separate application or applications. Prior to the Commission's public
3 hearing on the application, the Department shall have verified the completeness
4 and accuracy of the general advertising sign company's sign inventory.

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

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

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

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

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

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

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

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

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

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

11 (i) The sign or signs proposed for relocation are or will be
12 obstructed, partially obstructed, or removed from public view by
13 another structure or by landscaping.

14 (ii) The proposed relocation site is adjacent to or visible from
15 property under the jurisdiction of the San Francisco Port
16 Commission, the San Francisco Unified School District, or the San
17 Francisco Recreation and Park Commission.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 304. PLANNED UNIT DEVELOPMENTS.

In districts other than C-3 or the South of Market Base District, the City Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this

1 Section. After review of any proposed development, the City Planning Commission may
2 authorize such development as submitted or may modify, alter, adjust or amend the plan
3 before authorization, and in authorizing it may prescribe other conditions as provided in
4 Section 303(d). The development as authorized shall be subject to all conditions so imposed
5 and shall be excepted from other provisions of this Code only to the extent specified in the
6 authorization.

7 (a) Objectives. The procedures for Planned Unit Developments are intended
8 for projects on sites of considerable size, developed as integrated units and
9 designed to produce an environment of stable and desirable character which will
10 benefit the occupants, the neighborhood and the City as a whole. In cases of
11 outstanding overall design, complementary to the design and values of the
12 surrounding area, such a project may merit a well reasoned modification of
13 certain of the provisions contained elsewhere in this Code.

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

20 (c) Application and Plans. The application must describe the proposed
21 development in detail, and must be accompanied by an overall development
22 plan showing, among other things, the use or uses, dimensions and locations of
23 structures, parking spaces, and areas, if any, to be reserved for streets, open
24 spaces and other public purposes. The application must include such pertinent
25 information as may be necessary to a determination that the objectives of this

1 Section are met, and that the proposed development warrants the modification
2 of provisions otherwise applicable under this Code.

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

6 (1) Affirmatively promote applicable objectives and policies of the Master
7 Plan;

8 (2) Provide off-street parking adequate for the occupancy proposed;

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

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

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

21 (6) Under no circumstances be excepted from any height limit
22 established by Article 2.5 of this Code, unless such exception is explicitly
23 authorized by the terms of this Code. In the absence of such an explicit
24 authorization, exceptions from the provisions of this Code with respect to
25 height shall be confined to minor deviations from the provisions for

measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

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

(8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

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

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

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

(b) Applicability. Except as indicated herein, all building permit applications for demolition and/or new construction, and/or alteration of residential buildings in RH, ~~and RM~~, and RTO districts shall be subject to the notification and review procedures required by this Section. Subsection 311(e) regarding demolition permits and approval

1 of replacement structures shall apply to all R Districts. For the purposes of this Section,
2 an alteration shall be defined as any change in use or change in the number of dwelling
3 units of a residential building, removal of more than 75 percent of a residential
4 building's existing interior wall framing or the removal of more than 75 percent of the
5 area of the existing framing, or an increase to the exterior dimensions of a residential
6 building except those features listed in Section 136(c)(1) through 136(c)(24) and
7 136(c)(26).

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

18 (1) Residential Design Guidelines. The construction of new residential buildings
19 and alteration of existing residential buildings in R Districts shall be consistent
20 with the design policies and guidelines of the General Plan and with the
21 "Residential Design Guidelines" as adopted and periodically amended for
22 specific areas or conditions by the City Planning Commission. The Director of
23 Planning may require modifications to the exterior of a proposed new residential
24 building or proposed alteration of an existing residential building in order to bring
25 it into conformity with the "Residential Design Guidelines" and with the General

1 Plan. These modifications may include, but are not limited to, changes in siting,
2 building envelope, scale texture and detailing, openings, and landscaping.

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

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

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

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

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

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

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

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

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

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

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 The project sponsor of a building permit application may request discretionary review
25 by the Planning Commission to resolve conflicts between the Director of Planning and the

1 project sponsor concerning requested modifications to comply with the Residential Design
2 Guidelines.

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

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

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

20 (1) The demolition of any building whether or not historically and architecturally
21 important may be approved administratively where the Director of the
22 Department of Building Inspection or the Chief of the Bureau of Fire Prevention
23 and Public Safety determines, after consultation with the Zoning Administrator,
24 that an imminent safety hazard exists, and the Director of the Department of
25

1 Building Inspection determines that demolition or extensive alteration of the
2 structure is the only feasible means to secure the public safety.

3 **SEC. 315.4. ON-SITE HOUSING REQUIREMENT AND BENEFITS.**

4 Except as provided in Section 315.4(e), all housing projects subject to this Program through
5 the application of Section 315.3 shall be required to construct on-site units subject to the
6 following requirements:

7 (a) Number of Units:

8 (1)

9 (A) For any housing development of any height that is located in an area with a specific
10 inclusionary housing requirement, the more specific inclusionary housing requirement shall
11 apply. In addition, the following provisions shall apply only to the following Area Plans as
12 provided below:

13 (i) Market and Octavia Area Plan: The requirements of Sections 315 through 315.9 shall apply
14 in the Plan Area subject to the following:

15 An additional affordable housing requirement shall apply in the Market and Octavia Plan Area
16 as follows:

17 **Definitions.** The definitions in Section 326.2 and 318.2 shall apply.

18 **Amount of fee:** All projects that have not received Planning Department or Commission
19 approval as of the effective date of this legislation and that are subject to the Residential
20 Inclusionary Affordable Housing Program shall pay an additional affordable housing fee of \$10
21 per square foot of Residential Space Subject to the Community Improvements Impact Fee, as
22 follows: \$8.00 in the Van Ness Market Special Use District; \$4.00 in the NCT district; and \$0
23 in the RTO district. A project applicant shall not pay a fee for any square foot of space
24 designated as a below market rate unit under this inclusionary affordable housing program or
25

1 any other unit that is designated as an affordable housing unit under a federal, state, or local
2 restriction in a manner that maintains affordability for a term no less than 50 years.

3 **Timing of payment:** The fee shall be paid before the City issues a first certificate of
4 occupancy for the project. ~~at the same time as the Market and Octavia Community~~
5 ~~Improvements Fee as set out in Section 326.3.~~

6 **Use of Fee:** The additional affordable housing requirement specified in this Section for the
7 Market and Octavia Plan Area shall be paid into the Citywide Affordable Housing Fund, but
8 the funds shall be separately accounted for. MOH shall expend the funds according to the
9 following priorities: First, to increase the supply of housing affordable to qualifying households
10 in the Market and Octavia Plan Area; second, to increase the supply of housing affordable to
11 qualifying households within 1 mile of the boundaries of the Plan Area; third, to increase the
12 supply of housing affordable to qualifying households in the City and County of San
13 Francisco. The funds may also be used for monitoring and administrative expenses subject to
14 the process described in Section 315.6(e).

15 **Other fee provisions:** This additional affordable housing fee shall be subject to the following
16 provisions of Sections 326 et seq.: the inflation adjustment provisions of Section 326.3(d); the
17 waiver and reduction provisions of Section 326.3(h); the lien proceedings in Section 326.4;
18 and the refund provisions of Section 326.5. This additional affordable housing fee may not be
19 met through the in-kind provision of community improvements or Community Facilities (Mello
20 Roos) financing options of Sections 326.3(e) and (f).

21 **Findings:** The Board of Supervisors hereby finds that the additional affordable housing
22 requirements of this Section are supported by the nexus study performed by Keyser Marston
23 and Associates referenced in Section 315.2(12) and found in Board File No. _____. The
24 Board of Supervisors has reviewed the study and staff analysis and report of the study and,
25 on that basis finds that the study supports the current inclusionary housing requirements

1 combined with the additional affordable housing fee. Specifically, the Board finds that the
2 study: identifies the purpose of the additional fee to mitigate impacts on the demand for
3 affordable housing in the City; identifies the use to which the additional fee is to be put as
4 being to increase the City's affordable housing supply; and establishes a reasonable
5 relationship between the use of the additional fee for affordable housing and the need for
6 affordable housing and the construction of new market rate housing. Moreover, the Board
7 finds that the current inclusionary requirements combined with the additional fee are less than
8 the cost of mitigation and do not include the costs of remedying any existing deficiencies. The
9 Board also finds that the study establishes that the current inclusionary requirements and
10 additional fee do not duplicate other city requirements or fees.

11 Furthermore, the Board finds that generally an account has been established, funds
12 appropriated, and a construction schedule adopted for affordable housing projects funded
13 through the Inclusionary Housing program and the additional fee or that the in lieu fees and
14 the additional fee will reimburse the City for expenditures on affordable housing that have
15 already been made.

16 Furthermore, the Board finds that a major Market and Octavia Area Plan objective is to
17 direct new market rate housing development to the area. That new market rate development
18 will greatly outnumber both the number of units and potential new sites within the plan area for
19 permanently affordable housing opportunities. The City and County of San Francisco has
20 adopted a policy in its General Plan to meet the affordable housing needs of its general
21 population and to require new housing development to produce sufficient affordable housing
22 opportunities for all income groups, both of which will not be met by the projected housing
23 development in the plan area. In addition, the "Draft Residential Nexus Analysis City and
24 County of San Francisco" of December 2006 indicates that market rate housing itself
25 generates additional lower income affordable housing needs for the workforce needed to

1 serve the residents of the new market rate housing proposed for the plan area. In order to
2 meet the demand created for affordable housing by the specific policies of the Plan and to be
3 consistent with the policy of the City and County of San Francisco it is found that an additional
4 affordable housing fee need be included on all market rate housing development in the Plan
5 Area with priority for its use being given to the Plan area.

6 (B) Buildings 120 feet in height and under or buildings of over 120 feet in height that do not
7 meet the criteria in subsection (C) below: Except as provided in Subsection (C) below, the
8 Planning Department shall require for housing projects covered by Section 315.3(a)(1), as a
9 condition of Planning Department approval of a project's building permit, and by Section
10 315.3(a)(2), (3) and (4), as a Condition of Approval of a conditional use or planned unit
11 development permit or as a condition of Planning Department approval of a live/work project,
12 that 15 percent of all units constructed on the project site shall be affordable to qualifying
13 households so that a project applicant must construct .15 times the total number of units
14 produced in the principal project beginning with the construction of the fifth unit. If the total
15 number of units is not a whole number, the project applicant shall round up to the nearest
16 whole number for any portion of .5 or above.

17 The Planning Department shall provide written notice by mail to the project applicant of the
18 number of affordable units which shall be required within 30 days of approval by the Planning
19 Department or Planning Commission.

20 (C) Buildings of over 120 feet in height. Except as provided in subsection (A) above, the
21 requirements of this Subsection shall apply to any project that is over 120 feet in height and
22 does not require a Zoning Map amendment or Planning Code text amendment related to its
23 project approvals which (i) results in a net increase in the number of permissible residential
24 units, or (ii) results in a material increase in the net permissible residential square footage as
25 defined in Section 315.3(b)(2) or has not received or will not receive a zoning map

1 amendment or Planning Code text amendment as part of an Area Plan adopted after January
2 1, 2006 which (i) results in a net increase in the number of permissible residential units, or (ii)
3 results in a material increase in the net permissible residential square footage as defined in
4 Section 315.3(b)(2). The Planning Department shall require for housing projects covered by
5 this Subsection and Section 315.3(a)(1), as a condition of Planning Department approval of a
6 project's building permit, or by this Subsection and by Section 315.3(a)(2), (3) and (4), as a
7 Condition of Approval of a conditional use or planned unit development permit or as a
8 condition of Planning Department approval of a live/work project, that 12 percent of all units
9 constructed on the project site shall be affordable to qualifying households so that a project
10 applicant must construct .12 times the total number of units produced in the principal project
11 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
13 or above. Consistent with the conclusions of the Mayor's Office of Housing study authorized in
14 Section 315.8(e), the Mayor's Office of Housing shall recommend and the Board of
15 Supervisors shall consider whether the requirements of this Subsection for buildings of over
16 120 feet in height shall continue or expire after approximately five years.

17 The Planning Department shall provide written notice by mail to the project applicant of the
18 number of affordable units which shall be required within 30 days of approval by the Planning
19 Department or Planning Commission. This notice shall also be sent to project applicants who
20 elect to pay an in-lieu fee.

21 (2) If the principal project has resulted in demolition, conversion, or removal of affordable
22 housing units renting or selling to households at income levels and/or for a rental rate or sales
23 price below corresponding income thresholds for units affordable to qualifying households, the
24 Planning Commission shall require that the project applicant replace the number of affordable
25 units removed with units of a comparable number of bedrooms or provide that 15 percent of

1 all units constructed as part of the new project shall be affordable to qualifying households,
2 whichever is greater.

3 (b) Timing of Construction: On-site inclusionary housing required by this Section 315.4 must
4 be constructed, completed, and ready for occupancy no later than the market rate units in the
5 principal project.

6 (c) Type of Housing: The type of affordable housing needed in San Francisco is documented
7 in the City's Consolidated Plan and the Residence Element of the General Plan. In general,
8 affordable units constructed under this Section 315.4 shall be comparable in number of
9 bedrooms, exterior appearance and overall quality of construction to market rate units in the
10 principal project. The Notice of Special Restrictions or Conditions of Approval shall include a
11 specific number of units at specified unit sizes for affordable units. The square footage of
12 affordable units and interior features in affordable units do not need to be same as or
13 equivalent to those in market rate units in the principal project, so long as they are of good
14 quality and are consistent with then-current standards for new housing. Where applicable,
15 parking shall be offered to the affordable units subject to the terms and conditions of the
16 Department's policy on unbundled parking for affordable housing units as specified in the
17 Procedures Manual and amended from time to time. Unless provided otherwise by the
18 Mayor's Office of Housing in writing, if the units in the market rate portion of the development
19 are ownership units, then the affordable units shall be ownership units and if the market rate
20 units are rental units, then the affordable units shall be rental units.

21 (d) Marketing the Units: The Mayor's Office of Housing shall be responsible for overseeing
22 and monitoring the marketing of affordable units under this Section. In general, the marketing
23 requirements and procedures shall be contained in the Procedures Manual as amended from
24 time to time and shall apply to the affordable units in the project. The Mayor's Office of
25 Housing may develop occupancy standards for units of different bedroom sizes in the

1 Procedures Manual in order to promote an efficient allocation of affordable units. The Mayor's
2 Office of Housing may require in the Procedures Manual that prospective purchasers
3 complete homebuyer education training or fulfill other requirements. The Mayor's Office of
4 Housing shall develop a list of minimum qualifications for marketing firms that market
5 affordable units under this ordinance, referred to the Procedures Manual as Below Market
6 Rate (BMR units). Within 3 months from the effective date of this legislation, the Mayor's
7 Office of Housing shall recommend to the Planning Commission that these minimum
8 qualifications be published in the Procedures Manual such that, upon approval of the
9 qualifications by the Planning Commission, no developer marketing units under the
10 Inclusionary Housing Program shall be able to market BMR units except through a firm
11 meeting all of the minimum qualifications. For purposes of this ordinance, any developer that
12 has not yet submitted a marketing plan to the Mayor's Office of Housing by the date of
13 Planning Commission approval of the qualifications shall be required to comply with this
14 section. The Notice of Special Restrictions or Conditions of Approval shall specify that the
15 marketing requirements and procedures contained in the Procedures Manual as amended
16 from time to time, shall apply to the affordable units in the project.

17 (1) Lottery: At the initial offering of affordable units in a housing project, the Mayor's Office of
18 Housing must require the use of a public lottery approved by the Mayor's Office of Housing to
19 select purchasers or tenants. The Mayor's Office of Housing shall also hold a general public
20 lottery and maintain and utilize a list generated from this lottery or utilize a list generated from
21 a recent lottery at another similar housing project to fill spaces in units that become available
22 for re-sale or occupancy in any housing project subject to this ordinance after the initial
23 offering. The list shall be updated from time to time but in no event less than annually to
24 ensure that it remains current.

1 (2) Preferences: The Mayor's Office of Housing shall create a lottery system that gives
2 preference to people who live or work in San Francisco. MOH shall propose policies and
3 procedures for implementing this preference to the Planning Commission for inclusion in the
4 Procedures Manual. Otherwise, it is the policy of the Board of Supervisors to treat all
5 households equally in allocating affordable units under this Program.

6 (e) Alternatives: The project sponsor may elect to satisfy the requirements of Section 315.4
7 by one of the alternatives specified in this Section. The project sponsor has the choice
8 between the alternatives and the Planning Commission may not require a specific alternative.
9 The project sponsor must elect an alternative before it receives project approvals from the
10 Planning Commission or Planning Department and that alternative will be a condition of
11 project approval. Notwithstanding the foregoing, if a project sponsor elects an alternative other
12 than the on-site alternative, the project sponsor still has the option to choose the on-site
13 alternative up to the issuance of the first site or building permit. If a project sponsor fails to
14 elect an alternative before project approval by the Planning Commission or Planning
15 Department, the provisions of Section 315.4 shall apply. The alternatives are as follows:

16 (1) Constructing units affordable to qualifying households at an alternative site within the City
17 and County of San Francisco pursuant to the requirements of Section 315.5.

18 (2) Paying an in lieu fee to the Mayor's Office of Housing pursuant to the requirements of
19 Section 315.6.

20 (3) Any combination of construction of on-site units as provided in Section 315.4, off-site
21 units as provided in Section 315.5, or payment of an in lieu fee as provided in Section 315.6,
22 provided that the project applicant constructs or pays the fee at the appropriate percentage or
23 fee level required for that option.

24 (4) Using California Debt Limit Allocation Committee (CDLAC) tax-exempt bonds under the
25 requirements of Section 315.5(g).

1 (f) Benefits: If the project applicant elects to satisfy the inclusionary housing requirements
2 through the production of on-site inclusionary housing in this Section 315.4, the project
3 applicant shall at his or her option, be eligible to receive a refund of the following fees: a
4 conditional use or other fee required by Planning Code Section 352, if applicable; an
5 environmental review fee required by Administrative Code Section 31.46B, if applicable; a
6 building permit fee required by the Building Code and by Planning Code Section 355 for the
7 portion of the housing project that is affordable. The project applicant shall pay the building
8 fee for the portion of the project that is market-rate.

9 The Controller shall refund fees from any appropriated funds to the project applicant on
10 application by the project applicant. The application must include a copy of the certificate of
11 occupancy for all units affordable to a qualifying household required by the Inclusionary
12 Affordable Housing Program. It is the policy of the Board of Supervisors to appropriate money
13 for this purpose from the General Fund.
14

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

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

1 pursuant to zoning categories .10, .11, and .21 of Article 7 are set forth in the Section of this
2 Code containing the control. Additional criteria for determinations on certain applications
3 within South of Market Districts are set forth in Sections 263.11 and 803.5 of this Code.

4 **SEC. 603. EXEMPTED SIGNS.**

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

- 6 (a) Official public notices, and notices posted by public officers in performance
7 of their duties;
- 8 (b) Governmental signs for control of traffic and other regulatory purposes,
9 street signs, danger signs, railroad crossing signs, and signs of public service
10 companies indicating danger and aids to service or safety;
- 11 (c) Temporary display posters, without independent structural support, in
12 connection with political campaigns and with civic noncommercial health, safety
13 and welfare campaigns, provided that in R districts such posters shall be
14 removed within 60 days following the conclusion of the campaign;
- 15 (d) Flags, emblems, insignia and posters of any nation or political subdivision,
16 and temporary displays of a patriotic, religious, charitable or other civic
17 character;
- 18 (e) House numbers, whether illuminated or not, "no trespassing," "no parking,"
19 and other warning signs;
- 20 (f) Commemorative plaques placed by recognized historical agencies;
- 21 (g) Signs within a stadium, open-air theater or arena which are designed
22 primarily to be viewed by patrons within such stadium, open-air theater or arena;
- 23 (h) Religious symbols attached to buildings if not projecting beyond any street
24 property line or building setback line;

(i) Flags indicating weather conditions, and single flags which are emblems of business firms, enterprises and other organizations;

(j) Two general advertising signs each not exceeding 24 square feet in area on either a transit shelter or associated advertising kiosk furnished by contract with the Public Utilities Commission or Public Transportation Commission for the Municipal Railway in RTO, RM-2, RM-3, RM-4, RC, NC, C, M and South of Market Districts, and in those P Districts where such signs would not adversely affect the character, harmony or visual integrity of the district as determined by the City Planning Commission; eight general advertising signs each not exceeding 24 square feet in area on transit shelters located on publicly owned property on a high level Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District, provided that such advertising signs solely face the C-2 District; and up to three double-sided general advertising signs each not exceeding 24 square feet in area on or adjacent to transit shelters on publicly owned high level Municipal Railway boarding platforms along The Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King Streets, and up to four double-sided panels at 4th and King Streets and 6th and King Streets. Each advertising sign on a high level boarding platform shall be designed and sited in such a manner as to minimize obstruction of public views from pedestrian walkways and/or public open space.

Notwithstanding the above, no sign shall be placed on any transit shelter or associated advertising kiosk located on any sidewalk which shares a common boundary with any property under the jurisdiction of the Recreation and Park Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake

1 Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf
2 Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced
3 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign
4 Districts as established in Section 608.3 of this Code;

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

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

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

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

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

25 **SEC. 606. RESIDENTIAL DISTRICTS.**

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

3 (a) General Provisions for All Signs.

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

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

9 (3) No roof sign, wind sign, or general advertising sign shall be
10 permitted.

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

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

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

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

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

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

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

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

18 (4) Temporary nonilluminated signs of persons and firms connected with
19 work on buildings under actual construction or alteration, giving their
20 names and information pertinent to the project, not exceeding a height of
21 12 feet, with the combined area of all such signs not to exceed 10 square
22 feet for each street frontage of the project.

23 (c) Signs for Nonconforming Uses. Signs for any use in an R District which is
24 nonconforming under the provisions of Sections 180 through 187 of this Code,
25 or which is given conditional use status under said sections, shall be subject to

1 the provisions of this Subsection (c), except that any such use that would first be
2 permitted as either a principal or a conditional use in some other R District under
3 Article 2 of this Code, other than an RC District, shall be subject to the
4 provisions of Subsection 606(b) above. Any illumination permitted for signs
5 covered by this Subsection (c) shall be extinguished at all times when the
6 nonconforming use is not open for business.

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

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

19 (B) Other Permanent and Temporary Signs Customarily
20 Incidental to the Service Station Business. No such sign shall
21 extend above the roofline if attached to a building, or exceed a
22 height of 12 feet if freestanding. The area of such signs shall not
23 exceed 20 square feet for each such sign or a total of 80 square
24 feet for all such signs on the premises.
25

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

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

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

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

23 The description and purpose statements and landuse controls applicable to each of the
24 general and individual area districts are set forth in Sections 710.1 through ~~784~~ 29.95 of this
25 Code for each district class. The boundaries of the various Neighborhood Commercial

Districts are shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the provisions of that Section.

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

1	Union Street Neighborhood Commercial District	§ 725
2	Valencia Street Neighborhood Commercial District	§ 726
3	24th Street-Mission Neighborhood Commercial District	§ 727
4	24th Street-Noe Valley Neighborhood Commercial District	§ 728
5	West Portal Avenue Neighborhood Commercial District	§ 729
6	Inner Sunset Neighborhood Commercial District	§ 730
7	<u>Upper Market Street Neighborhood Commercial Transit District</u>	<u>§ 732</u>

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

12	<u>Neighborhood Commercial</u>	
13	<u>Transit Districts</u>	<u>Section Number</u>
14		
15	<u>Hayes-Gough Neighborhood Commercial Transit District</u>	<u>§ 720</u>
16	<u>NCT-3 Moderate-Scale Neighborhood Commercial Transit District</u>	<u>§ 731</u>
17	<u>Upper Market Street Neighborhood Commercial Transit District</u>	<u>§ 732</u>

18
 19 NCT districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale
 20 concentrated near transit services. The NCT districts are mixed use districts that support
 21 neighborhood-serving commercial uses on lower floors and housing above. These districts are well-
 22 served by public transit and aim to maximize residential and commercial opportunities on or near
 23 major transit services. The district's form can be either linear along transit-priority corridors,
 24 concentric around transit stations, or broader areas where transit services criss-cross the
 25 neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of

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

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

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

The Hayes-Gough District controls are designed to allow for growth and expansion that is compatible with the existing building and use scales. Building standards protect the moderate building and use size and require rear yards at residential levels. To maintain the mixed-use character of the district, most commercial uses are permitted at the first and second stories and housing is strongly encouraged at the third story and above. In order to encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and 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
BUILDING STANDARDS			
720.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 261.1, 263.18, 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 [Per Development]	§§ 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
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
720.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
720.21	Use Size [Non-Residential]	§ 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, 166, 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 ratio of occupied floor area, P up to 1 space per 5001,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and</i>

			<i>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> §§ 151, 161(g) 151.1, 166, 145.1
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	<i>NP</i>
720.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
720.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
720.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
720.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
720.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§	Hayes-Gough
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		References	Controls by Story		
		§ 790.118	1st	2nd	3rd+
720.38	Residential Conversion	§§ 790.84, 207.7	<u>PC</u>	C	
720.39	Residential Demolition	§§ 790.86, 207.7	<u>PC</u>	C	C
<u>720.39a</u>	<u>Residential Division</u>	<u>§ 207.6</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales and Services					
720.40	Other Retail Sales and Services [Not Listed Below]	§ 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			
720.48	Other Entertainment	§ 790.38	C		
720.49	Financial Service	§ 790.110	P	C	
720.50	Limited Financial Service	§ 790.112	P		

1	720.51	Medical Service	§ 790.114	C	P	
2	720.52	Personal Service	§ 790.116	P	P	C
3	720.53	Business or Professional Service	§ 790.108	C	P	C
4						
5	720.54	Massage Establishment	§ 790.60, § 2700 Police Code	C		
6						
7	720.55	Tourist Hotel	§ 790.46	C	C	C
8	720.56	Automobile Parking	§§ 790.8, 156, <u>158.1</u> , 160, <u>166</u>	C	C	C
9						
10	720.57	Automotive Gas Station	§ 790.14			
11	720.58	Automotive Service Station	§ 790.17			
12						
13	720.59	Automotive Repair	§ 790.15			
14	720.60	Automotive Wash	§ 790.18			
15						
16	720.61	Automobile Sale or Rental	§ 790.12			
17	720.62	Animal Hospital	§ 790.6	C		
18	720.63	Ambulance Service	§ 790.2			
19						
20	720.64	Mortuary	§ 790.62			
21	720.65	Trade Shop	§ 790.124	P	C	
22	720.66	Storage	§ 790.117			
23	720.67	Video Store	§ 790.135	C	C	
24	Institutions and Non-Retail Sales and Services					
25						

1	720.70	Administrative Service	§ 790.106			
2	720.80	Hospital or Medical Center	§ 790.44			
3						
4	720.81	Other Institutions, Large	§ 790.50	P	C	C
5						
6	720.82	Other Institutions, Small	§ 790.51	P	P	P
7						
8	720.83	Public Use	§ 790.80	C	C	C
9	720.84	Medical Cannabis Dispensary	§ 790.141	P		
10						
11	RESIDENTIAL STANDARDS AND USES					
12	720.90	Residential Use	§ 790.88	<i>P, except C for frontages listed in 145.1(d)</i>	P	P
13						
14	720.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	<p>Generally, 1 unit per 400 sq. ft. lot area <i>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</i></p> <p>§§ 207.4, 207.6</p>		
15						
16						
17						
18						
19						
20	720.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<p>Generally, 1 bedroom per 140 sq. ft. lot area <i>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.</i></p>		
21						
22						
23						
24						
25						

			§ 208		
720.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common § 135(d)		
720.94	Off-Street Parking, Residential	§§ 150, 153-157, 159--160, 204.5	Generally, 1 space for each dwelling unit None required. P up to 0.5; C up to 0.75. Not permitted above .75 cars for each dwelling unit, except C up to 1.0 for units that have at least 2 bedrooms and 1,000 occupiable square feet. §§ 151.1, 166, 167, 145.1		
720.95	Community Residential Parking	§ 790.10, 145.1, 151.1(f), 155(r), 166	C	C	C

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

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

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

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

3 (2) For development sites greater than ½-acre, the extension of adjacent alleys or streets onto or
4 through the site, and/or the creation of new publicly-accessible streets or alleys through the
5 site as appropriate, in order to break down the scale of the site, continue the surrounding
6 existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular
7 circulation.

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

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

13
14 In order to promote, protect, and maintain a fine-grain scale of development in residential districts
15 and on important pedestrian-oriented commercial streets which is appropriate to each district,
16 compatible with adjacent buildings; provide for a diverse streetscape; ensure the maintenance and
17 creation of multiple unique buildings and building frontages rather than large single structures
18 superficially treated; promote diversity and multiplicity of land ownership and discourage
19 consolidation of property under single ownership, merger of lots in RTO and NCT Districts are
20 regulated as follows:

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

23 (b) In NCT districts, merger of lots resulting in a lot with street frontage greater than that stated in
24 the table below on the specified streets is prohibited except according to the procedures and
25 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 16th 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
- (5) The lot merger will enable a specific residential project in which a majority of the units on-site will be affordable as defined by Section 326.3(h)(2) to households at or below 60% of Area Median Income for at least 55 years.

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

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

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

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

7
8 **SEC. 158.1. NON-ACCESSORY PARKING GARAGES IN NCT AND RTO DISTRICTS AND**
9 **THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT.**

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

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

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

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

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

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

4 (5) Project sponsor has produced a survey of the supply and utilization of all existing publicly-
5 accessible parking facilities, both publicly and privately owned, within 1/2-mile of the subject site, and
6 has demonstrated that such facilities do not contain excess capacity, including via more efficient space
7 management or extended operations.

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

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

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

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

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

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

5
6 This district is intended to recognize, protect, conserve and enhance areas characterized by a
7 mixture of houses and apartment buildings, covering a range of densities and building forms. RTO
8 districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM
9 and RH-3, and are well served within short walking distance, generally less than 1/4-mile, of transit and
10 neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides
11 multiple lines serving different parts of the city or region. Limited small-scale neighborhood-oriented
12 retail and services is common and permitted throughout the neighborhood on corner parcels only to
13 provide goods and services to residents within walking distance, but the districts are otherwise
14 residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is
15 permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street
16 parking is not permitted for these very locally-oriented uses.

17 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically
18 range from two to five stories in height. While some one- and two-family structures are present, the
19 character of the district is primarily of structures with three or more units of a range of sizes and types
20 suitable for a variety of households. Buildings are moderately scaled and segmented, and units or
21 groups of units have separate entrances directly from the street. The overall residential density is
22 regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along
23 with residential design guidelines. Because of the high availability of transit service and the proximity
24 of retail and services within walking distance, many households do not own cars; it is common that not
25 every dwelling unit has a parking space and overall off-street residential parking is limited. Open

1 space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is
2 augmented by nearby public parks, plazas, and enhanced streetscapes.

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

- 5 (a) Purpose. Dwelling unit density is not controlled by lot area in RTO and NCT Districts,
6 which are well-served by transit and services within walking distance, but by the physical
7 constraints of the Code (such as height, bulk, setbacks, open space, and unit exposure), in
8 order to foster flexible and creative infill development while maintaining the character of
9 the district. However, to ensure an adequate supply of family-sized units in existing and
10 new housing stock, subdivision of existing units is restricted and new construction must
11 include a minimum percentage of units of 2 bedrooms or more.
- 12 (b) In RTO and NCT districts, for newly constructed residential projects or additions with 5
13 dwelling units or greater, no less than 40 percent of all dwelling units on site must have at
14 least two bedrooms or more. This requirement does not apply to group housing; ~~or~~ housing
15 designated for seniors or persons with physical disabilities; or permanently affordable
16 housing projects meeting the criteria of Section 326.3(h)(2)(B).
- 17 (c) The Planning Commission may waive the requirements of subsection (b) via Conditional
18 Use procedures with one or more of the following affirmative findings:
19 (1) the project demonstrates a need or mission to serve unique populations, or (2) the
20 project site or subject building features physical constraints that make it unreasonable to
21 fulfill the requirement.
- 22 (d) Division of any existing dwelling unit into two or more units in RTO and NCT districts shall
23 be permitted only if it meets both of the following conditions:
- 24
25

- 1 (1) The existing unit exceeds 2,000 occupied square feet or contains more than 3
2 bedrooms; and
3 (2) At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in
4 size.

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

- 7 (a) Purpose. The controls governing the RTO and NCT Districts are flexible with regard to
8 dwelling unit density and parking, and intended to foster creative infill housing of moderate
9 to high density while maintaining the character of the district. The intent of this flexibility,
10 however, is not to encourage the demolition or removal of existing housing stock,
11 particularly units in older buildings.
12 (b) Demolition of any dwelling unit, merger of any two or more dwelling units, or conversion of
13 a dwelling unit to a non-residential use (herein all generally referred to as “demolition”) in
14 an RTO or NCT district shall be permitted only with Conditional Use authorization from the
15 Planning Commission. Under no circumstance may the Commission grant a Conditional
16 Use for demolition of a dwelling unit absent consideration of a replacement Code-
17 complying project on the same lot. In granting any Conditional Use, the Commission shall
18 consider each of the following characteristics of the dwelling unit(s) proposed for
19 demolition and of the proposed replacement project, and shall approve such demolition if,
20 on balance, the proposal meets these criteria, and serves the public interest:
21 (1) the assessed value of the units proposed for demolition exceed that which is
22 affordable to households earning 100% of median income;
23 (2) the units proposed for demolition are unsound, in accord with the Planning
24 Commission’s adopted definition of “unsound”;
25

- 1 (3) there is no history of poor maintenance or code violations;
- 2 (4) the property is not a historic resource under CEQA;
- 3 (5) the proposed replacement project results in a net increase in the number of units on-
- 4 site;
- 5 (6) the proposed replacement project is of superb architectural and urban design, meets
- 6 or exceeds all relevant design guidelines and Area Plan policies;
- 7 (7) the proposed replacement project preserves rental housing on site from conversion
- 8 to other forms of occupancy or tenure;
- 9 (8) the proposed replacement project restores rent control to equivalent number of
- 10 units on the site;
- 11 (9) the proposed replacement project features affordability at least equivalent to the
- 12 existing units;
- 13 (10) the proposed replacement project represents no net loss in the number of family-
- 14 sized units;
- 15 (11) the proposed replacement project serves as supportive housing or serves a
- 16 special or underserved population;
- 17 (12) the proposed project seeks to convert a ground-floor, street-facing residential
- 18 use to a commercial use in a neighborhood commercial district where such
- 19 commercial uses are desirable; and
- 20 (13) the proposed replacement project serves a public interest or public use that
- 21 cannot be met without the proposed demolition.

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

23

24 (a) Purpose. Corner stores enhance and support the character and traditional pattern of

25 RTO districts. These small neighborhood-oriented establishments provide convenience goods and

1 services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a
2 short walking distance of their homes. These uses tend to be small in scale, to serve primarily walk-in
3 trade, and cause minimum interference with nearby streets and properties. These uses are permitted
4 only on the ground floor of corner buildings, and their intensity and operating hours are limited to
5 ensure compatibility with the predominantly residential character of the district. Accessory off-street
6 parking is prohibited for these uses to maintain the local neighborhood walk-in character of the uses.

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

8 (1) completely within an RTO district

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

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

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

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

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

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

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

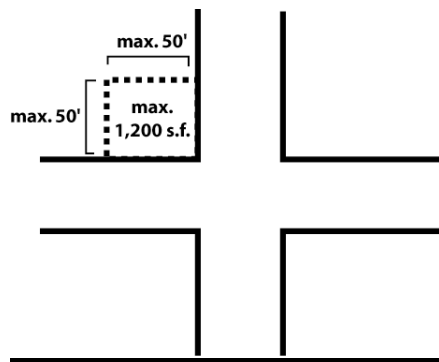


Figure 230. Limitations on Corner Retail in RTO Districts

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

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

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

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

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

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

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

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

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

(a) Purpose. There shall be a Van Ness & Market Downtown Residential Special Use District, which is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods Plan area, and whose boundaries are designated on Sectional Map No. 2SU and 7SU of the Zoning Map of the

1 City and County of San Francisco. This district is generally comprised of parcels focused at the
2 intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along
3 with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This district is
4 intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential
5 presence. This area is encouraged to transition from largely a back-office and warehouse support
6 function to downtown into a more cohesive downtown residential district, and serves as a transition
7 zone to the lower scale residential and neighborhood commercial areas to the west of the C-3. A
8 notable amount of large citywide commercial and office activity will remain in the area, including
9 government offices supporting the Civic Center and City Hall. This area was initially identified in the
10 Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As
11 part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and
12 Octavia Area Plan, and is described therein.

13 (b) Use Controls.

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

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

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

12 (A) On site housing requirements and benefits. For projects that choose to fulfill the
13 requirements of Section 315 through the provision of onsite housing, the Planning Department shall
14 require that 15% of all units constructed on the project site shall be affordable to qualifying
15 households so that a project applicant must construct .15 times the total number of units produced in
16 the principal project beginning with the construction of the fifth unit. If the total number of units is not
17 a whole number, the project applicant shall round up to the nearest whole number for any portion of
18 .5 or above.

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

22 (C) Compliance through off-site housing development. For projects that choose to fulfill the
23 requirements of Section 315 through the provision of off-site housing, the Planning Department shall
24 require that 20% of all units constructed on the project site shall be affordable to qualifying households
25 so that a project applicant must construct .20 times the total number of units produced in the principal

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

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

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

18 (B) Publicly-Accessible Open Space Standards.

19 (C) Open space must be of one or more of the following types:

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

23 (ii) An unenclosed plaza at street grade, with seating areas and landscaping and no more than
24 10 percent of the floor area devoted to food or beverage service;

1 (iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section
2 827(g)(3)(A)-(E);

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

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

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

10 (D) Open space must meet the following standards:

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

13 (ii) Be appropriately landscaped;

14 (iii) Be protected from uncomfortable winds;

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

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

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

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

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

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

22 (E) Maintenance. Open spaces shall be maintained at no public expense, except as might be
23 provided for by any community facilities district that may be formed. The owner of the property on
24 which the open space is located shall maintain it by keeping the area clean and free of litter and
25 keeping in a healthy state any plant material that is provided. Conditions intended to assure continued

1 maintenance of the open space for the actual lifetime of the building giving rise to the open space
2 requirement may be imposed in accordance with the provisions of Section 309.1.

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

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

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

22 (6) Floor Area Ratio.

23 (A) The maximum FAR allowed, except as allowed in this Section, shall be that described in
24 Section 123(C), provided that it shall not be greater than 9:1. The definition of Gross Floor Area shall
25

1 be that in Section 102.9 as of the date of approval of this Ordinance, and shall include all residential
2 uses. The provisions of Section 124(g) shall not apply in this special use district.

3 (B) Floor Area Bonus Permitted for Public Improvements or In-lieu Contributions to the Van
4 Ness and Market Neighborhood Infrastructure Fund and In lieu Contributions to the Citywide
5 Affordable Housing Fund.

6 (i) The gross floor area of a structure or structures on a lot may exceed the maximum ratio
7 described in Section 123(c) through participation in the Van Ness and Market Affordable Housing and
8 Neighborhood Infrastructure Program, according to the procedures described below in subsection
9 (b)(7).

10 (ii) Notwithstanding the provisions of Sections 127 and 128 Pprojects are eligible to
11 apply bonus FAR only for that floor area above the maximum ratio permitted in Section 123(c)
12 and provided that the project has acquired in this Special Use District are not eligibile to
13 acquire Transferable Development Rights from a Transfer Lot or Lots pursuant to the provisions of
14 Sections 127-128 for that increment of FAR above the base FAR limit in Section 124 up to the
15 maximum FAR described in Section 123(c). Instead, a project may pay to the City's Citywide
16 Affordable Housing Fund thirty dollars (\$30) per additional gross square foot for that
17 increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described
18 in Section 123(c). Any monies deposited into the Citywide Affordable Housing Fund shall be
19 administered as provided for in Section 315 et seq. If a project sponsor demonstrates that the
20 potential supply of TDR from all remaining potential eligible Transfer Lots as provided in
21 Section 128, is insufficient to satisfy the demand produced by a specific project, the Planning
22 Commission may permit the substitution of the Van Ness and Market Affordable Housing and
23 Neighborhood Infrastructure Program described in subsection (b)(6) and (7) for that square
24 footage that would otherwise require TDR.

25 (7) Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program.

1 (A) Purpose and Findings.

2 (i) Affordable Housing: The Van Ness and Market Residential SUD enables the creation of a very
3 dense residential neighborhood through significant increases in development potential. This increase in
4 development potential permits an increase in market rate housing development. As described in Section
5 315.2 affordable housing is a priority for San Francisco and additional demand for affordable housing
6 is closely correlated to the development of new market rate housing. At the direction of the Board of
7 Supervisors and as part of a larger analysis of development impact fees in the City, the City contracted
8 with Keyser Marston Associates to prepare a nexus analysis in support of the Inclusionary Housing
9 Program, or an analysis of the impact of development of market rate housing on affordable housing
10 supply and demand.

11 The City's current position is that the City's Inclusionary Housing Program including the in lieu
12 fee provision which is offered as an alternative to building units within market rate projects, is not
13 subject to the requirements of the Mitigation Fee Act, Government Code Sections 66000 et seq. While
14 the City does not expect to alter its position on this matter, due to past legislative actions supporting
15 such a study, the Citywide study being undertaken to conduct nexus studies in other areas, and a
16 general interest in determining whether the Inclusionary Program can be supported by a nexus type
17 analysis as an additional support measure, the City contracted to undertake the preparation of a nexus
18 analysis.

19 The final study can be found in Board of Supervisors File No. _____ and is incorporated
20 by reference herein. The Board of Supervisors has reviewed the study and staff analysis and report of
21 the study and, on that basis finds that the study supports the current inclusionary housing requirements
22 as specified in this Section 249.33 combined with this Affordable Housing FAR Bonus Program.
23 Specifically, the Board finds that the nexus study: identifies the purpose of the fee to mitigate impacts
24 on the demand for affordable housing in the City; identifies the use to which the fee is to be put as
25 being to increase the City's affordable housing supply; and establishes a reasonable relationship

1 between the use of the fee for affordable housing and the need for affordable housing and the
2 construction of new market rate housing. Moreover, the Board finds that the current inclusionary
3 requirements combined with the Affordable Housing FAR Bonus Program are less than the cost of
4 mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds
5 that the study establishes that the current inclusionary requirements combined with the Affordable
6 Housing FAR Bonus Program do not duplicate other city requirements or fees.

7 Moreover, according to the study undertaken by Seifel Consulting at the direction of the
8 Planning Department, increased development potential in the Van Ness and Market Downtown
9 Residential Special Use district through the increased FAR allowance enables an increased
10 contribution to the Citywide Affordable Housing Fund without discouraging the development of new
11 market rate housing. A copy of said study is on file with the Clerk of the Board of Supervisors in File
12 No. _____.

13 (ii) Neighborhood Infrastructure. The Van Ness & Market Residential SUD enables the creation of
14 a very dense residential neighborhood in an area built for back-office and industrial uses. Projects that
15 seek the FAR bonus above the maximum cap would introduce a very high localized density in an area
16 generally devoid of necessary public infrastructure and amenities, as described in the Market
17 & Octavia Area Plan. While envisioned in the Plan, such projects would create localized levels of
18 demand for open space, streetscape improvements, community facilities and public transit above and
19 beyond the levels both existing in the area today and funded by the Market & Octavia Community
20 Improvements Fee. Such projects also entail construction of relatively taller or bulkier structures in a
21 concentrated area, increasing the need for offsetting open space for relief from the physical presence of
22 larger buildings. Additionally, the FAR bonus provisions herein are intended to provide an economic
23 incentive for project sponsors to provide public infrastructure and amenities that improve the quality of
24 life in the area. The bonus allowance is calibrated based on the cost of responding to the intensified
25

1 demand for public infrastructure generated by increased densities available through the FAR density
2 bonus program.

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

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

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

18 (c) Affordable Housing. The type of affordable housing needed in San Francisco is documented
19 in the City's Consolidated Plan and the Residence Element of the General Plan. New affordable rental
20 housing and ownership housing affordable to households earning less than the median income is
21 greatly needed in San Francisco.

22 (B) The Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program
23 ("Program") is hereby established and shall be implemented through In-Kind public improvements,
24 participation in Community Facilities (Mello-Roos) District, or in-lieu payment into the Van Ness and
25

1 Market Neighborhood Infrastructure Fund (“Fund”) or in lieu payments to the Citywide Affordable
2 Housing Fund.

3 (i) The Program shall be administered by the Board of Supervisors, except for the in lieu fee
4 payments to the Citywide Affordable Housing Fund which shall be administered as provided for in
5 Section 315 et seq.

6 (C) Value, Form, and Timing of Contribution to the Program.

7 (i)The total value of the contribution (“contribution”) to the Program shall be equal to \$15 per
8 additional gross square foot above a site FAR of 9:1. The contribution must be made or the fee paid
9 prior to issuance by the Department of Building Inspection of the first site or building permit for the
10 subject project. Except as provided in Section 7(C)(vii), \$0 must be paid as a fee to the Citywide
11 Affordable Housing Fund as described below in subsection (7)(C)(v); and \$15 or its equivalent must
12 be paid or contributed to the Van Ness and Market Neighborhood Infrastructure Program in one of the
13 ways described below in subsections (ii) through (iii) including any form of any combination, either in
14 whole or in part, of an In-Kind Agreement to provide neighborhood improvements, In-Lieu Payment to
15 the City Treasurer, or a Community Facilities District Agreement to participate in a Mello-Roos
16 Community Facilities District. The fee may be adjusted in accordance with the procedures described in
17 Section 326.3(d) or 315.6(b)3.

18 (ii) In-Kind Improvements. The Planning Commission may allow the provision of In-Kind
19 Improvements, through the approval of an In-Kind Agreement in accordance with the procedures
20 outlined in Section 326.3(e).

21 (iii) In-Lieu Payment. Because the total cost of the individual public improvements (e.g. a public
22 park or a streetscape project) may be greater than the proportional contribution to the Program or the
23 need created by any one project, and because it may be infeasible or impractical to make a fractional
24 public improvement (e.g. acquisition of a fraction of a park) it is necessary to allow direct payments, at
25 the rate described in subsection (7)(C)(i) above, in-lieu of providing In-Kind improvements, as a form

1 of contribution, either in whole or in part, to the Program. Such payment shall be made to the City
2 Treasurer for deposit in the Van Ness and Market Neighborhood Infrastructure Fund. Upon payment of
3 the In-Lieu Payment in full to the Treasurer, the Treasurer shall issue a certification that the credit has
4 been paid.

5 (iv) Community Facilities District. The Planning Commission may allow the participation in a
6 Community Facilities (Mello-Roos) District through the procedures described in Section 326.3 (f) and
7 (g).

8 (v) Zero dollars per square foot (\$0) except as provided in 7(C)(vii) shall be deposited in the
9 special fund maintained by the Controller called the Citywide Affordable Housing Fund as established
10 by section 313.12. Except as specifically provided in this Section, collection, management,
11 enforcement, and expenditure of funds shall conform to the requirements related to in lieu fees in
12 Planning Code Sections 315 et seq., specifically including, but not limited to, the provisions of Section
13 315.6.

14
15 (vi) The sponsor shall present Treasurer certification of In-Lieu Payment, a signed In-Kind
16 Agreement and/or Community Facilities District Agreement totaling the full value of the contribution to
17 the Planning Department and Department of Building Inspection prior to the issuance by DBI of the
18 first site or building permit for the project. A failure of the Treasurer, DBI or the Planning Department
19 to give any notice under this Section shall not relieve a sponsor from compliance with this Section.

20 (vii) At the close of the fiscal year in which the Market and Octavia Community Improvements
21 Program has generated funding for no less than \$211 million for expenditure in the plan area,
22 including revenue generated through Planning Code Section 249.33 and Section 326 fee payment, in-
23 kind and community facility district contributions; public grants; San Francisco general funds;
24 assessment districts; and other sources which contribute to the overall programming; all future funds
25

1 generated through this section, 249.33 of the Planning Code shall be redirected one-hundred (100)
2 percent to the Citywide Affordable Housing Fund.

3 (D) There is hereby established a separate fund set aside for a special purpose entitled the Van
4 Ness and Market Neighborhood Infrastructure Fund (“Fund”). All monies collected by the Treasurer
5 pursuant to subsection ~~(7)(C)(i)~~ ~~(5)(B)~~ above shall be deposited in this fund to be maintained by the
6 Controller. The receipts of the Fund are hereby appropriated in accordance with law to be used solely
7 to fund public infrastructure subject to the following conditions:

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

18 (~~iiB~~) No portion of the Fund may be used, by way of loan or otherwise, to pay any
19 administrative, general overhead, or similar expense of any public entity.

20 (~~iiiE~~) The Controller's Office shall file an annual report with the Board of Supervisors
21 beginning one year after the effective date of this ordinance, which report shall set forth the amount of
22 money collected in the Fund. Monies in the Fund shall be appropriated by the Board of Supervisors
23 and administered by the Director of Planning.

24 (~~ivD~~) Expenditure of funds shall be coordinated with appropriate city agencies as detailed in
25 Section 326.6 (d) and (e).

1
2
3 (yE) The Director of Planning shall have the authority to prescribe rules and regulations
4 governing the Fund, which are consistent with this ordinance. The Director of Planning shall make
5 recommendations to the Board regarding allocation of funds.

6 ~~SEC 249.35 DUBOCE TRIANGLE FLEXIBLE DENSITY SPECIAL USE DISTRICT~~

7 ~~(a) Purpose. In order to provide for the consideration of flexible residential density limitations~~
8 ~~consistent with the intent, allowances and rules generally applicable to RTO Districts, there~~
9 ~~shall be a Duboce Triangle Flexible Density Special Use District, consisting of the area~~
10 ~~generally bounded by Waller, Noe, Fillmore, and Market Streets, and as designated on~~
11 ~~Sectional Map 2SU of the Zoning Map. Parcels in these districts shall be subject to a~~
12 ~~maximum density limit of 1 unit per 600 square feet of lot area. Affordable housing units as~~
13 ~~defined below are generally exempted from density limitations.~~

14 ~~(b) Controls.~~

15 ~~(1) Parcels in these districts shall be subject to a maximum density limit of 1 unit per 600~~
16 ~~square feet of lot area.~~

17 ~~(2) According to the procedures for Conditional Use authorization in Section 303, dwellings~~
18 ~~may be permitted at a density not limited by lot area, but by the applicable requirements and~~
19 ~~limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open~~
20 ~~space, exposure, and unit mix, as well as by the Residential Design Guidelines and other~~
21 ~~applicable design guidelines, applicable elements and area plans of the General Plan, and~~
22 ~~design review by the Planning Department. In lieu of the conditions in Section 303, the~~
23 ~~Planning Commission shall affirmatively find all of the following:~~

1 ~~(A) the proposed project has a physical design, building height, massing, and articulation~~
2 ~~compatible with the character of surrounding structures,~~
3 ~~(B) that the proposed accessory parking does not exceed that amount principally permitted~~
4 ~~under Section 151.1 for RTO Districts, and~~
5 ~~(C) the project meets all the minimum Code requirements without variance for usable open~~
6 ~~space, exposure, rear yards and setbacks.~~
7 ~~(3) Dwelling units that are affordable (meeting the criteria of Section 326.3(h)(2)(B) or the~~
8 ~~requirements of Section 315) shall not count toward density calculations or be limited by lot~~
9 ~~area.~~

11 **SECTION 249.34 FULTON STREET GROCERY STORE SPECIAL USE DISTRICT**

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

19
20 (b) Definitions.

21 (1) "Grocery Store" shall mean a retail use which provides fresh produce and other
22 unprepared perishable food products (such as dairy, fish, grains), in addition to other general
23 groceries, personal items, household goods and similar goods.
24
25

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

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

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

6 (3) Residential uses achieve a density of not less than 1 unit per 600 square feet of lot area

7 (d) Controls. The following controls apply to projects meeting the criteria of subsection (c) and to any
8 subsequent alterations or changes of use in a building approved under this Section.

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

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

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

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

15 The only non-residential uses which may be permitted in the space initially approved for a
16 grocery store shall include Trade Shop (790.124), Other Institutions, Large (790.50), Other
17 Institutions, Small (790.51), and Public Use (790.80), except that Other Retail Sales and
18 Services (790.102) may be permitted provided that no individual tenant occupies more than
19 3,000 square feet of gross floor area.

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

23
24 **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN RTO**
25 **AND NCT DISTRICTS.**

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

6 (b) All building frontages on the southern side of those right-of-ways listed in subsection (b)(1) and
7 that are greater than ~~60~~ 70 feet from an intersection with a right-of-way wider than 40 feet,
8 shall be set back at the property line such that they avoid penetration of a sun access plane
9 defined by an angle of 50 degrees from a line 5 feet southerly of and parallel to the northern
10 right-of-way line (as illustrated in Figure 261.1A.) For example, for a 35 foot-wide right-of-
11 way, this would require a 50 degree setback at the property line above a height of
12 approximately 36 feet.) No part or feature of a building, including but not limited to any feature
13 listed in Sections 260(b), may penetrate the required setback plane.

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

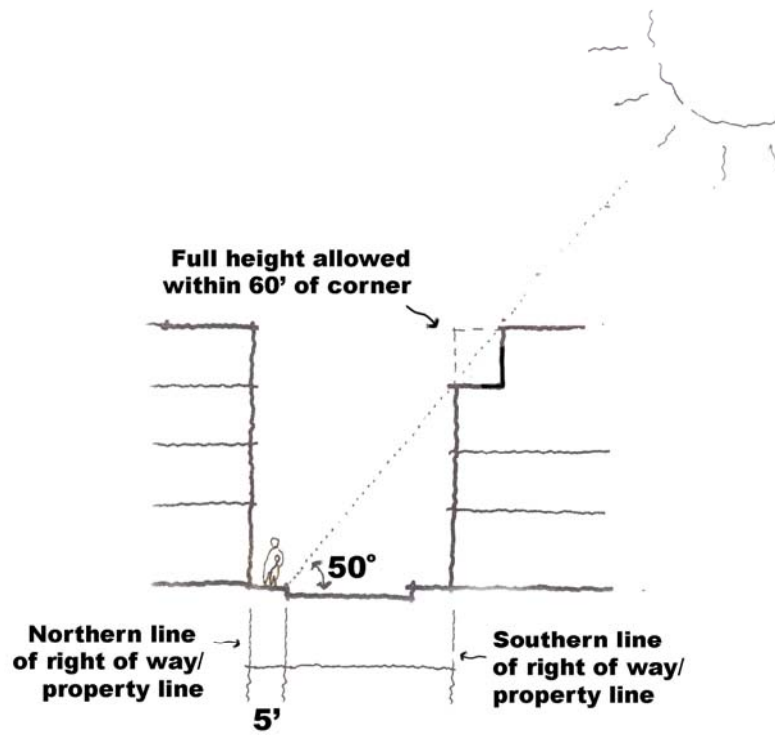
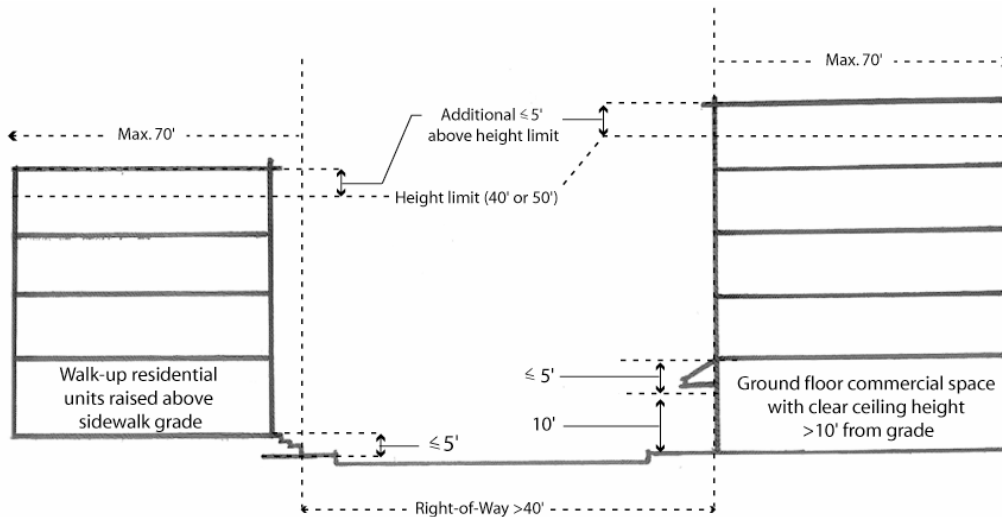


Figure 261.1A

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
24
25

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.

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.

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
24 make as many daily trips as possible on foot, by bicycle or on transit; by creating new open space,
25

1 greening, and recreational facilities that will provide necessary public spaces; and by establishing a
2 range of other services and programming that will meet the needs of community members. A
3 comprehensive program of new public infrastructure is necessary to lessen the impacts of the proposed
4 new development and to provide the basic community improvements to the area's new community
5 members. The Market and Octavia Community Improvements Program Document provides a more
6 detailed description of proposed Community Improvements.

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

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

18
19 C. Program Scope

20 The purpose of the proposed Market and Octavia Community Improvements Impact Fees is to
21 provide specific public improvements, including community open spaces, pedestrian and streetscape
22 improvements and other facilities and services. These improvements are described in the Market and
23 Octavia Area Plan and Neighborhood Plan and the accompanying ordinances, and are necessary to
24 meet established City standards for the provision of such facilities. The Market and Octavia
25

1 Community Improvements Fund and Community Improvements Impact Fee will create the necessary
2 financial mechanism to fund these improvements in proportion to the need generated by new
3 development.

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

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

17 Library Resources: New residents in Plan Area will generate a substantial new need for
18 library services. The San Francisco Public Library does not anticipate adequate demand
19 for a new branch library in the Market and Octavia Plan Area at this time. However, the
20 increase in population in Plan Area will create additional demand at other libraries,
21 primarily the Main Library and the Eureka Valley Branch Library. The Market and Octavia
22 Community Infrastructure Impact Fee includes funding for library services equal to \$69 per
23
24
25

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

21
22
23
24 D. Programmed Improvements and Costs
25

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

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

<u>Market and Octavia Community Improvements</u>
--

<u>Greening</u>	\$ <u>58,310,000</u> <u>55,822,455</u>
<u>Parks</u>	\$ <u>6,850,000</u> <u>9,299,236</u>
<u>Park Improvements</u>	\$ <u>TBD</u>
<u>Vehicle</u>	\$ <u>49,260,000</u> <u>49,249,000</u>
<u>Pedestrian</u>	\$ <u>23,760,000</u> <u>23,728,017</u>
<u>Transportation</u>	\$ <u>81,180,000</u> <u>81,148,932</u>
<u>Transit User Infrastructure</u>	\$ <u>TBD</u>
<u>Bicycle</u>	\$ <u>1,580,000</u> <u>903,333</u>
<u>Childcare</u>	\$ <u>17,170,000</u> <u>17,163,748</u>
<u>Library Materials</u>	\$ <u>690,000</u> <u>681,375</u>
<u>Recreational Facilities</u>	\$ <u>15,060,000</u> <u>15,056,875</u>
<u>Future Studies</u>	\$ <u>460,000</u> <u>454,640</u>
<u>Program Administration</u>	\$ <u>4,730,000</u> <u>7,311,041</u>
	\$ <u>258,900,000</u>
<u>Total</u>	<u>260,818,650</u>

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

E. Sharing the Burden

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

3 To fund such community infrastructure and amenities, new development in the district shall be
4 assessed development impact fees proportionate to the increased demand for such infrastructure and
5 amenities. The City will use the proceeds of the fee to build new infrastructure and enhance existing
6 infrastructure, as described in preceding sections. A Community Improvements Impact Fee shall be
7 established for the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD),
8 and the Neighborhood Commercial Transit (NCT) and Residential Transit Oriented (RTO) districts as
9 set forth herein.

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
22 developers less than the maximum amount of the justified impact fee, the City avoids any need to refund
23 any fees paid.

1 money to developers if the fees collected exceed costs. The proposed fees only cover impacts caused by
2 new development and are not intended to remedy existing deficiencies; those costs will be paid for by
3 public, community, and other private sources.

4 The Market and Octavia community improvements program relies on public, private, and
5 community capital. Since 2000, when the Market and Octavia planning process was initiated, the area
6 has seen upwards of \$100 million in public investment, including the development of Octavia
7 Boulevard, the new Central freeway ramp, Patricia's Green in Hayes Valley and related projects.
8 Additionally private entities have invested in the area by improving private property and creating new
9 commercial establishments. Community members have invested by creating a Community Benefits
10 District in the adjacent Castro neighborhood, organizing design competitions, and lobbying for
11 community programming such as a rotating arts program on Patricia's Green in Hayes Valley. Project
12 sponsor contributions to the Market and Octavia Community Improvements Fund will help leverage
13 additional public and community investment.

14 As a result of this new development, projected to occur over a 20 year period, property tax
15 revenue is projected to increase by as much as \$28 million annually when projected housing
16 production is complete. Sixteen million dollars of this new revenue will be diverted directly to San
17 Francisco (see the Market and Octavia Community Improvements Program Document for a complete
18 discussion of increased property tax revenue). These revenues will fund improvements and expansions
19 to general city services, including police, fire, emergency, and other services needed to partially meet
20 increased demand associated with new development. New development's local impact on community
21 infrastructure will be greater in the Market and Octavia Plan Area, relative to those typically funded by
22 city government through property tax revenues. Increased property taxes will contribute to continued
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24
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1 maintenance and service delivery of new infrastructure and amenities. The City should pursue state
2 enabling legislation that directs growth related increases in property tax directly to the
3 neighborhood where growth is happening, similar to the redevelopment agencies' Tax
4 Increment Financing tool. If such a revenue dedication tool does become available, the
5 Planning Department should pursue an ordinance to adopt and apply a tax increment district
6 to the Market and Octavia Plan Area even if the Plan is already adopted by the Board of
7 Supervisors and in effect. The relative cost of capital improvements, along with the reduced role of
8 state and federal funding sources, increases the necessity for development impact fees to cover these
9 costs. Residential and commercial impact fees are one of the many revenue sources necessary to
10 mitigate the impacts of new development in the Market and Octavia Plan Area.

12 **SEC. 326.2. DEFINITIONS.**

13 The following definitions shall govern this ordinance:

- 14 (a) Definitions from section 318.2 shall apply unless otherwise noted in this section
15
16 (b) "Community facilities" shall mean all uses as defined under Section 209.4(a) and
17 209.3(d) of this Code.
18 (c) "Commercial use" shall mean any structure or portion thereof intended for occupancy
19 by retail or office uses that qualify as an accessory use, as defined and regulated in
20 Sections 204 through 204.5.
21 (d) "Commercial development project" shall mean any new construction, addition,
22 extension, conversion or enlargement, or combination thereof, of an existing structure
23 which includes any occupied floor area of commercial use; provided, however, that for
24 projects that solely comprise an addition to an existing structure which would add
25

1 occupied floor area in an amount less than 20 percent of the occupied floor area of the
2 existing structure, the provisions of this Section shall only apply to the new occupied
3 square footage.

4 (e) "In-kind Agreement" shall mean an agreement acceptable in form and substance to the
5 City Attorney and the Director of Planning between a project sponsor and the Planning
6 Commission subject to the approval of the Planning Commission in its sole discretion
7 to provide a specific set of community improvements, at a specific phase of construction,
8 in lieu of contribution to the Market and Octavia Community Improvement Fund. The
9 In-kind agreement shall also mandate a covenant of the project sponsr to reimburse all
10 city agencies for their administrative and staff costs in negotiating, drafting, and
11 monitoring compliance with the In-Kind agreement. The City also shall require the
12 project sponsor to provide a letter of credit or other instrument, acceptable in form and
13 substance to the Planning Department and the City Attorney, to secure the City's right to
14 receive payment as described in the preceding sentence.

15
16
17 (f) "Net addition of occupiable square feet of commercial use" shall mean occupied floor
18 area, as defined in Section 102.10 of this Code, to be occupied by or primarily serving,
19 non-residential use excluding common areas such as hallways, maintenance facilities
20 and lobbies, less the occupied floor area in any structure demolished or rehabilitated as
21 part of the proposed commercial development project which occupied floor area was
22 used primarily and continuously for commercial use and was not accessory to any use
23 other than residential use for at least five years prior to Planning Department approval
24
25

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
22 event that CFD Funds are not received in amounts necessary to commence construction
23 of the improvements.
24 Such agreement shall also provide that the project sponsor shall pay the
25 full amount of the waived Community Improvements Impact Fee plus interest in the

1 of the CFD Improvements on the stated commencement date listed in the Waiver
2 Agreement. The City also shall require the project sponsor to provide a letter of credit
3 or other instrument, acceptable in form and substance to the Planning Department and
4 the City Attorney, to secure the City's right to receive payment as described in the
5 preceding sentence.

6 (j) “Residential Space Subject to the Community Improvement Impact Fee” means each net
7 addition of occupiable square feet within the Program Area which results in an
8 additional residential unit or contributes to a 20 percent increase of residential space
9 from the time that this ordinance is adopted within the Market and Octavia Community
10 Improvements Fund.

11 (k) “Commercial Space Subject to the Community Improvement Impact Fee” means for
12 each net addition of occupiable square feet within the Program Area which results in an
13 additional commercial unit or any increased commercial capacity that is beyond 20
14 percent of the non-residential capacity at the time that this ordinance is adopted.

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17 **SEC. 326.3. APPLICATION.**

18 (a) Program Area. The Market and Octavia Community Improvements Neighborhood
19 Program is hereby established and shall be implemented through district-specific community
20 improvements funds which apply to the following areas:

21 The Program Area includes properties identified as part of the Market and Octavia Plan Area
22 in Map 1 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan.

23 (b) The sponsor shall pay to the Treasurer Market and Octavia Community Improvements
24 Impact Fees of the following amounts:
25

1 (1) Prior to the issuance by DBI of the first site or building permit for a residential
2 development project, or residential component of a mixed use project within the Program Area, a
3 \$10.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in
4 (a)above, for the Market and Octavia Community Improvements Fund, for each net addition of
5 occupiable square feet which results in an additional residential unit or contributes to a 20 percent
6 increase of residential space from the time that this ordinance is adopted.

7 (2) Prior to the issuance by DBI of the first site or building permit for a commercial
8 development project, or commercial component of a mixed use project within the Program Area, a
9 \$4.00 Community Improvement Impact Fee in the Market and Octavia Plan Area, as described in (a)
10 above, for the Market and Octavia Community Improvements Fund for each net addition of occupiable
11 square feet which results in an additional commercial capacity that is beyond 20 percent of the non-
12 residential capacity at the time that this ordinance is adopted.

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

4 (d) Fee Adjustments

5 (1) Inflation Adjustments. The Planning Commission may adjust the amount of the development
6 impact fees set forth in the annual fee adjustments on an annual basis before the annual budget is
7 approved. The Market and Octavia Community Improvements Impact Fee adjustments should be based
8 on the following factors: (a) the percentage increase or decrease in the cost to acquire real property
9 for public park and open space use in the area and (b) the percentage increase or decrease in the
10 construction cost of providing these and other improvements listed in § 326.1(E)(a). Fluctuations in the
11 construction market can be gauged by indexes such as the Engineering News Record or a like index.
12 Revision of the fee should be done in coordination with revision to other like fees, such as those
13 detailed in Sections 247, 313, 314, 315, 318, and 319 of the Planning Code. The Planning Department
14 shall provide notice of any fee adjustment including the formula used to calculate the adjustment, on its
15 website and to any interested party who has requested such notice at least 30 days prior to the
16 adjustment taking effect.

17 (2) Program Adjustments. Upon Planning Commission and Board approval adjustments may be made
18 to the fee to reflect changes to (a) the list of planned community improvements listed in § 326.1(D); (b)
19 re-evaluation of the nexus based on new conditions; or (c) further planning work which recommends a
20 change in the scope of the community improvements program. Changes may not be made to mitigate
21 temporary market conditions. Notwithstanding the foregoing, it is the intent of the Board of Supervisors
22 that it is not committing to the implementation of any particular project at this time and changes to,
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1 additions, and substitutions of individual projects listed in the related program document can be made
2 without adjustment to the fee rate or this ordinance as those individual projects are placeholders that
3 require further public deliberation and environmental review.

4
5 (3)Unless and until an adjustment has been made, the schedule set forth in this ordinance shall
6 be deemed to be the current and appropriate schedule of development impact fees.

7
8 (e) Option for In-Kind Provision of Community Improvements. The Planning
9 Commission may reduce the Community Improvements Impact Fee described in (b) above for specific
10 development proposals in cases where a project sponsor has entered into an In-Kind agreement with
11 the City to provide in-kind improvements in the form of streetscaping, sidewalk widening,
12 neighborhood open space, community center, and other improvements that result in new public
13 infrastructure and facilities described in Section 326.1(E)(a) or similar substitutes. For the purposes of
14 calculating the total value of in-kind community improvements, the project sponsor shall provide the
15 Planning Department with a cost estimate for the proposed in-kind community improvements from two
16 independent contractors or, if relevant, real estate appraisers. If the city has completed a detailed site
17 specific cost estimate for a planned community improvement this may serve as one of the cost estimates,
18 required by this clause; if such an estimate is used it must be indexed to current cost of construction.
19 Based on these estimates, the Director of Planning shall determine their appropriate value and the
20 Planning Commission may reduce the Community Improvements Impact Fee assessed to that project
21 proportionally. Approved in-kind improvements should generally respond to priorities of the
22 community, or fall within the guidelines of approved procedures for prioritizing projects in the Market
23 and Octavia Community Improvements Program. Open space or streetscape improvements, including
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1 off-site improvements per the provisions of this Special Use District, proposed to satisfy the usable
2 open space requirements of Section 135 and 138 are not eligible for credit toward the contribution as
3 In-Kind improvements. No credit toward the contribution may be made for land value unless ownership
4 of the land is transferred to the City or a permanent public easement is granted, the acceptance of
5 which is at the sole discretion of the City. A permanent easement shall be valued at no more than 50%
6 of appraised fee simple land value, and may be valued at a lower percentage as determined by the
7 Director of Planning in its sole discretion. Any proposal for contribution of property for public open
8 space use shall follow the procedures of subsection (6)(D) below. The Planning Commission may reject
9 in-kind improvements if they do not fit with the priorities identified in the plan, by the Interagency Plan
10 Implementation Committee (see Section 36 of the Administrative Code), the Market and Octavia
11 Citizens Advisory Committee (Section 341.5) or other prioritization processes related to Market and
12 Octavia Community Improvements Programming.

14 (f) Option for Provision of Community Improvements via a Community Facilities (Mello-
15 Roos) District. The Planning Commission may waive the Community Improvements Impact Fee
16 described in 326.3(b) above, either in whole or in part, for specific development proposals in cases
17 where one or more project sponsors have entered into a Waiver Agreement with the City approved by
18 the Board of Supervisors. Such waiver shall not exceed the value of the improvements to be provided
19 through the Mello Roos district. In consideration of a Mello-Roos waiver agreement, the Board of
20 Supervisors shall consider whether provision of Community Improvements through a Community
21 Facilities (Mello-Roos) District will restrict funds in ways that will limit the City's ability to provide
22 community amenities according to the established community priorities detailed in the Market and
23 Octavia Area Plan, or to further amendments. The Board of Supervisors shall have the opportunity to
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1 comment on the structure of bonds issued for Mello Roos districts. The Board of Supervisors may
2 decline to enter into a Waiver Agreement if the establishment of a Mello Roos district does not serve
3 the City or Area Plan's objectives related to Market and Octavia Community Improvements and
4 general balance of revenue streams.

5 (g) Applicants who provide community improvements through a Community Facilities (Mello
6 Roos) District or an in-kind development will be responsible for all additional time and materials costs
7 including, Planning Department staff, City Attorney time, and other costs necessary to administer the
8 alternative to the direct payment of the fee. These costs shall be paid in addition to the community
9 improvements obligation and billed no later than expenditure of bond funds on approved projects for
10 Districts or promptly following satisfaction of the In-Kind Agreement. The Planning Department may
11 designate a base fee for the establishment of a Mello Roos district, that project sponsors would be
12 obliged to pay before the district is established. The base fee should cover basic costs associated with
13 establishing a district but may not account for all expenses, a minimum estimate of the base fee will be
14 published annually by the Planning Department.

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16
17 (h) Waiver or Reduction:

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

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

1 (B) Any appeal of waiver requests under this clause shall be made in writing and filed with
2 the Clerk of the Board no later than 15 days after the date the sponsor is required to pay to the
3 Treasurer the fee as required in Section 326.3(b). The appeal shall set forth in detail the factual and
4 legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider
5 the appeal at the hearing within 60 days after the filing of the appeal. The appellant shall bear the
6 burden of presenting substantial evidence to support the appeal, including comparable technical
7 information to support appellant's position. The decision of the Board shall be by a simple majority
8 vote and shall be final. If a reduction, adjustment, or waiver is granted, any change of use or scope of
9 the project shall invalidate the waiver, adjustment, or reduction of the fee. If the Board grants a
10 reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent
11 of the reduction, adjustment or waiver to the Treasurer and Planning Department.

13 (2) Waiver or Reduction, Based on Housing Affordability or Duplication of Fees. This
14 section details waivers and reductions available by right for project sponsors that fulfill the
15 requirements below. The Planning Department shall publish an annual schedule of specific values for
16 waivers and reductions available under this clause. Planning Department staff shall apply these
17 waivers based on the most recent schedule published at the time that fee payment is made.

19 (A) A project applicant subject to the requirements of this Section who has received an
20 approved building permit, conditional use permit or similar discretionary approval and who submits a
21 new or revised building permit, conditional use permit or similar discretionary approval for the same
22 property shall be granted a reduction, adjustment or waiver of the requirements of Section 326 of the
23 Planning Code with respect to the square footage of construction previously approved.

1 (B) The Planning Commission shall give special consideration to offering reductions or waivers
2 of the impact fee to housing projects on the grounds of affordability in cases in which the State of
3 California, the Federal Government, the Mayor's Office of Housing, the San Francisco Redevelopment
4 Agency, or other public subsidies target new housing for households at or below 50% of the Area
5 Median Income as published by HUD. This waiver clause intends to provide a local 'match' for these
6 deeply subsidized units and should be considered as such by relevant agencies. Specifically these units
7 may be rental or ownership opportunities but they must be subsidized in a manner which maintains
8 their affordability for a term no less than 55 years. Project sponsors must demonstrate to the Planning
9 Department staff that a governmental agency will be enforcing the term of affordability and reviewing
10 performance and service plans as necessary, usually this takes the form of a deed restriction. Projects
11 that meet the requirements of this clause are eligible for a 100 percent fee reduction until an alternative
12 fee schedule is published by the Planning Department. Ideally some contribution will be made to the
13 Market and Octavia Community Improvement Program, as these units will place an equal demand on
14 community improvements infrastructure. This waiver clause shall not be applied to units built as part of
15 a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, and
16 section 315.

19 (BC) The city shall make every effort not to assess duplicative fees on new development. This
20 section discusses the method to determine the appropriate reduction amount for known possible
21 conflicts. In general project sponsors are only eligible for fee waivers under this clause if a
22 contribution to another fee program would result in a duplication of charges for a particular type of
23 community infrastructure. Therefore applicants may only receive a waiver for the portion of the Market
24 and Octavia Community Improvements Fund that addresses that infrastructure type. Refer to Table 2
25

1 for fee composition by infrastructure type. The Planning Department shall publish a schedule annually
2 of all known opportunities for waivers and reductions under this clause, including the specific rate.
3 Requirements under Section 135 and 138 do not qualify for waiver or reductions. Should future fees
4 pose a duplicative charge, such as a citywide open space or childcare fee, the same methodology shall
5 apply and the Planning Department shall update the schedule of waivers or reductions accordingly.
6 Additionally the City should work to ensure that fees levied on development in the Plan Area through
7 other fee programs should be targeted towards improvements identified through the Market and
8 Octavia Plan, especially fees that allow project sponsors to obtain a waiver from the Market and
9 Octavia Community Improvement's Fund.

11 (i)

12 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>34.1%</u>	<u>48.0</u> <u>50.2%</u>
<u>Parks</u>	<u>8.2</u> <u>7.9%</u>	<u>13.8</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>6.9</u> <u>6.7%</u>	<u>6.2</u> <u>6.0%</u>
<u>Transportation</u>	<u>22.2%</u> <u>21.5%</u>	<u>20.1%</u> <u>19.2%</u>
<u>Transit user infrastructure</u>	<u>tbd</u>	<u>tbd</u>
<u>Bicycle</u>	<u>0.5%</u> <u>0.3%</u>	<u>0.4%</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>.4%</u> <u>0.3%</u>
<u>Program Administration</u>	<u>5.1%</u> <u>7.6%</u>	<u>8.6%</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 8.2 percent of calculated contribution for residential development or 13.2 13.8 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.

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
16 In the event a building permit expires prior to completion of the work on and commencement of
17 occupancy of a residential or commercial development project so that it will be necessary to obtain a
18 new permit to carry out any development, the obligation to comply with this ordinance shall be
19 cancelled, and any Community Improvements Impact Fee previously paid to the Treasurer shall be
20 refunded. If and when the sponsor applies for a new permit, the procedures set forth in this ordinance
21 regarding payment of the Community Improvements Impact Fee shall be followed.

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
9 (b) The Fund shall be administered by the Board of Supervisors.

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
22 fee pursuant to Section 326.3(d) above, to complete an updated nexus study to demonstrate the
23 relationship between development and the need for public facilities if this is deemed necessary, .
24
25

1 (2) No portion of the Fund may be used, by way of loan or otherwise, to pay any
2 administrative, general overhead, or similar expense of any public entity, except for the purposes of
3 administering this fund. Administration of this fund includes time and materials associated with
4 reporting requirements, facilitating the Market and Octavia Citizens Advisory Committee meetings, and
5 maintenance of the fund. Total expenses associated with administration of the fund shall not exceed the
6 proportion calculated in Table 3 (above). All interest earned on this account shall be credited to the
7 Market and Octavia Community Improvements Fund.

8
9 (c) With full participation by the Planning Department and related implementing agencies
10 the Controller's Office shall file an annual report with the Board of Supervisors beginning 180 days
11 after the last day of the fiscal year of the effective date of this ordinance, which shall include the
12 following elements: (1) a description of the type of fee in each account or fund; (2) Amount of the fee;
13 (3) Beginning and ending balance of the accounts or funds including any bond funds held by an outside
14 trustee; (4) Amount of fees collected and interest earned; (5) Identification of each public improvement
15 on which fees or bond funds were expended and amount of each expenditure; (6) An identification of
16 the approximate date by which the construction of public improvements will commence; (7) A
17 description of any inter-fund transfer or loan and the public improvement on which the transferred
18 funds will be expended; and (8) Amount of refunds made and any allocations of unexpended fees that
19 are not refunded.

20
21 Every fifth fiscal year following the first deposit into the account the following account
22 reporting shall be made by the Controller's office in coordination with the Planning Department: (1)
23 Purpose to which the fee is to be put; (2) Demonstrate a reasonable relationship between the fee and
24 the purpose for which it is charged; (3) Identify all sources and amounts of funding anticipated to
25

1 complete financing in incomplete improvements identified in this ordinance and subsequent reporting;
2 and (4) Designate the approximate dates on which the funding referred to above (3) is expected to be
3 deposited into the appropriate account or fund. The reporting requirements detailed in this section
4 refer to the current requirements under AB 1600; and are detailed here to insure that this fund fulfills
5 all legal obligations as detailed by the State of California. Any amendments to AB1600 automatically
6 apply to the reporting requirements of this ordinance and the ordinance should be amended
7 accordingly.

8
9 (d) A public hearing shall be held by both the Recreation and Parks Commissions to elicit
10 public comment on proposals for the acquisition of property using monies in the Fund in the Fund or
11 through agreements for in-kind or Community Facilities (Mello-Roos) District that will ultimately be
12 maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in
13 an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the
14 time, place, and purpose of the hearing. . The Parks Commissions may vote to recommend to the
15 Board of Supervisors that it appropriate money from the Fund for acquisition of property for park use
16 and for development of property acquired for park use.

17
18 (e) The Planning Commission shall work with other City agencies and commissions,
19 specifically the Department of Recreation and Parks, Department of Public Works, and the
20 Metropolitan Transportation Agency, to develop agreements related to the administration of the
21 improvements to existing and development of new public facilities within public rights-of-way or on any
22 acquired property designed for park use, using such monies as have been allocated for that purpose at
23 a hearing of the Board of Supervisors.
24
25

1 (f) The Director of Planning shall have the authority to prescribe rules and regulations
2 governing the Fund, which are consistent with this ordinance. The Director of Planning shall make
3 recommendations to the Board regarding allocation of funds.

4
5 **SEC. 326.7. DIRECTOR OF PLANNING'S EVALUATION AND STUDY**

6 The Planning Department shall fulfill all relevant evaluation, reporting and study requirements
7 to insure that the fee program remains up to date. These requirements include those outlined in Section
8 326.6(c), 341.2, and 341.3 of the Planning Code, and Section 36.4 of the Administrative Code.
9 Fulfillment of these reporting requirements shall be coordinated to minimize staff time. Funds to fulfill
10 these requirements should be considered monitoring and program administration.

11
12 **SEC. 326.8. TRANSPORTATION STUDIES AND FUTURE FEES.**

13 (a) Purpose: Studies conducted by the City including the Transit Impact Development Fee
14 nexus study, the ongoing Eastern Neighborhoods studies, and others indicate that new
15 residential development and the creation of new commercial or residential parking facilities
16 negatively impact the City's transportation infrastructure and services. The purpose of this
17 Section is to authorize a nexus study establishing the impact of new residential development
18 and new parking facilities, in nature and amount, on the City's transportation infrastructure
19 and parking facilities and, if justified, to impose impact fees on residential development and
20 projects containing parking facilities.

21 (b) Timing. No later than October 15, 2008, the City shall initiate a study as described
22 below. The agencies described in subsection (c) shall develop a comprehensive scope and
23 timeline of this study which will enable the Board of Supervisors to pursue policy
24

1 recommendations through the legislative process as soon as twelve months after the study's
2 initiation.

3 (c) Process. The study shall be coordinated by the Municipal Transportation Agency
4 (MTA) and the City Attorney's Office. The study shall build on existing nexus study work
5 including recently published nexus studies for parks and recreation, childcare facilities, the
6 existing Transit Development Impact Fee nexus study, and all relevant area plan nexus
7 analysis. The MTA shall coordinate with all relevant government agencies including the San
8 Francisco County Transportation Authority, the Planning Department, the Mayor's Office of
9 Housing, the Controller's Office, the City Attorney's Office and the City Administrator by
10 creating a task force that meets regularly to discuss the study and resultant policy and
11 program recommendations. The MTA shall hire consultants as deemed appropriate to
12 complete the technical analysis.

13 (d) Scope. The study shall determine the impact, in nature and amount, of new residential
14 development and new parking facilities, including new individual parking spaces, on
15 transportation infrastructure and services within the City and County of San Francisco. The
16 study shall not consider or develop specific transportation infrastructure improvement
17 recommendations. The study shall make policy and/or program a recommendations to the
18 Board of Supervisors on the most appropriate mechanisms for funding new transportation
19 infrastructure and services including but not limited to new residential transit impact fees and
20 new parking impact fees.

21 (e) Springing Condition Projects Subject to Future Fees. Based on the findings of the
22 above-referenced is study the City anticipates that the Board may adopt new impact fees to
23 offset the impact of new parking facilities and residential development on San Francisco's
24 transportation network. As the Market and Octavia Plan Area is one of the first transit
25 oriented neighborhood plans in the City and County of San Francisco the City should strive for

1 a successful coordination of transit oriented development with adequate transportation
2 infrastructure and services. All residential and commercial development projects in the
3 Market and Octavia Plan Area that receive Planning Department or Commission approval on
4 or after the effective date of this ordinance shall be subject to any future citywide or Plan-
5 specific parking impact fees or residential transit impact fees that are established before the
6 project receives a final certificate of occupancy. The Planning Department and Planning
7 Commission shall make payment of any future residential transit impact fee or parking impact
8 fee a condition of approval of all projects in the Market and Octavia Plan Area that receive
9 Planning Department or Commission approval on or after the effective date of this ordinance,
10 with the following maximum amounts:

11 (1) Parking Impact fee no more than \$5 per square foot of floor area dedicated to parking.

12 (2) Transit Impact fee no more than \$9 per square foot of residential and commercial floor
13 area.

14 **SEC. 341 BETTER NEIGHBORHOODS AREA PLAN MONITORING PROGRAM**

15 Sections 341.1 to 341.4 set forth the requirements and procedures for the Market and Octavia
16 Community Monitoring Program.

17 **SEC. 341.1. FINDINGS.**

18 (a) The Planning Commission has adopted the Market and Octavia Area Plan as part of the General
19 Plan of the City and County of San Francisco. The Area Plan, in conjunction with the Market and
20 Octavia Neighborhood Plan, outlines specific goals that cumulatively frame the community's vision for
21 the management of growth and development in the plan area. The Market and Octavia Neighborhood
22 Plan introduces innovative policies and land use controls to achieve the plan goals. Successful fruition
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1 of the plan's goals requires a coordinated implementation of land use controls, community and public
2 service delivery, key policies, and community infrastructure improvements.

3 (b) In order to ensure a balanced implementation of the Market and Octavia Neighborhood Plan, the
4 Planning Department will implement a formal monitoring program, with a focus on key indicators. The
5 monitoring program is necessary to evaluate the effectiveness of the Plan and the impacts of growth,
6 particularly housing supply, neighborhood character, and transportation infrastructure and service.
7 The monitoring program will determine whether necessary infrastructure improvements have keep pace
8 with development in the Plan Area. If monitoring surveys indicate an imbalance in growth of
9 neighborhood and relevant infrastructure and support, the Planning Department must recommend
10 policy changes to balance development with infrastructure and services. Appropriate responses may
11 include further study of specific conditions, temporary or permanent alterations to Market and Octavia
12 Neighborhood Plan policies, amendments to the Planning Code, and the dedication of additional
13 revenue for planned improvements.

14 (c) Monitoring reports are a standard tool used to ensure a plan's success. The Downtown Plan of
15 1985 implemented a model monitoring system, which includes both an annual and 5-year monitoring
16 cycle. Annual monitoring efforts for the Market and Octavia Plan Area should be coordinated with
17 these efforts, but include a focus on policies and indicators relevant to the Market and Octavia
18 Neighborhood Plan. The Market and Octavia time series monitoring report should be published
19 independently.

20 (d) The Market and Octavia Plan is a pilot planning effort, implementing modern planning
21 strategies. Data on the successes will be a useful contribution to the field of planning and to
22 other municipalities aiming to achieve transit-oriented communities.
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- 1 (e) The Planning Department will execute a two-tiered monitoring program. The two tiers are: 1)
2 An annual collection and reporting of data from selected sources that are gathered on a regular
3 basis, and 2) every five years, a more extensive data collection effort that includes a evaluation
4 of policy objectives specific to the Market and Octavia Area Plan and reporting of
5 neighborhood trends. The annual monitoring will provide notice for trends that may develop,
6 gauging progress towards long range goals. The time series report will provide in depth
7 analysis of the Plan Area, including a discussion of qualitative trends.
8
9 (f) In coordination with relevant Board of Supervisor representatives and related city agencies a
10 Citizens Advisory Committee shall be formed to participate in the on-going implementation of
11 the Market and Octavia Plan. This Committee shall participate in monitoring efforts, as needed,
12 and be presented a copy of all reports.

13
14 **SEC. 341.2. ANNUAL REPORTING.**

15 The Planning Department shall prepare an annual report detailing the housing supply and
16 development, commercial activities, and transportation trends in the Market and Octavia Plan Area.
17 The information shall be presented to the Board of Supervisors, Planning Commission, the Citizens
18 Advisory Committee, and Mayor, and shall address: (1) the extent of development in the Market and
19 Octavia Plan Area; (2) the consequences of that development; (3) the effectiveness of the policies set
20 forth in the Market and Octavia Area Plan in maintaining San Francisco's environment and character;
21 and (4) recommendations for measures deemed appropriate to deal with the impacts of neighborhood
22 growth.

23 (a) Time Period and Due Date. Reporting shall be presented by July 1st of each year, and shall
24 address the immediately preceding calendar year.

25 (b) Data Source. The Planning Department shall assemble data for the purpose of providing the

1 reports. City records shall be used wherever possible. Outside sources shall be used when data from
2 such sources are reliable, readily available and necessary in order to supplement City records. When
3 data is not available for the exact boundaries of the Plan Area, a similar geography will be used and
4 noted.

5 (c) Categories of Information. The following categories of information shall be included:

6 Commercial Space and Employment.

7 (1) The amount of office space "Completed," "Approved," and "Under Construction" during the
8 preceding year, both within the Plan Area and elsewhere in the City. This inventory shall include the
9 location and square footage (gross and net) of those projects, as well as an estimate of the dates when
10 the space "Approved" and "Under Construction" will become available for occupancy.

11 (2) Plan Area and Citywide Employment trends. An estimate of additional employment, by
12 occupation type, in the Plan Area and citywide.

13 (3) Retail Space and Employment. An estimate of the net increment of retail space and of the
14 additional retail employment relocation trends and patterns Plan Area and citywide.

15 (4) Business Formation and Relocation. An estimate of the rate of the establishment of new
16 businesses and business and employment relocation trends and patterns within the Plan Area and
17 citywide.

18 Housing.

19 (5) Housing Units Certified for Occupancy. An estimate of the number of housing units in the Plan
20 Area and throughout the City newly constructed, demolished, or converted to other uses.

21 (6) Affordable Housing Production. An estimate of the number of new affordable housing units in
22 the Plan Area and throughout the City, including information on affordability and funding sources.

23
24 (7) Unit size. An estimate of the mix of unit sizes in the Plan Area and throughout the City including
25 new construction, unit mergers and unit subdivisions.

1 (8) Unit Conversion. An estimate of average number by unit type in the Plan Area and throughout the
2 City, including condo conversion, and eviction cases.

3 (9) Enforcement of Project Entitlements. A summary of successful compliance with conditions
4 and design standards for development projects approved in the Plan Area and any
5 enforcement actions taken to ensure compliance or adjudicate complaints

6 Transportation.

7 (910) Parking Inventory. An estimate of the net increment of off-street parking spaces in all
8 Districts.

9 (4011) Transit Service. An estimate of transit capacity for peak periods.

10 (12) Transit infrastructure and capacity improvements. A summary of new transit
11 infrastructure and capacity improvements in the Plan Area and affecting the Plan Area as
12 projected in the Market/Octavia Plan, including a comparison of that increased and improved
13 transit service relative to the number of new housing units and office space approved during
14 the same period.

15 (4413) Transit Impact Fee. A summary of the use of the transit impact development fee funds,
16 identifying the number of vehicles, personnel and facilities acquired.

17
18 (d) Report. The analysis of the factors under Commercial Space, Housing and Transportation will
19 compare Plan Area trends to existing conditions, citywide trends, and regional trends, when relevant.
20 The comparisons will indicate the degree that the City is able to accommodate new development as
21 projected within the Plan Area. Based on this data, the Department shall analyze the effectiveness of
22 City policies governing Plan Area growth and shall recommend any additional measures deemed
23 appropriate.

24 SEC. 341.3. TIME SERIES REPORT.
25

1 By July 15, 2008, and every fifth year thereafter on July 15th, the report submitted shall address the
2 preceding five calendar years and, in addition to the data described above, shall include a cordon
3 count of the following key indicators:

4 (a) Implementation of Proposed Programming. The area plan proposes the implementation of various
5 programs including impact fees for development, parking and curb cuts, residential permit parking
6 reform, shared parking programs, and historic preservation survey. Implementation of said programs
7 shall report the following:

8 (1) Fees. Monitor expenditure of all implemented fees. Report on studies and implementation
9 strategies for additional fees and programming.

10 (2) Parking Programs. Report on implementation strategies, including cooperation with
11 relevant agencies, and success of program as implemented.

12 (3) Historic Preservation Surveys. Report findings of survey. Detail further proceedings with
13 regards to findings of survey work.

14
15 (b) Community Improvements. The Area Plan outlines major community improvements in the areas of
16 open space, transportation, pedestrian realm, and community services. Implementation of
17 improvements will be documented, including a focus on the following:

18 (1) Transportation Infrastructure and Services. Successful implementation of the
19 Market and Octavia Plan requires that transportation services keep pace with existing
20 and new demands. Citywide efforts to improve transit services, including the Transit
21 Effectiveness Project (TEP), must be implemented in order to provide adequate service
22 to the area. The time series reports shall report on the City's coordination of transit
23 services with projected development, and provide recommendations for balancing
24 transportation infrastructure with projected growth.

1 (2) Affordable Housing. Development of subsidized housing, below market rate
2 units, off-site inclusionary housing, affordable housing built with in-lieu fee payments,
3 and other types of affordable housing

4 (3) First Source Hiring. The Department shall cooperate with the First Source
5 Hiring Administration and the CAC to report to the Board of Supervisors on the status
6 of monitoring and enforcement of the First Source Hiring ordinance, Administrative
7 Code Sections 83 et seq. in the Plan Area with the goal of increasing compliance with
8 the First Source Hiring requirements. The Planning Department, First Source Hiring
9 Administration, and CAC shall report to the Board on the compliance of ongoing
10 commercial operations subject to the requirements of the First Source Hiring ordinance
11 in addition to the compliance of the initial developer of the property.

12 (c) Planning Code Performance. Better Neighborhoods plans aim to clarify development
13 proceedings, thus reducing the number of variances, articulating conditional use processes, and
14 facilitating the development process. The permit process in the Plan Area and Citywide will be
15 evaluated.

16 **SEC. 341.4. INFORMATION TO BE FURNISHED.**

17 It shall be the duty of the heads of all departments, offices, commissions, bureaus and divisions of the
18 City and County of San Francisco, upon request by the Planning Department, to furnish such
19 information as they may have or be able to obtain relating to the matters to be included in the reports
20 required herein.

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23 **SEC. 341.5 MARKET AND OCTAVIA CITIZENS COMMUNITY ADVISORY COMMITTEE**
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1 (a) Purpose: Within 6 months of adoption of the Market and Octavia Area Plan and related
2 planning code changes, the Board of Supervisors shall establish a Citizens Community Advisory
3 Committee(CAC) shall be established. for the purposes of providing input on the prioritization
4 of community improvements, updating the community improvements program at a minimum of
5 every fifth year in coordination with relevant city agencies, and providing input to plan area
6 monitoring efforts as appropriate. The CAC will be advisory, as appropriate, to the Planning
7 Director, the Interagency Plan Implementation Committee, the Planning Commission, and the
8 Board of Supervisors. The CAC may perform the following functions as needed:
9 (1) Collaborate with the Planning Department and the Inter-Agency Plan Implementation
10 Committee on prioritizing the community improvement projects and identifying implementation
11 details as part of annual expenditure program that is adopted by the Board of Supervisors;
12 (2) Provide an optional forum for community input to project sponsors and the Planning
13 Department on new construction project proposals in the Plan Area as part of the existing
14 neighborhood notification processes;
15 (3) Provide an advisory a role in a report-back process from the Planning Department on
16 enforcement of individual projects' compliance with the Market and Octavia Area Plan
17 standards and specific conditions of project approvals, including the specific first-source hiring
18 requirements for the Plan Area such that those agreements will be more effectively
19 implemented;
20 (4) (3) Collaborate with the Planning Department in updating the community improvements
21 program at a minimum of every fifth year in coordination with relevant city agencies;
22 Providing input to Plan area monitoring efforts for required time-series reporting.
23 (b) Representation: The Board of SupervisorS shall appoint 2/3 of the committee members and
24 the Mayor shall appoint 1/3 of the committee members on the CAC. Both the Board and the
25 Mayor shall appoint members that represent the diversity of the plan area. The Citizens Advisory

1 Committee shall be comprised of 7-11 community members from varying geographic, socio-economic,
2 ethnic, racial, gender, and sexual orientations living or working within the plan area. At a minimum,
3 there must be one representative from each of the geographic areas of the Plan Area. The
4 CAC should adequately represent key stakeholders including resident renters, resident homeowners,
5 low-income residents, local merchants, established neighborhood groups within the plan area,
6 and other groups identified through refinement of the CAC process. Each member shall be
7 appointed by the Board and will serve for two-year terms, but those terms shall be staggered
8 such that, of the initial membership, some members will be randomly selected to serve four
9 year terms and some will serve two year terms. The Board of Supervisors may renew a
10 member's term.

11 The Planning Department or Interagency Plan Implementation Committee shall designate
12 necessary staffing from relevant agencies to the CAC, as needed to complete the CAC's
13 responsibilities functions of the CAC described in this code. To the extent permitted by law,
14 staffing for the CAC shall be funded through the Market & Octavia Community Improvements
15 Fund administration fees.

16
17 **SEC. 731.1 NCT-3 - MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**
18 **DISTRICT.**

19 NCT-3 districts are transit-oriented moderate- to high-density mixed-use neighborhoods of
20 varying scale concentrated near transit services. The NCT-3 districts are mixed use districts that
21 support neighborhood-serving commercial uses on lower floors and housing above. These districts are
22 well-served by public transit and aim to maximize residential and commercial opportunities on or near
23 major transit services. The district's form can be either linear along transit-priority corridors,
24 concentric around transit stations, or broader areas where transit services criss-cross the
25

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

NCT-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NCT-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings may range in height, with height limits varying from four to eight stories.

NCT-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

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

SEC. 731 MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3
ZONING CONTROL TABLE

-	-	-	<u>NCT-3</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>731.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271</u>	<u>Varies</u> <u>See Zoning Map</u> <u>Height Sculpting on Alleys; § 261.1</u> <u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18</u>
<u>731.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.;</u> <u>C 10,000 sq. ft. & above</u> <u>§ 121.1</u>
<u>731.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at residential 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>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>731.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>3.6 to 1</u> <u>§ 124(a) (b)</u>
<u>731.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 5,999 sq. ft.;</u> <u>C 6,000 sq. ft. & above</u> <u>§ 121.2</u>
<u>731.22</u>	<u>Off-Street Parking, Commercial/Institutional</u>	<u>§§ 150, 153-157, 159-160, 204.5</u>	<u>None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 500 <u>1,500</u> 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.</u>

			<u>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.</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>

1	<u>731.39</u>	<u>Residential Demolition</u>	<u>§ 790.86, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
2	<u>731.39a</u>	<u>Residential Division</u>	<u>§ 207.6</u>	<u>P</u>	<u>P</u>	<u>P</u>
3	<u>Retail Sales and Services</u>					
4	<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>
5						
6	<u>731.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	-
7	<u>731.42</u>	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>P</u>	<u>P</u>	-
8	<u>731.43</u>	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>	<u>C #</u>	<u>C #</u>	-
9						
10	<u>731.44</u>	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>	<u>P #</u>	<u>P #</u>	-
11	<u>731.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	-	-	-
12	<u>731.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	-
13						
14	<u>731.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	-
15	<u>731.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	-
16						
17	<u>731.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	-
18	<u>731.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	-
19	<u>731.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
20	<u>731.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
21	<u>731.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
22	<u>731.54</u>	<u>Massage Establishment</u>	<u>§ 790.60,</u> <u>§ 2700 Police Code</u>	<u>C</u>	<u>C</u>	-
23						
24	<u>731.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
25	<u>731.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 158.1,</u>	<u>C</u>	<u>C</u>	<u>C</u>

		<u>160</u>			
<u>731.57</u>	<u>Automobile Gas Station</u>	<u>§ 790.14</u>	<u>C</u>	-	-
<u>731.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>	-	-
<u>731.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	-
<u>731.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>	-	-
<u>731.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>	-	-
<u>731.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	-
<u>731.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>	-	-
<u>731.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>731.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Institutions and Non-Retail Sales and Services</u>					
<u>731.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>731.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>731.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	-	-
<u>RESIDENTIAL STANDARDS AND USES</u>					
<u>731.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages listed in 145.1(d)</u>	<u>P</u>	<u>P</u>

1	<u>731.91</u>	<u>Residential Density, Dwelling Units</u>	<u>§§ 207, 207.1, 790.88(a)</u>	<u>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, 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>
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10	<u>731.92</u>	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 790.88(b)</u>	<u>No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, 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>
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19	<u>731.93</u>	<u>Usable Open Space [Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)</u>
20				
21	<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. Not permitted above .75 cars for each dwelling unit, except C up to 1.0 for units that have at least 2 bedrooms and 1,000</u>
22				
23				
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			occupiable square feet. <u>§ 151.1, 166, 167, 145.1</u>		
<u>731.95</u>	<u>Community Residential Parking</u>	<u>§ 790.10, 145.1, 166</u>	<u>C</u>	<u>C</u>	<u>C</u>

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 731.30</u> <u>§ 731.31</u> <u>§ 731.32</u>	<u>§ 608.10</u>	<u>UPPER MARKET STREET SPECIAL SIGN DISTRICT</u> <u>Boundaries: Applicable only for the portion of the Market Street NCT-3 District from Octavia to Church Streets as mapped on Sectional Map SSD</u> <u>Controls: Special restrictions and limitations for signs</u>
<u>§ 731.84</u> <u>§ 790.141</u>	<u>Health Code § 3308</u>	<u>Medical cannabis dispensaries in NCT-3</u> <u>District may only operate between the hours of 8</u> <u>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

1 traverse the district, including the F, J, K, L, M, and N, and additional key cross-town transit service
2 crosses Market Street at Fillmore and Castro Streets. Additionally, Market Street is a primary bicycle
3 corridor. Housing density is limited not by lot area, but by the regulations on the built envelope of
4 buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses,
5 including open space and exposure, and urban design guidelines. Residential parking is not required
6 and generally limited. Commercial establishments are discouraged or prohibited from building
7 accessory off-street parking in order to preserve the pedestrian-oriented character of the district and
8 prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-
9 street parking and loading on Market and Church Streets to preserve and enhance the pedestrian-
10 oriented character and transit function.

11 The Upper Market Street district controls are designed to promote moderate-scale development
12 which contributes to the definition of Market Street's design and character. They are also intended to
13 preserve the existing mix of commercial uses and maintain the livability of the district and its
14 surrounding residential areas. Large-lot and use development is reviewed for consistency with existing
15 development patterns. Rear yards are protected at all levels. To promote mixed-use buildings, most
16 commercial uses are permitted with some limitations above the second story. In order to maintain
17 continuous retail frontage and preserve a balanced mix of commercial uses, ground-story
18 neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial
19 service uses are limited. Ground floor-commercial space is required along Market and Church Streets.
20 Most automobile and drive-up uses are prohibited or conditional.

21 Housing development in new buildings is encouraged above the second story. Existing upper-story
22 residential units are protected by limitations on demolitions and upper-story conversions.

23 **SEC. 732 UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
24 **ZONING CONTROL TABLE**

-	-	-	<u>Upper Market Street</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>732.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271</u>	<u>Varies</u> <u>See Zoning Map;</u> <u>Height Sculpting on</u> <u>Alleys; § 261.1</u> <u>Additional 5' Height</u> <u>Allowed for Ground Floor</u> <u>Active Uses in 40-X and</u> <u>50-X; § 263.18</u>
<u>732.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.</u> <u>C 10,000 sq. ft. & above</u> <u>§ 121.1</u>
<u>732.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required from 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>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>732.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>3.0 to 1</u> <u>§ 124(a) (b)</u>
<u>732.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 2,999 sq. ft.;</u> <u>C 3,000 sq. ft. & above</u> <u>§ 121.2</u>
<u>732.22</u>	<u>Off-Street Parking,</u> <u>Commercial/Institutional</u>	<u>§§ 150, 153-157, 159-</u> <u>160, 204.5</u>	<u>None required. 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 <u>1,500</u></u> <u>feet of occupied floor area</u> <u>or the 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 to</u> <u>1:250 for space in excess</u> <u>of 20,000 s.f. subject to</u> <u>conditions of 151.1(f); NP</u> <u>above. For all other uses,</u> <u>P up to the quantity</u> <u>specified in Table 151, and</u> <u>subject to the conditions of</u> <u>Section 151.1(f); NP</u> <u>above. §§ 151.1, 166,</u> <u>145.1</u>
<u>732.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155.</u>	<u>Generally, none required if</u>

		<u>204.5</u>	<u>gross floor area is less 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</u>	<u>§ 790.90</u>			
4		<u>Restaurant</u>		-	-	-
5	<u>732.44</u>	<u>Small Self-Service</u>	<u>§ 790.91</u>	<u>C</u>	-	-
6		<u>Restaurant</u>				
7	<u>732.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>	-	-
8	<u>732.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	-	-
9	<u>732.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>			
10				-	-	-
11	<u>732.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>C#</u>	-	-
12	<u>732.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>C</u>	<u>C</u>	-
13	<u>732.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	-	-
14	<u>732.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>C</u>
15	<u>732.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>C</u>
16	<u>732.53</u>	<u>Business or Professional</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>C</u>
17		<u>Service</u>				
18	<u>732.54</u>	<u>Massage Establishment</u>	<u>§ 790.60,</u>	<u>C</u>	<u>C</u>	-
			<u>Police Code § 2700</u>			
19	<u>732.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
20	<u>732.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 145.1, 156,</u>	<u>C</u>	<u>C</u>	<u>C</u>
21			<u>158.1, 160, 166</u>			
22	<u>732.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>			
				-	-	-
23	<u>732.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>			
				-	-	-
24	<u>732.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	-	-
25						

1	<u>732.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	-	-	-
2	<u>732.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	-	-	-
3	<u>732.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	-	-
4	<u>732.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	-	-	-
5	<u>732.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	-	-	-
6	<u>732.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	-
7	<u>732.66</u>	<u>Storage</u>	<u>§ 790.117</u>	-	-	-
8	<u>732.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	-
9	<u>Institutions and Non-Retail Sales and Services</u>					
10	<u>732.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	-	-	-
11	<u>732.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	-	-	-
12	<u>732.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
13	<u>732.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
14	<u>732.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
15	<u>732.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P</u>	-	-
16	<u>RESIDENTIAL STANDARDS AND USES</u>					
17	<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>
18	<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 envelope controls of height.</u>		

			<u>bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 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 4.75. Not permitted above .75 cars for each dwelling unit. § 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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<p>1 <u>§ 732.31</u></p> <p>2 <u>§ 732.32</u></p>	<p>3 <u>§ 608.10</u></p>	<p>4 <u>UPPER MARKET STREET SPECIAL SIGN</u></p> <p>5 <u>DISTRICT</u></p> <p>6 <u>Boundaries: Applicable only for the</u></p> <p>7 <u>portions of the Upper Market Street NCTD</u></p> <p>8 <u>as mapped on Sectional Map SSD</u></p> <p>9 <u>Controls: Special restrictions and</u></p> <p>10 <u>limitations for signs</u></p>
<p>11 <u>§ 732.48</u></p>	<p>12 -</p>	<p>13 <u>Boundaries: Applicable for the Upper</u></p> <p>14 <u>Market Street NCTD.</u></p> <p>15 <u>Controls: Existing bars in the Upper</u></p> <p>16 <u>Market Street Neighborhood Commercial</u></p> <p>17 <u>Transit District will be allowed to apply for</u></p> <p>18 <u>and receive a place of entertainment permit</u></p> <p>19 <u>from the Entertainment Commission without</u></p> <p>20 <u>obtaining conditional use authorization from</u></p> <p>21 <u>the Planning Commission if they can</u></p> <p>22 <u>demonstrate to the satisfaction of the</u></p> <p>23 <u>Entertainment Commission that they have</u></p> <p>24 <u>been in regular operation as an</u></p> <p>25 <u>entertainment use prior to January 1, 2004;</u></p> <p><u>provided, however, that a conditional use is</u></p> <p><u>required (1) if an application for a</u></p> <p><u>conditional use for the entertainment use</u></p> <p><u>was filed with the Planning Department</u></p> <p><u>prior to the date this ordinance was</u></p> <p><u>introduced or (2) if a conditional use was</u></p> <p><u>denied within 12 months prior to the</u></p> <p><u>effective date of this ordinance.</u></p>

Section 4. The Market & Octavia Interim Permit Review Procedures.

A. Purpose. The Market & Octavia Area Plan formalizes and sets the policy
framework for the historic preservation efforts currently being performed by Planning
Department preservation staff for this sub-area. The City is committed to a more systematic
and enhanced policy framework for governing historic preservation for the sub-area as

1 currently set forth under Objective 3.2 and Policies 3.2.1-3.2.17 of the Market & Octavia Area
2 Plan. Because the historic resource survey is yet to be completed as per the effective date of
3 this amendment, the Planning Department shall enact the building permit review procedures
4 set forth in this Section for 36 months from the effective date of this Ordinance or until
5 Planning Commission adoption of the Market and Octavia Historic Resource Survey as set
6 forth below, whichever is sooner. The procedures, as a precautionary measure securing
7 against the loss of potential historic resources, shall ensure extra scrutiny in the period
8 between Plan adoption and adoption of survey findings by the Landmarks Preservation
9 Advisory Board and the Planning Commission.

11 B. Definitions. The following definitions shall apply to this Section 5.

12 1. "Historic Resource Survey", or "Survey" means the area-wide survey of buildings
13 to assess whether they can be considered historic resources, individually or as districts. The
14 survey will have been performed by Page & Turnbull under contract from mid 2006 to 2008,
15 and will, upon review by Department staff, and will be submitted to Landmarks Preservation
16 Advisory Board for review and comment and to the Planning Commission for adoption.

18 2. "Environmental Evaluation Application", "Environmental Exemption Application",
19 or "EE" mean applications filed with the Planning Department by a project sponsor to assess
20 the potential environmental impacts of a proposed project under the California Environmental
21 Quality Act ("CEQA").

22 3. "Historic Context Statement" means a geographically or thematically specific
23 document focusing on a well-defined area's built history. The document is prepared to aid in
24

1 identifying historic resources, as well as in reviewing permit applications for buildings without
2 individual ratings.

3 4. "Minor Alteration" means work that does not meet the definition of "ordinary
4 maintenance and repairs" set forth in Section 1005(e)(3) and that does not meet the definition
5 of Major Alteration set forth in this Section.

6 5. "Major Alteration" means any project for which the Department requires the filing
7 of an EE.

8 7. "Market & Octavia Plan Area" means the geographic area contained in the
9 Market Octavia Area Plan, an element of the San Francisco General Plan.

10 8. "DPR 523-A," "DPR 523-B" or "DPR-523-D" are forms used by the State of
11 California, Department of Parks and Recreation to record historic information related to details
12 on either a building (DPR 523-B) or a district (DPR 523-D), whereas DPR 523-A records
13 general information on a property.

14 9. "Significant Tree" means a tree within the definition of Article 16 of the Public
15 Works Code Section 810A.

16 C. Application.

17 1. The permit review procedures set forth in this Section shall be applied
18 throughout the Market & Octavia Plan Area (on file with the Clerk of the Board of Supervisors
19 in File No.). Properties subject to these procedures are limited to those built in or
20 before 1961, being the same as those 1,521 properties subject to the present survey.

21 2. Expiration. This section shall be in effect for 36 months from the effective date of
22 this Ordinance or until Planning Commission adoption of the Survey, whichever occurs first.

1 D. Review Standards for historic resources as defined by CEQA. When the
2 Planning Department's historic Technical Specialists review a building permit for an historic
3 resources as defined by CEQA, the standard to be used shall be "The Secretary of the
4 Interior's Standards for the Treatment of Historic Properties".

5 E. Permit Review Procedures.

6 1. Mandatory Discretionary Review ("DR") required for all proposed new
7 construction over 50 feet in height . A Mandatory DR hearing by the Planning Commission
8 shall be required for all projects over 50 feet to construct or add to an existing structure for all
9 zoning districts and use sizes within the Plan Area except those requiring a Conditional Use
10 Authorization. The Planning Commission may review proposals in accordance with the criteria
11 based on findings found in Planning Code §303(c). Proposals that may affect (directly or
12 indirectly) Historic Resources that are within the Plan Area shall be reviewed by the
13 Landmarks Preservation Advisory Board at a public hearing in advance of the hearing before
14 the Planning Commission.

15 2. All permit applications for demolition or major alteration of properties within the
16 Plan Area for buildings and structures constructed prior to 1961 shall be forwarded to the
17 Landmarks Board. When a proposed building permit application may affect a potential or
18 identified historic resource, the applicant must file an EE. When an EE is filed and the
19 supporting Historic Resource Evaluation (HRE) is forwarded to a Preservation Technical
20 Specialist within the Neighborhood Planning Unit for review, copies of the application and
21 HRE shall be forwarded to the Landmarks Preservation Advisory Board for comment. The
22 Landmarks Preservation Advisory Board members may forward comments and
23
24
25

1 recommendations to the Planning Department for incorporation into the project's final
2 environmental evaluation document.

3 3. All exterior modification building permit applications for the street façade(s) of
4 historic resources (as defined in Preservation Bulletin #16, on file with the Clerk of the Board
5 of Supervisors in File No. _____) visible from a public right of way and within the Plan
6 Area shall be presented to the Landmarks Preservation Advisory Board. All building permit
7 applications for exterior modifications (exclusive of "ordinary maintenance and repairs"
8 permits as defined in Planning Code Section 1005(e)(3), such as including but not limited to
9 in-kind re-roofing, or replacement of front stairs,) including commercial storefront alterations,
10 shall be reviewed by a Preservation Technical Specialist and by the Landmarks Preservation
11 Advisory Board. Minor alterations within the Plan Area shall be reviewed by Preservation
12 Technical Specialists and information regarding the review shall be forwarded to the
13 Landmarks Preservation Advisory Board members. _____, and information regarding the review
14 shall be forwarded to the Landmarks Preservation Advisory Board. A member of Should the
15 The Landmarks Preservation Advisory Board may request a hearing to review and comment
16 on the matter within 30 days of receipt of the information. _____, a preservation Technical
17 Specialist shall present the permit to review and comment on the matter within 30 days of
18 receipt of the information. _____.

21 4. All proposed curb cuts and garage applications for properties with buildings
22 constructed before 1961 within the Plan Area shall be reviewed by the Landmarks Board.
23 Review will take into consideration policies of the Market and Octavia Area Plan, as well as
24 preservation of neighborhood character, the impact of the proposal on the settings of the
25

1 building(s), significant architectural features, consistent with the Zoning Administrator Bulletin
2 on garages _____, significant trees, as well as other code-mandated regulations.

3 5. Neighborhood Association Block Book Notations (BBN) for all building permit
4 activities reviewed by Planning Department. The Planning Department will offer to register all
5 of the neighborhood associations affected by the Area Plan for Block Book Notations (BBN)
6 by phone number or email. Each association may select the block(s) of their interest within
7 the Plan Area, and the Department will notify them when a permit application is submitted to
8 the Department for review. The Department shall not approve a building or demolition permit
9 application for a period of 10 days during which any interested parties may review the permit
10 application.

12 6. Neighborhood notification to the Landmarks Preservation Advisory Board. All
13 proposed projects within the Plan Area requiring Planning Code Sections 311 or 312
14 notifications for new construction or alteration shall be sent to the members of the Landmarks
15 Preservation Advisory Board. Individual members of the Landmarks Preservation Advisory
16 Board may provide comment to the Department, or request a public hearing before the
17 Landmarks Preservation Advisory Board to review and comment on the matter.

19 F. Survey Incorporation into the Market & Octavia Plan.

20 1. Purpose. To ensure that findings of the survey will be reflected in a future
21 revised version of the Market & Octavia Plan, the Planning Department shall follow the
22 procedures set forth in this subsection F.

24 2. Timeline of Actions.

1 a. During the period after the Department receives the consultants' final results of
2 the Survey but no later than 90 days after receipt of the consultant submissions, the
3 Department shall host a community meeting to discuss and share the Survey process and
4 results with the public and present the Survey to the Landmarks Preservation Advisory Board
5 for review, adoption, and recommendation to the Planning Commission.

6 b. Once the Landmarks Preservation Advisory Board recommends Survey
7 adoption, the Department shall have 30 days to present the Survey findings to the Planning
8 Commission for a public hearing to consider Commission adoption of the Survey.

9 c. The Department shall have 90 days from the Planning Commission adoption to
10 prepare a report, called the "Post-Survey Report" for the Commission recommending updates
11 or amendments, if any, to the Market & Octavia Area Plan, the Planning Code, or other
12 relevant planning controls, and shall contain the information as outlined in Section 5(F)(3)
13 below. These recommendations may include amendments to General Plan policies, design
14 principles and/or design guidelines, or amendments to Planning Code provisions regarding
15 land use controls and height districts.

16 d. Within one year of the Planning Commission survey adoption, the Department
17 shall present any, if any, proposed, identified, eligible districts as recorded on DPR 523D
18 District Records, and 523A and 523B, individual building inventory forms, to the Landmarks
19 Preservation Advisory Board ("Landmarks Board"). Upon receipt, the Landmarks Board may:
20 (1) initiate landmarking under Article 10 of the Planning Code; and/or (2) nominate all
21 California or National Register-eligible districts with the California Office of Historic
22 Preservation (OHP).

1 e. In the event that any of the above deadlines are not met, the Board of
2 Supervisors may schedule a hearing to discuss the most appropriate course of action to
3 ensure the retention of historic resources in the Plan Area.

4 3. Post-Survey Report.

5 a. The Map on file with the Clerk of the Board of Supervisors (File _____),
6 Map 4a in the Market & Octavia Area Plan, currently designates “Increased Scrutiny Areas.”
7 This category will be replaced with areas under study for “potential as Historic Districts” to be
8 included in the Area Plan upon completion of the survey. The report shall include this
9 amended map and discuss its findings.

11 b. The Department shall update its “Parcel Information” database with the new
12 information for each lot in the Plan Area. The report shall note that this has taken place.

13 c. Language will be drafted to update Area Plan Policy 3.2.10 on future designation
14 of landmarks and historic districts to reflect new designations. The Post Survey Report shall
15 identify any “potential historic districts” and prioritize such potential historic districts for
16 advancement as new historic districts under Planning Code Article 10.

18 d. In addition to the Post Survey Report, the Department shall make any
19 recommendations as to additional appropriate changes to the Plan and its implementing
20 controls, at a public hearing at the Commission. These recommendations may include: (i)
21 amendments to Market & Octavia Area Plan policies referring to the Survey as well as an
22 update to Map Four; (ii) a reassessment of the Plan's original proposal for a 65 foot height
23 district on upper Market Street west of Church Street; and (iii) other amendments to General
24 Plan policies, design principles and/or design guidelines as well as related Planning Code
25

1 provisions such as land use controls and height districts. The Commission, as appropriate,
2 may recommend proposed amendments to the Board of Supervisors.

3 e. The Planning Commission and the Board of Supervisors may consider similar
4 interim review procedures as those described in this Section for parcels that are subject to
5 additional survey work.

6
7 ~~—Additional Affordable Housing Study and Effective Date of This Ordinance and~~
8 ~~Accompanying Ordinances: The Planning Department shall prepare a study of the~~
9 ~~potential for an increased affordable housing requirement for parcels that are granted~~
10 ~~upzoning through the Market and Octavia Plan.~~

11 ~~The study shall consist of the following analysis:~~

12 ~~a. Revised Sensitivity analysis. The study will look at a number of prototypes to~~
13 ~~determine whether proposed levels of upzoning change the economic impacts of~~
14 ~~adjusted inclusionary requirements on market-rate housing projects on upzoned~~
15 ~~parcels; Specifically the study shall compare existing development potential to~~
16 ~~new development potential under Market and Octavia zoning controls. The study~~
17 ~~shall analyze whether the increased potential would make increased affordable~~
18 ~~housing contributions feasible.~~

19 ~~The study shall focus on development on sites that received increased heights~~
20 ~~through the Market and Octavia Area Plan but shall not limit the definition of~~
21 ~~upzoning to height increases. The analysis will evaluate what level of additional~~
22 ~~affordable housing requirement, if any, is appropriate on sites that were upzoned~~
23 ~~without jeopardizing the feasibility of the project. This information will be~~
24 ~~developed in consultation with economic consultants and presented at a public~~
25

1 hearing approximately thirty to 60 days after Planning Commission adoption of
2 the Market and Octavia Plan.

3 ~~b. Additional Affordable Contribution Program. Based on the findings of the~~
4 ~~updated sensitivity analysis, various models for implementing an additional~~
5 ~~affordable housing requirement will be evaluated. The Planning Department~~
6 ~~shall recommend the most appropriate mechanisms for increasing affordable~~
7 ~~housing requirements in select areas of the Market and Octavia Area Plan. The~~
8 ~~program shall be codified as a supplement to section 315 that calls for specific~~
9 ~~additional affordable housing contributions for parcels deemed to be 'upzoned'.~~
10 ~~The Department shall evaluate the following potential mechanisms:~~

- 11 ~~i. a higher inclusionary housing requirement,~~
- 12 ~~ii. an additional fee contribution to affordable housing,~~
- 13 ~~iii. additional onsite affordable housing requirements, and~~
- 14 ~~iv. all additional strategies recommended by the Planning Commission.~~

15 ~~c. Timeline. The Planning Department shall present initial findings of the sensitivity~~
16 ~~analysis within 30 to 60 days of Planning Commission adoption of the Market~~
17 ~~and Octavia Plan. The Planning Department shall recommend the appropriate~~
18 ~~increased affordable housing program within three months of Planning~~
19 ~~Commission adoption of the Market and Octavia Plan.~~

20 ~~d. Effective Date. The Market and Octavia Plan, including this ordinance, and~~
21 ~~accompanying Market and Octavia General Plan Amendment and Zoning Map~~
22 ~~Amendment on file in Board File No. _____, will be effective on the~~
23 ~~effective date of the additional affordable housing requirement program that the~~
24 ~~Board enacts consistent with the findings of the revised sensitivity analysis~~
25 ~~described above.~~

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

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4 By: _____
5 Susan Cleveland-Knowles
6 Deputy City Attorney
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