

1 [Planning Code - Miscellaneous Technical Amendments]

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3 **Ordinance amending the San Francisco Planning Code to correct clerical errors, make**
4 **language revisions and update Sections 121.2, 134, 136.1, 142, 185, 201, 204.1, 204.2,**
5 **205, 205.1, 205.3, 207.2, 209.3, 217, 243, 303, 309, 311, 312, 317, 602.25, 602.26, 607.1,**
6 **and various Sections and Tables in Articles 7 and 8; and adopting findings, including**
7 **findings under the California Environmental Quality Act, Planning Code Section 302**
8 **findings, and findings of consistency with the General Plan and Planning Code Section**
9 **101.1.**

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

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

15 Section 1. Findings. The Board of Supervisors finds and declares as follows:

16 (a) The Planning Department has determined that the actions contemplated in this
17 Ordinance are in compliance with the California Environmental Quality Act (California Public
18 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
19 Board of Supervisors in File No. 110482, and is incorporated herein by reference.

20 (b) On August 5, 2010, the Planning Commission, in Resolution No. 18157, approved
21 and recommended for adoption by the Board this legislation and adopted findings that it is
22 consistent, on balance, with the City's General Plan and eight priority policies of Planning
23 Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is
24 on file with the Clerk of the Board of Supervisors in File No. 110482, and is incorporated
25 herein by reference.

1 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
2 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
3 Planning Commission Resolution No. 18157, and incorporates such reasons herein by
4 reference.

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6 Section 2. The San Francisco Planning Code is hereby amended by amending Section
7 121.2, to read as follows:

8 **SEC. 121.2. USE SIZE LIMITS (NONRESIDENTIAL), NEIGHBORHOOD COMMERCIAL**
9 **DISTRICTS.**

10 (a) In order to protect and maintain a scale of development appropriate to each district,
11 nonresidential uses of the same size or larger than the square footage stated in the table
12 below may be permitted only as conditional uses subject to the provisions set forth in Sections
13 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for
14 each individual nonresidential use.

District	Lot Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Polk Street	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	

1	<i>Polk Street</i>	
2	Sacramento Street	
3	Union Street	
4	24th Street-Mission	
5	24th Street-Noe Valley	
6	West Portal Avenue	
7	NC-1, NCT-1	3,000 sq. ft.
8	Broadway	
9	Hayes-Gough	
10	Upper Market Street	
11	Valencia Street	
12	NC-2, NCT-2, SoMa, Ocean Avenue	4,000 sq. ft.
13	NC-3, NCT-3, Mission Street	6,000 sq. ft.
14		

15 Section 3. The San Francisco Planning Code is hereby amended by amending Section
 16 134 to read as follows:

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

19 The rear yard requirements established by this Section 134 shall apply to every
 20 building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted
 21 in Subsection (a), except those buildings which contain only single room occupancy (SRO) or
 22 live/work units and except in the Bernal Heights Special Use District and Residential
 23 Character Districts to the extent these provisions are inconsistent with the requirements set
 24 forth in Section 242 of this Code. With the exception of dwellings in the South of Market
 25

1 Mixed Use and Eastern Neighborhoods Mixed Use Districts containing only SRO units, the
2 rear yard requirements of this Section 134 shall also apply to every dwelling in a(n) MUG,
3 MUO, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual
4 Area Neighborhood Commercial Transit District, Individual Neighborhood Commercial District
5 as noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts.
6 These requirements are intended to assure the protection and continuation of established
7 midblock, landscaped open spaces, and maintenance of a scale of development appropriate
8 to each district, consistent with the location of adjacent buildings.

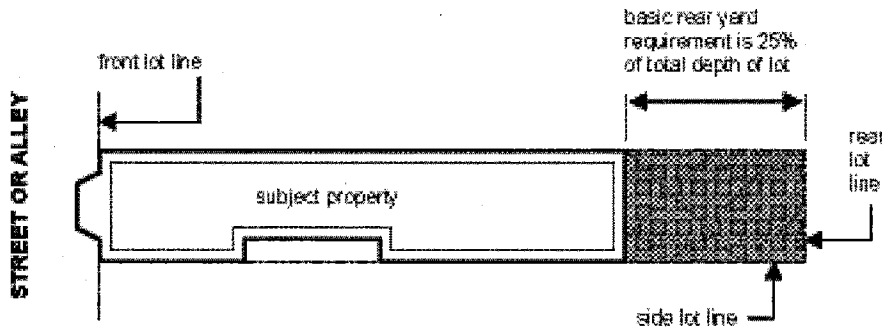
9 (a) **Basic Requirements.** The basic rear yard requirements shall be as follows for the
10 districts indicated:

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

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

23 (B) **NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street, Upper**
24 **Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission**
25 **Districts.** Rear yards shall be provided at the second story, and at each succeeding story of

1 the building, and at the first story if it contains a dwelling unit.

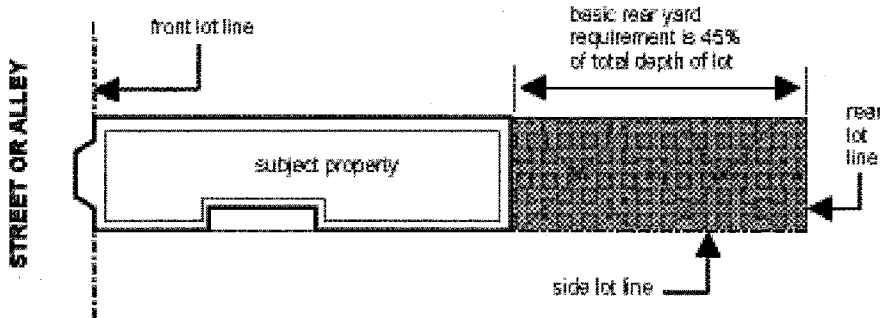


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8 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market
9 Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR,
10 MUG, MUO, and UMU Districts. Rear yards shall be provided at the lowest story containing
11 a dwelling unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT,
12 lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway
13 Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building,
14 provided that the project fully meets the usable open space requirement for dwelling units per Section
15 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural
16 consideration to the light and air needs of adjacent buildings given the constraints of the project site.

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

22 (2) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts. The minimum rear yard
23 depth shall be equal to 45 percent of the total depth of the lot on which the building is situated,
24 except to the extent that a reduction in this requirement is permitted by Subsection (c) below.

1 Rear yards shall be provided at grade level and at each succeeding level or story of the
2 building.



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9 Section 4. The San Francisco Planning Code is hereby amended by amending Section
10 136.1, to read as follows:

11 **SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN *Limited Commercial Uses,***
12 ***Neighborhood Commercial Districts,* EASTERN NEIGHBORHOODS MIXED USE AND**
13 **SOUTH OF MARKET MIXED USE DISTRICTS.**

14 In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the
15 following provisions shall apply to *Limited Commercial Uses, and* in NC, Eastern Neighborhoods
16 Mixed Use and South of Market Mixed Use Districts.

17 (a) **Awnings.** Awnings, as defined in Section 790.20 of this Code, shall be regulated
18 in *Limited Commercial Uses, Neighborhood Commercial Districts,* Eastern Neighborhoods Mixed
19 Use and South of Market Mixed Use Districts below.

20 All portions of any permitted awning shall be not less than eight feet above the finished
21 grade, excluding any valance which shall not be less than seven feet above the finished
22 grade. No portion of any awning shall be higher than the windowsill level of the lowest story
23 (if any) exclusive of the ground story and mezzanine, provided that no such awning shall in
24 any case exceed a height of 16 feet or the roofline of the building to which it is attached,
25 whichever is lower.

1 (1) **Limited Commercial Uses and NC-1 Districts.** The horizontal projection of any
2 awning shall not exceed four feet from the face of a building. The vertical distance from the
3 top to the bottom of any awning shall not exceed four feet, including any valance.

4 (2) **All Other Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use**
5 **and South of Market Mixed Use Districts.** When the width of all awnings is 10 feet or less
6 along the direction of the street, the horizontal projection of such awnings shall not exceed six
7 feet from the face of any supporting building and the vertical distance from the top to the
8 bottom of such awnings shall not exceed six feet, including any valance. When the width of
9 all awnings exceeds 10 feet measured along the direction of the street, the horizontal
10 projection of such awnings shall not exceed four feet from the face of the supporting building
11 and the vertical distance from the top to the bottom of such awnings shall not exceed four
12 feet, including any valance.

13 (b) **Canopies.** Canopies, as defined in Section 790.26 of this Code, shall be regulated
14 in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed
15 Use and South of Market Mixed Use Districts below.

16 (1) **Limited Commercial Uses and NC-1 Districts.** No canopy shall be permitted in any
17 Limited Commercial Use or in any NC-1 District.

18 (2) **All Other Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use**
19 **and South of Market Mixed Use Districts.** The maximum width of any canopy shall be 10
20 feet. The horizontal projection of any canopy may extend to a point not closer than two feet
21 from the curb. The outer column support shall be located in the outer 1/3 of the sidewalk and
22 shall be no less than four feet from the building face to ensure adequate clear space along the
23 sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed an
24 average of two feet, including any valance. The highest point of the canopy shall not exceed
25 a point four feet above the door opening or 16 feet, whichever is less. All portions of any

1 canopy, excluding the column supports and excluding any valance which may be not less
2 than seven feet above the finished grade, shall be not less than eight feet above the finished
3 grade. Canopies shall not be spaced closer than 20 feet from each other, measured from
4 centerline to centerline.

5 (c) **Marquees.** Marquees, as defined in Section 790.58 of this Code, shall be regulated
6 in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed
7 Use and South of Market Mixed Use Districts below.

8 (1) Limited Commercial Uses and NC-1 Districts. No marquee shall be permitted in any
9 Limited Commercial Use or in any NC-1 District.

10 (2) **All Other Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use**
11 **and South of Market Mixed Use Districts.** The vertical distance from the top to the bottom
12 of any marquee shall not exceed three feet and the horizontal projection shall not extend
13 beyond a point not closer than two feet from the curb.

14 (A) A marquee projecting more than 2/3 of the distance from the property line to the
15 curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction
16 of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor
17 more than 16 feet in height above the finished grade, nor higher than the windowsill level
18 exclusive of the ground story and mezzanine. Each building frontage shall be considered
19 separately.

20 (B) A marquee projecting less than 2/3 of the distance from the property line to the
21 curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction
22 of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor
23 more than 16 feet above the finished grade, nor higher than the windowsill level or windows
24 on the building facade on which the marquee is placed, exclusive of the ground story and
25 mezzanine. Each building frontage shall be considered separately.

1 (C) A marquee projecting less than four feet from the property line and not exceeding
2 two feet in thickness may extend over the total length of the building along the direction of the
3 street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet
4 above the finished grade, nor higher than the windowsill level or windows on the building
5 facade on which the marquee is placed, exclusive of ground story and mezzanine. Each
6 building frontage shall be considered separately.

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8 Section 5. The San Francisco Planning Code is hereby amended by amending Section
9 142, to read as follows:

10 **SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICLE USE AREAS.**

11 Off-street parking and "vehicle use areas" adjacent to the public right-of-way shall be
12 screened as provided in this Section.

13 (a) **Screening of parking and vehicle use areas less than 25 linear feet adjacent**
14 **to a public right-of-way:**

15 (1) Every off-street parking space within a building, where not enclosed by solid
16 building walls, shall be screened from view from all streets and alleys through use of garage
17 doors or by some other means.

18 (2) Along rear yard areas and other interior open spaces, all off-street parking spaces,
19 driveways and maneuvering areas within buildings shall be screened from view and confined
20 by solid building walls.

21 (3) Off-street parking spaces in parking lots shall meet the requirements of Section
22 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be
23 screened from view as provided in Section 156(d) of this Code.

24 (b) **Vehicular use areas that are greater than 25 linear feet along the public right-**
25 **of-way.** All lots containing vehicular use areas where such area has more than 25 linear feet

1 along any public right-of-way shall provide screening in accordance with the requirements of
2 this Section and the Ornamental Fencing Section 102.32. The following instances shall trigger
3 the screening requirements for these vehicle use areas:

4 (1) Any existing vehicular use area that is accessory to an existing principal use if such
5 use expands gross floor area equal to 20 percent or more of the gross floor area of an existing
6 building;

7 (2) Any repair rehabilitation or expansion of any existing vehicular use area, if such
8 repair, rehabilitation or expansion would increase the number of existing parking spaces by
9 either more than 20% or by more than four spaces, whichever is greater; or

10 (3) The excavation and reconstruction of an existing vehicular use area if such
11 excavation and reconstruction involves the removal of ~~50% or~~ 200 square feet or more of the
12 asphalt, concrete or other surface devoted to vehicular use. This provision does not apply to
13 the resurfacing due to emergency work to underground utilities if such work is intended to
14 maintain safety or other public purpose beyond the control of the property owner.

15 (c) **Perimeter Screening.** All vehicular use areas that are greater than 25 linear feet
16 adjacent to the public right-of-way shall provide a screening feature around the perimeter of
17 the lot adjacent to the public right-of-way. Screening shall add to the visual diversity of the use
18 and need not be an opaque barrier. This feature shall be at least one of the following:

19 (1) Ornamental fencing or a solid wall that is 4 feet in height and a 5 foot deep
20 permeable surface with landscaping along the perimeter of the lot that is adjacent to a public
21 right-of-way and compliant with the applicable water use requirements of Administrative Code
22 Chapter 63; or

23 (2) A combination of permeable landscaping compliant with the applicable water use
24 requirements of Administrative Code Chapter 63 and ornamental fencing where the
25 permeable surface and landscaping is the equivalent area of a 5 foot deep average perimeter

1 landscaping that has been otherwise configured to result in either: (i) a public space or
2 amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such
3 as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater
4 runoff.

5 (d) The Zoning Administrator is authorized to modify the requirements of subsection
6 thereby allowing alternative landscape treatments to partially or wholly satisfy this screening
7 requirement provided that alternative landscape treatments such as landscaped berms,
8 perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping
9 and tree plantings are provided elsewhere on the site and will be visible from the public right-
10 of-way or are provided in the public right-of-way as regulated by Section 810B of the Public
11 Works Code. The Zoning Administrator may authorize such modification only upon finding that
12 the proposed alternative landscape treatment would:

13 (1) Provide a visual effect that promotes and enhances the pedestrian experience
14 through the use of quality urban design;

15 (2) Promote the reduction of stormwater runoff and

16 (3) Use climate appropriate plant materials, as defined in Public Works Code Section
17 802.1, that are compliant with the applicable water use requirements of Administrative Code
18 Chapter 63.

19
20 Section 6. The San Francisco Planning Code is hereby amended by amending Section
21 185, to read as follows:

22 **SEC. 185. CONTINUANCE OF OTHER NONCONFORMING USES.**

23 The purpose of this Section is to provide for the gradual elimination or conversion, after
24 a reasonable allowance of time for the amortization of investments therein, of certain classes
25 of nonconforming uses in buildings, in order to encourage and promote the orderly and

1 beneficial development of the land and buildings with conforming uses. The Section is
2 intended to apply to obsolescent buildings whose use is widely at variance with the
3 regulations of this Code, and is safeguarded against unnecessary hardship in application by
4 provision for a minimum period of continuance of 20 years, by procedures for extension and
5 exceptions, and by the requirement of repeated notice as the buildings approach an age
6 indicative of obsolescence. It is further declared that the requirement of eventual removal, or
7 conversion to conforming use of such buildings, subject to the exceptions set forth, is in the
8 public interest and is intended to promote the general welfare.

9 (a) This Section shall apply only to nonconforming uses occupying buildings in R
10 Districts, other than Residential-Commercial Combined Districts, when such uses would first
11 be permitted as a principal or conditional use in an NC, C or M District or in a Residential-
12 Commercial Combined District. It shall not apply to exempt limited commercial and industrial
13 uses meeting the requirements of Section 186, or to any nonconforming use of land or a
14 building whose continuance is more strictly limited by the provisions of Section 184.

15 (b) Every such building to which this Section applies may be continued in such use for
16 at least 20 years from the effective date of this Code (May 2, 1960), or of the amendment
17 thereto which causes it to be nonconforming, and may be continued for a longer period if it
18 has not yet reached the age hereinafter specified, computed from the date the building was
19 erected. For buildings of Type 1 or Type 2, as defined in the Building Code of the City, the
20 specified age shall be 50 years; for Type 3 buildings it shall be 40 years; and for Type 4 and
21 Type 5 buildings it shall be 30 years.

22 (c) Upon the expiration of the period specified for each such building, it shall be
23 completely removed or altered and converted to a conforming use, except as hereinafter
24 provided.

1 (d) Where special circumstances apply to any such building and use, which do not
2 apply generally to others affected hereby, extension of time may be granted under the
3 variance procedure as regulated in Section 305, but no such extension shall be for a period in
4 excess of one year. Successive extensions, subject to the same limitations, may be granted
5 upon new application.

6 (e) Any nonconforming use affected by this Section shall be qualified for consideration
7 by the ~~City~~ Planning Commission as a conditional use as regulated in Section 303, upon
8 application filed at any time during the period of permitted continuance specified above. In the
9 event that a conditional use is authorized by the ~~City~~ Planning Commission for any such use,
10 the provisions of Sections 180 through 183 shall continue to apply to such use except as
11 specifically provided in the action of the Commission, and no enlargement, intensification or
12 extension of the nonconforming use shall be permitted by the Commission.

13 ~~(f) The Zoning Administrator shall give notice by mail of the date of expiration of the periods of~~
14 ~~permitted continuance specified herein to each owner of record within four years of the effective date of~~
15 ~~this Code, or of the date of the amendment which caused the use to become nonconforming, and shall~~
16 ~~repeat such notice at approximate intervals of four years thereafter. A final notice shall be given one~~
17 ~~year before said date of expiration in each instance. The notices shall set forth all pertinent provisions~~
18 ~~of this Section, including the declared purposes thereof. Failure to send notice by mail to any such~~
19 ~~owner where the address of such owner is not a matter of public record, or where no Permit of~~
20 ~~Occupancy for a nonconforming use covered by this Section has been issued as provided in Section 171~~
21 ~~of this Code, shall not invalidate any proceedings under this Section.~~

22
23 Section 7. The San Francisco Planning Code is hereby amended by amending Section
24 201, to read as follows:

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

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

Public Use Districts (P)	
Residential Districts	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
Residential-Commercial Districts	
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
Residential Transit-Oriented Neighborhood Districts	
RTO	Residential, Transit-Oriented Neighborhood Districts
RTO-M	Residential Transit-Oriented — Mission Neighborhood Districts
Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial	

1	District
2	Inner Clement Street Neighborhood Commercial District
3	Outer Clement Street Neighborhood Commercial District
4	Upper Fillmore Street Neighborhood Commercial District
5	Haight Street Neighborhood Commercial District
6	Inner Sunset Neighborhood Commercial District
7	Upper Market Street Neighborhood Commercial District
8	North Beach Neighborhood Commercial District
9	<i>Pacific Avenue Neighborhood Commercial District</i>
10	Polk Street Neighborhood Commercial District
11	Sacramento Street Neighborhood Commercial District
12	Union Street Neighborhood Commercial District
13	24th Street-Noe Valley Neighborhood Commercial District
14	West Portal Avenue Neighborhood Commercial District
15	
16	
17	Neighborhood Commercial Transit Districts (NCT)
18	NCT-1 Neighborhood Commercial Transit Cluster District
19	NCT-2 Small-Scale Neighborhood Commercial Transit District
20	NCT-3 Moderate Scale Neighborhood Commercial Transit District
21	
22	
23	Individual Area Neighborhood Commercial Transit (NCT) Districts
24	Hayes-Gough NCT
25	Upper Market Street NCT
26	Valencia Street NCT
27	24th Street — Mission NCT
28	Mission Street NCT
29	SoMa NCT
30	Ocean Avenue NCT
31	
32	
33	<i>Neighborhood Commercial Special Use Districts</i>
34	<i>Lakeshore Plaza Special Use District</i>
35	<i>Bayshore-Hester Special Use District</i>

1	<u>North Beach Special Use District</u>	
2	<u>Taraval Street Restaurant & Fast Food Subdistrict</u>	
3	<u>Irving Street Restaurant & Fast Food Subdistrict</u>	
4	<u>Geary Boulevard Fast Food Subdistrict</u>	
5	<u>Mission Street Fast Food Subdistrict</u>	
6	<u>North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict</u>	
7	<u>Chestnut Street Financial Subdistrict</u>	
8	<u>Neighborhood Commercial Restricted Use Districts</u>	
9	<u>Third Street Alcohol Restricted Use District</u>	
10	<u>Divisadero Street Alcohol Restricted Use District</u>	
11	<u>Lower Haight Street Alcohol Restricted Use District</u>	
12	<u>Excelsior Alcohol Restricted Use District</u>	
13	<u>Lower Haight Street Tobacco Paraphernalia Restricted Use District</u>	
14	<u>Fringe Financial Service Restricted Use District</u>	
15		
16	Commercial Districts	
17	C-1	Neighborhood Shopping Districts
18	C-2	Community Business Districts
19	C-M	Heavy Commercial Districts
20	C-3-O	Downtown Office District
21	C-3-R	Downtown Retail District
22	C-3-G	Downtown General Commercial District
23	C-3-S	Downtown Support District
24		
25	Industrial Districts	
26	M-1	Light Industrial Districts
27	M-2	Heavy Industrial Districts
28	PDR-1-B	Production Distribution and Repair — Light Industrial Buffer
29	PDR-1-D	Production Distribution and Repair — Design
30	PDR-1-G	Production Distribution and Repair - General
31	PDR-2	Core Production Distribution and Repair — Bayview
32		
33	Chinatown Mixed Use Districts (Also see Article 8)	

1	CCB	Chinatown Community Business District
	CR/NC	Chinatown Residential/Neighborhood Commercial District
2	CVR	Chinatown Visitor Retail District
3		
4	South of Market Mixed Use Districts (Also see Article 8)	
5	RED	Residential Enclave Districts
	RSD	Residential Service District
6	SLR	Service/Light Industrial/Residential District
7	SLI	Service/Light Industrial District
8	SSO	Service/Secondary Office District
9	Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	
10	SPD	South Park District
11	MUG	Mixed Use — General
12	MUO	Mixed Use — Office
13	MUR	Mixed Use — Residential
14	UMU	Urban Mixed Use
15	Downtown Residential Districts (Also see Article 8)	
16	RH-DTR	Rincon Hill Downtown Residential
17	SB-DTR	South Beach Downtown Residential
18	<i>TB-DTR</i>	<i>Transbay Downtown Residential District</i>
19	Mission Bay Districts (Also see Article 9)	
20	MB-R-1	Mission Bay Lower Density Residential District
21	MB-R-2	Mission Bay Moderate Density Residential District
22	MB-R-3	Mission Bay High Density Residential District
23	MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
24	MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
25	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
	MB-O	Mission Bay Office District

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

5 Section 8. The San Francisco Planning Code is hereby amended by amending Section
6 204.1, to read as follows:

7 **SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN R OR NC DISTRICTS.**

8 No use shall be permitted as an accessory use to a dwelling unit in any R or NC District
9 which involves or requires any of the following:

10 (a) Any construction features or alterations not residential in character;

11 (b) The use of more than ¼ of the total floor area of the dwelling unit, except in the
12 case of accessory off-street parking and loading or Neighborhood Agriculture as defined by
13 Section 102.35;

14 (c) The employment of any person not resident in the dwelling unit, other than a
15 domestic servant, gardener, janitor or other person concerned in the operation or
16 maintenance of the dwelling unit;

17 (d) Residential occupancy by persons other than those specified in the definition of
18 family in this Code;

19 (e) In RH-1(D), RH-1 and RH-1(S) Districts, the provision of any room for a roomer or
20 boarder with access other than from within the dwelling unit;

21 (f) Addition of a building manager's unit, unless such unit meets all the normal
22 requirements of this Code for dwelling units;

23 (g) The maintenance of a stock in trade other than garden produce related to
24 Neighborhood Agriculture as defined by Section 102.35, or the use of show windows or
25 window displays or advertising to attract customers or clients; or

1 (h) The conduct of a business office open to the public other than sales related to
2 garden produce of Neighborhood Agriculture as defined by Section 102.35; or

3 (i) A Medical Cannabis Dispensary as defined in Section 209.3(k) and 217(k) of this Code.

4 Provided, however, that Subsection (h) of this Section shall not exclude the maintenance
5 within a dwelling unit of the office of a professional person who resides therein, if accessible
6 only from within the dwelling unit; and provided, further, that Subsection (g) shall not exclude
7 the display of signs permitted by Article 6 of this Code.

8
9 Section 9. The San Francisco Planning Code is hereby amended by amending Section
10 204.2, to read as follows:

11 **SEC. 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN R**
12 **DISTRICTS.**

13 No use shall be permitted as an accessory use to a use other than a dwelling in any R
14 District which involves or requires any of the following:

15 No use shall be permitted as an accessory use to a use other than a dwelling in any R District
16 which involves or requires any of the following:

17 (a) The use of more than ¼ of the total floor area occupied by such use and the
18 principal or conditional use to which it is accessory, except in the case of accessory off-street
19 parking and loading;

20 (b) The use of show windows or window displays or advertising to attract customers or
21 clients, except for an identifying sign and regulated in Article 6 of this Code; or

22 (c) The conduct of any activity of a profit-making or commercial nature, except as an
23 integral part of the permitted principal or conditional use where such activity is expressly
24 permitted by Sections 209.1 through 209.9 of this Code; or

25 (d) A Medical Cannabis Dispensary as defined in Section 209.3(k) and 217(k) of this Code.

1 Section 10. The San Francisco Planning Code is hereby amended by amending
2 Section 205, to read as follows:

3 **SEC. 205. TEMPORARY USES, GENERAL.**

4 (a) The temporary uses listed in Sections 205.1 through 205.3, where not otherwise
5 permitted in the district, may be authorized as provided herein, up to the time limits indicated.
6 Further time for such uses may be authorized only by action upon a new application, subject
7 to all the requirements for the original application, unless otherwise indicated in Sections
8 205.1 through 205.3.

9 (b) Action upon such uses ~~shall be by the Planning Commission, subject to all the~~
10 ~~requirements for conditional uses in Sections 303 and 306 through 306.5 of this Code; except that uses~~
11 ~~listed in Section 205.1, uses listed in Section 205.2 if located in a PDR, C, or M District, and uses listed~~
12 ~~in Section 205.3 within the South of Market Mixed Use Districts and Eastern Neighborhoods Mixed~~
13 ~~Use Districts,~~ may be authorized by the Zoning Administrator without a public hearing.

14 (c) Wherever a use exists at the effective date of this Code or of an amendment
15 thereto under which such use is classified as a temporary use, or wherever a use is being
16 conducted under a temporary use authorization given prior to such a date, such use may be
17 continued for the maximum term specified therefore, calculated from said effective date or
18 date of authorization. No such use shall continue thereafter unless a temporary use
19 authorization shall have been sought and obtained under a new application. Continuance of a
20 temporary use beyond the date of expiration of the period authorized therefore, or failure to
21 remove a structure for such temporary use within 10 days thereafter, shall constitute a
22 violation of this Code.

23 (d) The time periods referenced in Sections 205.1 through 205.3 are consecutive hours or consecutive
24 calendar days; they are not the total number of hours or days that the use is in operation. Therefore, a 24-hour
25 authorization that begins at 6:00 a.m. expires at 6:00 a.m. the following day, even if the use was in operation

1 only eight hours of that period. Similarly, a 60-day authorization expires after 60 calendar days even though the
2 use may only have been open for business three days per week during that period. Hours or days of unused
3 authorization cannot be stored or credited.

4
5 Section 11 The San Francisco Planning Code is hereby amended by amending
6 Section 205.1, to read as follows:

7 **SEC. 205.1. TEMPORARY USES, 60-DAY LIMIT.**

8 A temporary use may be authorized for a period not to exceed 60 days for any of the following
9 uses:

10 (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an
11 organized group of residents in the vicinity or, in Neighborhood Commercial, Mixed Use, PDR, C,
12 or M Districts, sponsored by property owners or businesses in the vicinity;

13 (b) Booth for charitable, patriotic or welfare purposes;

14 (c) Open air sale of agriculturally produced seasonal decorations, including, but not
15 necessarily limited to, Christmas trees and Halloween pumpkins.

16
17 Section 12. The San Francisco Planning Code is hereby amended by amending
18 Section 205.3, to read as follows:

19 **SEC. 205.3. TEMPORARY USES, TWENTY-FOUR HOUR LIMIT.**

20 Within the PDR, C, M, Neighborhood Commercial, or South of Market Mixed Use Districts
21 ~~and Eastern Neighborhoods~~-Mixed Use Districts, a temporary use may be authorized for a
22 period not to exceed 24 hours per event once a month for up to 12 events per year per
23 premises for any of the following uses:

1 (a) A performance, exhibition, dance, celebration or festival requiring a liquor license,
2 ~~dance hall keeper or live~~ entertainment police permit and/or other City permit when sponsored
3 by an organized group of residents and/or business operators in the neighborhood; or

4 (b) A performance, dance or party requiring a liquor license, ~~dance, live~~ entertainment
5 and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by
6 a residential or commercial tenant or group of tenants or owner-occupants of the property or
7 structure in which the temporary use is authorized.

8 ~~Similar events or exhibitions lasting no more than 24 hours and requiring no City permit shall~~
9 ~~be permitted without authorization under this Article and without limitation as to frequency, subject to~~
10 ~~compliance with all other applicable laws.~~

11 When multiple events are proposed within the allowable annual time limit and City
12 permits are to be issued to a particular applicant and premises, only one permit need be
13 granted per annual time period.

14
15 Section 13. The San Francisco Planning Code is hereby amended by amending
16 Section 207.2, to read as follows:

17 **SEC. 207.2. SECOND UNITS.**

18 (a) Second units, as defined and referred to in Government Code Section 65852.2, are
19 precluded in RH-1(D) and RH-1 zoned areas, except where second units are currently
20 permitted under Section 209.1(m) or (n) for units designed for and occupied by senior citizens
21 ~~or physically handicapped persons~~ and except as may hereafter be permitted by later
22 amendments to this Code governing second units.

23 (b) Government Code Section 65852.2 requires a City to adopt either an ordinance
24 permitting or precluding second units within single-family and multifamily zoned areas or, in
25 the alternative, to be subject to certain restrictions set forth in Government Code Section

1 65852.2(b). The provisions of this ordinance, in light of other provisions of the ~~City~~ Planning
2 Code governing second units, do not result in the total preclusion of second units within
3 single-family and multifamily zoned areas and therefore San Francisco has a legislative
4 scheme which complies with Government Code Section 65852.2(a). In the event that it is
5 determined, however, that San Francisco's legislative scheme does not comply with
6 Government Code Section 65852.2(a), the following findings are made with the intent of
7 complying with Government Code Section 65852.2(c).

8 (1) San Francisco's total land area is approximately 49 square miles and much of this
9 land is not open to development because of topography or public ownership. San Francisco
10 does not have the option open to many other cities of annexing undeveloped land currently
11 outside its borders.

12 (2) San Francisco already has higher density development than other cities in
13 California, both in terms of units per square feet of lot area and in terms of units per linear feet
14 of street frontage. The density for housing development in San Francisco ranges from 4,000
15 square feet of lot area per unit in RH-1(D) (House, One-Family Detached Dwellings) Districts
16 to 200 square feet per unit in RM-4 (Mixed Residential, High Density) Districts. Except for
17 districts which require a lot width of 33 feet and an area of 4,000 square feet, the minimum lot
18 size for housing development is 2,500 square feet in area, following the standard lot size in
19 San Francisco (25 X 100 square feet), or 1,750 square feet for lots within 125 feet of a corner.
20 This density and lot size requirement allows greater density than other jurisdictions in
21 California where the typical density and lot size is about 5,000 square feet per unit for single-
22 family dwellings and 1,500 square feet per unit for multifamily development.

23 (3) San Francisco is the most densely populated city in California. It is the fourth most
24 densely populated city in the nation following only New York City and two cities in New Jersey
25 (Jersey City and Patterson).

1 (4) The limited land area and the limited developable land area of San Francisco make
2 it difficult to provide sites to replace single-family houses lost through conversion to a higher
3 density. Once single-family homes are converted into multiple dwelling structures by the
4 addition of a second unit, single-family housing stock is eliminated from the existing supply of
5 single-family homes. The irrevocable loss of the limited supply of single-family housing stock
6 throughout the City will adversely affect the health, safety and welfare of San Francisco
7 residents.

8 (5) Single-family residences have in recent years been demolished at a faster rate
9 than any other residential structures in the City primarily because new multiple-unit residential
10 development in the City often occurs as the result of the demolition of single-family homes in
11 multiple-unit districts. Single-family homes were 37 percent of the residential units
12 demolished in 1984, and 61 percent of the residential units demolished in 1983. Single-family
13 homes represented an even larger percentage of the residential structures demolished.
14 Single-family homes were 86 percent of the residential structures demolished in 1984, and
15 74.4 percent of the residential structures demolished in 1983.

16 (6) Single-family structures represent only 1/3 of all residential structures in San
17 Francisco compared to 60 percent of the residential structures in the State of California.
18 Single-family homes accounted for 18 percent of the new housing units in San Francisco in
19 1984, and 7 percent of the new units in 1983. Other jurisdictions in California had single-
20 family structures representing approximately 50 percent of their new residential building
21 permits for the same period.

22 (7) The number of families in San Francisco declined in the years from 1970 to 1980,
23 as evidenced by the school enrollment for the population group under 15 years old. The
24 decline in enrollment was from 106,900 to 83,790. The zoning policy of the City and County
25 of San Francisco should encourage families to live in the City rather than encouraging them to

1 leave the City. A further decline in the number of families living in the City is detrimental to the
2 public health, safety and welfare.

3 (8) The addition of second units to single-family dwellings usually results in an
4 increase in the cost of those dwellings, and, in addition, to the cost of the remaining smaller
5 supply of single-family homes without second units. An increase in the cost of these types of
6 dwellings will discourage families from living in the City because the cost of dwellings most
7 suitable for families will be beyond the means of many who would otherwise live in the City.

8 (9) San Francisco will probably face a need for more large units in the future than it did
9 in the past, as the population ages and the new baby boom continues. Many women born
10 between 1945 and 1952 who delayed child-bearing during the 1970's are now having babies
11 at the same rate as women born after 1952.

12 (10) The addition of second units in single-family houses throughout the City will
13 irrevocably deplete its limited supply of single-family homes and discourage families from
14 living in the City by removing the type and size of dwelling units most suitable for families.
15 Many of the residential parcels in the City are less than 2,500 square feet in size or 1,750
16 square feet for corner lots and do not meet minimum lot size standards. Many of these parcels
17 were developed without required garages or with minimal garage space, and do not comply
18 with existing off-street parking requirements. The addition of second residential units in these
19 areas could only worsen existing congestion.

20 (11) Parking problems are severe in a number of areas of the City because of its
21 dense population. The addition of second units in such areas will exacerbate the parking
22 problem. Imposing off-street parking requirements on secondary units would only partially
23 alleviate that problem in that additional units cause increased traffic other than that engaged
24 in by the occupants of the units (such as persons visiting the occupants for social or business
25 purposes) as well as by the occupants of the units.

1 (12) Increased parking problems in areas of the City already burdened with traffic
2 congestion adversely affects the health, safety and welfare of the residents of such areas by
3 interfering with access to off-street parking spaces, requiring additional police services to
4 control traffic problems and unlawful parking, requiring occupants and visitors to park further
5 from their homes (thereby also exposing themselves to greater inconvenience and, in some
6 instances, threat to safety), and interfering with access by emergency vehicles during an
7 emergency (a problem which is further complicated in areas with narrow streets, winding
8 roads, and other topographical features which make access by vehicles difficult).

9 (13) A need exists in San Francisco for additional affordable housing. Allowing second
10 units in RH-1(D) and RH-1 Districts is one means of providing such housing. However, to
11 allow second units without restriction in all areas currently zoned RH-1(D) and RH-1 would
12 adversely affect the health, safety and welfare of the public by permitting the conversion of an
13 undue number of single-family houses to multi-family units; by eliminating low-density
14 residential areas in the City and thereby depriving those who desire to live in the City without
15 the stress of living in higher-density areas of their opportunity to do so; and by permitting
16 second units to be added in areas where undue traffic congestion and the attendant difficulties
17 described above, will occur.

18 (14) A further period of time is needed in order to determine those areas of the City
19 where the traffic congestion problems described above would be least likely to occur and
20 where second units may therefore be permitted without adverse impact to the public.

21 (15) There are no large districts suitable for the provision of second units, but instead
22 there are small subareas which must be reviewed on a case-by-case basis with community
23 participation in the review process. A case-by-case review is needed in order to determine
24 those areas of the City where the traffic congestion problems described above would be least
25

1 likely to occur and where second units may therefore be permitted without adverse impact to
2 the public. Furthermore:

3 (A) The ~~City~~ Planning Code presently permits a secondary unit in all single-family
4 homes in RH-1(S) (House, One-Family with Minor Second Unit), RH-2 (House, Two-Family)
5 and RH-3 (House, Three-Family) Districts no matter what the lot size. Second units in single-
6 family homes are permitted in all other multifamily residential districts (all RM and RC
7 Districts), depending on the size of the lot.

8 (B) The ~~City~~ Planning Code Section 209.1(c) permits the mapping of the RH-1(S)
9 (House, One-Family with Minor Second Unit) District. These RH-1(S) Zoning Districts provide
10 for a two-family dwelling with the second dwelling limited to 600 square feet of net floor area.
11 The second unit remains subordinate to the owner's unit and the structures retain the
12 appearance of single-family dwellings. The RH-1(S) Zoning District has been mapped in four
13 areas of the City. Additional mapping of the RH-1(S) Zoning District may be used to legalize
14 existing secondary units in single-family homes and to increase the number of secondary
15 units.

16 (C) Dwellings specifically designed for and occupied by senior citizens *and handicapped*
17 *persons* are presently permitted at a density ratio or number of dwelling units not exceeding
18 twice the number of dwelling units otherwise permitted as a principal use in the district by the
19 City Planning Code (Section 209.1(m) *and (n)*).

20 (16) Restricting second units in single-family homes in San Francisco's RH-1(D) and
21 RH-1 Zoning Districts may limit the housing opportunities of the region. However, over time,
22 applications for RH-1(S) zoning designation may be reviewed on a case-by-case basis by the
23 ~~City~~ Planning Commission and its staff, the Board of Supervisors and the Mayor and where
24 second units would be appropriate and would not adversely affect the public health, safety
25 and welfare of residents of the City and County of San Francisco, such rezoning applications

1 would be approved. Neither the provisions of this Section nor those of Government Code
2 Section 65852.2 preclude the City from hereafter amending this Code in order to permit
3 second units in additional situations designed to address specific housing needs and
4 circumstances unique to San Francisco.

5 (17) San Francisco has been and will continue to be a major provider of affordable
6 housing opportunities in the region.

7 (A) Currently (1986) San Francisco administers 6,766 units of public housing and
8 2,574 Section 8 certificates.

9 (B) Article 34, Section 1 of the California Constitution requires the approval of the
10 electorate as a condition to the development or acquisition of a low-rent housing project by the
11 local jurisdiction. San Francisco has met the requirement with the City's voters approving the
12 development of a maximum of 3,000 low-income housing units by a vote on Proposition Q on
13 November 2, 1976. Together with the units previously approved, approximately 4,000 low-
14 income housing units may be developed, constructed or acquired.

15 (C) Between 1981 and 1985, San Francisco's housing production efforts included, but
16 were not limited to the following:

17 1. San Francisco undertook a major rezoning of underutilized land which will allow the
18 development of 14,000 housing units. Another 1,700 units are underway on vacant publicly
19 owned sites in the City.

20 2. San Francisco set aside \$10,000,000 in general-fund monies for an Affordable
21 Housing Fund. \$6,100,000 of this amount is committed to create 443 housing units including
22 the renovation of 82 vacant public housing units into privately managed two- and three-
23 bedroom apartments.

1 3. San Francisco combined \$1,000,000 in federal Community Development Funds
2 with the proceeds of an \$8,000,000 bond issue to finance home improvement loans for low-
3 and moderate-income homeowners.

4 4. The Office Housing Production Program (OHPP), under which high-rise office
5 developers are required to build or contribute to housing on a formula based on the size of
6 their projects was instituted in 1981. The program has resulted in \$25,000,000 and over 3,700
7 housing units to date.

8 5. The City of San Francisco has sold \$84,000,000 in two bond issues since 1982 to
9 provide 30-year, 10¾ percent mortgages to some 900 low-to middle-income first-time
10 homebuyers. In addition a \$42,000,000 bond issue was sold to finance up to 400 homes with
11 9.8 percent mortgages. In June, 1985 the City sold \$44,000,000 in mortgage revenue bonds
12 to finance the construction of 563 units of rental housing on five sites.

13 (D) Between 1980 and mid-1985 community-based nonprofit organizations which
14 receive Community Development Block Grant funding built 1,166 new housing units for low-
15 and moderate-income households. At the time of the 1985 report on their activities they had
16 200 units under construction, and 426 units planned. During this same time the organizations
17 rehabilitated 1,780 units for lower-income households, had 426 units undergoing
18 rehabilitation, and had plans to rehabilitate 1,285 units.

19
20 Section 14. The San Francisco Planning Code is hereby amended by amending
21 Section 209.3, to read as follows:

22 **SEC. 209. 3. INSTITUTIONAL USES.**

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RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	RTO-M	RC-1	RC-2	RC-3	RC-4	
															SEC. 209.3. INSTITUTIONS.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(a) Hospital, medical center or other medical institution which includes facilities for inpatient <i>or outpatient medical care</i> and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article

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																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	C	(c) Residential care facility meeting all applicable requirements of Subsection 209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.
												C	C	C	C	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 14 or fewer children by licensed

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															personnel and meeting the open-space and other requirements of the State of California and other authorities.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 13 15 or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	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).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the

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

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											<p><u>sold or distributed on the premises for on or off-site consumption;</u></p> <p>4. <u>if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises;</u></p> <p>5. <u>in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.</u></p> <p><u>(b) Application and Referral Process.</u> <u>The Department of Public Health is the lead agency for regulating MCDs.</u> <u>Final City permits are issued by the Department of Public Health. No dispensary may open without final authorization from the Department of Public Health. The Planning Department will</u></p>
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													<p><u>review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral from the Department of Public Health pursuant to DPH Code Section 3304 and 3305; (2) supplemental application materials designated by the Planning Department; and (3) a building permit application.</u></p> <p><u>(c) Notice. Once the Department has determined that the application is complete, a 30-day notice of application shall be mailed to owners and occupants within a 300 foot radius of the subject property. Notice shall be posted on the project site for no less than 30 days.</u></p> <p><u>(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which may choose to</u></p>
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												<p><u>exercise its discretionary review powers and disapprove, modify, or approve the dispensary.</u></p> <p><u>(e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height.</u></p> <p><u>(f) If an MCD closes for a duration longer than 18 months or if the MCD's license is</u></p>
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revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered abandoned and any Planning Commission authorization for the parcel shall be null and void

(g) 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."

(a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or

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																			<p><i>a recreation building as defined in Section 209.4(a) of this Code that primarily serves persons under 18 years of age, 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,</i></p>
																			<p><i>or a recreation building as defined in Section 209.4(a) of this Code that primarily serves person under 18 years of age; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is</i></p>

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																		<p><i>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 owners and occupants of 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 that have made a written request for notification regarding specific medical cannabis</i></p>
																		<p><i>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</i></p>

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											<p><i>neighborhood properties and neighborhood groups; (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) [Expired]; (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." For purposes of this Section and Sections 217, 790.141, and 890.133, the terms "primarily serves" shall mean regular, continuing, and verifiable programs for persons under 18 years of age.</i></p>
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Section 15. The San Francisco Planning Code is hereby amended by amending
 Section 217, to read as follows:

SEC. 217. INSTITUTIONS.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
													SEC. 217. INSTITUTIONS.
C	C	C	C	C	C	C	C						(a) Hospital, medical center or other medical institution which includes facilities for inpatient <i>or outpatient medical</i> 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	C	P	P						(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. 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.
P	P	P	P	P	P	P	P	P	P	under 5,000	under 5,000	P under 7,500	(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.

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									gsf, C above	gsf, C above	sf		
P	P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf, C above	P under 5,000 sf	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature.
P	P	P	P	P	C	P	P			P			(d) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
P	P	P	P	P	P	P	P			P	P under 20,000 gsf if no housing	P under 20,000 sf if no housing	(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P			P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(g) 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.
P	P	P	P	P	P	P	P			P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education, which is required to submit an institutional master plan pursuant to Section 304.5 of this Code. 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.
					P	P	P	P	P	P	P	P under	(i) Secondary or

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										under 20,000 sf if no housing	under 20,000 sf if no housing	under 20,000 sf if no housing	20,000 sf if no housing	postsecondary educational institution, other than as specified in Subsection 217(g) and (h) above.
P	P	P	P	P	P	P	P	P	P	P	under 20,000 sf if no housing	under 20,000 sf if no housing	P under 20,000 sf if no housing	(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
P	P	P	P	P	P	P								(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code. <i>provided that: (a) Requirements. MCDs must meet the following requirements:</i> <i>1. the parcel containing the MCD cannot located within 1,000 feet from a parcel containing:</i> <i>a. a public or private elementary or secondary school and</i> <i>b. a community facility and/or recreation center that primarily serves persons under 18 years of age; and</i> <i>2. the MCD 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;</i> <i>3. no alcohol is sold or distributed on the premises for on or off-site consumption;</i> <i>4. if medical cannabis is smoked on the premises the</i>

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dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises;

5. in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.

(b) Application and Referral Process. The Department of Public Health is the lead agency for regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary may open without final authorization from the Department of Public Health. The Planning Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral from the Department of Public Health pursuant to DPH Code Section 3304 and 3305; (2) supplemental application materials designated by the Planning Department; and 3) a building permit application.

(c) Notice. Once the Department has determined that the application is complete, a 30-day notice of application shall be mailed to

owners and occupants within a 300 foot radius of the subject property. Notice shall be posted on the project site for no less than 30 days.

(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or approve the dispensary.

(e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height.

(f) If an MCD closes for a duration longer than 18 months or if the MCD's license is revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered

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abandoned and any Planning Commission authorization for the parcel shall be null and void (g) 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."

(a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a recreation building as defined in Section 209.4(a) of this Code that primarily serves persons under 18 years of age, 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 a recreation building as defined in Section 209.4(a) of this Code that primarily serves person under 18 years of age; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation

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within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health; (e) no 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 owners and occupants of 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 that have made a written request for notification regarding specific medical cannabis

dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and neighborhood groups; (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) [Expired]; (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." For purposes of this Section and Sections 217, 790.141, and 890.133, the terms "primarily serves" shall mean regular, continuing, and verifiable programs for persons under 18 years of age.~~

Section 16. The San Francisco Planning Code is hereby amended by amending Section 243, to read as follows:

SEC. 243. VAN NESS SPECIAL USE DISTRICT.

(a) **General.** A Special Use District entitled the Van Ness Special Use District, the boundaries of which are shown on Sectional Map No. 2SU of the Zoning Map, is hereby established for the purposes set forth below.

(b) **Purposes.** In order to implement the objectives and policies of the Van Ness Avenue Area Plan, a part of the General Plan, which includes (i) creation of a mix of residential and commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian environment, (iii) encouragement of the retention and appropriate alteration of architecturally and historically significant and contributory buildings, (iv) conservation of the existing housing stock, and (v) enhancement of the visual and urban design quality of the street, the following controls are imposed in the Van Ness Special Use District.

1 (c) **Controls.** All provisions of the City Planning Code applicable to an RC-4 District
2 shall apply except as otherwise provided in this Section.

3 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the
4 130-foot height district and 4.5:1 in the 80-foot height district. These limits shall apply to
5 dwellings notwithstanding Section 124(b) of this Code, including floor space used for
6 nonaccessory off-street parking, driveways, and maneuvering areas. For definitions of floor
7 area ratio and gross floor area, see Sections 102.11 and 102.9, respectively. The provisions
8 allowing a floor area premium set forth in Section 125(a) shall not apply in the Van Ness
9 Special Use District.

10 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1,
11 208, 209.1 and 209.2 of this Code shall not apply.

12 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. 2H. See Section 270
13 of this Code for bulk limits.

14 (4) **Awnings, canopies and marquees.** Awnings, canopies and marquees, as
15 defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the
16 Building Code and Sections 243(c)(5), 136.2 and 607.3 of this Code, are permitted.

17 (5) **Signs.**

18 (A) Signs located within the Van Ness Special Use District, with the exception of the
19 Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in
20 Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which
21 governs signs located in the Van Ness Special Sign District.

22 (B) Signs on structures designated as landmarks under the provisions of Section 1004
23 shall be regulated as provided in Section 607.3(d).

1 (6) **Rear Yards.** The requirements of this Code applicable to rear yards may be
2 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
3 following conditions are met:

4 (A) The interior block open space formed by the rear yards of abutting properties will
5 not be adversely affected; and

6 (B) A comparable amount of usable open space is provided elsewhere on the lot or
7 within the development where it is more accessible to residents; and

8 (C) The access of light and air to abutting properties will not be significantly impeded.

9 This provision shall be administered pursuant to the procedures which are applicable to
10 variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

11 (7) **Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet shall be
12 regulated as provided in Section 253.2 of this Code.

13 (8) **Limitation of Nonresidential Uses.**

14 (A) **Residential Uses; Ratio Established.** In newly constructed structures,
15 nonresidential uses shall only be permitted if the ratio between the amount of net additional
16 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
17 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
18 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
19 existing structures which exceed 20 percent of the gross floor area of the existing structure,
20 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
21 between the amount of occupied floor area for residential use, as defined in this paragraph
22 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
23 residential use ratio shall not apply to development sites in the Van Ness Special Use District
24 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
25 frontage other than the Van Ness Avenue frontage. For purposes of this Section,

"nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e) (hotel, inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-patient care facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle storage and access) and 209.8 (commercial establishments); in the Automotive Special Use District nonresidential uses include automotive uses as described in Section 237; "residential use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling units and group housing).

(B) Reduction of Ratio of Residential Uses for Affordable Housing. The Planning Commission may modify the Van Ness Special Use District residential to nonresidential use ratio between Golden Gate Avenue and California Street as a conditional use in one of the following ways:

(i) **In-Lieu Fee.** By conditional use, the developer may elect to fulfill the obligation to build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section 413 of this Code. No more than a 50 percent reduction of the required housing for a specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be determined by the following formula:

(1)

$(\text{Lot Area} \times \text{FAR}) / 4 \times 3 =$	Residential SQ. FT. Requirement
$(\text{Lot Area} \times \text{FAR}) / 4 \times 3 =$	Residential SQ. FT. Requirement

(2)

Residential SQ. FT. Requirement	—	Residential SQ. FT. Developed	=	LOSS
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Residential SQ. FT. Requirement	—	Residential SQ. FT. Developed	=	LOSS
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(3)

$$\text{LOSS} \times \$15 = \text{In-Lieu Fee}$$

(ii) **Providing Affordable Housing.** By conditional use, the developer may reduce up to 50 percent of the required amount of on-site housing by maintaining a portion of that housing as permanently affordable for the life of the project. Affordable units shall be managed by a nonprofit housing agency through a duly executed agreement between the project sponsor, the nonprofit agency and the Planning Department. The mix of affordable units retained in the project shall conform to the overall dwelling unit size mix of the project. The portion of retained residential which shall be affordable will be determined by calculating the number of market rate units which could be subsidized by the amount of "in-lieu fee" calculated in Paragraph (i) above. The number of square feet of affordable housing shall be calculated in the following manner:

(1)

In-Lieu Fee \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project
In-Lieu Fee \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project

(iii) **Annual Reporting, Evaluation and Adjustments to Affordability and Fee Calculations.** The Department shall report annually to the Planning Commission on the activity and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning Commission may initiate a modification or deletion of Section 243(c)(8)(B).

The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall be subject to annual adjustments in accord with Section 413.6(1) of this Code.

1 Affordability shall be defined by rents or sale prices affordable by households with no more
2 than 80 percent of median income standards developed by HUD.

3 (iv) If the Commission finds that taking into consideration projects constructed since
4 the effective date of the Van Ness Special Use District and the housing development potential
5 remaining in the District the overall objective of adding a substantial increment of new housing
6 on Van Ness Avenue will not be significantly compromised, the Commission may by
7 conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and
8 location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

9 (1) The project is to provide space for expansion of an established business from an
10 adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent)
11 or,

12 (2) The project is to provide space for an institutional, hotel, medical, cultural or social
13 service use meeting an important public need which cannot reasonably be met elsewhere in
14 the area, and

15 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
16 above.

17 The Commission shall consider the feasibility of requiring the project to be constructed
18 in such a manner that it can support the addition of housing at some later time.

19 (C) **Off-Site Provision of Required Residential Space.** For the purpose of
20 calculating the 3 to 1 ratio between residential and nonresidential use, two or more projects
21 for new construction within the Van Ness Special Use District may be considered and
22 approved together as linked projects. The requirements of Paragraph (A) above may be
23 satisfied if the aggregate amount of occupied floor area for residential use in two or more
24 linked projects is at least three times greater than the aggregate amount of occupied floor
25 area for nonresidential use.

1 (i) Those building permit applicants who wish to link two or more projects for the
2 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Planning
3 Department a statement of intent identifying the applications covering the projects that are to
4 be considered and approved together;

5 (ii) When the Planning Department approves an application for a project containing
6 only nonresidential use and the project is linked to one or more other projects pursuant to the
7 statement of intent filed with the Department, it shall include as a condition of approval a
8 requirement prohibiting the project sponsor from commencing any work on the site until the
9 Zoning Administrator issues a written determination that such work may proceed. The Zoning
10 Administrator shall not issue such a determination until those permits authorizing the projects
11 containing residential use have been issued and foundations have been completed at each
12 such site;

13 (iii) If a permit for a project containing nonresidential use expires because of delays in
14 the completion of foundations for linked projects containing residential uses, new permits may
15 be approved for the nonresidential project within three years of such expiration without regard
16 to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a Permit
17 of Occupancy has been issued for each project containing residential use;

18 (iv) No building or portion of a building approved as a linked project that contains
19 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
20 be used for any nonresidential purposes; provided, however, that this restriction shall no
21 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
22 projects has been converted to residential use, or has been demolished, or has been
23 destroyed by fire or other act of God;

24 (v) The Zoning Administrator shall impose as a condition of approval of a permit
25 authorizing the residential uses of linked projects the requirement that the owner record in the

1 land records of the property a notice of restrictions, approved as to form by the Zoning
2 Administrator, placed on the use of the property by this Section.

3 (D) **Nonconforming Uses.** A use which existed lawfully at the effective date of this
4 Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be
5 considered a nonconforming use and subject to the provisions of Sections 180 through 188 of
6 this Code, including the provisions of Section 182 regarding change of use, except as follows:

7 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
8 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
9 Building Code shall not be included; and

10 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the
11 nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area
12 of the existing structure.

13 (E) **Demolitions.** All demolitions of buildings containing residential use and all
14 conversions from residential uses to nonresidential uses above the ground floor shall be
15 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
16 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
17 and Public Safety determines that the building is unsafe or dangerous and that demolition is
18 the only feasible means to secure the public safety. When considering whether to grant a
19 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in
20 Planning Code Section 303, consideration shall be given to the adverse impact on the public
21 health, safety and general welfare of the loss of housing stock in the district and to any
22 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
23 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
24 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
25 Demolition Ordinance.

1 A conditional use permit shall not be required if the demolition permit is sought in order
2 to comply with a court order directing or permitting the owner to demolish a building because it
3 is unsafe. No person shall be permitted to construct anything on the site of a demolished
4 building subject to such an order for a period of two years unless (a) the proposal is for at
5 least the same number and size of dwelling units and guest rooms and the same amount of
6 nonresidential floor area as that which was demolished or (b) the applicant requests and is
7 granted an exemption from this requirement on the ground that the applicant has
8 demonstrated that (1) the need for demolition did not arise because of the deliberate or
9 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
10 cause undue hardship to the property owner or that (3) the restrictions would leave the
11 property without any substantial remaining market value or reasonable use.

12 (F) **Parking.** Pursuant to Table 151 in Article 1.5 of this Code, the residential parking
13 requirement shall be one space for each dwelling unit; provided, however, that the Zoning
14 Administrator may reduce the parking requirement to not less than one space for each four
15 dwelling units pursuant to the procedures and criteria of Sections 307(g) and (i) of this Code.

16 (G) **Adult Entertainment Enterprises.** The uses described in Section 221(k) of this
17 Code are not permitted.

18 (H) **Other Entertainment Uses.** Other Entertainment Uses as defined in Section
19 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

20 (I) **Formula Retail Uses.** Formula Retail uses, as defined in Section 303(i) of this Code, shall
21 be permitted, subject to a Conditional Use Authorization, in parcels zoned RC-3 or RC-4 that are
22 within the Van Ness SUD.

23 (9) **Reduction of Ground Level Wind Currents.**

24 (A) New buildings and additions to existing buildings shall be shaped, or other wind
25 baffling measures shall be adopted, so that the development will not cause year-round ground

1 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
2 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
3 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind
4 speeds exceed the comfort levels specified above, the building shall be designed to reduce
5 the ambient wind speeds in efforts to meet the goals of this requirement.

6 (B) An exception to this requirement may be permitted but only if and to the extent that
7 the project sponsor demonstrates that the building or addition cannot be shaped or wind
8 baffling measures cannot be adopted without unduly restricting the development potential of
9 the building site in question.

10 (i) The exception may permit the building or addition to increase the time that the
11 comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the
12 development potential of the site.

13 (ii) Notwithstanding the above, no exception shall be allowed and no building or
14 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
15 level of 26 m.p.h. for a single hour of the year.

16 (C) For the purposes of this Section, the term "equivalent wind speed" shall mean an
17 hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
18 pedestrians.

19
20 Section 17. The San Francisco Planning Code is hereby amended by amending
21 Section 303, to read as follows:

22 **SEC. 303. CONDITIONAL USES.**

23 (a) **General.** The City Planning Commission shall hear and make determinations
24 regarding applications for the authorization of conditional uses in the specific situations in
25 which such authorization is provided for elsewhere in this Code. The procedures for

1 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,
2 except that Planned Unit Developments shall in addition be subject to Section 304, medical
3 institutions and post-secondary educational institutions shall in addition be subject to the
4 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit
5 Development applications filed pursuant to Article 7, or otherwise required by this Code for
6 uses or features in Neighborhood Commercial Districts, and conditional use applications
7 within South of Market Districts, shall be subject to the provisions set forth in Sections 316
8 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this
9 Code, with respect to scheduling and notice of hearings, and in addition to those provided for
10 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and
11 reconsideration.

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

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

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

1 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a
2 location in which the square footage exceeds the limitations found in Planning Code §
3 121.2(a) or 121.2(b), the following shall be considered:

4 (i) The intensity of activity in the district is not such that allowing the larger use will be
5 likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

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

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

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

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

16 (B) The accessibility and traffic patterns for persons and vehicles, the type and volume
17 of such traffic, and the adequacy of proposed off-street parking and loading and of proposed
18 alternatives to off-street parking, including provisions of car-share parking spaces, as defined
19 in Section 166 of this Code.

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

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

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

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

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

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

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

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

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

16 (B) Notwithstanding the above, the City Planning Commission may authorize a
17 conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above,
18 if facts presented are such to establish that the use will be operated in such a way as to
19 minimize disruption to 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 does not take
22 effect until the appeal period is over or while the approval is under appeal.

23 (6) With respect to applications for live/work units in RH, RM and RTO Districts filed
24 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 effective date of
2 Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building
3 which lawfully contains at the time of application a nonconforming, nonresidential use;

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

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

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

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

1 conditional use authorization; otherwise, any exercise of such authorization must commence
2 within a reasonable time.

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

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

22 (1) The Director of Planning or the Planning Commission may seek a public hearing on
23 conditional use abatement when the Director or Commission has substantial evidence
24 submitted within one year of the effective date of the Conditional Use authorization that the
25 applicant for the conditional use had submitted false or misleading information in the

1 application process that could have reasonably had a substantial effect upon the decision of
2 the Commission or substantial evidence of a violation of conditions of approval, a violation of
3 law, or operation which creates hazardous, noxious or offensive conditions enumerated in
4 Section 202(c).

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

9 (3) In considering a conditional use revocation, the Commission shall consider whether
10 and how the false or misleading information submitted by the applicant could have reasonably
11 had a substantial effect upon the decision of the Commission, or the Board of Supervisors on
12 appeal, to authorize the conditional use, substantial evidence of how any required condition
13 has been violated or not implemented or how the conditional use is in violation of the law if the
14 violation is within the subject matter jurisdiction of the Planning Commission or operates in
15 such a manner as to create hazardous, noxious or offensive conditions enumerated in Section
16 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As
17 an alternative to revocation, the Commission may consider how the use can be required to
18 meet the law or the conditions of approval, how the hazardous, noxious or offensive
19 conditions can be abated, or how the criteria of Section 303(c) can be met by modifying
20 existing conditions or by adding new conditions which could remedy a violation.

21 (4) **Appeals.** A decision by the Planning Commission to revoke a conditional use, to
22 modify conditions or to place additional conditions on a conditional use or a decision by the
23 Planning Commission refusing to revoke or amend a conditional use, may be appealed to the
24 Board of Supervisors within 30 days after the date of action by the Planning Commission
25 pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the

1 action of the Planning Commission in an abatement matter by the same vote necessary to
2 overturn the Commission's approval or denial of a conditional use. The Planning
3 Commission's action on a conditional use abatement issue shall take effect when the appeal
4 period is over or, upon appeal, when there is final action on the appeal.

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

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

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

20 (g) **Hotels and Motels.**

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

24 (A) The impact of the employees of the hotel or motel on the demand in the City for
25 housing, public transit, childcare, and other social services. To the extent relevant, the

1 Commission shall also consider the seasonal and part-time nature of employment in the hotel
2 or motel;

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

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

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

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

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

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

24 (h) **Internet Services Exchange.**

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

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

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

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

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

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

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

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

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

24 (2) As a condition of approval, and so long as the use remains an Internet Services
25 Exchange, the project sponsor shall submit to the Planning Department on an annual basis

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

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

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

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

24 (C) Within three years from the effective date of the requirement of a conditional use
25 permit for an Internet Services Exchange, the Planning Department, in consultation with the

1 Department of Environment, shall submit to the Board of Supervisors a written report, which
2 report shall contain the Planning Commission's evaluation of the effectiveness of the
3 conditions imposed on Internet Services Exchanges, and whether it recommends additional or
4 modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and
5 enhance the compatibility of industrial uses, such as Internet Services Exchanges, located
6 near or in residential or commercial districts.

7 **(i) Formula Retail Uses.**

8 (1) **Formula Retail Use.** A formula retail use is hereby defined as a type of retail sales activity
9 or retail sales establishment which has eleven or more other retail sales establishments located in the
10 United States. In addition to the eleven establishments, the business maintains two or more of the
11 following features: a standardized array of merchandise, a standardized facade, a standardized decor
12 and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

13 (A) Standardized array of merchandise shall be defined as 50% or more of in-stock
14 merchandise from a single distributor bearing uniform markings.

15 (B) Trademark shall be defined as a word, phrase, symbol or design, or a combination of
16 words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one
17 party from those of others.

18 (C) Servicemark shall be defined as word, phrase, symbol or design, or a combination of
19 words, phrases, symbols or designs that identifies and distinguishes the source of a service from one
20 party from those of others.

21 (D) Decor shall be defined as the style of interior furnishings, which may include but is not
22 limited to, style of furniture, wall coverings or permanent fixtures.

23 (E) Color Scheme shall be defined as selection of colors used throughout, such as on the
24 furnishings, permanent fixtures, and wall coverings, or as used on the facade.

1 (f) Facade shall be defined as the face or front of a building, including awnings, looking onto a
2 street or an open space.

3 (g) Uniform Apparel shall be defined as standardized items of clothing including but not
4 limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as
5 well as standardized colors of clothing.

6 (h) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

7 (2) "Retail sales activity or retail sales establishment." A retail sales activity or retail sales
8 establishment shall include the following uses, as defined in Article 7 and Article 8 of this Code: "bar,"
9 "drive-up facility," "eating and drinking use," "liquor store," "restaurant, large fast-food," "restaurant,
10 small self-service," "restaurant, full-service," "sales and service, other retail," "sales and service,
11 retail," "movie theatre," "video store," "amusement and game arcade," "take-out food," and "specialty
12 food, self-service."

13 (3) Conditional Use Criteria. With regard to a conditional use authorization application for a
14 formula retail use, the Planning Commission shall consider, in addition to the criteria set forth in
15 Subsection (c) above:

16 (A) The existing concentrations of formula retail uses within the district.

17 (B) The availability of other similar retail uses within the district.

18 (C) The compatibility of the proposed formula retail use with the existing architectural and
19 aesthetic character of the district.

20 (D) The existing retail vacancy rates within the district.

21 (E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses
22 within the district.

23 (4) Conditional Use Authorization Required. A Conditional Use Authorization shall be
24 required for a formula retail use in the following zoning districts unless explicitly exempted:

25 (A) All Neighborhood Commercial Districts in Article 7;

1 (B) All Mixed Use-General Districts in Article 8;

2 (C) All Urban Mixed Use Districts in Article 8;

3 (D) RC-3 and RC-4 zoned parcels along Van Ness Avenue;

4 (E) Japantown Special Use District as defined in Section 249.31;

5 (F) Chinatown Community Business District as defined in Section 810;

6 (G) Chinatown Residential/Neighborhood Commercial District as defined in 812;

7 (H) Western SoMa Planning Area Special Use District as defined in 802.5.

8 (5) **Formula Retail Uses Not Permitted.** Formula Retail Uses are not permitted in the
9 following zoning districts:

10 (A) Hayes-Gough Neighborhood Commercial Transit District;

11 (B) North Beach Neighborhood Commercial District;

12 (C) Chinatown Visitor Retail District.

13 (6) **Neighborhood Commercial Notification and Design Review.** Any building permit
14 application for a "formula retail use" as defined in this section and located within a Neighborhood
15 Commercial District in Article 7 shall be subject to the Neighborhood Commercial Notification and
16 Design Review Procedures of Section 312 of this Code.

17 (7) **Change in Use.** A change from one formula retail use to another requires a new
18 Conditional Use Authorization, whether or not a Conditional Use Authorization would otherwise be
19 required by the particular change in use in question. This Conditional Use Authorization requirement
20 also applies in changes from one Formula Retail operator to another within the same use category.
21 A new Conditional Use Authorization shall not apply to a change in a formula use retailer that meets
22 the following criteria:

23 (A) the formula use operation remains the same in terms of its size, function and general
24 merchandise offering as determined by the Zoning Administrator, and

1 (B) the change in the formula retail use operator is the result of the business being purchased
2 by another formula retail operator who will retain all components of the existing retailer and make
3 minor alterations to the establishment(s) such as signage and branding.

4 The new operator shall comply with all conditions of approval previously imposed on the
5 existing operator, including but not limited to signage programs and hours of operation; and shall
6 conduct the operation generally in the same manner and offer essentially the same services and/or type
7 of merchandise; or seek and be granted a new Conditional Use Authorization.

8 (8) **Determination of Formula Retail Use.** In those areas in which "formula retail uses" are
9 prohibited, any building permit application determined by the City to be for a "formula retail use" that
10 does not identify the use as a "formula retail use" is incomplete and cannot be processed until the
11 omission is corrected. Any building permit approved that is determined by the City to have been, at the
12 time of application, for a "formula retail use" that did not identify the use as a "formula retail use" is
13 subject to revocation at any time. If the City determines that a building permit application or building
14 permit subject to this Section of the Code is for a "formula retail use," the building permit applicant or
15 holder bears the burden of proving to the City that the proposed or existing use is not a "formula retail
16 use."

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

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

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

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

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

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

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

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

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

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

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

14 (k) **Movie Theater Uses.**

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

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

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

23 (B) diversity and vitality of the surrounding Neighborhood Commercial District; and

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

1 (l) **Relocation of Existing General Advertising Signs pursuant to a General**
2 **Advertising Sign Company Relocation Agreement.**

3 (1) Before the Planning Commission may consider an application for a conditional use
4 to relocate an existing lawfully permitted general advertising sign as authorized by Section
5 611 of this Code, the applicant sign company must have:

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

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

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

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

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

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

24 (4) In addition to applicable criteria set forth in subsection (c) above, the Planning
25 Commission shall consider the size and visibility of the signs proposed to be located as well

1 as the following factors in determining whether to approve or disapprove a proposed
2 relocation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (B) The proposed relocation site is not a lawful location under Planning Code Section
17 611(c)(2); or

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

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

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

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

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

3 (m) **General Grocery Store Uses.**

4 (1) With respect to a change in use or demolition of general grocery store use as set
5 forth in Sections 218.2, 703.2(b)(1)(B)(iii), 803.2(b)(1)(B)(iv) or 803.3 (b)(1)(B)(iii) which use
6 exceeds 5,000 gross square feet, in addition to the criteria set forth in Subsections (c) and (d)
7 above, the Commission shall make the following findings:

8 (A) Preservation of a general grocery store use is no longer economically viable and
9 cannot effect a reasonable economic return to the property owner. The Commission may
10 disregard the above finding if it finds that the change in use or replacement structure in the
11 case of demolition will contain a general grocery store that is of a sufficient size to serve the
12 shopping needs of nearby residents and offers comparable services to the former general
13 grocery store.

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

16 (B) The change in use or demolition of the general grocery store use will not
17 undermine the economic diversity and vitality of the surrounding neighborhood.

18 (n) **Tobacco Paraphernalia Establishments.**

19 (1) With respect to a Tobacco Paraphernalia Establishment, as set forth in Section
20 227(v) of this Code, in addition to the criteria set forth in Subsections (c) and (d) above, the
21 Commission shall make the following findings:

22 (A) The concentration of such establishments in the particular zoning district for which
23 they are proposed does not appear to contribute directly to peace, health, safety, and general
24 welfare problems, including drug use, drug sales, drug trafficking, other crimes associated
25

1 with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems
2 on the district's public streets and lots;

3 (B) The concentration of such establishments in the particular zoning district for which
4 they are proposed does not appear to adversely impact the health, safety, and welfare of
5 residents of nearby areas, including fear for the safety of children, elderly and disabled
6 residents, and visitors to San Francisco; and

7 (C) The proposed establishment is compatible with the existing character of the
8 particular district for which it is proposed.

9 (o) **Massage Establishments.**

10 (1) With respect to Massage Establishments, as defined in Sections 218.1, 790.60,
11 and 890.60 of this Code, in addition to the criteria set forth in Subsection (c) above, the
12 Commission shall make the following findings:

13 (A) Whether the applicant has obtained, and maintains in good standing, a permit for a
14 Massage Establishment from the Department of Public Health pursuant to Section 1908 of the
15 San Francisco Health Code;

16 (B) Whether the use's facade is transparent and open to the public. Permanent
17 transparency and openness are preferable. Elements that lend openness and transparency to
18 a facade include: i) active street frontage of at least 25' in length where 75% of that length is
19 devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii)
20 windows that use clear, untinted glass, except for decorative or architectural accent; iii) any
21 decorative railings or decorative grille work, other than wire mesh, which is placed in front of
22 or behind such windows, should be at least 75 percent open to perpendicular view and no
23 more than six feet in height above grade;

24 (C) Whether the use includes pedestrian-oriented lighting. Well lit establishments
25 where lighting is installed and maintained along all public rights-of-way adjacent to the

1 building with the massage use during the post-sunset hours of the massage use are
2 encouraged;

3 (D) Whether the use is reasonably oriented to facilitate public access. Barriers that
4 make entrance to the use more difficult than to an average service-provider in the area are to
5 be strongly discouraged. These include (but are not limited to) foyers equipped with double
6 doors that can be opened only from the inside and security cameras.

7
8 Section 18. The San Francisco Planning Code is hereby amended by amending
9 Section 309, to read as follows:

10 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

11 The provisions and procedures set forth in this Section shall govern the review of
12 project authorization and building and site permit applications for (1) the construction or
13 substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain
14 requirements of this Code where the provisions of this Section are invoked, and (3) the
15 approval of open space provided in compliance with Section 138, and the approval of open space and
16 streetscape requirements of the Planning Code streetscape improvements in compliance with Section
17 138.1. The categories of alterations deemed to be substantial shall be established by the City Planning
18 Commission after a public hearing. When any action authorized by this Section is taken, any
19 determination with respect to the proposed project required or authorized pursuant to CEQA
20 may also be considered. This Section shall not require additional review in connection with a
21 site or building permit application if review hereunder was completed with respect to the same
22 proposed structure or alteration in connection with a project authorization application pursuant
23 to Section 322.

24 (a) **Exceptions.** Exceptions to the following provisions of this Code may be granted
25 as provided in the code sections referred to below:

- 1 (1) Exceptions to the setback and rear yard requirements as permitted in Sections
2 132.1 and 134(d);
- 3 (2) Exceptions to the ground-level wind current requirements as permitted in Section
4 148;
- 5 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section
6 146;
- 7 (4) Exceptions to the limitation on residential accessory parking as permitted in
8 Section 151.1(e);
- 9 ~~(5) Exceptions to the requirement of independently accessible parking spaces as permitted in~~
10 ~~Section 155(e);~~
- 11 (~~6~~ 5) Exceptions to the limitation on curb cuts for parking access as permitted in
12 Section 155(r);
- 13 (~~7~~ 6) Exceptions to the limitations on above-grade residential accessory parking as
14 permitted in Section 155(s);
- 15 (~~8~~ 7) Exceptions to the freight loading and service vehicle space requirements as
16 permitted in Section 161(h);
- 17 (~~9~~ 8) Exceptions to the off-street tour bus loading space requirements as permitted in
18 Section 162;
- 19 (~~10~~ 9) Exceptions to the height limits for vertical extensions as permitted in Section
20 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;
- 21 (~~11~~ 10) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk
22 Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as
23 permitted in Section 263.8;
- 24 (~~12~~ 11) Exceptions to the bulk requirements as permitted in Sections 270 and 272.
25

1 *A project applicant seeking an exception shall file an application on a form provided by the Zoning*
2 *Administrator.*

3 (b) ***Design Review. Additional Requirements.*** In addition to the requirements set forth in
4 this Code, additional *design* requirements and limitations (hereafter referred to as
5 modifications) may be imposed on the following aspects of a proposed project, through the
6 imposition of conditions, in order to achieve the objectives and policies of the Master Plan or
7 the purposes of this Code:

8 (1) Building siting, orientation, massing and facade treatment, including proportion,
9 scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building
10 tops;

11 (2) Aspects of the project affecting views and view corridors, shadowing of sidewalks
12 and open spaces, openness of the street to the sky, ground-level wind current, and
13 maintenance of predominant streetwalls in the immediate vicinity;

14 (3) Aspects of the project affecting parking, traffic circulation and transit operation and
15 loading points;

16 (4) Aspects of the project affecting its energy consumption;

17 (5) Aspects of the project related to pedestrian activity, such as placement of
18 entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and
19 location and design of open space features;

20 (6) Aspects of the project affecting public spaces adjacent to the project, such as the
21 location and type of street trees and landscaping, sidewalk paving material, and the design
22 and location of street furniture as required by Section 138.1;

23 (7) Aspects of the project relating to quality of the living environment of residential
24 units, including housing unit size and the provisions of open space for residents;

25

1 (8) Aspects of the design of the project which have significant adverse environmental
2 consequences;

3 (9) Aspects of the project that affect its compliance with the provisions of Sections
4 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations in
5 conservation districts;

6 (10) Other aspects of the project for which modifications are justified because of its
7 unique or unusual location, environment, topography or other circumstances.

8 (c) **Application Process for 309 Review. Notice of Application for Building or Site Permit.**
9 Review subject to this Section will be triggered by submittal of a Section 309 Application or submittal
10 of a building or site permit. After receipt of an application, a project authorization or building or site
11 permit, for new construction or substantial alteration of a structure in a C-3 District, the Zoning
12 Administrator shall mail notice of the application to all owners of property immediately adjacent to the
13 property that is the subject of the application, using for this purpose the names and addresses as shown
14 on the citywide Assessment Roll in the Assessor's Office, and, in addition, shall publish notice at least
15 once in an official newspaper of general circulation.

16 (d) **Notice of Proposed Approval.** If, after a review of the Application or building or
17 site permit, a project authorization or permit application, and (1) the Zoning Administrator
18 determines that an application complies with the provisions of this Code and that no exception
19 is sought as provided in Subsection (a), and (2) the Director of Planning determines that no
20 additional modifications are warranted as provided in Subsection (b), and (3) the project meets
21 the open space and streetscape requirements of the Planning Code or (4) the project sponsor agrees to
22 the modifications as requested by the Director, that the open space requirements of Section 138 and the
23 streetscape requirements of Section 138.1 have been complied with, the Zoning Administrator shall
24 provide notice of the proposed approval of the application by mail to all owners of the property
25 immediately adjacent to the property that is subject of the Application no less than 10 days before final

1 approval. in the manner set forth in Subsection (e) and, in addition, to any person who has
2 requested such notice in writing. If no request for ~~City~~ Planning Commission review pursuant
3 to Subsection (g) is made within 10 days of such notice, the Zoning Administrator shall
4 approve the application.

5 **(e) Hearing and Determination of Applications for Exceptions.**

6 **(1) Hearing.** The ~~City~~ Planning Commission shall hold a public hearing on an
7 application for an exception as provided in Subsection (a).

8 **(2) Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days
9 prior to the date of the hearing to the project applicant, to property owners within 300 feet of
10 the project that is the subject of the application, using for this purpose the names and
11 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
12 person who has requested such notice. The notice shall state that the written
13 recommendation of the Director of Planning regarding the request for an exception will be is
14 available for public review at the office of the Planning Department of City Planning.

15 **(3) Decision and Appeal.** The Commission may, after public hearing and after
16 making appropriate findings, approve, disapprove or approve subject to conditions, the
17 application for an exception. The decision of the ~~City~~ Planning Commission may be appealed
18 to the Board of ~~Permit~~ Appeals by any person aggrieved within 15 days after the date of the
19 decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged
20 that there was an error in the interpretation of the provisions of this Code or abuse of
21 discretion on the part of the ~~City~~ Planning Commission.

22 **(4) Decision on Appeal.** Upon the hearing of an appeal, the Board of ~~Permit~~ Appeals
23 may, subject to the same limitations as are placed on the ~~City~~ Planning Commission by
24 Charter or by this Code, approve, disapprove or modify the decision appealed from. If the
25 determination of the Board differs from that of the Commission it shall, in a written decision,

1 specify the error in interpretation or abuse of discretion on the part of the Commission and
2 shall specify in the findings, as part of the written decision, the facts relied upon in arriving at
3 its determination.

4 (f) Administrative Approval of Design Review Director's Recommendations.

5 (1) **Recommendations.** If the Director of Planning determines that modifications
6 through the imposition of conditions are warranted as provided in Subsection (b), or that the
7 open space requirements ~~of Section 138~~ or the streetscape requirements ~~of the Planning Code of~~
8 ~~Section 138.1~~ have not been complied with, the matter shall be scheduled for hearing before
9 the City Planning Commission. ~~; provided, however, that i~~ If the Director determines that ~~the open~~
10 ~~space and streetscape requirements of the Planning Code Section 138 and Section 138.1~~ have been
11 complied with and the applicant does not oppose the imposition of conditions which the
12 Director has determined are warranted, the applicant may waive the right to a hearing before
13 the Commission in writing and agree to the conditions. ~~in which case t~~ The Zoning
14 Administrator shall provide notice of ~~the proposed approval of the application such fact~~ according
15 to the notice given for applications governed by Subsection (d), so that any person seeking
16 additional modifications or objecting to ~~the open space or streetscape requirements Section 138 or~~
17 ~~Section 138.1~~ determination may make such a request ~~for Planning Commission review~~ as
18 provided in Subsection (g). If no request is made within 10 days of such notice, the Zoning
19 Administrator shall approve the application subject to the conditions.

20 (2) **Notice.** ~~If the proposed application will be heard by the Planning Commission, notice of~~
21 ~~such hearing. Notice of any meeting of the City Planning Commission pursuant to this subsection~~ shall
22 be mailed ~~not less than 10 days prior to the hearing~~ to the project applicant, to property owners
23 immediately adjacent to the site of the application using for this purpose the names and
24 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
25 person who has requested such notice. The notice shall state that the Director's written

1 recommendation ~~will be~~ is available for public review at the Planning Department of ~~City~~
2 Planning.

3 (3) **Commission Action.** The ~~City~~ Planning Commission may, after public hearing
4 and after making appropriate findings, approve, disapprove or approve subject to conditions
5 applications considered pursuant to Subsection (b) or for compliance with the open space and
6 streetscape requirements of the Planning Code Section 138 or Section 138.1.

7 (g) **~~City~~ Planning Commission Review Upon Request.**

8 (1) **Requests.** Within 10 days after notice of the proposed approval has been given,
9 as provided in Subsection (d), any person may request in writing that the ~~City~~ Planning
10 Commission impose additional modifications on the project as provided in Subsection (b) or
11 consider the application for compliance with the open space and streetscape requirements of the
12 Planning Code Section 138 or Section 138.1. ~~Said~~ The written request shall state why additional
13 modifications should be imposed notwithstanding its compliance with the requirements of this
14 Code and shall identify the policies or objectives that would be promoted by the imposition of
15 conditions, or shall state why the open space and streetscape requirements Section 138 has have not
16 been complied with.

17 (2) **Commission Consideration.** The ~~City~~ Planning Commission shall consider at a
18 public hearing meeting each written request for additional modifications and for consideration of
19 the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1
20 compliance and may, by majority vote, direct that a hearing be conducted to consider such
21 modifications or compliance, which hearing may be conducted at the same meeting that the
22 written request is considered and decided. Notice of such hearing meeting shall be mailed to
23 the project applicant, to property owners immediately adjacent to the site of the application
24 using for this purpose the names and addresses as shown on the Citywide Assessment Roll
25 in the Assessor's Office, to any person who has requested such notice, and to any person

1 who has submitted a request for additional requirements. In determining whether to conduct
2 such a hearing, the Commission shall determine whether, based upon a review of the project,
3 reasonable grounds exist justifying a public hearing in order to consider the proposed
4 additional modifications and the open space and streetscape requirements of the Planning Code
5 Section 138 and Section 138.1 compliance.

6 (3) **Commission Action.** If the Commission determines to conduct a hearing to
7 consider the imposition of additional modifications or the open space and streetscape requirements
8 Section 138 and Section 138.1 compliance, it may, after such hearing and after making
9 appropriate findings, approve, disapprove, or approve subject to conditions the building or site
10 permit or project authorization application. If the Commission determines not to conduct a
11 hearing, the Zoning Administrator shall approve the application subject to any conditions
12 imposed by the Director of Planning to which the applicant has consented.

13 (h) **Mandatory Planning Commission Hearing for Hearings on Projects Over 50,000**
14 **Square Feet of Gross Floor Area or Over 75 Feet in Height.** The ~~City~~ Planning
15 Commission shall hold a public hearing not otherwise required by this Section on all building
16 and site permit and Section 309 project authorization applications for projects which will result in
17 a net addition of more than 50,000 square feet of gross floor area of space or which will result
18 in a building that is greater than 75 feet in height. Notice of such hearing shall be mailed not
19 less than 10 days prior to the date of the hearing to the project applicant, to property owners
20 immediately adjacent to the site of the application using for this purpose the names and
21 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
22 person who has requested such notice.

23 (i) **Imposition of Conditions, General.** If, pursuant to the provisions of this Section,
24 the City Planning Commission determines that conditions should be imposed on the approval
25 of a building or site permit application, or Section 309 project authorization application ~~or an~~

1 ~~application for exceptions~~ and the applicant agrees to comply, the Commission may approve
2 the application subject to those conditions, and if the applicant refuses to so agree, the
3 Commission may disapprove the application.

4 (j) **Change of Conditions.** Authorization of a change in any condition previously
5 imposed pursuant to this Section shall require an application for a change in conditions, which
6 application shall be subject to the procedures set forth in this Section.

7
8 Section 19. The San Francisco Planning Code is hereby amended by amending
9 Section 311, to read as follows:

10 **SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO**
11 **DISTRICTS.**

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

17 (b) **Applicability.** Except as indicated herein, all building permit applications for
18 demolition and/or new construction, and/or alteration of residential buildings in RH, RM, and
19 RTO Districts shall be subject to the notification and review procedures required by this
20 Section. Subsection 311(e) regarding demolition permits and approval of replacement
21 structures shall apply to all R Districts.

22 (1) For the purposes of this Section, an alteration in RH and RM Districts shall be
23 defined as any change in use or change in the number of dwelling units of a residential
24 building, removal of more than 75 percent of a residential building's existing interior wall
25 framing or the removal of more than 75 percent of the area of the existing framing, or an

1 increase to the exterior dimensions of a residential building except those features listed in
2 Section 136(c)(1) through 136(c)(24) and 136(c)(26).

3 (2) For the purposes of this Section, an alteration in RTO Districts shall be defined as
4 a change of use described in Section 312(c) or a change in the number of dwelling units of a
5 building, removal of more than 75 percent of a building's existing interior wall framing or the
6 removal of more than 75 percent of the area of the existing framing, or an increase to the
7 exterior dimensions of a building except those features listed in Section 136(c)(1) through
8 136(c)(24) and 136(c)(26).

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

18 (1) **Residential Design Guidelines.** The construction of new residential buildings and
19 alteration of existing residential buildings in R Districts shall be consistent with the design
20 policies and guidelines of the General Plan and with the "Residential Design Guidelines" as
21 adopted and periodically amended for specific areas or conditions by the ~~City~~ Planning
22 Commission. The design for new buildings with residential uses in RTO Districts shall also be
23 consistent with the design standards and guidelines of the "Ground Floor Residential Units
24 Design Guidelines" as adopted and periodically amended by the Planning Commission. The
25 Planning Director may require modifications to the exterior of a proposed new residential

1 building or proposed alteration of an existing residential building in order to bring it into
2 conformity with the "Residential Design Guidelines" and with the General Plan. These
3 modifications may include, but are not limited to, changes in siting, building envelope, scale
4 texture and detailing, openings, and landscaping.

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

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

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

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

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

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

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

16 (5) **Notification Package.** The notification package for a project subject to notice
17 under this Section 311 shall include a written notice and reduced-sized drawings of the project.

18 (A) The written notice shall compare the proposed project to the existing conditions at the
19 development lot. Change to basic features of the project that are quantifiable shall be disclosed on the
20 written notice. The basic features of existing and proposed conditions shall include, where applicable,
21 front setback, building depth, rear yard depth side setbacks, building height, number of stories,
22 dwelling unit count and use of the building.. A description of the proposal compared to any existing
23 improvements on the site with dimensions of the basic features, elevations and site plan of the proposed
24 project including exterior dimensions and finishes, and a graphic reference scale.

1 **(B) The written notice shall describe if whether the project is a demolition, new construction**
2 **or alteration project. If the project is an alteration, the type of alteration shall be described:**
3 **horizontal, vertical or both horizontal and vertical additions and where the alteration is located.**
4 ~~Information stating whether the proposed project includes horizontal, vertical, or both horizontal and~~
5 ~~vertical additions.~~

6 **(C) Written project description shall be part of the notice. In addition, the notice shall**
7 **describe the project review process, information on how to obtain additional information and the**
8 **contact information of the Planning Department. Information showing the relationship of the project to**
9 **adjacent properties, including the position and height of any adjacent building and location of windows**
10 **facing the subject property.**

11 **(D) The building permit application number(s) shall be disclosed in the written notice. The**
12 **start and expiration dates of the notice shall be stated. A description about the recipient's rights to**
13 **request additional information, to request Discretionary Review by the Planning Commission and to**
14 **appeal to other boards or commissions shall be provided. 11 by 17 drawings at a measurable scale**
15 **with all dimensions legible that shows (i) both existing and proposed floor plans, (ii) specific**
16 **dimensional changes to the building, including parapets, penthouses, and other proposed building**
17 **extensions and (iii) the location and amount of removal of exterior walls.**

18 **(E) 11x17 sized or equivalent drawings to scale shall be included with the Section 311**
19 **written notice. The drawings shall illustrate the existing and proposed conditions in relationship to the**
20 **adjacent properties. All dimensions and text throughout the drawings shall be legible. The drawings**
21 **shall include a site plan, floor plans and elevations documenting dimensional changes that correspond**
22 **to the basic features included in the written notice. Floor plans where there is a new building, building**
23 **expansion, or change in the floor plans of an existing building.**

1 (F) The existing and proposed site plan shall illustrate the project including the full lots and
2 structures of the directly adjacent properties. The name and telephone number of the project planner
3 at the Planning Department assigned to review the application.

4 (G) The existing and proposed floor plans shall illustrate the location and removal of
5 interior and exterior walls. The use of each room shall be labeled. Significant dimensions shall be
6 provided to document the change proposed by the project. A description of the project review process,
7 information on how to obtain additional information about the project, and information about the
8 recipient's rights to request additional information, to request discretionary review by the Planning
9 Commission, and to appeal to other boards or commissions.

10 (H) The existing and proposed elevations shall document the change in building volume:
11 height and depth. Dimensional changes shall be documented, including overall building height and
12 also parapets, penthouses and other proposed vertical and horizontal building extensions. The front
13 and rear elevations shall include the full profiles of the adjacent structures including the adjacent
14 structures' doors, windows and general massing. Each side elevation shall include the full profile of
15 the adjacent building in the foreground of the project, and the adjacent windows, lightwells and
16 general massing shall be illustrated.

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

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

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

7 (e) **Demolition of Dwellings, Approval of Replacement Structure Required.**

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

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

21 (f) **Wireless Telecommunications Services Facility as Accessory Use,**
22 **Notification and Review Required.** Building permit applications for new construction of a
23 wireless telecommunications services facility as an accessory use under Article 2 of the
24 Planning Code in RH and RM Districts shall be subject to the notification and review
25 procedures required by this Section.

1 Section 20. The San Francisco Planning Code is hereby amended by amending
2 Section 312, to read as follows:

3 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NCAND EASTERN**
4 **NEIGHBORHOODS MIXED USE DISTRICTS.**

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

11 (b) **Applicability.** Except as indicated herein, all building permit applications for
12 demolition, new construction, changes in use to a formula retail use as defined in Section
13 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be
14 subject to the notification and review procedures required by Subsection 312(d). Subsection
15 312(f) regarding demolition permits and approval of replacement structures shall apply to all
16 NC and Eastern Neighborhoods Mixed Use Districts. For the purposes of this Section,
17 addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and
18 136(c)(26) shall not be subject to notification under this Section.

19 (c) **Changes of Use.** In NC Districts, all building permit applications for a change of
20 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
21 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
22 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as
23 defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small
24 self-service restaurant, as defined in Section 790.91, a self-service specialty food use, as defined
25 in Section 790.93, a massage establishment, as defined in Section 790.60, an outdoor activity,

1 as defined in Section 790.70, an adult or other entertainment use, as defined in Sections
2 790.36 and 790.38, or a fringe financial service use, as defined in Section 790.111, shall be
3 subject to the provisions of Subsection 312(d). In all Eastern Neighborhoods Mixed Use
4 Districts all building permit applications for a change of use from any one land use category to
5 another land use category shall be subject to the provisions of Subsection 312(d). In addition,
6 any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District
7 shall be subject to the provisions of Subsection 312(d).

8 For the purposes of this Subsection, "land use category" shall mean those categories
9 used to organize the individual land uses which appear in the use tables in Article 8,
10 immediately preceding a group of individual land uses, and include the following: residential
11 use, institutional use, retail sales and service use, assembly, recreation and entertainment
12 use, office use, motor vehicle services use, industrial home and business service use, or other
13 use.

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

23 **(1) Neighborhood Commercial Design Guidelines.** The construction of new
24 buildings and alteration of existing buildings in NC Districts shall be consistent with the design
25 policies and guidelines of the General Plan as adopted and periodically amended for specific

1 areas or conditions by the Planning Commission. The Director of Planning may require
2 modifications to the exterior of a proposed new building or proposed alteration of an existing
3 building in order to bring it into conformity with the General Plan. These modifications may
4 include, but are not limited to, changes in siting, building envelope, scale texture and detailing,
5 openings, and landscaping.

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

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

23 (A) The notification area shall be all properties within 150 feet of the subject lot in the
24 same Assessor's Block and on the block face across from the subject lot. When the subject lot
25

1 is a corner lot, the notification area shall further include all property on both block faces across
2 from the subject lot, and the corner property diagonally across the street.

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

5 (C) The Planning Department shall maintain a list, updated every six months with
6 current contact information, available for public review, and kept at the Planning Department's
7 Planning Information Counter, and reception desk, as well as the Department of Building
8 Inspection's Building Permit Counter, of neighborhood organizations which have indicated an
9 interest in specific properties or areas. The organizations having indicated an interest in the
10 subject lot or its area shall be included in the notification group for the proposed project.

11 Notice to these groups shall be verified by a declaration of mailing signed under penalty of
12 perjury. In the event that such an organization is not included in the notification group for a
13 proposed project as required under this subsection, the proposed project must be re-noticed.

14 (3) **Notification Period.** All building permit applications shall be held for a period of
15 30 calendar days from the date of the mailed notice to allow review by residents, occupants,
16 owners of neighboring properties and by neighborhood groups.

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

23 (e) **Requests for Planning Commission Review.** A request for the Planning
24 Commission to exercise its discretionary review powers over a specific building permit
25 application shall be considered by the Planning Commission if received by the Planning

1 Department no later than 5:00 p.m. of the last day of the notification period as described
2 under Subsection (d)(3) above, subject to guidelines adopted by the Planning Commission.
3 The project sponsor of a building permit application may request discretionary review by the
4 Planning Commission to resolve conflicts between the Director of Planning and the project
5 sponsor concerning requested modifications to comply with relevant design guidelines of the
6 General Plan.

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

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

13 (f) **Demolition of Dwellings, Approval of Replacement Structure Required.**

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

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

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

3 (g) **Wireless Telecommunications Services Facility as Accessory Use,**
4 **Notification and Review Required.** Building permit applications for new construction of a
5 wireless telecommunications services facility as an accessory use under Article 7 or 8 of the
6 Planning Code in all NC or Eastern Neighborhoods Mixed Use Districts shall be subject to the
7 notification and review procedures required by this Section.

8
9 Section 21. The San Francisco Planning Code is hereby amended by amending
10 Section 317, to read as follows:

11 **SEC. 317. Loss of Dwelling Units through Merger, Conversion, and Demolition.**

12 (a) **Findings.** San Francisco faces a continuing shortage of affordable housing. There
13 is a high ratio of rental to ownership tenure among the City's residents. The General Plan
14 recognizes that existing housing is the greatest stock of rental and financially accessible
15 residential units, and is a resource in need of protection. Therefore, a public hearing will be
16 held prior to approval of any permit that would remove existing housing, with certain
17 exceptions, as described below. The Planning Commission shall develop a Code
18 Implementation Document setting forth procedures and regulations for the implementation of
19 this Section 317 as provided further below. The Zoning Administrator shall modify economic
20 criteria related to property values and construction costs in the Implementation Document as
21 warranted by changing economic conditions to meet the intent of this Section.

22 (b) **Definitions.** For the purposes of this Section 317, the terms below shall be
23 defined as follows:

24 (1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
25 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),

1 or the change of use (as defined and regulated by the Planning Code), of any Residential Unit
2 to a non-residential use.

3 (2) "Demolition of Residential Buildings" shall mean any of the following:

4 (A) Any work on a Residential Building for which the Department of Building Inspection
5 determines that an application for a demolition permit is required, or

6 (B) A major alteration of a Residential Building that proposes the Removal of more
7 than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of
8 more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level,
9 or

10 (C) A major alteration of a Residential Building that proposes the Removal of more
11 than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of
12 the existing building, as measured in square feet of actual surface area.

13 (D) The Planning Commission may reduce the above numerical elements of the
14 criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that
15 adjustment is necessary to implement the intent of this Section 317, to conserve existing
16 sound housing and preserve affordable housing.

17 (3) "Facade" shall mean an entire exterior wall assembly, including but not limited to all
18 finishes and siding, fenestration, doors, recesses, openings, bays, parapets, sheathing and
19 framing.

20 (4) "Front Facade" shall mean the portion of the Facade fronting a right-of-way, or the
21 portion of the Facade most closely complying with that definition, as in the case of a flag lot.
22 Where a lot has more than one frontage on rights-of-way. all such frontages shall be
23 considered Front Facades except where a facade meets the definition of "Rear Facade."

24 (5) "Horizontal Elements" shall mean all roof areas and all floor plates, except floor
25 plates at or below grade.

1 (6) "Mandatory Discretionary Review" shall mean a hearing before the Planning
2 Commission that is required by this Section 317 at which the Commission will determine
3 whether to approve, modify or disapprove a permit application.

4 (7) "Merger" shall mean the combining of two or more legal Residential Units, resulting
5 in a decrease in the number of Residential Units within a building, or the enlargement of one
6 or more existing units while substantially reducing the size of others by more than 25% of their
7 original floor area, even if the number of units is not reduced. The Planning Commission may
8 reduce the numerical element of this criterion by up to 20% of its value should it deem that
9 adjustment is necessary to implement the intent of this Section 317, to conserve existing
10 housing and preserve affordable housing.

11 (8) "Rear Facade" shall mean that portion of the Facade facing the part of a lot that
12 most closely complies with the applicable Planning Code rear yard requirements.

13 (9) "Removal" shall mean, with reference to a wall, roof or floor structure, its
14 dismantling, its relocation or its alteration of the exterior function by construction of a new
15 building element exterior to it. Where a portion of an exterior wall is removed, any remaining
16 wall with a height less than the Building Code requirement for legal head room shall be
17 considered demolished. Where exterior elements of a building are removed and replaced for
18 repair or maintenance, in like materials, with no increase in the extent of the element or
19 volume of the building, such replacement shall not be considered Removal for the purposes of
20 this Section. The foregoing does not supersede any requirements for or restrictions on
21 noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

22 (10) "Removal" shall mean, with reference to a Residential Unit, its Conversion,
23 Demolition, or Merger.

24 (11) "Residential Building" shall be mean any structure containing one or more
25 Residential Units as a principal use, regardless of any other uses present in the building.

1 (12) "Residential Unit" shall mean a legal conforming or non-conforming dwelling unit
2 as defined in Planning Code Section 102.7, or a legal non-conforming Live/Work Unit as
3 defined in Planning Code Section 102.13.

4 (13) "Vertical Envelope Elements" shall mean all exterior walls that provide weather
5 and thermal barriers between the interior and exterior of the building, or that provide structural
6 support to other elements of the building envelope.

7 (c) **Applicability.** Where an application for a permit that would result in the loss of one
8 or more Residential Units is required to obtain Conditional Use authorization by other sections
9 of this Code, the application for a replacement building or alteration permit shall also be
10 subject to Conditional Use requirements. Any application for a permit that would result in the
11 loss or Removal of three or more Residential Units, notwithstanding any other sections of this
12 Code, shall require a Conditional Use authorization for the Removal and replacement of the
13 units. Approval of any other application that would result in the loss or Removal of up to two
14 Residential Units is prohibited unless the Planning Commission approves such permit
15 application and the replacement structure permit application at a Mandatory Discretionary
16 Review hearing, with certain exceptions specified below.

17 (d) **Loss of Residential Units Through Demolitions.**

18 (1) No permit to Demolish a Residential Building in any zoning district shall be issued
19 until a building permit for the replacement structure is finally approved, unless the building is
20 determined to pose a serious and imminent hazard as defined in the Building Code. A building
21 permit is finally approved if the Board of Appeals has taken final action for approval on an
22 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
23 filing an appeal with the Board of Appeal has lapsed with no appeal filed.

24 (2) If Conditional Use authorization is required for approval of the permit to Demolish a
25 Residential Building by other sections of this Code, the Commission shall consider the

1 replacement structure as part of its decision on the Conditional Use application. If Conditional
2 Use authorization is required for the replacement structure by other sections of this Code, the
3 Commission shall consider the demolition as part of its decision on the Conditional Use
4 application. In either case, Mandatory Discretionary Review is not required, although the
5 Commission shall apply appropriate criteria adopted under this Section 317 in addition to the
6 criteria in Section 303 of the Planning Code in its consideration of Conditional Use
7 authorization. If neither permit application is subject to Conditional Use authorization, then
8 separate Mandatory Discretionary Review cases shall be heard to consider the permit
9 applications for the demolition and the replacement structure.

10 (3) For those applications to Demolish a Residential Building in districts that require
11 Mandatory Discretionary Review, administrative review criteria shall ensure that only
12 applications to demolish Single-Family Residential Buildings that are demonstrably not
13 affordable or financially accessible housing, or Residential Buildings of two units or fewer that
14 are found to be unsound housing, are exempt from Mandatory Discretionary Review hearings.
15 Specific numerical criteria for such analyses shall be adopted by the Planning Commission in
16 the Code Implementation Document, in accordance with this Section 317, and shall be
17 adjusted periodically by the Zoning Administrator based on established economic real estate
18 and construction indicators.

19 (A) The Planning Commission shall determine a level of affordability or financial
20 accessibility, such that Single-Family Residential Buildings on sites in RH-1 Districts that are
21 demonstrably not affordable or financially accessible, that is, housing that has a value greater
22 than at least 80% of the combined land and structure values of single-family homes in San
23 Francisco as determined by a credible appraisal, made within six months of the application to
24 demolish, are not subject to a Mandatory Discretionary Review hearing. The demolition and
25 replacement building applications shall undergo notification as required by other sections of

1 this Code. The Planning Commission, in the Code Implementation Document, may increase
2 the numerical criterion in this subsection by up to 10% of its value should it deem that
3 adjustment is necessary to implement the intent of this Section 317, to conserve existing
4 housing and preserve affordable housing.

5 (B) The Planning Commission, in the Code Implementation Document, shall adopt
6 criteria and procedures for determining the soundness of a structure proposed for demolition,
7 where "soundness" is an economic measure of the feasibility of upgrading a residence that is
8 deficient with respect to habitability and Housing Code requirements, due to its original
9 construction. The "soundness factor" for a structure shall be the ratio of a construction
10 upgrade cost (i.e., an estimate of the cost to repair specific habitability deficiencies) to the
11 replacement cost (i.e., an estimate of the current cost of building a structure the same size as
12 the existing building proposed for demolition), expressed as a percent. A building is unsound if
13 its soundness factor exceeds 50%. A Residential Building that is unsound may be approved
14 for demolition.

15 (C) The Planning Commission shall consider the following additional criteria in the
16 review of applications to demolish Residential Buildings:

- 17 (i) whether the property is free of a history of serious, continuing Code violations;
- 18 (ii) whether the housing has been maintained in a decent, safe, and sanitary condition;
- 19 (iii) whether the property is an "historical resource" under CEQA;
- 20 (iv) whether the removal of the resource will have a substantial adverse impact under
21 CEQA;
- 22 (v) whether the project converts rental housing to other forms of tenure or occupancy;
- 23 (vi) whether the project removes rental units subject to the Rent Stabilization and
24 Arbitration Ordinance;

1 (vii) whether the project conserves existing housing to preserve cultural and economic
2 neighborhood diversity;

3 (viii) whether the project conserves neighborhood character to preserve neighborhood
4 cultural and economic diversity;

5 (ix) whether the project protects the relative affordability of existing housing;

6 (x) whether the project increases the number of permanently affordable units as
7 governed by Section 315;

8 (xi) whether the project locates in-fill housing on appropriate sites in established
9 neighborhoods;

10 (xii) whether the project creates Quality, new family housing;

11 (xiii) whether the project creates new supportive housing;

12 (xiv) whether the protect promotes construction of well-designed housing to enhance
13 existing neighborhood character;

14 (xv) whether the project increases the number of on-site dwelling units;

15 (xvi) whether the project increases the number of on-site bedrooms.

16 (4) Nothing in this Section is intended to permit the Demolition of Residential Buildings
17 in those areas of the City where other sections of this Code prohibit such demolition or
18 replacement structure.

19 (5) Nothing in this Section is intended to exempt buildings or sites where demolition is
20 proposed from undergoing review with respect to Articles 10 and 11 of the Code, where the
21 requirements of those articles apply. Notwithstanding the definition of "Demolition of
22 Residential Buildings" in this section and as further described in the Code Implementation
23 Document with regard to the loss of Residential Units, the criteria of Section 1005 shall apply
24 to projects subject to review under the requirements of Article 10 with regard to the structure
25 itself.

1 **(e) Loss of Residential Units Through Merger.**

2 (1) The Merger of Residential Units not otherwise subject to Conditional Use
3 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
4 building permit application at a Mandatory Discretionary Review hearing, applying criteria in
5 subsection (2) below, or the project qualifies for administrative approval and the Planning
6 Department approves the project administratively in accordance with subsections (3) *and or*
7 (4) below.

8 (2) The Planning Commission shall consider these criteria in the review of applications
9 to merge Residential Units:

10 (i) whether removal of the unit(s) would eliminate only owner occupied housing, and if
11 so, for how long the unit(s) proposed to be removed have been owner occupied;

12 (ii) whether removal of the unit(s) and the merger with another is intended for owner
13 occupancy;

14 (iii) whether removal of the unit(s) will bring the building closer into conformance with
15 the prevailing density in its immediate area and in the same zoning district;

16 (iv) whether removal of the unit(s) will bring the building closer into conformance with
17 prescribed zoning;

18 (v) whether removal of the unit(s) is necessary to correct design or functional
19 deficiencies that cannot be corrected through interior alterations.

20 (3) Administrative review criteria shall ensure that only those Residential Units
21 proposed for Merger that are demonstrably not affordable or financially accessible housing
22 are exempt from Mandatory Discretionary Review hearings. Applications for which the least
23 expensive unit proposed for merger has a value greater than at least 80% of the combined
24 land and structure values of single-family homes in San Francisco, as determined by a
25 credible appraisal, made within six months of the application to merge, are not subject to a

1 Mandatory Discretionary Review hearing. The Planning Commission, in the Code
2 Implementation Document, may increase the numerical criterion in this subsection by up to
3 10% of its value should it deem that adjustment is necessary to implement the intent of this
4 Section 317, to conserve existing housing and preserve affordable housing.

5 (4) Projects that meet a supermajority of the merger criteria, in subsection (d)(2) above,
6 may be approved administratively by the Planning Department, consistent with this Section
7 317.

8 **(f) Loss of Residential Units Through Conversion.**

9 (1) Conversion of Residential Units not otherwise subject to Conditional Use
10 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
11 building permit application at a Mandatory Discretionary Review hearing.

12 (2) The Planning Commission shall consider these criteria in the review of applications
13 for Conversion of Residential Units;

14 (i) whether conversion of the unit(s) would eliminate only owner occupied housing, and
15 if so, for how long the unit(s) proposed to be removed were owner occupied;

16 (ii) whether conversion of the unit(s) would provide desirable new non-residential
17 use(s) appropriate for the neighborhood and adjoining district(s);

18 (iii) whether conversion of the unit(s) will bring the building closer into conformance
19 with the prevailing character of its immediate area and in the same zoning district;

20 (iv) whether conversion of the unit(s) will be detrimental to the City's housing stock;

21 (v) whether conversion of the unit(s) is necessary to eliminate design, functional, or
22 habitability deficiencies that cannot otherwise be corrected.

23 **(g) This Section 317 Shall Not Apply to Property:**

24 (1) Owned by the United States or any of its agencies;

25

1 (2) Owned by the State of California or any of its agencies, with the exception of such
2 property not used exclusively for a governmental purpose;

3 (3) Under the jurisdiction of the Port of San Francisco or the San Francisco
4 Redevelopment Agency where the application of this ordinance is prohibited by State or local
5 law; or

6 (4) Where demolition of the building or Removal of a Residential Unit is necessary to
7 comply with a court order or City order that directs the owner to demolish the building or
8 remove the unit, due to conditions that present an imminent threat to life safety.

9
10 Section 22. The San Francisco Planning Code is hereby amended by amending
11 Section 602.25, to read as follows:

12 **SEC. 602.25. HISTORIC MOVIE THEATER PROJECTING SIGN.**

13 A projecting business sign attached to a Qualified Movie Theater, as defined in Section
14 188(e)(1), when such sign was originally constructed in association with the Qualified Movie
15 Theater or similar historic use. Such signs are typically characterized by (i) perpendicularity to
16 the primary facade of the building, (ii) fixed display of the name of the establishment, often in
17 large lettering descending vertically throughout the length of the sign; (iii) a narrow width that
18 extends for a majority of the vertical distance of a building's facade, typically terminating at or
19 slightly above the roofline, and (iv) an overall scale and nature such that the sign comprises a
20 significant and character defining architectural feature of the building to which it is attached.
21 Elimination or change of any lettering or other inscription from a movie theater projecting sign,
22 such as that which may occur with a change of ownership, change of use, or closure does not
23 preclude classification of the sign under this Section. For specific controls on the preservation,
24 rehabilitation, or restoration of these signs, refer to Section 188(e) of this Code.

1 Section 23. The San Francisco Planning Code is hereby amended by amending
2 Section 602.26, to read as follows:

3 **SEC. 602.26. HISTORIC MOVIE THEATER MARQUEE.**

4 A marquee, as defined in Section 790.58, attached to a Qualified Movie Theater, as
5 defined in Section 188(e)(1), when such marquee was originally constructed in association
6 with a movie theater or similar historic use. Elimination or change of any lettering or other
7 inscription from a movie theater marquee, such as that which may occur with a change of
8 ownership, change of use or closure, does not preclude classification of the marquee under
9 this Section. For specific controls on the preservation, rehabilitation, or restoration of these signs,
10 refer to Section 188(e) of this Code.

11
12 Section 24. The San Francisco Planning Code is hereby amended by amending
13 Section 607.1, to read as follows:

14 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.**

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

21 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
22 601 of this Code, the following purposes apply to Neighborhood Commercial Districts. These
23 purposes constitute findings that form a basis for regulations and provide guidance for their
24 application.

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

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

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

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

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

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

3 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in
4 area. The sign may be a freestanding sign, if the building is recessed from the street property
5 line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign
6 shall preclude the erection of a freestanding business sign on the same lot. A wall or
7 projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed
8 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
9 illuminated.

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

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

19 (e) **General Advertising Signs.** General advertising signs, as defined in Section
20 602.7, shall be permitted in Neighborhood Commercial Districts, except in the Inner Sunset
21 Neighborhood Commercial District where they are not permitted, as provided for below. In NC
22 Districts where such signs are permitted, general advertising signs may be either a wall sign
23 or freestanding, provided that the surface of any freestanding sign shall be parallel to and
24 within three feet of an adjacent building wall. In either case, the building wall shall form a
25 complete backdrop for the sign, as the sign is viewed from all points from a street or alley from

1 which it is legible. No general advertising sign shall be permitted to cover part or all of any
2 windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be
3 included in the calculation of the sign, as defined in Section 602.1(a) of this Code.

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

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

14 (A) **NC-3 and NCT-3 Districts.** Signs may be either nonilluminated or indirectly
15 illuminated.

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

18 (1) **NC-1 and NCT-1 Districts.**

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

22 (B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per square
23 foot of street frontage occupied by the business measured along the wall to which the signs
24 are attached, or 50 square feet for each street frontage, whichever is less. The height of any
25 wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs

1 may be nonilluminated or indirectly illuminated; or during business hours, may be directly
2 illuminated.

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

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

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

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

21 (B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of
22 street frontage occupied by the use measured along the wall to which the signs are attached,
23 or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall
24 not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest
25

1 of any residential windowsill on the wall to which the sign is attached, whichever is lower.
2 Such signs may be nonilluminated, indirectly, or directly illuminated.

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

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

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

1 **(3) Mission Street NCT. NC-3, and NCT-3 Neighborhood Commercial Districts.**

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

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

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

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

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

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

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

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

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

24 (g) **Temporary Signs.** One temporary nonilluminated or indirectly illuminated sale or
25 lease sign or nonilluminated sign of persons and firms connected with work on buildings under

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

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

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

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

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

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

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

1 (1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk,
2 public plaza or right-of-way, or in any portion of a transit system, except such projecting signs
3 as are otherwise permitted by this Code and signs, structures, and features as are specifically
4 approved by the appropriate public authorities under applicable laws and regulations not
5 inconsistent with this Code and under such conditions as may be imposed by such authorities.

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

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

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

13
14 Section 25. The San Francisco Planning Code is hereby amended by amending
15 Section 702.2, to read as follows:

16 **SEC. 702.2. NEIGHBORHOOD COMMERCIAL SPECIAL USE DISTRICTS.**

17 In addition to the Neighborhood Commercial Use Districts established by Section 702.1
18 of this Code, certain Neighborhood Commercial Special Use Districts are established for the
19 purpose of controlling changes in use and new development within sensitive neighborhood
20 areas.

21 The purposes and provisions set forth in Section 780.1 of this Code shall apply within
22 these districts. The boundaries of the districts are as shown on the Zoning Map as referred to
23 in Sections 105 and 106 of this Code, subject to the provisions of that Section.

24
25

Neighborhood Commercial Special	Section Number
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1	Use Districts	
2	Lakeshore Plaza Special Use District	§ 780.1
3	<i>Bayshore-Hester Special Use District</i>	<u>§ 780.2</u>
4	<i>North Beach Special Use District</i>	<u>§ 780.3</u>
5	<i>Mission-Harrison Special Use District</i>	<u>§780.4</u>

6
7 Section 26. The San Francisco Planning Code is hereby amended by amending
8 Section 702.3, to read as follows:

9 **SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.**

10 In addition to the Neighborhood Commercial Use Districts established by Section 702.1
11 of this Code, certain Neighborhood Commercial Special Use Districts are established for the
12 purpose of controlling the expansion of certain kinds of uses which if uncontrolled may
13 adversely affect the character of certain Neighborhood Commercial Districts.

14 The purposes and provisions set forth in Section 781.1 through 781.6 of this Code shall
15 apply respectively within these districts. The boundaries of the districts are as shown on the
16 Zoning Map as referred to in Section 105 of this Code, subject to the provisions of that
17 Section.

20	Neighborhood Commercial Restricted	Section Number
21	Use Subdistricts	
22	Taraval Street Restaurant and	§ 781.1
23	Fast-Food Subdistrict	
24	Irving Street Restaurant and	§ 781.2

1	Fast-Food Subdistrict	
2	Ocean Avenue Fast-Food Subdistrict	§ 781.3
3	Geary Boulevard Fast-Food	§ 781.4
4	Subdistrict	
5	Mission Street Fast-Food Subdistrict	§ 781.5
6	North Beach Financial Service, <i>Limited</i>	§ 781.6
7	<i>Financial Service, and Business or</i>	
8	<i>Professional Service</i>	
9	Subdistrict	
10	Chestnut Street Financial	§ 781.7
11	<i>Haight Street Alcohol Restricted Use District</i>	§ 781.9
12	<i>Divisadero Street Alcohol Restricted Use</i>	§ 783
13	<i>District</i>	
14	<i>Lower Haight Street Alcohol Restricted Use</i>	§ 784
15	<i>District</i>	
16	<i>Excelsior Alcohol Special Use District</i>	§ 785
17	<i>Lower Haight Tobacco Paraphernalia</i>	§ 786
18	<i>Restricted Use District</i>	

20 Section 27. The San Francisco Planning Code is hereby amended by amending
21 Section 702.4, to read as follows:

22 **SEC. 702.4 SPECIAL USE DISTRICTS.**

23 In addition to the Neighborhood Commercial Use Districts and Neighborhood
24 Commercial Special Use Districts established by Sections 702.1 and 702.2 of this Code,
25

1 certain special use districts established in Section 236 through 249.9 of this Code are located
2 within certain Neighborhood Commercial District boundaries. The designations, locations,
3 and boundaries of the special use districts are as provided below.

Special Use Districts	Section Number
<i>Garment Shop Special Use District</i>	§ 236
Fringe Financial Service Restricted Use District	§ 249.35
<u><i>Third Street Special Use District</i></u>	<u>§249.14</u>
<u><i>Mission Alcohol Restricted Use District</i></u>	<u>§ 249.60 (formerly 781.8)</u>
<u><i>17th – Rhode Island Street Special Use District</i></u>	<u>§ 249.61 (formerly 781.10)</u>
<u><i>Third Street Alcohol Restricted Use District</i></u>	<u>§ 249.62 (formerly 782)</u>
<u><i>Geary Boulevard/Divisadero Street Special Use District</i></u>	<u>§ 249.13</u>
<u><i>California Street & Presidio Avenue Community Central Special Use District</i></u>	<u>§ 249.21</u>
<u><i>Japantown Special Use District</i></u>	<u>§ 249.31</u>
<u><i>Fulton Street Grocery Store Special Use District</i></u>	<u>§ 249.35</u>
<u><i>Upper Market Special Sign District</i></u>	<u>§608.10</u>

22 Section 28. The San Francisco Planning Code is hereby amended by amending
23 Section 703.2, to read as follows:

24 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

25 A use is the specific purpose for which a property or building is used, occupied,

1 maintained, or leased. Whether or not a use is permitted in a specific district is set forth or
 2 summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each
 3 district class.

4 (a) **Use Categories.** The uses, functions, or activities, which are permitted in each
 5 Neighborhood Commercial District class include those listed below by zoning control category
 6 and number and cross-referenced to the Code Section containing the definition.

7 **Zoning Control**

Section Number of Use Definition

8 **Categories for Uses**

9			
10	.24	Outdoor Activity Area	§ 790.70
11	.25	Drive-Up Facility	§ 790.30
12	.26	Walk-Up Facility	§ 790.140
13	.27	Hours of Operation	§ 790.48
14	.38	Residential	§ 790.84
15		Conversion	
16	.39	Residential Demolition	§ 790.86
17	.40	Other Retail Sales and Services	§ 790.102
18	.41	Bar	§ 790.22
19	.42	Full-Service Restaurant	§ 790.92
20	.43	Large Fast-Food Restaurant	§ 790.90
21	.44	Small Self-Service Restaurant	§ 790.91
22	.45	Liquor Store	§ 790.55
23	.46	Movie Theater	§ 790.64
24			
25			

1	.47	Adult Entertainment	§ 790.36
2	.48	Other Entertainment	§ 790.38
3	.49	Financial Service	§ 790.110
4	.50	Limited Financial Service	§ 790.112
5	.51	Medical Service	§ 790.114
6	.52	Personal Service	§ 790.116
7	.53	Business or Professional Service	§ 790.108
8	.54	Massage Establishment	§ 790.60
9	.55	Tourist Hotel	§ 790.46
10	.56	Automobile Parking	§ 790.8
11	.57	Automotive Gas Station	§ 790.14
12	.58	Automotive Service Station	§ 790.17
13	.59	Automotive Repair	§ 790.15
14	.60	Automotive Wash	§ 790.18
15	.61	Automobile Sale or Rental	§ 790.12
16	.62	Animal Hospital	§ 790.6
17	.63	Ambulance Service	§ 790.2
18	.64	Mortuary	§ 790.62
19	.65	Trade Shop	§ 790.124
20	.66	Storage	§ 790.117
21	.67	Video Store	§ 790.135

1	.68	Fringe Financial	§ 790.111
2		Service	
3	<u>.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>
4		<u>Establishment</u>	
5	.69A	Self-Service Specialty	§ 790.93
6		Food	
7	<u>.69B</u>	<u>Amusement Game</u>	<u>§ 790.04</u>
8		<u>Arcade (Mechanical</u>	
9		<u>Amusement Devices)</u>	
10	.69C	Neighborhood	§ 102.35 (a)
11		Agriculture	
12	.69D	Large-Scale Urban	§ 102.35 (b)
13		Agriculture	
14	.70	Administrative Service	§ 790.106
15	.80	Hospital or Medical	§ 790.44
16		Center	
17	.81	Other Institutions,	§ 790.50
18		Large	
19	.82	Other Institutions,	§ 790.51
20		Small	
21	.83	Public Use	§ 790.80
22	.84	Medical Cannabis	§ 790.141
23		Dispensary	
24	<u>.85</u>	<u>Service, Philanthropic</u>	<u>§ 790.107</u>
25		<u>Administrative</u>	
	.90	Residential Use	§ 790.88
	.95	Community	§ 790.10
		Residential Parking	

(b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each

1 district class.

2 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed
3 building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this
4 Code. Exceptions from this requirement are: uses which, when located outside of a building,
5 qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-
6 street parking and loading and other uses listed below which function primarily as open-air
7 uses, or which may be appropriate if located on an open lot, outside a building, or within a
8 partially enclosed building, subject to other limitations of this Article 7 and other sections of
9 this Code.

No.	Zoning Control Category
.56	Automobile Parking
.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental
.81	Other Institutions, Large (selected)
.83	Public Use (selected)
.95	Community Residential Parking

19
20 If there are two or more uses in a structure and none is classified below under Section
21 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
22 separately as independent principal, conditional or temporary uses.

23 (A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood
24 Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for
25

1 each district class.

2 (B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial
3 District when authorized by the Planning Commission; whether a use is conditional in a given
4 district is indicated in Sections 710.10 through 729.95. Conditional uses are subject to the
5 provisions set forth in Sections 178, 179, 303, and 316 through 316.8 of this Code.

6 (i) An establishment which sells beer or wine with motor vehicle fuel is a conditional
7 use, and shall be governed by Section 229.

8 (ii) Notwithstanding any other provision of this Article, a change in use or demolition of
9 a movie theater use, as set forth in Section 790.64, shall require conditional use authorization.
10 This Subsection shall not authorize a change in use if the new use or uses are otherwise
11 prohibited.

12 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of
13 a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross
14 square feet shall require conditional use authorization. This Subsection shall not authorize a
15 change in use if the new use or uses are otherwise prohibited.

16 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the
17 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and
18 NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and
19 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the
20 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
21 and subordinate to any such use, shall be permitted as an accessory use when located on the
22 same lot. Any use which does not qualify as an accessory use shall be classified as a
23 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
24 205.2 of this Code.

25 No use will be considered accessory to a permitted principal or conditional use which

1 involves or requires any of the following:

2 (i) The use of more than 1/3 of the total floor area occupied by such use and the
3 principal or conditional use to which it is accessory, except in the case of accessory off-street
4 parking and loading;

5 (ii) Any bar, restaurant, other entertainment, or any retail establishment which serves
6 liquor for consumption on-site;

7 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out food
8 use which occupies ~~100~~ 1/3 of the total floor area or up to 500 s/f whichever is more restrictive ~~or~~
9 ~~less~~ in a general grocery or specialty grocery store, This take-out food use includes the area
10 devoted to food preparation and service and excludes storage and waiting areas;

11 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out food
12 use operating as a minor and incidental use within a full-service restaurant;

13 (v) The wholesaling, manufacturing or processing of foods, goods, or commodities on
14 the premises of an establishment which does not also use or provide for primarily retail sale of
15 such foods, goods or commodities at the same location where such wholesaling,
16 manufacturing or processing takes place.

17 (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or
18 liquor sales for the consumption off the premises with a State of California Alcoholic Beverage
19 Control ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale general)
20 which occupy less than 15% of the gross square footage of the establishment (including all
21 areas devoted to the display and sale of alcoholic beverages) in a general grocery store,
22 specialty grocery store, or self-service specialty food use.

23 (vii) Medical Cannabis Dispensaries as defined in 790.141.

24 The foregoing rules shall not prohibit take-out food activity which operates in
25 conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a

1 self-service restaurant, by definition, includes take-out food as an accessory and necessary
2 part of its operation.

3 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the provisions
4 set forth in Section 205 of this Code.

5 (2) **Not Permitted Uses.**

6 (A) Uses which are not specifically listed in this Article are not permitted unless they
7 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
8 determined by the Zoning Administrator to be permitted uses in accordance with Section
9 307(a) of this Code.

10 (B) No use, even though listed as a permitted use, shall be permitted in a
11 Neighborhood Commercial District which, by reason of its nature or manner of operation,
12 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
13 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
14 noise.

15 (C) The establishment of a use that sells alcoholic beverages, other than beer and
16 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.
17 Except in the SoMa NCT, where these uses are permitted accessory uses.

18
19 Section 29. The San Francisco Planning Code is hereby amended by amending
20 Section 710.1, to read as follows:

21 **SEC. 710.1. NC-1 — NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

22 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
23 convenience retail goods and services for the immediately surrounding neighborhoods
24 primarily during daytime hours.

1 These NC-1 Districts are characterized by their location in residential neighborhoods,
 2 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
 3 these districts have the lowest intensity of commercial development in the City, generally
 4 consisting of small clusters with three or more commercial establishments, commonly grouped
 5 around a corner; and in some cases short linear commercial strips with low-scale,
 6 interspersed mixed-use (residential-commercial) development.

7 Building controls for the NC-1 District promote low-intensity development which is
 8 compatible with the existing scale and character of these neighborhood areas. Commercial
 9 development is limited to one story. Rear yard requirements at all levels preserve existing
 10 backyard space.

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

17 Housing development in new buildings is encouraged above the ground story in most
 18 districts. Existing residential units are protected by prohibitions of conversions above the
 19 ground story and limitations on demolitions.

20 **SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**
 21 **ZONING CONTROL TABLE**

No.	Zoning Category	NC-1 § References	Controls
BUILDING STANDARDS			
710.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.20.	Varies See Zoning Map Additional 5 feet

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		270, 271, <u>261.1</u>	for NC-1 parcels with a commercial use on the ground floor within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street. see § 263.20; <i>Height Sculpting on Alleys: § 261.1</i>
710.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
710.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
710.13	Street Frontage		Required § 145.1
710.14	Awning	§ 790.20	P § 136.1(a)
710.15	Canopy	§ 790.26	
710.16	Marquee	§ 790.58	
710.17	Street Trees		Required § 143 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
710.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
710.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above

			§ 121.2
1	710.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153— 157, 159—160, 204.5
2			Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
3	710.23	Off-Street Freight Loading	§§ 150, 153— 155, 204.5
4			Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
5	710.24	Outdoor Activity Area	§ 790.70
6			P if located in front; C if located elsewhere § 145.2(a)
7	710.25	Drive-Up Facility	§ 790.30
8	710.26	Walk-Up Facility	§ 790.140
9			P if recessed 3 ft.;
10			C if not recessed § 145.2(b)
11	710.27	Hours of Operation	§ 790.48
12			P 6 a.m.—11 p.m.;
13			C 11 p.m.—2 a.m.
14	710.30	General Advertising Sign	§§ 262, 602— 604, 608, 609
15	710.31	Business Sign	§§ 262, 602— 604, 608, 609
16			P § 607.1(f)1
17	710.32	Other Signs	§§ 262, 602— 604, 608, 609
18			P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
710.38	Residential Conversion	§ 790.84	P		
710.39	Residential Demolition	§ 790.86	P	C	C

Retail Sales and Services

710.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		
710.41	Bar	§ 790.22	P #		
710.42	Full-Service Restaurant	§ 790.92	P #		
710.43	Large Fast Food Restaurant	§ 790.90			
710.44	Small Self-Service Restaurant	§ 790.91	C #		
710.45	Liquor Store	§ 790.55	P		
710.46	Movie Theater	§ 790.64			
710.47	Adult Entertainment	§ 790.36			
710.48	Other Entertainment	§ 790.38	C		
710.49	Financial Service	§ 790.110			
710.50	Limited Financial Service	§ 790.112	P		
710.51	Medical Service	§ 790.114	P		
710.52	Personal Service	§ 790.116	P		
		§ 790.118	1st	2nd	3rd+
710.53	Business or Professional Service	§ 790.108	P		
710.54	Massage Establishment	§ 790.60, § 1900 Health Code			
710.55	Tourist Hotel	§ 790.46			
710.56	Automobile Parking	§§ 790.8, 156, 160	C		
710.57	Automotive Gas	§ 790.14			

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	Station				
710.58	Automotive Service Station	§ 790.17			
710.59	Automotive Repair	§ 790.15			
710.60	Automotive Wash	§ 790.18			
710.61	Automobile Sale or Rental	§ 790.12			
710.62	Animal Hospital	§ 790.6			
710.63	Ambulance Service	§ 790.2			
710.64	Mortuary	§ 790.62			
710.65	Trade Shop	§ 790.124	P		
710.66	Storage	§ 790.117			
710.67	Video Store	§ 790.135	C		
710.68	Fringe Financial Service	§ 790.111			
710.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
710.69A	Self-Service Specialty Food	§ 790.93	C#		
710.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
710.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
710.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
710.70	Administrative Service	§ 790.106			
710.80	Hospital or Medical Center	§ 790.44			
710.81	Other Institutions, Large	§ 790.50	P	C	

1	710.82	Other Institutions, Small	§ 790.51	P	P	P
2	710.83	Public Use	§ 790.80	C	C	C
3	710.84	Medical Cannabis Dispensary	§ 790.141	P #		

RESIDENTIAL STANDARDS AND USES

6	710.90	Residential Use	§ 790.88	P	P	P
7	710.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
8	710.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
9	710.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
10	710.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
11	710.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 710.40 § 710.41 § 710.42		Boundaries: All NC-1 Districts Controls: P if located more than 1/2 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
§ 710.44 § 710.69A		Boundaries: All NC-1 Districts Controls: C if located more than 1/2 mile from any NC

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		District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
§ 710.42 § 710.43 § 710.44 § 710.69A	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the two Taraval Street NC-1 Districts between 40th and 41st Avenues and 45th and 47th Avenues as mapped on Sectional Map 5 SU Controls: Full-service restaurants, small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP
§ 710.84 § 790.141		Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation <i>and have obtained a final permit to operate by March 1, 2008 are permitted, or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, and have met the requirements of may apply for a medical cannabis dispensary permit in an NC-1 District.</i>
<u>§ 710.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> Boundaries: <u>The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NC-1 Neighborhood Commercial District.</u> Controls: <u>Within the FFSRUD and its 1/4mile buffer, fringe financial</u>

services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Section 30. The San Francisco Planning Code is hereby amended by amending Section 711.1, to read as follows:

SEC 711.1. NC-2 — SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks. Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels

1 are monitored at all stories. Limits on late-night activity, drive-up facilities, and other
 2 automobile uses protect the livability within and around the district, and promote continuous
 3 retail frontage.

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

6 **SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL**
 7 **DISTRICT NC-2 ZONING CONTROL TABLE**

		NC-2	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
711.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 263.20, 270, 271	Generally, 40-X See Zoning Map: additional 5 feet for NC-2 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, see § 263.20. <i>Height Sculpting on Alleys: § 261.1</i>
711.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
711.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
711.13	Street Frontage		Required § 145.1
711.14	Awning	§ 790.20	P § 136.1(a)
711.15	Canopy	§ 790.26	P § 136.1(b)
711.16	Marquee	§ 790.58	P § 136.1(c)
711.17	Street Trees		Required § 143 <u>138.1</u>

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES¹

711.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)		
711.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2		
711.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)		
711.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)		
711.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
711.25	Drive-Up Facility	§ 790.30			
711.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
711.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.		
711.30	General Advertising Sign	§§ 262, 602—604, 608, 609	P § 607.1(e)1		
711.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2		
711.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	NC-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
711.38	Residential Conversion	§ 790.84	P	C	
711.39	Residential Demolition	§ 790.86	P	C	C

Retail Sales and Services

711.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
711.41	Bar	§ 790.22	P		
711.42	Full-Service Restaurant	§ 790.92	P #		
711.43	Large Fast Food Restaurant	§ 790.90	C #		
711.44	Small Self-Service Restaurant	§ 790.91	P #		
711.45	Liquor Store	§ 790.55	P		
711.46	Movie Theater	§ 790.64	P		
711.47	Adult Entertainment	§ 790.36			
711.48	Other Entertainment	§ 790.38	P		
711.49	Financial Service	§ 790.110	P #	C #	
711.50	Limited Financial Service	§ 790.112	P #		
711.51	Medical Service	§ 790.114	P	P	
711.52	Personal Service	§ 790.116	P	P	
711.53	Business or Professional Service	§ 790.108	P	P	
711.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
711.55	Tourist Hotel	§ 790.46	C	C	C
711.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
711.57	Automotive Gas Station	§ 790.14	C		
711.58	Automotive Service Station	§ 790.17	C		
711.59	Automotive Repair	§ 790.15	C		
711.60	Automotive Wash	§ 790.18			
711.61	Automobile Sale or Rental	§ 790.12			
711.62	Animal Hospital	§ 790.6	C		

1	711.63	Ambulance Service	§ 790.2			
	711.64	Mortuary	§ 790.62			
2	711.65	Trade Shop	§ 790.124	P #	C #	
3	711.66	Storage	§ 790.117			
4	711.67	Video Store	§ 790.135	C	C	
5	711.68	Fringe Financial Service	§ 790.111	P#		
6	711.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
7	711.69A	Self-Service Specialty Food	§ 790.93	P#		
8	711.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
9						
10						
11	711.69C	Neighborhood Agriculture	§ 102.-35(a)	P	P	P
12	711.69D	Large-Scale Urban Agriculture	§ 102.-35(b)	C	C	C
13	Institutions and Non-Retail Sales and Services					
14	711.70	Administrative Service	§ 790.106			
15	711.80	Hospital or Medical Center	§ 790.44			
16	711.81	Other Institutions, Large	§ 790.50	P	C	C
17	711.82	Other Institutions, Small	§ 790.51	P	P	P
18	711.83	Public Use	§ 790.80	C	C	C
19	711.84	Medical Cannabis Dispensary	§ 790.141	P #		
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21	RESIDENTIAL STANDARDS AND USES					
22	711.90	Residential Use	§ 790.88	P	P	P
23	711.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
24	711.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area		
25						

			§ 208			
1	711.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
2						
3	711.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
4						
5	711.95	Community Residential Parking	§ 790.10	C	C	C
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SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.42 § 711.43 § 711.44 § 711.69A	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps 5 SU and 6 SU Controls: Full-service restaurants, small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP
§ 711.42 § 711.43 § 711.44 § 711.69A	§ 781.2	IRVING STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map 5 SU

Controls: Small self-service restaurants and self-service specialty food are C; full-service restaurants and large fast-food restaurants are NP

Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.49 § 711.50 § 711.68	§ 781.7	CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT Boundaries: Applicable only for the Chestnut Street NC-2 District from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU Controls: Financial services, limited financial services, and fringe financial services are NP
§ 711.65	§ 236	<i>GARMENT SHOP SPECIAL USE DISTRICT</i> Boundaries: <i>Applicable only for the portion of the Pacific Avenue NC 2 District east of Hyde Street as mapped on Sectional Map 1 SU^a</i> Controls: <i>Garment shops are P at the 1st and 2nd stories</i>
§ 711.68	§ 249.35	<i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i> Boundaries: <i>The FFSRUD and its L mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol</i>

Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.

Controls: Within the FFSRUD and its L mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its L mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

§ 711.84
§ 790.141

Health Code
§ 3308

Medical cannabis dispensaries in NC-2 District may only operate between the hours of 8 a.m. and 10 p.m.

Section 31. The San Francisco Planning Code is hereby amended by amending Section 712.1, to read as follows:

SEC. 712.1. NC-3 — MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-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. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-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

1 and wide streets distinguish the districts from smaller-scaled commercial streets, although the
 2 districts may include small as well as moderately scaled lots. Buildings typically range in
 3 height from two to four stories with occasional taller structures.

4 NC-3 building standards permit moderately large commercial uses and buildings. Rear
 5 yards are protected at residential levels.

6 A diversified commercial environment is encouraged for the NC-3 District, and a wide
 7 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
 8 Eating and drinking, entertainment, financial service and certain auto uses generally are
 9 permitted with certain limitations at the first and second stories. Other retail businesses,
 10 personal services and offices are permitted at all stories of new buildings. Limited storage and
 11 administrative service activities are permitted with some restrictions.

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

14 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **NC-3 ZONING CONTROL TABLE**

		NC-3	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 263.20, 270, 271	Generally, 40-X See Zoning Map; additional 5 feet for NC-3 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, see § 263.20. <i>Height</i> <i>Sculpting on</i> <i>Alleys: § 261.1</i>
712.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above

			§ 121.1
1	712.12	Rear Yard	§§ 130, 134, 136
2			Required at residential levels only § 134(a)(e)
3	712.13	Street Frontage	Required § 145.1
4	712.14	Awning	§ 790.20
5	712.15	Canopy	§ 790.26
6	712.16	Marquee	§ 790.58
7	712.17	Street Trees	Required § 143 138.1
8	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
9	712.20	Floor Area Ratio	§§ 102.9, 102.11, 123
10			3.6 to 1 § 124(a) (b)
11	712.21	Use Size [Non-Residential]	§ 790.130
12			P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
13	712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5
14			Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
15	712.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5
16			Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
17	712.24	Outdoor Activity Area	§ 790.70
18			P if located in front; C if located elsewhere § 145.2(a)
19	712.25	Drive-Up Facility	§ 790.30
20	712.26	Walk-Up Facility	§ 790.140
21			#
22			P if recessed 3 ft.; C if not recessed § 145.2(b)
23	712.27	Hours of Operation	§ 790.48
24	712.30	General Advertising Sign	§§ 262, 602—604, 608, 609
25	712.31	Business Sign	§§ 262, 602—604, 608, 609
			P # § 607.1(e)2 P # § 607.1(f)3

1	712.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)		
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2	No.	Zoning Category	§ References	NC-3		
3				Controls by Story		

4			§ 790.118	1st	2nd	3rd+
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5	712.38	Residential Conversion	§ 790.84	P	C	C #
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6	712.39	Residential Demolition	§ 790.86	P	C	C
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7 **Retail Sales and Services**

8	712.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	P #
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9	712.41	Bar	§ 790.22	P	P	
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10	712.42	Full-Service Restaurant	§ 790.92	P	P	
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11	712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
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12	712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
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13	712.45	Liquor Store	§ 790.55			
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14	712.46	Movie Theater	§ 790.64	P	P	
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15	712.47	Adult Entertainment	§ 790.36	C	C	
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16	712.48	Other Entertainment	§ 790.38	P	P	
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17	712.49	Financial Service	§ 790.110	P	P	
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18	712.50	Limited Financial Service	§ 790.112	P	P	
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19	712.51	Medical Service	§ 790.114	P	P	P
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20	712.52	Personal Service	§ 790.116	P	P	P
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21	712.53	Business or Professional Service	§ 790.108	P	P	P
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22	712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
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1	712.55	Tourist Hotel	§ 790.46	C	C	C
2	712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
3	712.57	Automobile Gas Station	§ 790.14	C		
4	712.58	Automotive Service Station	§ 790.17	C		
5	712.59	Automotive Repair	§ 790.15	C	C	
6	712.60	Automotive Wash	§ 790.18	C		
7	712.61	Automobile Sale or Rental	§ 790.12	C		
8	712.62	Animal Hospital	§ 790.6	C	C	
9	712.63	Ambulance Service	§ 790.2	C		
10	712.64	Mortuary	§ 790.62	C	C	C
11	712.65	Trade Shop	§ 790.124	P	C	C
12	712.66	Storage	§ 790.117	C	C	C
13	712.67	Video Store	§ 790.135	C	C	C
14	712.68	Fringe Financial Service	§ 790.111	P#		
15	712.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
16	712.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
17	712.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
18	712.69C	Neighborhood Agriculture	§ 102.-35(a)	P	P	P
19	712.69D	Large-Scale Urban Agriculture	§ 102.-35(b)	C	C	C
20	Institutions and Non-Retail Sales and Services					
21						
22	712.70	Administrative Service	§ 790.106	C	C	C
23	712.80	Hospital or Medical Center	§ 790.44	C	C	C
24	712.81	Other Institutions, Large	§ 790.50	P	P	P
25						

1	712.82	Other Institutions, Small	§ 790.51	P	P	P
2	712.83	Public Use	§ 790.80	C	C	C
3	712.84	Medical Cannabis Dispensary	§ 790.141	P #		

RESIDENTIAL STANDARDS AND USES

5	712.90	Residential Use	§ 790.88	P	P	P
6	712.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
7	712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
8	712.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
9	712.94	Off-Street Parking, Residential	§§ 150, 153-157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
10	712.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	<p>THIRD STREET SPECIAL USE DISTRICT</p> <p>Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3</p> <p>Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast-food restaurants, small self-</p>

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		service restaurants and self-service specialty food are C
<p>§ 712.10 § 207.4 § 712.22 § 712.12</p>	§ 780.34	<p>MISSION-HARRINGTON SPECIAL USE DISTRICT</p> <p>Boundaries: Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11.</p> <p>Controls: Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.</p>
<p>§ 712.30 § 712.31 § 712.32</p>	§ 608.10	<p>UPPER MARKET STREET SPECIAL SIGN DISTRICT</p> <p>Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD</p> <p>Controls: Special restrictions and limitations for signs</p>
§ 712.38	§ 790.84	<p>Boundaries: Applicable to NC-3 Districts</p> <p>Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that: (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places;</p>

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		(2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be displaced.
§ 712.43	§ 781.4	GEARY BOULEVARD FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU Controls: Large fast-food restaurants are NP
§ 712.43 § 712.44 § 712.69A	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th <i>Avenue Street</i> and Randall Street as mapped on Sectional Map 7 SU Controls: Small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP
§ 712.45	§ 781.10	17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT. Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU

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		<p>Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.</p>
<p><u>§ 712.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p>Boundaries: <u>The FFSRUD and its 1/2 mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries.</u></p> <p>Controls: <u>Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/2 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>
<p>§ 712.84 § 790.141</p>	<p>Health Code § 3308</p>	<p>Medical cannabis dispensaries in NC-3</p>

		District may only operate between the hours of 8 a.m. and 10 p.m.
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3 Section 32. The San Francisco Planning Code is hereby amended by amending
4 Section 714.1, to read as follows:

5 **SEC. 714.1 – BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

6 The Broadway Neighborhood Commercial District, located in the northeast quadrant of
7 San Francisco, extends along Broadway from west of Columbus Avenue to Osgood Place. It
8 is part of a larger commercial area which includes North Beach to the north, Chinatown to the
9 south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a
10 Citywide and regional entertainment district is derived from a concentration of nightclubs,
11 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery
12 Street. These places attract locals and visitors alike, mainly in the evening and late-night
13 hours. In addition to the entertainment and some retail businesses, Broadway contains many
14 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
15 develop upper-story offices.

16 The Broadway District controls are designed to encourage development that is
17 compatible with the existing moderate building scale and mixed-use character, and maintain
18 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
19 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
20 levels are protected. Most commercial uses in new buildings are permitted at the first two
21 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
22 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
23 uses at the first and second stories, as well as late-night activity. Financial services are
24 allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in
25 order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic

1 volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent
 2 further traffic congestion. Parking garages are permitted if their ingress and egress do not
 3 disrupt the traffic flow on Broadway.

4 Housing development in new buildings is encouraged above the second story. Existing
 5 housing is protected by limitations on demolitions and upper-story conversions.

6 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**
 7 **ZONING CONTROL TABLE**

No.	Zoning Category	Broadway § References	Controls
BUILDING STANDARDS			
714.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 270, 271	P up to 40 ft. C 40 to 65 ft. § 253.1 <i>Height Sculpting on Alleys: § 261.1</i>
714.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
714.12	Rear Yard	§§ 130, 134, 136	Required at residential level only § 134(a) (e)
714.13	Street Frontage		Required § 145.1
714.14	Awning	§ 790.20	P § 136.1(a)
714.15	Canopy	§ 790.26	P § 136.1(b)
714.16	Marquee	§ 790.58	P § 136.1(c)
714.17	Street Trees		Required § 143 <u>138.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
714.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above

			§ 121.2
1	714.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5
2			Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
3	714.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5
4			Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
5	714.24	Outdoor Activity Area	§ 790.70
6			P if located in front; C if located elsewhere § 145.2(a)
7	714.25	Drive-Up Facility	§ 790.30
8	714.26	Walk-Up Facility	§ 790.140
9			P if recessed 3 ft.; C if not recessed § 145.2(b)
10	714.27	Hours of Operation	§ 790.48
11			P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
12	714.30	General Advertising Sign	§§ 262, 602—604, 608, 609
13	714.31	Business Sign	§§ 262, 602—604, 608, 609
14			P § 607.1(f)2
15	714.32	Other Signs	§§ 262, 602—604, 608, 609
			P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
714.38	Residential Conversion	§ 790.84	P	C	
714.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
714.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	
714.41	Bar	§ 790.22	P	P	
714.42	Full-Service	§ 790.92	P	P	

1		Restaurant				
2	714.43	Large Fast Food Restaurant	§ 790.90			
3	714.44	Small Self-Service Restaurant	§ 790.91	C	C	
4	714.45	Liquor Store	§ 790.55	C		
5	714.46	Movie Theater	§ 790.64	P	P	
6	714.47	Adult Entertainment	§ 790.36	C	C	
7	714.48	Other Entertainment	§ 790.38	P	P	
8	714.49	Financial Service	§ 790.110	C		
9	714.50	Limited Financial Service	§ 790.112	C		
10	714.51	Medical Service	§ 790.114	P	P	
11	714.52	Personal Service	§ 790.116	P	P	
12	714.53	Business or Professional Service	§ 790.108	P	P	
13	714.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
14	714.55	Tourist Hotel	§ 790.46	C	C	C
15	714.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
16	714.57	Automotive Gas Station	§ 790.14			
17	714.58	Automotive Service Station	§ 790.17			
18	714.59	Automotive Repair	§ 790.15			
19	714.60	Automotive Wash	§ 790.18			
20	714.61	Automobile Sale or Rental	§ 790.12			
21	714.62	Animal Hospital	§ 790.6	C		
22	714.63	Ambulance Service	§ 790.2			
23	714.64	Mortuary	§ 790.62			
24	714.65	Trade Shop	§ 790.124	P #	C #	
25	714.66	Storage	§ 790.117			
	714.67	Video Store	§ 790.135	C	C	
	714.68	Fringe Financial Service	§ 790.111			

1	714.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
2	714.69A	Self-Service Specialty Food	§ 790.93	<u>CP</u>	<u>CP</u>	
3	714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
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6	714.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
7	714.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
8	Institutions and Non-Retail Sales and Services					
9						
10	714.70	Administrative Service	§ 790.106			
11	714.80	Hospital or Medical Center	§ 790.44			
12	714.81	Other Institutions, Large	§ 790.50	P	C	C
13	714.82	Other Institutions, Small	§ 790.51	P	P	P
14	714.83	Public Use	§ 790.80	C	C	C
15	714.84	Medical Cannabis Dispensary	§ 790.141	P		
16	RESIDENTIAL STANDARDS AND USES					
17	714.90	Residential Use	§ 790.88	P	P	P
18	714.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per400 sq. ft. lot area § 207.4		
19						
20	714.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per140 sq. ft. lot area § 208		
21						
22	714.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		
23						
24	714.94	Off-Street Parking, Residential	§§ 150, 151.1, 153— 157, 159— 160, 204.5	P up to one car for each two dwelling units; C up to .75 cars for each dwelling unit, subject to the criteria and		
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procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit. §§ 151.1, 161(a), (g)
Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.

			procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit. §§ 151.1, 161(a), (g) Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.		
714.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.10	§ 253.1	65-A-1 HEIGHT AND BULK DISTRICT Boundaries: Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H Controls: Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet
§ 714.40	§ 790.102(n)	BROADWAY SPECIALTY RETAIL USES Boundaries: Broadway NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use

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		authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
<u>§ 714.65</u>	<u>§ 236</u>	<i><u>GARMENT SHOP SPECIAL USE DISTRICT</u></i> <i>Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1-SUa</i> <i>Controls: Garment shops are P at the 1st and 2nd stories</i>
§ 722.94	§150, 151.1, 153-157, 159-160, 204.5	(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of a residential unit" as defined in Section 317; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past two years; (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.
<u>§ 714.68</u>	<u>§ 249.35</u>	<i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</u></i> <i>Boundaries: The FFSRUD and its 1/4 mile buffer</i>

includes, but is not limited to, the Broadway Neighborhood Commercial District.

Controls: *Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).*

Section 33. The San Francisco Planning Code is hereby amended by amending Table 715 in Section 715.1, to read as follows:

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING

CONTROL TABLE

		Castro Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
715.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 270, 271	40-X, 65B See Zoning Map <i>Height Sculpting on Alleys: § 261.1</i>
715.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft & above § 121.1
715.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
715.13	Street Frontage		Required § 145.1
715.14	Awning	§ 790.20	P § 136.1(a)
715.15	Canopy	§ 790.26	P § 136.1(b)
715.16	Marquee	§ 790.58	P § 136.1(c)

715.17	Street Trees		Required § 143 138.1
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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

715.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
715.21	Use Size [Non-Residential]	§ 790.130	P to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
715.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153— 157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
715.23	Off-Street Freight Loading	§§ 150, 153— 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
715.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
715.25	Drive-Up Facility	§ 790.30	
715.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
715.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
715.30	General Advertising Sign	§§ 262, 602— 604, 608, 609	
715.31	Business Sign	§§ 262, 602— 604, 608, 609	P # § 607.1(f)2
715.32	Other Signs	§§ 262, 602— 604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Castro Street
			Controls by Story

1			§ 790.118	1st	2nd	3rd+
2	715.38	Residential Conversion	§ 790.84	P	C	
3	715.39	Residential Demolition	§ 790.86	P	C	C
4	Retail Sales and Services					
5	715.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
6	715.41	Bar	§ 790.22			
7	715.42	Full-Service Restaurant	§ 790.92	C		
8	715.43	Large Fast Food Restaurant	§ 790.90			
9	715.44	Small Self-Service Restaurant	§ 790.91	C		
10	715.45	Liquor Store	§ 790.55	C		
11	715.46	Movie Theater	§ 790.64	P		
12	715.47	Adult Entertainment	§ 790.36	C		
13	715.48	Other Entertainment	§ 790.38	C #		
14	715.49	Financial Service	§ 790.110	C	C	
15	715.50	Limited Financial Service	§ 790.112	C		
16	715.51	Medical Service	§ 790.114	P	P	C
17	715.52	Personal Service	§ 790.116	P	P	C
18	715.53	Business or Professional Service	§ 790.108	P	P	C
19	715.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
20	715.55	Tourist Hotel	§ 790.46	C	C	C
21	715.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
22	715.57	Automotive Gas Station	§ 790.14			
23	715.58	Automotive Service Station	§ 790.17			
24	715.59	Automotive Repair	§ 790.15			
25	715.60	Automotive Wash	§ 790.18			

1	715.61	Automobile Sale or Rental	§ 790.12			
2	715.62	Animal Hospital	§ 790.6	C		
3	715.63	Ambulance Service	§ 790.2			
4	715.64	Mortuary	§ 790.62			
5	715.65	Trade Shop	§ 790.124	P	C	
6	715.66	Storage	§ 790.117			
7	715.67	Video Store	§ 790.135	C	C	
8	715.68	Fringe Financial Service	§ 790.111			
9	715.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
10	715.69A	Self-Service Specialty Food	§ 790.93	P		
11	715.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
12	715.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
13	715.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
14	Institutions and Non-Retail Sales and Services					
15	715.70	Administrative Service	§ 790.106			
16	715.80	Hospital or Medical Center	§ 790.44			
17	715.81	Other Institutions, Large	§ 790.50	P	C	C
18	715.82	Other Institutions, Small	§ 790.51	P	P	P
19	715.83	Public Use	§ 790.80	C	C	C
20	715.84	Medical Cannabis Dispensary	§ 790.141	P		
21	RESIDENTIAL STANDARDS AND USES					
22	715.90	Residential Use	§ 790.88	P	P	P
23	715.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
24	715.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		

1	715.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
2	715.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
3	715.95	Community Residential Parking	§ 790.10	C	C	C

6 **SPECIFIC PROVISIONS FOR CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

7	Article 7 Code Section	Other Code Section	Zoning Controls
8	§ 715.31 § 715.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
9			Boundaries: Applicable only for the portions of the Castro Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
10	§ 715.48		Boundaries: Applicable for the Castro Street NCD. Controls: Existing bars in the Castro Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular
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operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.

§ 715.68

§ 249.35

FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Castro Street Neighborhood Commercial District.

Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Section 34. The San Francisco Planning Code is hereby amended by amending Section 716.1, to read as follows:

SEC. 716.1. - INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Clement Street Commercial District is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of

1 northwest San Francisco. The district provides a wide selection of convenience goods and
 2 services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one
 3 of the greatest concentrations of restaurants of any commercial street in San Francisco,
 4 drawing customers from throughout the City and region. There are also a significant number
 5 of professional, realty, and business offices as well as financial institutions. The pleasant
 6 pedestrian character of the district is derived directly from the intensely active retail frontage
 7 on Clement Street.

8 The Inner Clement Street District controls are designed to promote development that is
 9 consistent with its existing land use patterns and to maintain a harmony of uses that supports
 10 the district's vitality. The building standards allow small-scale buildings and uses, protecting
 11 rear yards above the ground story and at residential levels. In new development, most
 12 commercial uses are permitted at the first two stories, although certain limitations apply to
 13 uses at the second story. Special controls are necessary to preserve the equilibrium of
 14 neighborhood-serving convenience and comparison shopping businesses and protect
 15 adjacent residential livability. These controls prohibit additional financial service and limit
 16 additional eating and drinking establishments, late-night commercial uses and ground-story
 17 entertainment uses. In order to maintain the street's active retail frontage, controls also
 18 prohibit most new automobile and drive-up uses.

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

22 **SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 23 **ZONING CONTROL TABLE**

		Inner Clement Street	
No.	Zoning Category	§ References	Controls

BUILDING STANDARDS

716.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, , 261.1 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i>
716.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
716.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
716.13	Street Frontage		Required § 145.1
716.14	Awning	§ 790.20	P § 136.1(a)
716.15	Canopy	§ 790.26	P § 136.1(b)
716.16	Marquee	§ 790.58	P § 136.1(c)
716.17	Street Trees		Required § 143 138.1

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

716.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
716.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above §121.2
716.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
716.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
716.24	Outdoor Activity Area	§ 790.70	P if located in

			front; C if located elsewhere § 145.2(a)
716.25	Drive-Up Facility	§ 790.30	
716.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
716.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
716.30	General Advertising Sign	§§ 262, 602— 604, 608, 609	
716.31	Business Sign	§§ 262, 602— 604, 608, 609	P § 607.1(f)2
716.32	Other Signs	§§ 262, 602— 604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Inner Clement Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
716.38	Residential Conversion	§ 790.84	P		
716.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
716.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
716.41	Bar	§ 790.22	C#		
716.42	Full-Service Restaurant	§ 790.92	C#		
716.43	Large Fast Food Restaurant	§ 790.90			
716.44	Small Self- Service Restaurant	§ 790.91			
716.45	Liquor Store	§ 790.55	C		
716.46	Movie Theater	§ 790.64	P		
716.47	Adult	§ 790.36			

1	716.48	Entertainment Other Entertainment	§ 790.38	C		
2	716.49	Financial Service	§ 790.110			
3	716.50	Limited Financial Service	§ 790.112	C		
4	716.51	Medical Service	§ 790.114	P	C	
	716.52	Personal Service	§ 790.116	P	C	
5	716.53	Business or Professional Service	§ 790.108	P	C	
6	716.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
7	716.55	Tourist Hotel	§ 790.46	C	C	
8	716.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
9	716.57	Automotive Gas Station	§ 790.14			
10	716.58	Automotive Service Station	§ 790.17			
11	716.59	Automotive Repair	§ 790.15			
12	716.60	Automotive Wash	§ 790.18			
13	716.61	Automobile Sale or Rental	§ 790.12			
14	716.62	Animal Hospital	§ 790.6	C		
15	716.63	Ambulance Service	§ 790.2			
16	716.64	Mortuary	§ 790.62			
17	716.65	Trade Shop	§ 790.124	P	C	
	716.66	Storage	§ 790.117			
18	716.67	Video Store	§ 790.135	C	C	
19	716.68	Fringe Financial Service	§ 790.111			
20	716.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
21	716.69A	Self-Service Specialty Food	§ 790.93			
22	716.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
23	716.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
24	716.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
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Institutions and Non-Retail Sales and Services					
716.70	Administrative Service	§ 790.106			
716.80	Hospital or Medical Center	§ 790.44			
716.81	Other Institutions, Large	§ 790.50	P	C	C
716.82	Other Institutions, Small	§ 790.51	P	P	P
716.83	Public Use	§ 790.80	C	C	C
716.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

716.90	Residential Use	§ 790.88	P	P	P
716.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
716.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
716.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135 (d)		
716.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
716.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Inner Clement

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<p>Street Neighborhood Commercial District</p> <p>Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in §790.92 and (B) a bona-fide restaurant as defined in §781.8(c); and</p> <p>(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any</p>

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§ 716.41	§ 790.22	length of time. INNER CLEMENT STREET LIQUOR LICENSES FOR BARS Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District Controls: (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in §790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that: (1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and (2) The establishment maintains only an ABC license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use authorization under
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		<p>this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
<p>§716.41 and 716.42</p>	<p>§790.92 and 790.22</p>	<p>INNER CLEMENT STREET FULL-SERVICE RESTAURANTS AND BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: A full-service restaurant or a bar may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of three (3) full-service restaurants or bars in accordance with this Section. Should a full-service restaurant or bar permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant or bar in accordance with the terms of this Section.</p>
<p><u>§ 716.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited</i></p>

to, the Inner Clement Street
Neighborhood Commercial
District.

Controls: Within the
FFSRUD and its ¼ mile
buffer, fringe financial
services are NP pursuant to
Section 249.35. Outside the
FFSRUD and its 1/4 mile
buffer, fringe financial
services are P subject to the
restrictions set forth in
Subsection 249.35(c)(3).

Section 35. The San Francisco Planning Code is hereby amended by amending
Section 717.1, to read as follows:

SEC. 717.1. - OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Outer Clement Street Neighborhood Commercial District is located on Clement
Street between 19th Avenue and 27th Avenue in the western portion of the Richmond District.
The shopping area contains small-scale convenience businesses, as well as many
restaurants and a movie theater. The district's restaurants serve a neighborhood and Citywide
clientele during the evening hours, while convenience shopping uses cater for the most part to
daytime neighborhood shoppers. Outer Clement Street contains many mixed-use buildings
with some fully commercial and fully residential buildings interspersed between them.

The Outer Clement Street District controls are designed to promote development that is
in keeping with the district's existing small-scale, mixed-use character. The building standards
monitor large-scale development and protect rear yards at all levels. Future commercial
growth is directed to the ground story in order to promote more continuous and active retail
frontage. Additional eating and drinking establishments are prohibited, while ground-story
entertainment and financial service uses are monitored in order to limit the problems of traffic,
congestion, noise and late-night activity associated with such uses and to protect existing

neighborhood-serving businesses. Other controls restricting late-night activity, hotels, automobile uses, and drive-up facilities are designed to preserve the low-intensity character of the district.

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

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	Outer Clement Street	
		§ References	Controls
BUILDING STANDARDS			
717.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i>
717.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
717.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
717.13	Street Frontage		Required § 145.1
717.14	Awning	§ 790.20	P § 136.1(a)
717.15	Canopy	§ 790.26	P § 136.1(b)
717.16	Marquee	§ 790.58	P § 136.1(c)
717.17	Street Trees		Required § 143 <u>138.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
717.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
717.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. &

			above § 121.2
717.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153— 157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
717.23	Off-Street Freight Loading	§§ 150, 153- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
717.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
717.25	Drive-Up Facility	§ 790.30	
717.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
717.27	Hours of Operation	§ 790.48	P 6 a.m.—11 p.m.; C 11 p.m.—2 a.m.
717.30	General Advertising Sign	§§ 262, 602— 604, 608, 609	
717.31	Business Sign	§§ 262, 602— 604, 608, 609	P § 607.1(f) 2
717.32	Other Signs	§§ 262, 602— 604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Outer Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
717.38	Residential Conversion	§ 790.84	P		
717.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					

1	717.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P		
2						
3	717.41	Bar	§ 790.22			
4	717.42	Full-Service Restaurant	§ 790.92			
5	717.43	Large Fast Food Restaurant	§ 790.90			
6	717.44	Small Self-Service Restaurant	§ 790.91			
7	717.45	Liquor Store	§ 790.55	C		
8	717.46	Movie Theater	§ 790.64	P		
9	717.47	Adult Entertainment	§ 790.36			
10	717.48	Other Entertainment	§ 790.38	C		
11	717.49	Financial Service	§ 790.110	C		
12	717.50	Limited Financial Service	§ 790.112	C		
13	717.51	Medical Service	§ 790.114	P		
14	717.52	Personal Service	§ 790.116	P		
15	717.53	Business or Professional Service	§ 790.108	P		
16	717.54	Massage Establishment	§ 790.60, § 1900 Health Code			
17	717.55	Tourist Hotel	§ 790.46			
18	717.56	Automobile Parking	§§ 790.8, 156, 160	C	C	
19	717.57	Automotive Gas Station	§ 790.14			
20	717.58	Automotive Service Station	§ 790.17			
21	717.59	Automotive Repair	§ 790.15			
22	717.60	Automotive Wash	§ 790.18			
23	717.61	Automobile Sale or Rental	§ 790.12			
24	717.62	Animal Hospital	§ 790.6	C		
25	717.63	Ambulance Service	§ 790.2			
	717.64	Mortuary	§ 790.62			
	717.65	Trade Shop	§ 790.124	P		
	717.66	Storage	§ 790.117			
	717.67	Video Store	§ 790.135	C	C	

1	717.68	Fringe Financial Service	§ 790.111			
2	717.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
3	717.69A	Self-Service Specialty Food	§ 790.93			
4	717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
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6						
7	717.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
8	717.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
9	Institutions and Non-Retail Sales and Services					
10	717.70	Administrative Service	§ 790.106			
11	717.80	Hospital or Medical Center	§ 790.44			
12	717.81	Other Institutions, Large	§ 790.50	P	C	C
13	717.82	Other Institutions, Small	§ 790.51	P	P	P
14	717.83	Public Use	§ 790.80	C	C	C
15	717.84	Medical Cannabis Dispensary	§ 790.141	P		
16	RESIDENTIAL STANDARDS AND USES					
17	717.90	Residential Use	§ 790.88	P	P	P
18	717.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
19	717.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
20						
21	717.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
22						
23	717.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit § 151, 161(a) (g)		
24						
25	717.95	Community	§ 790.10	C	C	C

	Residential Parking				
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**SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 717.68</u>	<u>§ 249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Outer Clement Street Neighborhood Commercial District.</u></p> <p><u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

Section 36. The San Francisco Planning Code is hereby amended by amending Section 718.1, to read as follows:

SEC. 718.1. - UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Fillmore Street Neighborhood Commercial District is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade

1 area. Commercial businesses are active during both day and evening and include a number
 2 of bars, restaurants, specialty groceries, and specialty clothing stores.

3 The Upper Fillmore District controls are designed to protect the existing building scale
 4 and promote new mixed-use development which is in character with adjacent buildings.
 5 Building standards regulate large lot and use development and protect rear yards above the
 6 ground story and at residential levels. Most commercial uses are permitted at the first two
 7 stories of new buildings. Special controls are designed to preserve the existing equilibrium of
 8 neighborhood-serving convenience and specialty commercial uses. In order to maintain
 9 convenience stores and protect adjacent livability, additional bars (unless part of a full-service
 10 restaurant) and formula retail establishments are prohibited, other eating and drinking
 11 establishments and self-service specialty foods require conditional use authorization and
 12 ground-story entertainment and financial service uses are limited. In order to promote
 13 continuous retail frontage, drive-up and most automobile uses are prohibited.

14 Housing development in new buildings is encouraged above the second story. Existing
 15 residential units are protected by limitations on demolitions and upper-story conversions.

16 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL**
 17 **DISTRICT**
 18 **ZONING CONTROL TABLE**

Upper Fillmore Street			
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
718.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i>
718.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
718.12	Rear Yard	§§ 130, 134, 136	Required at the second story

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			and above and at all residential levels § 134(a) (e)
718.13	Street Frontage		Required § 145.1
718.14	Awning	§ 790.20	P § 136.1(a)
718.15	Canopy	§ 790.26	P § 136.1(b)
718.16	Marquee	§ 790.58	P § 136.1(c)
718.17	Street Trees		Required § 143-138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
718.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
718.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
718.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
718.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
718.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
718.25	Drive-Up Facility	§ 790.30	
718.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
718.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.

1	718.30	General Advertising Sign	§§ 262, 602— 604, 608, 609	
2	718.31	Business Sign	§§ 262, 602— 604, 608, 609	P § 607.1(f) 2
3	718.32	Other Signs	§§ 262, 602— 604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Upper Fillmore Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
718.38	Residential Conversion	§ 790.84	P	C	
718.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
718.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
718.41	Bar	§ 790.22	C#		
718.42	Full-Service Restaurant	§ 790.92	C#		
718.43	Large Fast Food Restaurant	§ 790.90	C#		
718.44	Small Self-Service Restaurant	§ 790.91	C#		
718.45	Liquor Store	§ 790.55	C		
718.46	Movie Theater	§ 790.64	P		
718.47	Adult Entertainment	§ 790.36			
718.48	Other Entertainment	§ 790.38	C		
718.49	Financial Service	§ 790.110	C		
718.50	Limited Financial Service	§ 790.112	C		
718.51	Medical Service	§ 790.114	P	P	
718.52	Personal Service	§ 790.116	P	P	
718.53	Business or Professional Service	§ 790.108	P	P	
718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
718.55	Tourist Hotel	§ 790.46	C	C	C

1	718.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
2	718.57	Automotive Gas Station	§ 790.14			
3	718.58	Automotive Service Station	§ 790.17			
4	718.59	Automotive Repair	§ 790.15			
5	718.60	Automotive Wash	§ 790.18			
6	718.61	Automobile Sale or Rental	§ 790.12			
7	718.62	Animal Hospital	§ 790.6	C		
8	718.63	Ambulance Service	§ 790.2			
9	718.64	Mortuary	§ 790.62			
10	718.65	Trade Shop	§ 790.124	P		
11	718.66	Storage	§ 790.117			
12	718.67	Video Store	§ 790.135	C	C	
13	718.68	Fringe Financial Service	§ 790.111			
14	718.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
15	718.69A	Self-Service Specialty Food	§ 790.93	C#		
16	718.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
17	718.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
18	718.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
19	Institutions and Non-Retail Sales and Services					
20	718.70	Administrative Service	§ 790.106			
21	718.80	Hospital or Medical Center	§ 790.44			
22	718.81	Other Institutions, Large	§ 790.50	P	C	C
23	718.82	Other Institutions, Small	§ 790.51	P	P	P
24	718.83	Public Use	§ 790.80	C	C	C
25	718.84	Medical Cannabis Dispensary	§ 790.141	P		
	718.85	Philanthropic Administrative	§ 790.107	P	P	P

	Services			
1	RESIDENTIAL STANDARDS AND USES			
2	718.90	Residential Use	§ 790.88	P P P
3	718.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4
4	718.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208
5	718.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)
6	718.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)
7	718.95	Community Residential Parking	§ 790.10	C C C

SPECIFIC PROVISIONS FOR THE UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 718.41	§ 790.22	Boundaries: Applicable for the Upper Fillmore NCD. Controls: A new bar will be allowed with a conditional use authorization from the Planning Commission only in conjunction with a full-service restaurant use.
§ 718.42, §718.43, and §718.44	§ 790.92, § 790.90, and § 790.91	In considering a conditional use for a full-service, large fast food, or small self-service restaurant, the Planning Commission shall consider whether the use

proposes lunch service or other daytime usage in order to limit the number of such establishments on the block that have no daytime activity.

§ 718.68

§ 249.35

FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Upper Fillmore Street Neighborhood Commercial District.

Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Section 37. The San Francisco Planning Code is hereby amended by amending Section 719.1, to read as follows:

SEC. 719.1. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Northwest of the City's geographical center, the Haight Street Neighborhood Commercial District is located in the Haight-Ashbury neighborhood, extending along Haight Street between Stanyan and Central Avenue, including a portion of Stanyan Street between Haight and Beulah. The shopping area provides convenience goods and services to local Haight-Ashbury residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on

weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.

The Haight Street District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed-use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls prohibit additional drinking uses, limit additional eating establishments, restrict expansion and intensification of existing eating and drinking establishments, and limit entertainment and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage.

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

**SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	Haight Street § References	Controls
BUILDING STANDARDS			
719.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i>
719.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
719.12	Rear Yard	§§ 130, 134, 136	Required at grade

			level and above § 134(a) (e)
1	719.13	Street Frontage	Required § 145.1
2	719.14	Awning	P § 136.1(a)
3	719.15	Canopy	P § 136.1(b)
4	719.16	Marquee	P § 136.1(c)
5	719.17	Street Trees	Required § 143 <u>138.1</u>
6	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
7	719.20	Floor Area Ratio	1.8 to 1 § 124(a) (b)
8	719.21	Use Size [Non-Residential]	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
9	719.22	Off-Street Parking, Commercial/Institutional	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
10	719.23	Off-Street Freight Loading	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
11	719.24	Outdoor Activity Area	P if located in front; C if located elsewhere § 145.2(a)
12	719.25	Drive-Up Facility	
13	719.26	Walk-Up Facility	P if recessed 3 ft.; C if not recessed § 145.2(b)
14	719.27	Hours of Operation	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
15	719.30	General Advertising Sign	
16	719.31	Business Sign	P § 607.1(f)2
17	719.32	Other Signs	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Haight Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
719.38	Residential Conversion	§ 790.84	P		
719.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
719.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P#	C#	#
719.41	Bar	§ 790.22	#	#	#
719.42	Full-Service Restaurant	§ 790.92	C#	#	#
719.43	Large Fast Food Restaurant	§ 790.90	#	#	#
719.44	Small Self-Service Restaurant	§ 790.91	#	#	#
719.45	Liquor Store	§ 790.55			
719.46	Movie Theater	§ 790.64	P		
719.47	Adult Entertainment	§ 790.36			
719.48	Other Entertainment	§ 790.38	C		
719.49	Financial Service	§ 790.110	P		
719.50	Limited Financial Service	§ 790.112	P		
719.51	Medical Service	§ 790.114		C	
719.52	Personal Service	§ 790.116	P	C	
719.53	Business or Professional Service	§ 790.108	P	C	
719.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
719.55	Tourist Hotel	§ 790.46	C	C	
719.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C

1	719.57	Automotive Gas Station	§ 790.14			
2	719.58	Automotive Service Station	§ 790.17			
3	719.59	Automotive Repair	§ 790.15	C		
4	719.60	Automotive Wash	§ 790.18			
5	719.61	Automobile Sale or Rental	§ 790.12			
6	719.62	Animal Hospital	§ 790.6	C		
7	719.63	Ambulance Service	§ 790.2			
8	719.64	Mortuary	§ 790.62			
9	719.65	Trade Shop	§ 790.124	P		
10	719.66	Storage	§ 790.117			
11	719.67	Video Store	§ 790.135	C	C	
12	719.68	Fringe Financial Service	§ 790.111	#	#	#
13	719.69	Tobacco Paraphernalia Establishments	§ 790.123	<u>C</u> #	<u>C</u> #	<u>C</u> #
14	719.69A	Self-Service Specialty Food	§ 790.93	<u>P</u> #	<u>P</u> #	<u>P</u> #
15	719.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
16	719.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
17	719.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
18	Institutions and Non-Retail Sales and Services					
19	719.70	Administrative Service	§ 790.106			
20	719.80	Hospital or Medical Center	§ 790.44			
21	719.81	Other Institutions, Large	§ 790.50	P	C	C
22	719.82	Other Institutions, Small	§ 790.51	P	P	P
23	719.83	Public Use	§ 790.80	C	C	C

1	719.84	Medical Cannabis Dispensary	§ 790.141	P		
2	RESIDENTIAL STANDARDS AND USES					
3	719.90	Residential Use	§ 790.88	P	P	P
4	719.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area — § 207.4		
5	719.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area — § 208		
6	719.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
7	719.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
8	719.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE HAIGHT STREET DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 719.40 § 719.41 § 719.43 § 719.44 § 719.69A	§ 781.9	Boundaries: The entire Haight Street Neighborhood Commercial District. Controls: Retail establishments selling off-sale or on-sale alcoholic beverages are not permitted pursuant to Section 781.9.
§ 719.42	§ 781.9 790.22 790.92	HAIGHT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Height Street Neighborhood Commercial

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		<p>District and Height Street Alcohol Restricted Use Subdistrict.</p> <p>Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 202, the Planning Commission finds that: (1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a bona-fide restaurant as defined in § 781.8(c); and (2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to § 790.22, are not permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with an of the above criteria for any length of time.</p>
§ 725.42	§ 790.92	HAIGHT STREET FULL-

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	§ 790.22	<p>SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Haight Street Neighborhood Commercial District and Haight Street Alcohol Restricted Use Subdivision.</p> <p>Controls: A full-service restaurant may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of 3 full-service restaurants in accordance with this Section. Should a full-service restaurant permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant in accordance with the terms of this Section.</p>
§ 719.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD includes, but is not limited to, the Haight Street Neighborhood Commercial District.</p> <p>Controls: Fringe financial services are NP pursuant to Section 249.35.</p>
§ 719.69	§ 790.123 § 186.1	<p>Tobacco Paraphernalia Establishments — the special definition of "Tobacco Paraphernalia"</p>

		<p>Establishments" applicable to the Haight Street Neighborhood Commercial District shall be repealed three years after its initial effective date, unless the Board of Supervisors, on or before that date, extends or re-enacts it.</p> <p>In the Haight Street Neighborhood Commercial District, the period of non-use for a non-conforming Tobacco Paraphernalia Establishment to be deemed discontinued shall be 18 months.</p>
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11 Section 38. The San Francisco Planning Code is hereby amended by amending
12 Section 720.1, to read as follows:

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

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

22 The Hayes-Gough District controls are designed to allow for growth and expansion that
23 is compatible with the existing building and use scales. Building standards protect the
24 moderate building and use size and require rear yards at residential levels. To maintain the
25 mixed-use character of the district, most commercial uses are permitted at the first and

1 second stories and housing is strongly encouraged at the third story and above. In order to
 2 encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and
 3 problematic uses, eating and drinking, and entertainment uses are directed to the ground
 4 story. Retail sales activity, especially neighborhood-serving businesses, is further promoted
 5 by restricting new ground-story medical, business and professional offices. To protect
 6 continuous frontage, drive-up and most automobile uses are prohibited, above-ground parking
 7 is required to be setback or below ground, and active, pedestrian-oriented ground floor uses
 8 are required on Hayes Street and portions of Octavia Boulevard.

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

16
 17 **SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
 ZONING CONTROL TABLE**

No.	Zoning Category	Hayes-Gough § References	Controls
BUILDING STANDARDS			
720.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18
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
720.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
720.13b	Street Frontage, Required Ground Floor Commercial		Hayes Street; Octavia Street, from Fell to Hayes Streets § 145.1(d), (e)
720.13c	Street Frontage, Parking and Loading Access Restrictions		NP: Hayes Street; Octavia Street, § 155(r)
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 § 143 138.1
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	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified

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			in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above. §§ 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	NP
720.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
720.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
720.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
720.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
720.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)
No.	Zoning Category	§ References	Hayes-Gough

			Controls by Story		
			1st	2nd	3rd+
720.38	Residential Conversion	§§ 790.84, 207.7	C	C	
720.39	Residential Demolition	§§ 790.86, 207.7	C	C	C
720.39a	Residential Division	§ 207.68	P	P	P
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		
720.51	Medical Service	§ 790.114	C	P	C
720.52	Personal Service	§ 790.116	P	P	C
720.53	Business or Professional Service	§ 790.108	C	P	C
720.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
720.55	Tourist Hotel	§ 790.46	C	C	C

1	720.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
2	720.57	Automotive Gas Station	§ 790.14			
3	720.58	Automotive Service Station	§ 790.17			
4	720.59	Automotive Repair	§ 790.15			
5	720.60	Automotive Wash	§ 790.18			
6	720.61	Automobile Sale or Rental	§ 790.12			
7	720.62	Animal Hospital	§ 790.6	C		
8	720.63	Ambulance Service	§ 790.2			
9	720.64	Mortuary	§ 790.62			
10	720.65	Trade Shop	§ 790.124	P	C	
11	720.66	Storage	§ 790.117			
12	720.67	Video Store	§ 790.135	C	C	
13	720.68	Fringe Financial Service	§ 790.111	P#		
14	720.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
15	720.69A	Self-Service Specialty Food	§ 790.93	P		
16	720.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
17						
18	720.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
19	720.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
20	Institutions and Non-Retail Sales and Services					
21						
22	720.70	Administrative Service	§ 790.106			
23	720.80	Hospital or Medical Center	§ 790.44			
24	720.81	Other Institutions, Large	§ 790.50	P	C	C
25						

1	720.82	Other Institutions, Small	§ 790.51	P	P	P
2	720.83	Public Use	§ 790.80	C	C	C
3	720.84	Medical Cannabis Dispensary	§ 790.141	P		
4	RESIDENTIAL STANDARDS AND USES					
5	720.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
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10	720.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6		
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17	720.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, 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		
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24	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)		
25						

720.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5; C up to 0.75. Not permitted above .75 cares for each dwelling unit. §§ 151.1, 166, 167, 145.1		
720.95	Community Residential Parking	§ 790.10, 145.1, 151.1(f), 155(r), 166	C	C	C

SPECIFIC PROVISIONS FOR THE HAYES-GOUGH DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>720.68</u>	<u>§ 249.35</u>	<i>Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).</i>

Section 39. The San Francisco Planning Code is hereby amended by amending Section 721.1, to read as follows:

SEC. 721.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Market Street Neighborhood Commercial District, on Market Street from Church to Castro, and on side streets off Market, is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. 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 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.

1 This district is well served by transit and is anchored by the Castro Street Station of the Market
 2 Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar lines traverse the
 3 district, and the Castro Station serves as a transfer point between light rail and crosstown and
 4 neighborhood bus lines. Additionally, Market Street is a primary bicycle corridor. Residential parking is
 5 not required and generally limited. Commercial establishments are discouraged or prohibited from
 6 building accessory off-street parking in order to preserve the pedestrian-oriented character of the
 7 district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage
 8 entries) to off-street parking and loading on Market Street to preserve and enhance the pedestrian-
 9 oriented character and transit functions.

10 The Upper Market Street district controls are designed to promote moderate-scale
 11 development which contributes to the definition of Market Street's design and character. They are also
 12 intended to preserve the existing mix of commercial uses and maintain the livability of the district and
 13 its surrounding residential areas. Large-lot and use development is reviewed for consistency with
 14 existing development patterns. Rear yards are protected at residential levels. To promote mixed-use
 15 buildings, most commercial uses are permitted with some limitations above the second story. In order
 16 to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story
 17 neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial
 18 service uses are limited. Continuous frontage is promoted by prohibitions of most automobile and
 19 drive-up uses.

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

22 **SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 23 **ZONING CONTROL TABLE**

		Upper Market Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			

1	721.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 261.1, 263.20, 270, 271	Varies. See Zoning Map. <i>Height Sculpting on Alleys: § 261.1</i>
2				
3	721.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
4				
5	721.12	Rear Yard	§§ 130, 134, 136	Required from grade level and above § 134(a), (e)
6				
7	721.13	Street Frontage		Required § 145.1
8	721.13a	Street Frontage, Above- Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
9				
10	721.13b	Street Frontage, Required Ground Floor Commercial		Market Street § 145.4
11				
12	721.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street
13				
14	721.14	Awning	§ 790.20	P § 136.1(a)
15	721.15	Canopy	§ 790.26	P § 136.1(b)
16	721.16	Marquee	§ 790.58	P § 136.1(c)
17	721.17	Street Trees		Required § 143 138.1
18	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
19	721.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
20	721.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
21				
22	721.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1
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			<p>space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above.</p> <p>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.</p> <p>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. §§ 151.1, 166, 145.1</p>
721.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
721.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
721.25	Drive-Up Facility	§ 790.30	
721.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
721.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
721.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
721.31	Business Sign	§§ 262, 602—604,	P #

		608, 609	§ 607.1(f)2
1	721.32	Other Signs	§§ 262, 602—604, 608, 609
2			P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
721.38	Residential Conversion	§ 790.84	P	C	
721.39	Residential Demolition	§ 790.86	P	C	C
721.39a	Residential Division	§ 207.8	P	P	P

Retail Sales and Services

721.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
721.41	Bar	§ 790.22	C		
721.42	Full-Service Restaurant	§ 790.92	C		
721.43	Large Fast Food Restaurant	§ 790.90			
721.44	Small Self-Service Restaurant	§ 790.91	C		
721.45	Liquor Store	§ 790.55	C		
721.46	Movie Theater	§ 790.64	P		
721.47	Adult Entertainment	§ 790.36			
721.48	Other Entertainment	§ 790.38	C#		
721.49	Financial Service	§ 790.110	C	C	
721.50	Limited Financial Service	§ 790.112	P		
721.51	Medical Service	§ 790.114	P	P	C
721.52	Personal Service	§ 790.116	P	P	C
721.53	Business or Professional Service	§ 790.108	P	P	C
721.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
721.55	Tourist Hotel	§ 790.46	C	C	C
721.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C

1	721.57	Automotive Gas Station	§ 790.14			
2	721.58	Automotive Service Station	§ 790.17			
3	721.59	Automotive Repair	§ 790.15	C		
	721.60	Automotive Wash	§ 790.18			
4	721.61	Automobile Sale or Rental	§ 790.12			
5	721.62	Animal Hospital	§ 790.6	C		
6	721.63	Ambulance Service	§ 790.2			
7	721.64	Mortuary	§ 790.62			
	721.65	Trade Shop	§ 790.124	P	C	
	721.66	Storage	§ 790.117			
8	721.67	Video Store	§ 790.135	C	C	
9	721.68	Fringe Financial Service	§ 790.111			
10	721.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
11	721.69A	Self-Service Specialty Food	§ 790.93	C		
12	721.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
13						
14	721.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
15	712.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
16						
17	Institutions and Non-Retail Sales and Services					
18	721.70	Administrative Service	§ 790.106			
19	721.80	Hospital or Medical Center	§ 790.44			
20	721.81	Other Institutions, Large	§ 790.50	P	C	C
21	721.82	Other Institutions, Small	§ 790.51	P	P	P
22	721.83	Public Use	§ 790.80	C	C	C
23	721.84	Medical Cannabis Dispensary	§ 790.141	P		
24	RESIDENTIAL STANDARDS AND USES					
25	721.90	Residential Use	§ 790.88	P, except C for frontages	P	P

			listed in § 145.4			
1	721.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
2	721.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
3	721.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)		
4	721.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5; C up to .75. Not permitted above .75 cars for each dwelling unit. § 151.1		
5	721.95	Community Residential Parking	§ 790.10	C	C	C

**SPECIFIC PROVISIONS FOR UPPER MARKET STREET
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 721.31 § 721.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Upper Market Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 721.48		Boundaries: Applicable for the Upper Market Street NCD. Controls: Existing bars in the Upper Market Street Neighborhood Commercial

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		District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.
§ <u>721.68</u>	§ <u>249.35</u>	<u><i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i></u> <u><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Upper Market Street Neighborhood Commercial District.</i></u> <u><i>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</i></u>

1 Section 40. The San Francisco Planning Code is hereby amended by amending
2 Section 722.1, to read as follows:

3 **SEC. 722.1. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

4 The North Beach Neighborhood Commercial District is a nonlinear district centered on
5 Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of
6 Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty
7 shopping, and dining district, and a tourist attraction, as well as an apartment and residential
8 hotel zone. Traditionally, the district has provided most convenience goods and services for
9 residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating,
10 drinking, and entertainment establishments remain open into the evening to serve a much
11 wider trade area and attract many tourists. The balance between neighborhood-serving
12 convenience stores and Citywide specialty businesses has shifted , as convenience stores
13 have been replaced by restaurants and bars The proliferation of financial services, limited
14 financial services, and business and professional services has also upset the district's
15 balance of uses. The relocation of business and professional offices from downtown to North
16 Beach threatens the loss of upper-story residential units.

17 The North Beach District controls are designed to ensure the livability and
18 attractiveness of North Beach. Building standards limit new development to a small to
19 moderate scale. Rear yards are protected above the ground story and at residential levels.
20 Most new commercial development is permitted at the first two stories. Small-scale,
21 neighborhood-serving businesses are strongly encouraged and formula retail uses are
22 prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage
23 conversion back to the traditional small-scale commercial spaces. Special controls are
24 necessary because an over-concentration of food and beverage service establishments limits
25 neighborhood-serving retail sales and personal services in an area that needs them to thrive

1 as a neighborhood. In order to maintain neighborhood-serving retail sales and personal
 2 services and to protect residential livability, additional eating and drinking establishments are
 3 prohibited in spaces that have been occupied by neighborhood-serving retail sales and
 4 personal services. Special controls limit additional ground-story entertainment uses and
 5 prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited
 6 financial services, and ground-story business and professional office uses are prohibited from
 7 locating in the portion of the district south of Greenwich Street, while new financial services
 8 locating in the portion of the district north of Greenwich Street are limited. Restrictions on
 9 automobile and drive-up uses are intended to promote continuous retail frontage and maintain
 10 residential livability.

11 In keeping with the district's existing mixed-use character, housing development in new
 12 buildings is encouraged above the second story. Existing residential units are protected by
 13 prohibitions of upper-story conversions and limitations on demolitions.

14 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **ZONING CONTROL TABLE**

No.	Zoning Category	North Beach § References	Controls
BUILDING STANDARDS			
722.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 270, 271	P up to 40 ft. <i>Height Sculpting on Alleys: § 261.1</i>
722.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
722.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
722.13	Street Frontage		Required

			§ 145.1
1	722.14	Awning	§ 790.20 P § 136.1(a)
2	722.15	Canopy	§ 790.26 P § 136.1(b)
3	722.16	Marquee	§ 790.58 P § 136.1(c)
4	722.17	Street Trees	Required § 143 138.1
5	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
6	722.20	Floor Area Ratio	§§ 102.9, 102.11, 123 1.8 to 1 § 124(a) (b)
7	722.21	Use Size [Nonresidential]	§ 790.130 P up to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2
8			
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11	722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5 Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
12			
13			
14	722.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5 Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
15			
16			
17	722.24	Outdoor Activity Area	§ 790.70 P if located in front; C if located elsewhere § 145.2(a)
18	722.25	Drive-Up Facility	§ 790.30
19	722.26	Walk-Up Facility	§ 790.140 <i>P if recessed 3 ft.;</i> <i>C if not recessed</i> <i>§ 145.2(b) NP</i>
20	722.27	Hours of Operation	§ 790.48 P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
21	722.30	General Advertising Sign	§§ 262, 602—604, 608, 609
22	722.31	Business Sign	§§ 262, 602—604, 608, 609 P § 607.1(f)2
23	722.32	Other Signs	§§ 262, 602—604, 608, 609 P § 607.1(c) (d) (g)
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	No.	Zoning Category	§ North Beach

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		References	Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
722.38	Residential Conversion	§ 790.84	P		
722.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
722.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	
722.41	Bar	§ 790.22 § 780.3	C#		
722.42	Full-Service Restaurant	§ 790.92 § 780.3	C#	C#	
722.43	Large Fast Food Restaurant	§ 790.90			
722.44	Small Self-Service Restaurant	§ 790.91 § 780.3	C#		
722.45	Liquor Store	§ 790.55	C		
722.46	Movie Theater	§ 790.64	P		
722.47	Adult Entertainment	§ 790.36			
722.48	Other Entertainment	§ 790.38	C		
722.49	Financial Service	§ 790.110	C/NP #		
722.50	Limited Financial Service	§ 790.112	C/NP#		
722.51	Medical Service	§ 790.114	P	P	
722.52	Personal Service	§ 790.116	P	P	
722.53	Business or Professional Service	§ 790.108	C/NP#	P	
722.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
722.55	Tourist Hotel	§ 790.46	C	C	C
722.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C

1	722.57	Automotive Gas Station	§ 790.14			
2	722.58	Automotive Service Station	§ 790.17			
3	722.59	Automotive Repair	§ 790.15	C		
4	722.60	Automotive Wash	§ 790.18			
5	722.61	Automobile Sale or Rental	§ 790.12			
6	722.62	Animal Hospital	§ 790.6	C		
7	722.63	Ambulance Service	§ 790.2			
8	722.64	Mortuary	§ 790.62			
9	722.65	Trade Shop	§ 790.124	P#	C #	
10	722.66	Storage	§ 790.117			
11	722.67	Video Store	§ 790.135	C	C	
12	722.68	Fringe Financial Service	§ 790.111			
13	722.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
14	722.69A	Self-Service Specialty Food	§ 790.93	C		
15	722.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
16	722.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
17	722.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
18	Institutions and Non-Retail Sales and Services					
19	722.70	Administrative Service	§ 790.106			
20	722.80	Hospital or Medical Center	§ 790.44			
21	722.81	Other Institutions, Large	§ 790.50	P	C	C
22	722.82	Other Institutions, Small	§ 790.51	P	P	P
23	722.83	Public Use	§ 790.80	C	C	C
24	722.84	Medical Cannabis	§ 790.141	P		

	Dispensary				
RESIDENTIAL STANDARDS AND USES					
722.90	Residential Use	§ 790.88	P	P	P
722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
722.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
722.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common § 135(d)		
722.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159—160, 204.5	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. §§ 151.1, 161(a), (g) Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.		
722.95	Community Residential Parking	§ 790.10	C	C	C

**SPECIFIC PROVISIONS FOR THE NORTH BEACH
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 722.26	§ 790.140	<p>NORTH BEACH WALK UP FACILITIES</p> <p>Boundaries: North Beach NCD</p> <p>Controls: Walk-up automated bank teller machines (ATMs) are not permitted.</p>

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<p>§ 722.40</p>	<p>§ 790.102(n)</p>	<p>NORTH BEACH SPECIALTY RETAIL USES</p> <p>Boundaries: North Beach NCD</p> <p>Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)</p>
<p>§§ 722.42, 722.44, 722.41</p>	<p>§ 780.3</p>	<p>NORTH BEACH SPECIAL USE DISTRICT</p> <p>Boundaries: North Beach NCD</p> <p>Controls: Full-service restaurants and small self-service restaurants as defined in Sections 790.92 and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the full-service restaurant, small self-service restaurant, or bar does not occupy:</p>
		<p>(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or</p>
		<p>(2) a vacant space last occupied by a nonconforming use or a</p>

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		<p>permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.</p>
<p>§§ 722.42, 722.44</p>	<p>§§ 790.92, 790.91</p>	<p>NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE AND SMALL SELF-SERVICE RESTAURANTS</p> <p>Boundaries: North Beach NCD</p> <p>Controls: (a) In order to allow full-service restaurants, as defined in § 790.92, and small self-service restaurants, as defined in § 790.91 to seek or maintain an ABC license type 41, so that they may provide on-site beer and/or wine sales for drinking on the premises, the restaurant shall be required to operate as a 'bona-fide eating place' as defined in § 790.142.</p>
		<p>(b) In order to allow full service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p>
		<p>(1) The bar function is operated as an integral element of an establishment which is</p>

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		classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a 'bona-fide eating place' as defined in § 790.142; and
		(2) (2) The establishment maintains only an ABC license type 47, 40, 41 or 60.
		(c) The Commission may consider immediate revocation of a previous conditional use authorization should an establishment no longer comply with any of the criteria set forth above in (a) or (b) of this Section for any length of time.
		(d) A small self-service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61).
§§ 722.49, 722.50 722.53	§ 781.6	NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT Boundaries: Applicable only for portions of the North Beach NCD south of Greenwich Street as mapped on Sectional Map SU01 Controls: Financial services and limited financial services are NP at all stories; business or professional services are NP at the 1st story
§ 722.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT

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		<p><i>Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a</i></p> <p><i>Controls: Garment shops are P at the 1st and 2nd stories</i></p>
<p>§ 722.94</p>	<p>§§ 150, 153-157, 159-160, 204.5</p>	<p>NORTH BEACH OFF-STREET PARKING, RESIDENTIAL</p> <p>Boundaries: North Beach NCD</p> <p>Controls:</p> <p><u>A.</u> Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units.</p> <p>(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p>

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		<p>B. Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above and will determine whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit.</p>
<p><u>§722.68</u></p>	<p><u>§249.35</u></p>	<p><u><i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i></u></p> <p><u><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the North Beach Neighborhood Commercial District.</i></u></p> <p><u><i>Controls: Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</i></u></p>

Section 41. The San Francisco Planning Code is hereby amended by amending Section 724.1, to read as follows:

SEC. 724.1. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Located in the Presidio Heights neighborhood in north-central San Francisco, the Sacramento Street Neighborhood Commercial District functions as a small-scale linear shopping area. It

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		<p>B. Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above and will determine whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit.</p>
<p><u>§722.68</u></p>	<p><u>§249.35</u></p>	<p><u><i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i></u></p> <p><u><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the North Beach Neighborhood Commercial District.</i></u></p> <p><u><i>Controls: Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</i></u></p>

Section 41. The San Francisco Planning Code is hereby amended by amending Section 724.1, to read as follows:

SEC. 724.1. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Located in the Presidio Heights neighborhood in north-central San Francisco, the Sacramento Street Neighborhood Commercial District functions as a small-scale linear shopping area. It

1 extends along Sacramento Street between Lyon and Spruce. Interspersed among residential
2 buildings and garages, the district's daytime-oriented retail stores provide a limited array of
3 convenience goods to the immediate neighborhood. Sacramento Street also has many
4 elegant clothing, accessory, and antique stores and services, such as hair salons, which
5 attract customers from a wider trade area. Its numerous medical and business offices draw
6 clients from throughout the City. Evening activity in the district is limited to one movie theater,
7 a few restaurants, and some stores near Presidio Avenue.

8 The Sacramento Street District controls are designed to promote adequate growth
9 opportunities for development that is compatible with the surrounding low-density residential
10 neighborhood. The building standards monitor large-scale development and protect rear yards
11 at the grade level and above. Most new commercial development is permitted at the first
12 story; general retail uses are permitted at the second story only if such use would not involve
13 conversion of any existing housing units. Special controls are designed to protect existing
14 neighborhood-serving ground-story retail uses. New medical service offices are prohibited at
15 all stories. Personal and business services are restricted at the ground story and prohibited on
16 upper stories. Limits on new ground-story eating and drinking uses, as well as new
17 entertainment and financial service uses, are intended to minimize the environmental impacts
18 generated by the growth of such uses. The daytime orientation of the district is encouraged by
19 prohibiting bars and restricting late-night commercial activity. New hotels and parking facilities
20 are limited in scale and operation to minimize disruption to the neighborhood. Most new
21 automobile and drive-up uses are prohibited to promote continuous retail frontage.

22 Housing development in new buildings is encouraged above the second story. Existing
23 residential units are protected by limitations on demolitions and prohibitions of upper-story
24 conversions.

**SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	Sacramento Street § References	Controls
BUILDING STANDARDS			
724.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i>
724.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
724.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
724.13	Street Frontage		Required § 145.1
724.14	Awning	§ 790.20	P § 136.1(a)
724.15	Canopy	§ 790.26	P § 136.1(b)
724.16	Marquee	§ 790.58	P § 136.1(c)
724.17	Street Trees		Required § 143 <u>138.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
724.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
724.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
724.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
724.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)

1	724.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
2	724.25	Drive-Up Facility	§ 790.30	
3	724.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
4	724.27	Hours of Operation	§ 790.48	P 6 a.m.—12 a.m.; C 12 a.m.—6 a.m.
5	724.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
6	724.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2
7	724.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Sacramento Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
724.38	Residential Conversion	§ 790.84	P		
724.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
724.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
724.41	Bar	§ 790.22			
724.42	Full-Service Restaurant	§ 790.92	C		
724.43	Large Fast Food Restaurant	§ 790.90			
724.44	Small Self-Service Restaurant	§ 790.91	C		
724.45	Liquor Store	§ 790.55	P		
724.46	Movie Theater	§ 790.64	P		
724.47	Adult Entertainment	§ 790.36			
724.48	Other Entertainment	§ 790.38	C		
724.49	Financial Service	§ 790.110	C		

1	724.50	Limited Financial Service	§ 790.112	C		
2	724.51	Medical Service	§ 790.114			
3	724.52	Personal Service	§ 790.116	C		
4	724.53	Business or Professional Service	§ 790.108	C		
5	724.54	Massage Establishment	§ 790.60, § 1900 Health Code			
6	724.55	Tourist Hotel	§ 790.46	C	C	
7	724.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
8	724.57	Automotive Gas Station	§ 790.14			
9	724.58	Automotive Service Station	§ 790.17			
10	724.59	Automotive Repair	§ 790.15			
11	724.60	Automotive Wash	§ 790.18			
12	724.61	Automobile Sale or Rental	§ 790.12			
13	724.62	Animal Hospital	§ 790.6	C		
14	724.63	Ambulance Service	§ 790.2			
15	724.64	Mortuary	§ 790.62			
16	724.65	Trade Shop	§ 790.124	P	C	
17	724.66	Storage	§ 790.117			
18	724.67	Video Store	§ 790.135	C	C	
19	724.68	Fringe Financial Service	§ 790.111			
20	724.69	Tobacco Paraphernalia Establishments	§ 790.123	<u>C</u>		
21	724.69A	Self-Service Specialty Food	§ 790.93	C		
22	724.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
23	724.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P

1	724.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
2	Institutions and Non-Retail Sales and Services					
3	724.70	Administrative Service	§ 790.106			
4	724.80	Hospital or Medical Center	§ 790.44			
5	724.81	Other Institutions, Large	§ 790.50	P	C	C
6	724.82	Other Institutions, Small	§ 790.51	P	P	P
7	724.83	Public Use	§ 790.80	C	C	C
8	724.84	Medical Cannabis Dispensary	§ 790.141	P		
9	RESIDENTIAL STANDARDS AND USES					
10	724.90	Residential Use	§ 790.88	P	P	P
11	724.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
12	724.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
13	724.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft if private, or 133 sq. ft. if common § 135(d)		
14	724.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
15	724.95	Community Residential Parking	§ 790.10	C	C	C
16	Article 7 Code Section		Other Code Section		Zoning Controls	
17	§ 724.38		§ 790.84		Boundaries: Sacramento Street Neighborhood Commercial District Controls: A residential use may be converted to an Other Institution, Large, Educational Service use as defined by	

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		Section 790.50 as a conditional use, if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:
		1) The residential use is comprised of a single dwelling unit in a building that is otherwise used for non-residential uses; and
		2) No legally residing residential tenant will be displaced.
<u>§ 724.68</u>	<u>§249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><i>Boundaries:</i> <u>The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Sacramento Street Neighborhood Commercial District.</u></p> <p><i>Controls:</i> <u>Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

Sec. 42. The San Francisco Planning Code is hereby amended by amending Section 725.1, to read as follows:

SEC. 725.1. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Union Street Commercial District is located in northern San Francisco between the Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van

1 Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard.
2 The shopping area provides limited convenience goods for the residents of sections of the
3 Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately
4 surrounding the street. Important aspects of Union Street's business activity are eating and
5 drinking establishments and specialty shops whose clientele comes from a wide trade area.
6 There are also a significant number of professional, realty, and business offices. Many
7 restaurants and bars as well as the district's two movie theaters are open into the evening
8 hours, and on weekends the street's clothing, antique stores and galleries do a vigorous
9 business.

10 The Union Street District controls are designed to provide sufficient growth
11 opportunities for commercial development that is in keeping with the existing scale and
12 character, promote continuous retail frontage, and protect adjacent residential livability. Small-
13 scale buildings and neighborhood-serving uses are promoted, and rear yards above the
14 ground story and at all residential levels are protected. Most commercial development is
15 permitted at the first two stories of new buildings, while retail service uses are monitored at
16 the third story and above. Controls are necessary to preserve the remaining convenience
17 businesses and to reduce the cumulative impacts which the growth of certain uses have on
18 neighborhood residents. Such controls prohibit additional drinking establishments and limit
19 additional eating establishments, entertainment, and financial service uses. Most automobile
20 and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize
21 further traffic congestion.

22 Housing development in new buildings is encouraged above the second story. Existing
23 residential units are protected by limitations on demolitions and upper-story conversions.

**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	Union Street § References	Controls
BUILDING STANDARDS			
725.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i>
725.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
725.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
725.13	Street Frontage		Required § 145.1
725.14	Awning	§ 790.20	P § 136.1(a)
725.15	Canopy	§ 790.26	P § 136.1(b)
725.16	Marquee	§ 790.58	P § 136.1(c)
725.17	Street Trees		Required § 143-138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
725.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
725.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
725.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
725.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less

				than 10,000 sq. ft. §§ 152, 161(b)		
725.24	Outdoor Activity Area	§ 790.70		P if located in front; C if located elsewhere § 145.2(a)		
725.25	Drive-Up Facility	§ 790.30				
725.26	Walk-Up Facility	§ 790.140		P if recessed 3 ft.; C if not recessed § 145.2(b)		
725.27	Hours of Operation	§ 790.48		P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.		
725.30	General Advertising Sign	§§ 262, 602—604, 608, 609				
725.31	Business Sign	§§ 262, 602—604, 608, 609		P § 607.1(f) 2		
725.32	Other Signs	§§ 262, 602—604, 608, 609		P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Union Street			
			Controls by Story			
		§ 790.118	1st	2nd	3rd+	
725.38	Residential Conversion	§ 790.84	P	C	C	
725.39	Residential Demolition	§ 790.86	P	C	C	
Retail Sales and Services						
725.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P		
725.41	Bar	§ 790.22				
725.42	Full-Service Restaurant	§ 790.92	C#			
725.43	Large Fast Food Restaurant	§ 790.90				
725.44	Small Self-Service Restaurant	§ 790.91	C#			
725.45	Liquor Store	§ 790.55	C			
725.46	Movie Theater	§ 790.64	P			
725.47	Adult Entertainment	§ 790.36				

1	725.48	Other Entertainment	§ 790.38	C		
	725.49	Financial Service	§ 790.110	C	C	
2	725.50	Limited Financial Service	§ 790.112	P		
3	725.51	Medical Service	§ 790.114	P	P	C
4	725.52	Personal Service	§ 790.116	P	P	C
5	725.53	Business or Professional Service	§ 790.108	P	P	C
6	725.54	Massage Establishment	§ 790.60, § 1900 Health Code			
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8	725.55	Tourist Hotel	§ 790.46	C	C	C
9	725.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
10	725.57	Automotive Gas Station	§ 790.14			
11	725.58	Automotive Service Station	§ 790.17			
12	725.59	Automotive Repair	§ 790.15			
13	725.60	Automotive Wash	§ 790.18			
14	725.61	Automobile Sale or Rental	§ 790.12			
15	725.62	Animal Hospital	§ 790.6	C		
16	725.63	Ambulance Service	§ 790.2			
17	725.64	Mortuary	§ 790.62			
18	725.65	Trade Shop	§ 790.124	P	C	
19	725.66	Storage	§ 790.117			
20	725.67	Video Store	§ 790.135	C	C	
21	725.68	Fringe Financial Service	§ 790.111			
22	725.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
23	725.69A	Self-Service Specialty Food	§ 790.93	C#		
24	725.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
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1	725.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
2	725.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C

Institutions and Non-Retail Sales and Services

4	725.70	Administrative Service	§ 790.106			
5	725.80	Hospital or Medical Center	§ 790.44			
6	725.81	Other Institutions, Large	§ 790.50	P	C	C
7	725.82	Other Institutions, Small	§ 790.51	P	P	P
8	725.83	Public Use	§ 790.80	C	C	C
9	725.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

12	725.90	Residential Use	§ 790.88	P	P	P
13	725.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
14	725.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
15	725.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
16	725.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
17	725.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

24	Article 7 Code Section	Other Code Section	Zoning Controls
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§725.42	§790.92	<p>UNION STREET FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to § 178(c) of the Planning Code.</p> <p>Controls: The Planning Commission may approve a full-service restaurant providing on-site beer and/or wine sales (with ABC license 40, 41 or 60) if, in addition to meeting the criteria set forth in Section 303, the use (1) is located on the ground floor, and (2) the Planning Commission finds that an additional full-service restaurant would not result in a net total of more than 32 full-service restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street Full-Service Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.</p>
§ 725.44 and	§ 790.91	SMALL SELF-SERVICE

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725.69B	790.93	<p>RESTAURANTS AND SELF-SERVICE SPECIALTY FOOD USES</p> <p>Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Controls: The Planning Commission may approve a Small Self-Service Restaurants or Self-Service Specialty Food use if, in addition to meeting the criteria set forth in Section 303, the Planning Commission finds that an additional such use would not result in a net total of more than 12 combined Small Self-Service Restaurants and Self-Service Specialty Food uses in the Union Street Neighborhood Commercial District.</p>
<u>§ 725.68</u>	<u>§249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries:</u> <u>The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Union Street Neighborhood Commercial District.</u></p> <p><u>Controls:</u> <u>Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

1 Sec. 43. The San Francisco Planning Code is hereby amended by amending Section
2 726.1, to read as follows:

3 **SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

4 The Valencia Street Commercial Transit District is located near the center of San
5 Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez
6 (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street.
7 The commercial area provides a limited selection of convenience goods for the residents of
8 sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area
9 with its retail and wholesale home furnishings and appliance outlets. The commercial district
10 also has several automobile-related businesses. Eating and drinking establishments
11 contribute to the street's mixed-use character and activity in the evening hours. A number of
12 upper-story professional and business offices are located in the district, some in converted
13 residential units.

14 The Valencia Street District has a pattern of large lots and businesses, as well as a
15 sizable number of upper-story residential units. Controls are designed to permit moderate-
16 scale buildings and uses, protecting rear yards above the ground story and at residential
17 levels. New neighborhood-serving commercial development is encouraged mainly at the
18 ground story. While offices and general retail sales uses may locate at the second story of
19 new buildings under certain circumstances, most commercial uses are prohibited above the
20 second story. In order to protect the balance and variety of retail uses and the livability of
21 adjacent uses and areas, most eating and drinking and entertainment uses at the ground
22 story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some
23 automobile uses, and new nonretail commercial uses. Parking is not required, and any new
24 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
25 uses are required.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required.

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

		<i>Valencia Street Transit</i>	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 263.18, 270, 271	40-X, 50-X. See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X <i>Height Sculpting on Alleys: § 261.1</i>
726.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
726.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
<u>726.13</u>	<i>Street Frontage</i>		<i>Required § 145.1</i>
726.13 a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
726.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply. See § 145.4
726.13c	Street Frontage, Parking	§ 155(r)	Requirements

	and Loading access restrictions		apply. See § 155(r)		
726.14	Awning	§ 790.20	P § 136.1(a)		
726.15	Canopy	§ 790.26	P § 136.1(b)		
726.16	Marquee	§ 790.58	P § 136.1(c)		
726.17	Street Trees		Required § 143 <u>138.1</u>		
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES					
726.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)		
726.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2		
726.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153—157, 159—160, 166, 204.5	None required. Limits set forth in Section 151.1 §§		
726.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)		
726.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
726.25	Drive-Up Facility	§ 790.30			
726.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
726.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.		
726.30	General Advertising Sign	§§ 262, 602—604, 608, 609			
726.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2		
726.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Valencia Street <i>Transit</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
726.37	Residential Conversion	§§ 790.84, 207.7	C		

1	726.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
2	726.39	Residential Division	§ 207.8	P	P	P
3	Retail Sales and Services					
4	726.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
5	726.41	Bar	§ 790.22	C		
6	726.42	Full-Service Restaurant	§ 790.92	P		
7	726.43	Large Fast Food Restaurant	§ 790.90	C		
8	726.44	Small Self-Service Restaurant	§ 790.91	P		
9	726.45	Liquor Store	§ 790.55			
10	726.46	Movie Theater	§ 790.64	P		
11	726.47	Adult Entertainment	§ 790.36			
12	726.48	Other Entertainment	§ 790.38	C		
13	726.49	Financial Service	§ 790.110	P		
14	726.50	Limited Financial Service	§ 790.112	P		
15	726.51	Medical Service	§ 790.114	P	C	
16	726.52	Personal Service	§ 790.116	P	C	
17	726.53	Business or Professional Service	§ 790.108	P	C	
18	726.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
19	726.55	Tourist Hotel	§ 790.46	C	C	
20	726.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
21	726.57	Automotive Gas Station	§ 790.14			
22	726.58	Automotive Service Station	§ 790.17			
23	726.59	Automotive Repair	§ 790.15	C		
24	726.60	Automotive Wash	§ 790.18			
25	726.61	Automobile Sale or	§ 790.12			

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	Rental				
726.62	Animal Hospital	§ 790.6	C		
726.63	Ambulance Service	§ 790.2			
726.64	Mortuary	§ 790.62	C	C	
726.65	Trade Shop	§ 790.124	P	C	
726.66	Storage	§ 790.117			
726.67	Video Store	§ 790.135	C	C	
726.68	Fringe Financial Service	§ 790.111	#	#	#
726.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
726.69A	Self-Service Specialty Food	§ 790.93	P		
726.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
726.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
726.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
726.70	Administrative Service	§ 790.106			
726.80	Hospital or Medical Center	§ 790.44			
726.81	Other Institutions, Large	§ 790.50	P	C	C
726.82	Other Institutions, Small	§ 790.51	P	P	P
726.83	Public Use	§ 790.80	C	C	C
726.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
726.90	Residential Use	§§ 145.4, 790.88	P, except NP for frontages listed in 145.4	P	P
726.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 207.6,	No density limit § 207.4		

		790.88(a)	
1	726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)
2			No density limit
3	726.93	Usable Open Space [Per Residential Unit]	§§ 135, 136
4			Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)
5	726.94	Off-Street Parking, Residential	§§ 145.1, 150, 151.1, 153—157, 159—160, 166, 167, 204.5
6			Non required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1
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8	726.95	Community Residential Parking	§§ 145.1, 151.1(f), 155(r), 166, 790.10
9			C C C

SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 726.68</u>	<u>§ 249.35</u>	<p><i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i></p> <p><i>Boundaries: The FFSRUD and its 1/2 mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial District.</i></p> <p><i>Controls: Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/2 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</i></p>

1 Sec. 44. The San Francisco Planning Code is hereby amended by amending Section
2 727.1, to read as follows:

3 **SEC. 727.1. 24th STREET- MISSION NEIGHBORHOOD COMMERCIAL TRANSIT**
4 **DISTRICT.**

5 The 24th Street — Mission Neighborhood Commercial Transit District is situated in the
6 Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This
7 mixed-use district provides convenience goods to its immediate neighborhood as well as
8 comparison shopping goods and services to a wider trade area. The street has a great
9 number of Latin American restaurants, grocery stores, and bakeries as well as other gift and
10 secondhand stores. Most commercial businesses are open during the day while the district's
11 bars and restaurants are also active in the evening. Dwelling units are frequently located
12 above the ground-story commercial uses.

13 The 24th Street — Mission Neighborhood Commercial Transit District controls are
14 designed to provide potential for new development consistent with the existing scale and
15 character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear
16 yard corridors above the ground story and at residential levels are protected. Most commercial
17 uses are encouraged at the ground story, while service uses are permitted with some
18 limitations at the second story. Special controls are necessary to preserve the unique mix of
19 convenience and specialty commercial uses. In order to maintain convenience stores and
20 protect adjacent livability, new bars and fast-food restaurants are prohibited, and limitations
21 apply to the development and operation of ground-story full-service restaurants, take-out food
22 and entertainment uses. Continuous retail frontage is maintained and encouraged by
23 prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active,
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pedestrian-oriented ground floor uses. Parking is not required, and any new parking required to be set back or below ground.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing housing units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required.

SEC. 727. 24TH STREET — MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

		24th Street — Mission Transit	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
727.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 270, 271	40-X, 50-X, 105-E See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X. <i>Height Sculpting on Alleys: § 261.1</i>
727.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
727.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
<u>731.13</u>	<i>Street Frontage</i>		<i>Required § 145.1</i>
727.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
727.13b	Street Frontage,	§ 145.4	Requirements

	Required Ground Floor Commercial		apply. See § 145.4
727.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply. See § 155(r)
727.14	Awning	§ 790.20	P § 136.1(a)
727.15	Canopy	§ 790.26	P § 136.1(b)
727.16	Marquee	§ 790.58	P § 136.1(c)
727.17	Street Trees		Required § 143 138.1

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
727.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
727.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153—157, 159—160, 166, 204.5	None required. Limits set forth in Section 151.1 §§
727.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
727.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
727.25	Drive-Up Facility	§ 790.30	
727.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
727.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
727.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
727.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
727.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c)(d)(g)

No.	Zoning Category	§ References	24th Street— Mission <i>Transit</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+

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727.37	Residential Conversion	§§ 790.84, 207.7	C		
727.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
726.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
727.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P		
727.41	Bar	§ 790.22			
727.42	Full-Service Restaurant	§ 790.92	C		
727.43	Large Fast Food Restaurant	§ 790.90			
727.44	Small Self-Service Restaurant	§ 790.91	C		
727.45	Liquor Store	§ 790.55			
727.46	Movie Theater	§ 790.64	P		
727.47	Adult Entertainment	§ 790.36			
727.48	Other Entertainment	§ 790.38	C		
727.49	Financial Service	§ 790.110	P		
727.50	Limited Financial Service	§ 790.112	P		
727.51	Medical Service	§ 790.114	P	C	
727.52	Personal Service	§ 790.116	P	C	
727.53	Business or Professional Service	§ 790.108	P	C	
727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
727.55	Tourist Hotel	§ 790.46	C	C	
727.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
727.57	Automotive Gas	§ 790.14			

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	Station				
727.58	Automotive Service Station	§ 790.17			
727.59	Automotive Repair	§ 790.15	C		
727.60	Automotive Wash	§ 790.18			
727.61	Automobile Sale or Rental	§ 790.12			
727.62	Animal Hospital	§ 790.6	C		
727.63	Ambulance Service	§ 790.2			
727.64	Mortuary	§ 790.62			
727.65	Trade Shop	§ 790.124	P		
727.66	Storage	§ 790.117			
727.67	Video Store	§ 790.135	C		
727.68	Fringe Financial Service	§ 790.111	#	#	#
727.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
727.69A	Self-Service Specialty Food	§ 790.93	C		
727.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
727.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
727.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
727.70	Administrative Service	§ 790.106			
727.80	Hospital or Medical Center	§ 790.44			
727.81	Other Institutions, Large	§ 790.50	P	C	C
727.82	Other Institutions, Small	§ 790.51	P	P	P
727.83	Public Use	§ 790.80	C	C	C
727.84	Medical Cannabis	§ 790.141	P		

	Dispensary				
RESIDENTIAL STANDARDS AND USES					
727.90	Residential Use	§§ 145.4, 790.88	P, except NP for frontages listed in § 145.4	P	P
727.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 207.6, 790.88(a)	No density limit		
727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
727.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
727.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit §§ 151, 161(a) (g), 166, 167, 145.1		
727.95	Community Residential Parking	§§ 145.1, 151.1(f), 155(r), 166, 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 727.68</u>	<u>§ 249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries: The FFSRUD and its 1/2 mile buffer includes, but is not limited to, the 24th Street-Mission Neighborhood Commercial Transit District.</u></p>

Controls: Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/2 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

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8 Sec. 45. The San Francisco Planning Code is hereby amended by amending Section
9 730.1 to read as follows:

10 **SEC. 729.1. - WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

11 Located in the southwestern part of the City, the West Portal Avenue Neighborhood
12 Commercial District stretches for three long blocks along West Portal Avenue from Ulloa
13 Street to 15th Avenue and extends one block east along Ulloa Street from the Twin Peaks
14 Tunnel entrance to Claremont Boulevard. West Portal Avenue provides a selection of goods
15 and services for customers coming mainly from the surrounding west of Twin Peaks and
16 Sunset single-family residential neighborhoods. The lively, small-scale retail frontage is
17 interrupted at several locations by large-scale financial institutions which take up a large
18 amount of commercial ground-story frontage. More than half of the number of medical,
19 professional and business offices are located at the ground level. Except for one three-movie
20 theater complex, West Portal offers no entertainment uses and its restaurants are mainly
21 family-oriented.

22 The West Portal Avenue District controls are designed to preserve the existing family-
23 oriented, village character of West Portal Avenue. The building standards limit building heights
24 to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level
25 and above. The height, bulk and design of new development, especially on large lots, should

1 respect the small-scale character of the district and its surrounding residential neighborhoods.
2 Lot mergers creating large lots are discouraged. Individual nonresidential uses require
3 conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an
4 absolute limit to conform with the existing small use sizes in the district.

5 Special controls on commercial uses are designed to protect the existing mix of
6 ground-story retail uses and prevent further intensification and congestion in the district. No
7 new financial services are permitted. Because the district and surrounding neighborhoods are
8 well served by the existing number of eating and drinking establishments, new bars,
9 restaurants and take-out food generally are discouraged: any proposed new establishment
10 should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented,
11 and will not involve high-volume take-out food or generate traffic, parking, or litter problems.
12 Large fast-food restaurants and small self-service restaurants are prohibited. Medical,
13 business or professional services are permitted at the first two stories, but additional ground-
14 story locations are to be closely monitored to ensure that the current balance between retail
15 and office uses is maintained. Existing service stations are encouraged to continue operating,
16 but changes in their size, operation, or location are subject to review. Other automotive uses
17 are prohibited. The neighborhood-oriented, retail character of the district is further protected
18 by prohibiting hotels and nonretail uses. The daytime orientation of the district is maintained
19 by prohibitions of entertainment uses and late-night commercial operating hours.

20 Housing development is limited. Existing residential units are protected by limitations
21 on demolition and prohibition of upper-story conversions; new construction is to be carefully
22 reviewed to ensure appropriate scale, design and compatibility with adjacent development.

23 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
24 **ZONING CONTROL TABLE**

	West Portal Avenue
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No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
729.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	26-X
729.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
729.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
729.13	Street Frontage		Required § 145.1
729.14	Awning	§ 790.20	P § 136.1(a)
729.15	Canopy	§ 790.26	P § 136.1(b)
729.16	Marquee	§ 790.58	P § 136.1(c)
729.17	Street Trees		Required § 143 <u>138.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
729.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
729.21	Use Size [Nonresidential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
729.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
729.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
729.24	Outdoor Activity Area	§ 790.70	P if located in front;

			C if located elsewhere § 145.2(a)
729.25	Drive-Up Facility	§ 790.30	
729.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
729.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.
729.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
729.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
729.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	West Portal Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
729.38	Residential Conversion	§ 790.84	P		
729.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
729.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P#	P	
729.41	Bar	§ 790.22	C		
729.42	Full-Service Restaurant	§ 790.92	C		
729.43	Large Fast Food Restaurant	§ 790.90			
729.44	Small Self-Service Restaurant	§ 790.91			
729.45	Liquor Store	§ 790.55	P		
729.46	Movie Theater	§ 790.64			
729.47	Adult Entertainment	§ 790.36			
729.48	Other Entertainment	§ 790.38			
729.49	Financial Service	§ 790.110			
729.50	Limited Financial Service	§ 790.112	C		
729.51	Medical Service	§ 790.114	C	P	

1	729.52	Personal Service	§ 790.116	P	P	
2	729.53	Business or Professional Service	§ 790.108	C #	P	
3	729.54	Massage Establishment	§ 790.60, § 1900 Health Code			
4	729.55	Tourist Hotel	§ 790.46			
5	729.56	Automobile Parking	§§ 790.8, 156, 160			
6	729.57	Automotive Gas Station	§ 790.14			
7	729.58	Automotive Service Station	§ 790.17	C		
8	729.59	Automotive Repair	§ 790.15			
9	729.60	Automotive Wash	§ 790.18			
10	729.61	Automobile Sale or Rental	§ 790.12			
11	729.62	Animal Hospital	§ 790.6	C		
12	729.63	Ambulance Service	§ 790.2			
13	729.64	Mortuary	§ 790.62			
14	729.65	Trade Shop	§ 790.124	P		
15	729.66	Storage	§ 790.117			
16	729.67	Video Store	§ 790.135	C	C	
17	729.68	Fringe Financial Service	§ 790.111			
18	729.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
19	729.69A	Self-Service Specialty Food	§ 790.93			
20	729.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
21	729.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
22	729.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services						
23	729.70	Administrative Service	§ 790.106			
24	729.80	Hospital or Medical Center	§ 790.44			
25	729.81	Other Institutions, Large	§ 790.50	C	C	
	729.82	Other Institutions, Small	§ 790.51	P	P	

1	729.83	Public Use	§ 790.80	C	C
2	729.84	Medical Cannabis Dispensary	§ 790.141	C	
3	RESIDENTIAL STANDARDS AND USES				
4	729.90	Residential Use	§ 790.88	P	P
5	729.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4	
6	729.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208	
7	729.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)	
8	729.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)	
9	729.95	Community Residential Parking	§ 790.10	C	C

**SPECIFIC PROVISIONS FOR THE WEST PORTAL AVENUE
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 729.40	§ 790.102	<p>Boundaries: The entire West Portal Neighborhood Commercial District</p> <p>Controls: A retail coffee store or other non-alcoholic beverage store as defined by Subsection 790.102(n) may be granted a conditional use to be exempt from the prohibition described in that subsection of cooking devices and on-site food preparation not connected with beverage preparation, provided that the cooking device allowed shall be limited to one small device for warming sandwich</p>

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		<p>ingredients and provided that all other provisions of Subsection 790.102(n) are met.</p>
<p>§ 729.53</p>		<p>Boundaries: The entire West Portal Neighborhood Commercial District</p> <p>Controls: Applicable only for the use of stock brokerage. A stock brokerage may apply for conditional use if there are no more than a total of seven financial uses and/or stock brokerages within the district. If there are more than seven financial services and/or stock brokerages in the district, stock brokerages shall not be permitted.</p>
<p><u>§ 729.68</u></p>	<p><u>§ 249.35</u></p>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the West Portal Neighborhood Commercial District.</u></p> <p><u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u></p>

Sec. 46. The San Francisco Planning Code is hereby amended by amending Section 730.1, to read as follows:

1 **SEC. 730.1. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 The Inner Sunset Neighborhood Commercial District is located in the Inner Sunset
3 neighborhood, consisting of the NC-2 district bounded by Lincoln Way on the north, Fifth
4 Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west. The
5 shopping area provides convenience goods and services to local Inner Sunset residents, as
6 well as comparison shopping goods and services to a larger market area. The commercial
7 district is also frequented by users of Golden Gate Park on weekends and by City residents
8 for its eating, drinking, and entertainment places. Numerous housing units establish the
9 district's mixed residential-commercial character.

10 The Inner Sunset District controls are designed to protect the existing building scale
11 and promote new mixed-use development which is in character with adjacent buildings. The
12 building standards regulate large-lot and use development and protect rear yards above the
13 ground story and at residential levels. To promote the prevailing mixed use character, most
14 commercial uses are directed primarily to the ground story with some upper-story restrictions
15 in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving
16 commercial uses and regulate the more intensive commercial uses which can generate
17 congestion and nuisance problems, special controls prohibit additional eating and drinking
18 uses, restrict expansion and intensification of existing eating and drinking establishments, and
19 limit entertainment and tourist hotels. Prohibitions of most automobile and drive-up uses
20 protect the district's continuous retail frontage.

21 Housing development in new buildings is encouraged above the ground story. Existing
22 residential units are protected by prohibition of upper-story conversions and limitations on
23 demolitions.

**SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	Inner Sunset § References	Controls
BUILDING STANDARDS			
730.1	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i>
730.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
730.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
730.13	Street Frontage		Required § 145.1
730.14	Awning	§ 790.20	P § 136.1(a)
730.15	Canopy	§ 790.26	P § 136.1(b)
730.16	Marquee	§ 790.58	P § 136.1(c)
730.17	Street Trees		Required § 143 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
730.2	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
730.21	Use Size [Nonresidential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
730.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
730.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)

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730.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
730.25	Drive-Up Facility	§ 790.30			
730.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
730.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.		
730.30	General Advertising Sign	§§ 262, 602, 604, 608, 609			
730.31	Business Sign	§§ 262, 602, 604, 608, 609	P § 607.1(f)2		
730.32	Other Signs	§§ 262, 602, 604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Inner Sunset		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
730.38	Residential Conversion	§ 790.84	P		
730.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
730.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
730.41	Bar	§ 790.22	C		
730.42	Full-Service Restaurant	§ 790.92	C		
730.43	Large Fast Food Restaurant	§ 790.90			
730.44	Small Self-Service Restaurant	§ 790.91	C		
730.45	Liquor Store	§ 790.55			
730.46	Movie Theater	§ 790.64	P		
730.47	Adult Entertainment	§ 790.36			
730.48	Other Entertainment	§ 790.38	C		
730.49	Financial Service	§ 790.110	P		

1	730.50	Limited Financial Service	§ 790.112	P		
2	730.51	Medical Service	§ 790.114	C	C	
3	730.52	Personal Service	§ 790.116	P	C	
4	730.53	Business or Professional Service	§ 790.108	P	C	
5	730.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
6						
7	730.55	Tourist Hotel	§ 790.46	C	C	
8	730.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
9	730.57	Automotive Gas Station	§ 790.14			
10	730.58	Automotive Service Station	§ 790.17			
11	730.59	Automotive Repair	§ 790.15	C		
12	730.60	Automotive Wash	§ 790.18			
13	730.61	Automobile Sale or Rental	§ 790.12			
14	730.62	Animal Hospital	§ 790.6	C		
15	730.63	Ambulance Service	§ 790.2			
16	730.64	Mortuary	§ 790.62			
17	730.65	Trade Shop	§ 790.124	P		
18	730.66	Storage	§ 790.117			
19	730.67	Video Store	§ 790.135	C		
20	730.68	Fringe Financial Service	§ 790.111	P #		
21	730.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
22	730.69A	Self-Service Specialty Food	§ 790.93	C		
23	730.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
24	730.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
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1	730.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
2	Institutions and Non-Retail Sales and Services					
3	730.7	Administrative Service	§ 790.106			
4	730.8	Hospital or Medical Center	§ 790.44			
5	730.81	Other Institutions, Large	§ 790.50	P	C	C
6	730.82	Other Institutions, Small	§ 790.51	P	P	P
7	730.83	Public Use	§ 790.80	C	C	
8	730.84	Medical Cannabis Dispensary	§ 790.141	P		
9	RESIDENTIAL STANDARDS AND USES					
10	730.9	Residential Use	§ 790.88	P	P	P
11	730.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
12	730.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
13	730.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
14	730.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
15	730.95	Community Residential Parking	§ 790.10	C	C	C

**SPECIFIC PROVISIONS FOR THE INNER SUNSET
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 730.68</u>	<u>§ 249.35</u>	<i>Fringe financial services are P subject to the restrictions set forth in Section 249.35.</i>

		<i>including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).</i>
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4 Sec. 47 The San Francisco Planning Code is hereby amended by amending Section
5 731.1, to read as follows:

6 **SEC. 731.1. NCT-3 MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**
7 **DISTRICT.**

8 NCT-3 Districts are transit-oriented moderate- to high-density mixed-use
9 neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are
10 mixed use districts that support neighborhood-serving commercial uses on lower floors and
11 housing above. These districts are well-served by public transit and aim to maximize
12 residential and commercial opportunities on or near major transit services. The district's form
13 can be either linear along transit-priority corridors, concentric around transit stations, or
14 broader areas where transit services criss-cross the neighborhood. Housing density is limited
15 not by lot area, but by the regulations on the built envelope of buildings, including height, bulk,
16 setbacks, and lot coverage, and standards for residential uses, including open space and
17 exposure, and urban design guidelines. Residential parking is not required and generally
18 limited. Commercial establishments are discouraged or prohibited from building accessory off-
19 street parking in order to preserve the pedestrian-oriented character of the district and prevent
20 attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-
21 street parking and loading on critical stretches of NC and transit streets to preserve and
22 enhance the pedestrian-oriented character and transit function.

23 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and
24 specialty goods and services to a population greater than the immediate neighborhood,
25

1 additionally providing convenience goods and services to the surrounding neighborhoods.
 2 NCT-3 Districts include some of the longest linear commercial streets in the City, some of
 3 which have continuous retail development for many blocks. Large-scale lots and buildings and
 4 wide streets distinguish the districts from smaller-scaled commercial streets, although the
 5 districts may include small as well as moderately scaled lots. Buildings may range in height,
 6 with height limits varying from four to eight stories.

7 NCT-3 building standards permit moderately large commercial uses and buildings.
 8 Rear yards are protected at residential levels.

9 A diversified commercial environment is encouraged for the NCT-3 District, and a wide
 10 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
 11 Eating and drinking, entertainment, and financial service uses generally are permitted with
 12 certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted.
 13 Other retail businesses, personal services and offices are permitted at all stories of new
 14 buildings. Limited storage and administrative service activities are permitted with some
 15 restrictions.

16 Housing development in new buildings is encouraged above the second story. Existing
 17 residential units are protected by limitations on demolitions and upper-story conversions.

18 **SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 19 **NCT-3 ZONING CONTROL TABLE**

		NC T-3	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
731.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 261.1 263.20, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor

			Active Uses in 40-X and 50-X; § 263.20
731.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
731.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
731.13	Street Frontage		Required § 145.1
731.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
731.13b	Street Frontage, Required Ground Floor Commercial		Market Street, Church Street § 145.1(d)
731.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street, Church Street, Mission Street C: Duboce Street, Haight Street
731.14	Awning	§ 790.20	P § 136.1(a)
731.15	Canopy	§ 790.26	P § 136.1(b)
731.16	Marquee	§ 790.58	P § 136.1(c)
731.17	Street Trees	-	Required § 143 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
731.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124 (a) (b)
731.21	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
731.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500

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			feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above.
731.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
731.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
731.25	Drive-Up Facility	§ 790.30	
731.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
731.27	Hours of Operation	§ 790.48	No Limit
731.30	General Advertising Sign	§§ 262, 602—604, 608, 609	P # § 607.1(e)2
731.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)3
731.32	Other Signs	§§ 262, 602—604,	P #

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		608, 609		§ 607.1(c) (d) (g)		
No.	Zoning Category	§ References	NCT-3			
			Controls by Story			
		§ 790.118	1st	2nd	3rd+	
731.38	Residential Conversion	§ 790.84, 207.7	C	C	C	
731.39	Residential Demolition	§ 790.86, 207.7	C	C	C	
731.39a	Residential Division	§ 207.6-8	P	P	P	
Retail Sales and Services						
731.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	P#	
731.41	Bar	§ 790.22	P	P	-	
731.42	Full-Service Restaurant	§ 790.92	P	P	-	
731.43	Large Fast Food Restaurant	§ 790.90	C #	C #	-	
731.44	Small Self-Service Restaurant	§ 790.91	P #	P #	-	
731.45	Liquor Store	§ 790.55	-	-	-	
731.46	Movie Theater	§ 790.64	P	P	-	
731.47	Adult Entertainment	§ 790.36	C	C	-	
731.48	Other Entertainment	§ 790.38	P	P	-	
731.49	Financial Service	§ 790.110	P	P	-	
731.50	Limited Financial Service	§ 790.112	P	P	-	
731.51	Medical Service	§ 790.114	P	P	P	
731.52	Personal Service	§ 790.116	P	P	P	
731.53	Business or Professional Service	§ 790.108	P	P	P	
731.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	-	
731.55	Tourist Hotel	§ 790.46	C	C	C	
731.56	Automobile Parking	§§ 790.8, 156, 158.1,	C	C	C	

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731.57	Automobile Gas Station	§ 790.14	C	-	-
731.58	Automotive Service Station	§ 790.17	C	-	-
731.59	Automotive Repair	§ 790.15	C	C	-
731.60	Automotive Wash	§ 790.18	C	-	-
731.61	Automobile Sale or Rental	§ 790.12	C	-	-
731.62	Animal Hospital	§ 790.6	C	C	-
731.63	Ambulance Service	§ 790.2	C	-	-
731.64	Mortuary	§ 790.62	C	C	C
731.65	Trade Shop	§ 790.124	P	C	C
731.66	Storage	§ 790.117	C	C	C
731.67	Video Store	§ 790.135	C	C	C
731.68	Fringe Financial Services	§ 790.11	P	P	P
731.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
731.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
731.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
731.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
731.70	Administrative Service	§ 790.106	C	C	C
731.80	Hospital or Medical Center	§ 790.44	C	C	C
731.81	Other Institutions, Large	§ 790.50	P	P	P
731.82	Other Institutions, Small	§ 790.51	P	P	P
731.83	Public Use	§ 790.80	C	C	C
731.84	Medical Cannabis Dispensary	§ 790.141	P #	-	-
RESIDENTIAL STANDARDS AND USES					
731.90	Residential Use	§ 790.88	P, except	P	P

			C for frontages listed in 145.1(d)		
731.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
731.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, 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		
731.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
731.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	None required. P up to 0.5; C up to 0.75. Not permitted above .75 cars for each dwelling unit. § 151.1, 166, 167, 145.1		
731.95	Community Residential Parking	§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 731.30 § 731.31 § 731.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
		Boundaries: Applicable only

		for the portion of the Market Street NCT-3 District from Octavia to Church Streets as mapped on Sectional Map SSD
		Controls: Special restrictions and limitations for signs
§ 731.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-3 District may only operate between the hours of 8 am and 10 pm.
<u>§ 731.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-3 Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u>

Sec. 48. The San Francisco Planning Code is hereby amended by amending Section 732.1, to read as follows:

SEC. 732.1. - PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

The Pacific Avenue Neighborhood Commercial District, on Pacific Avenue from just east of Polk Street to all four corners of Pacific Avenue and Jones Street, is situated on the north slope of the Nob Hill neighborhood and south of the Broadway Tunnel. Pacific Avenue is

1 a multi-purpose, small-scale mixed-use neighborhood shopping district on a narrow street that
 2 provides limited convenience goods to the adjacent neighborhoods.

3 The Pacific Avenue Neighborhood Commercial District controls are designed to
 4 promote a small, neighborhood serving mixed-use commercial street that preserves the
 5 surrounding neighborhood residential character. These controls are intended to preserve
 6 livability in a largely low-rise development residential neighborhood, enhance solar access on
 7 a narrow street right-of-way and protect residential rear yard patterns at the ground floor.

8 **SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 9 **ZONING CONTROL TABLE**

		Pacific Avenue NCD	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
732.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, <u>261.1</u> , 270, 271	40-X <i>Height Sculpting on Alleys: § 261.1</i> See Zoning Map
732.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
732.12	Rear Yard	§§ 130, 134, 136	45% required at the first story and above and at all residential levels § 134(c)
732.13	Street Frontage		Required § 145.1
732.14	Awning	§ 790.20	P § 136.1(a)
732.15	Canopy	§ 790.26	P § 136.1(b)
732.16	Marquee	§ 790.58	P § 136.1(c)
732.17	Street Trees		Required § 143-138.1

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

1	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
2	732.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.5 to 1 § 124(a) (b)
3	732.21	Use Size [Non-Residential]	§ 790.130	P up to 1,999 sq. ft.; C# 2,000 sq. ft. & above § 121.2
4				
5	732.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	Generally, none required if occupied floor area is less than 2,000 sq. ft. §§ 151, 161(g)
6				
7				
8				
9	732.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
10				
11				
12	732.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
13				
14				
15	732.25	Drive-Up Facility	§ 790.30	
16	732.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
17				
18	732.27	Hours of Operation	§ 790.48	P 6 a.m. - 10 p.m.; C 10 p.m. - 2 a.m.
19				
20	732.30	General Advertising Sign	§§ 262, 602-604, 608, 609	
21	732.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(f) 2
22	732.32	Other Signs	§§ 262, 602-604, 608, 609	P § 607.1(c) (d) (g)
23	732.38	Residential Conversion	§ 790.84	C
24	732.39	Residential Demolition	§ 790.86	C
25	Retail Sales and Services			

1	732.40	Other Retail Sales and Services [Not Listed Below]	\$ 790.102	P	C
2	732.41	Bar	\$ 790.22		
3	732.42	Full-Service Restaurant	\$ 790.92	C	
4	732.43	Large Fast Food Restaurant	\$ 790.90		
5	732.44	Small Self-Service Restaurant	\$ 790.91		
6	732.45	Liquor Store	\$ 790.55		
7	732.46	Movie Theater	\$ 790.64		
8	732.47	Adult Entertainment	\$ 790.36		
9	732.48	Other Entertainment	\$ 790.38		
10	732.49	Financial Service	\$ 790.110	C	
11	732.50	Limited Financial Service	\$ 790.112	P	
12	732.51	Medical Service	\$ 790.114	C	C
13	732.52	Personal Service	\$ 790.116	P	C
14	732.53	Business or Professional Service	\$ 790.108	P	C
15	732.54	Massage Establishment	\$ 790.60, \$ 2700 Police Code		
16	732.55	Tourist Hotel	\$ 790.46		
17	732.56	Automobile Parking	\$\$ 790.8, 156, 160	C	
18	732.57	Automotive Gas Station	\$ 790.14		
19	732.58	Automotive Service Station	\$ 790.17		
20	732.59	Automotive Repair	\$ 790.15	C	
21	732.60	Automotive Wash	\$ 790.18		
22	732.61	Automobile Sale or Rental	\$ 790.12		
23	732.62	Animal Hospital	\$ 790.6		
24	732.63	Ambulance Service	\$ 790.2		
25	732.64	Mortuary	\$ 790.62		
	732.65	Trade Shop	\$ 790.124	C	
	732.66	Storage	\$ 790.117		
	732.67	Video Store	\$ 790.135	C	
	732.68	Fringe Financial Service	\$ 790.111	P	
	732.69	Tobacco Paraphernalia Establishments	\$ 790.123	C	
	732.69A	Self-Service Specialty Food	\$ 790.93		
	732.69B	Amusement Game Arcade (Mechanical Amusement Devices)	\$ 790.04		

732.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
732.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C

Institutions and Non-Retail Sales and Services

732.70	Administrative Service	§ 790.106			
732.80	Hospital or Medical Center	§ 790.44			
732.81	Other Institutions, Large	§ 790.50			
732.82	Other Institutions, Small	§ 790.51	C		
732.83	Public Use	§ 790.80	C		

RESIDENTIAL STANDARDS AND USES

732.90	Residential Use	§ 790.88	P	P	P
732.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 1,000 sq. ft. lot area § 207.4		
732.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
732.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft if private, or 133 sq. ft. if common § 135(d)		
732.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
732.95	Community Residential Parking	§ 790.10	C		

SPECIFIC PROVISIONS FOR THE PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 732.68	§ 249.35	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer</u>

includes, but is not limited to, the Pacific Avenue Neighborhood Commercial District.

Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Sec. 49. The San Francisco Planning Code is hereby amended by amending Section 733.1, to read as follows:

SEC. 733.1. - UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Upper Market Street Neighborhood Commercial Transit District is located on Market Street from Church to Noe Streets, and on side streets off Market. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street Transit District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

This district is well served by transit and is anchored by the Market Street subway (with stations Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key

1 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
2 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
3 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
4 coverage, and standards for residential uses, including open space and exposure, and urban
5 design guidelines. Residential parking is not required and generally limited. Commercial
6 establishments are discouraged or prohibited from building accessory off-street parking in
7 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
8 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
9 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
10 character and transit function.

11 The Upper Market Street district controls are designed to promote moderate-scale
12 development which contributes to the definition of Market Street's design and character. They
13 are also intended to preserve the existing mix of commercial uses and maintain the livability of
14 the district and its surrounding residential areas. Large-lot and use development is reviewed
15 for consistency with existing development patterns. Rear yards are protected at all levels. To
16 promote mixed-use buildings, most commercial uses are permitted with some limitations
17 above the second story. In order to maintain continuous retail frontage and preserve a
18 balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged,
19 and eating and drinking, entertainment, and financial service uses are limited. Ground floor-
20 commercial space is required along Market and Church Streets. Most automobile and drive-
21 up uses are prohibited or conditional.

22 Housing development in new buildings is encouraged above the second story. Existing
23 upper-story residential units are protected by limitations on demolitions and upper-story
24 conversions.

**SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT ZONING CONTROL TABLE**

		Upper Market Street	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
733.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map: Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40- X and 50-X; § 263.18
733.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
733.12	Rear Yard	§§ 130, 134, 136	Required from grade level and above § 134(a) (e)
733.13	Street Frontage	-	Required § 145.1
733.13a	Street Frontage, Above- Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
733.13b	Street Frontage, Required Ground Floor Commercial		Market Street; Church Street § 145.1(d)
733.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street, Church Street
733.14	Awning	§ 790.20	P § 136.1(a)
733.15	Canopy	§ 790.26	P § 136.1(b)
733.16	Marquee	§ 790.58	P § 136.1(c)
733.17	Street Trees	-	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
733.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)

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733.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
733.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above. §§ 151.1, 166, 145.1
733.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152.161(b)
733.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
733.25	Drive-Up Facility	§ 790.30	-

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

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
733.38	Residential Conversion	§§ 790.84, 207.7	C	C	-
733.39	Residential Demolition	§§ 790.86, 207.7	C	C	C
733.39a	Residential Division	§ 207.6-8	P	P	P
Retail Sales and Services					
733.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	-
733.41	Bar	§ 790.22	C	-	-
733.42	Full-Service Restaurant	§ 790.92	C	-	-
733.43	Large Fast Food Restaurant	§ 790.90	-	-	-
733.44	Small Self- Service Restaurant	§ 790.91	C	-	-
733.45	Liquor Store	§ 790.55	C	-	-
733.46	Movie Theater	§ 790.64	P	-	-
733.47	Adult Entertainment	§ 790.36	-	-	-
733.48	Other Entertainment	§ 790.38	C#	-	-
733.49	Financial Service	§ 790.110	C	C	-
733.50	Limited Financial Service	§ 790.112	P	-	-
733.51	Medical Service	§ 790.114	P	P	C
733.52	Personal Service	§ 790.116	P	P	C

1	733.53	Business or Professional Service	§ 790.108	P	P	C
2	733.54	Massage Establishment	§ 790.60, Police Code § 2700	C	C	-
3	733.55	Tourist Hotel	§ 790.46	C	C	C
4	733.56	Automobile Parking	§§ 790.8, 145.1, 156, 158.1, 160, 166	C	C	C
5	733.57	Automotive Gas Station	§ 790.14	-	-	-
6	733.58	Automotive Service Station	§ 790.17	-	-	-
7	733.59	Automotive Repair	§ 790.15	C	-	-
8	733.60	Automotive Wash	§ 790.18	-	-	-
9	733.61	Automobile Sale or Rental	§ 790.12	-	-	-
10	733.62	Animal Hospital	§ 790.6	C	-	-
11	733.63	Ambulance Service	§ 790.2	-	-	-
12	733.64	Mortuary	§ 790.62	-	-	-
13	733.65	Trade Shop	§ 790.124	P	C	-
14	733.66	Storage	§ 790.117	-	-	-
15	733.67	Video Store	§ 790.135	C	C	-
16	733.68	Fringe Financial Service	§ 790.111	P		
17	733.69A	Self-Service Specialty Food	§ 790.93	C		
18	733.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
19	733.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
20	733.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
21	Institutions and Non-Retail Sales and Services					
22	733.70	Administrative Service	§ 790.106	-	-	-
23	733.80	Hospital or Medical Center	§ 790.44	-	-	-
24	733.81	Other Institutions, Large	§ 790.50	P	C	C
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1	733.82	Other Institutions, Small	§ 790.51	P	P	P
2	733.83	Public Use	§ 790.80	C	C	C
3	733.84	Medical Cannabis Dispensary	§ 790.141	P	-	-
4	RESIDENTIAL STANDARDS AND USES					
5	733.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
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8	733.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
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15	733.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, 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		
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23	733.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)		
24	733.94	Off-Street Parking,	§§ 150, 153—157, 159—160,	None required. P up to 0.5; C up to .75. Not permitted		
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	Residential	204.5	above .75 cars for each dwelling unit. § 151.1		
733.95	Community Residential Parking	§§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 733.31 § 733.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Upper Market Street NCT as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 733.48	-	Boundaries: Applicable for the Upper Market Street NCT; Controls: Existing bars in the Upper Market Street Neighborhood Commercial Transit District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment

use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.

§ 733.68

§ 249.35

FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Upper Market Street NCT Neighborhood Commercial District.
Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in

Sec. 50. The San Francisco Planning Code is hereby amended by amending Section 733A.1, to read as follows:

SEC. 733A.1. NCT-1 NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.

NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. NCT-1 Districts are located near major transit services. They are small mixed-use clusters, generally surrounded by residential districts, with small-scale neighborhood-serving commercial uses on lower floors and housing above. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including

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

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

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

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

**SEC. 733A NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1
ZONING CONTROL TABLE**

		NCT-1	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
733A.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 270, 271	<i>Height Sculpting on Alleys: § 261.1</i> Varies See Zoning Map.
733A.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
733A.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a)(e)
733A.13	Street Frontage		Required § 145.1
733A.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
733A.13b	Street Frontage, Required Ground Floor Commercial		Geneva Avenue, § 145.4
733A.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Geneva Avenue
733A.14	Awning	§ 790.20	P § 136.1(a)
733A.15	Canopy	§ 790.26	
733A.16	Marquee	§ 790.58	
733A.17	Street Trees		Required § 143 <u>138.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
733A.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a)(b)
733A.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
733A.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	§§ 151.1, 166, 145.1 None required. Amount permitted varies by use; see Table 151.1. For retail uses, P up to 1 space per 1,500 feet of occupied floor

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			area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above.		
733A.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)		
733A.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
733A.25	Drive-Up Facility	§ 790.30			
733.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
733A.27	Hours of Operation	§ 790.48	P 6 a.m.—11 p.m.; C 11 p.m.—2 a.m.		
733A.30	General Advertising Sign	§§ 262, 602—604, 608, 609			
733A.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)1		
733A.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c)(d)(g)		
No.	Zoning Category	§ References	NCT-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
733A.38	Residential	§ 790.84	P		

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	Conversion				
733A.39	Residential Demolition	§ 790.86	C	C	C
733A.39a	Residential Division	§ 207.6-8	P	P	P
Non-Retail Sales and Services					
733A.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #		
733A.41	Bar	§ 790.22	P #		
733A.42	Full-Service Restaurant	§ 790.92	P #		
733A.43	Large Fast Food Restaurant	§ 790.90			
733A.44	Small Self-Service Restaurant	§ 790.91	C #		
733A.45	Liquor Store	§ 790.55	P		
733A.46	Movie Theater	§ 790.64			
733A.47	Adult Entertainment	§ 790.36			
733A.48	Other Entertainment	§ 790.38	C		
733A.49	Financial Service	§ 790.110			
733A.50	Limited Financial Service	§ 790.112	P		
733A.51	Medical Service	§ 790.114	P		
733A.52	Personal Service	§ 790.116	P		
733A.53	Business or Professional Service	§ 790.108	P		
733A.54	Massage Establishment	§ 790.60, § 1900 Health Code			
733A.55	Tourist Hotel	§ 790.46			
733A.56	Automobile Parking	§§ 790.8, 156, 160	C		
733A.57	Automotive Gas Station	§ 790.14			
733A.58	Automotive Service Station	§ 790.17			
733A.59	Automotive Repair	§ 790.15			
733A.60	Automotive Wash	§ 790.18			
733A.61	Automobile Sale or	§ 790.12			

	Rental				
1	733A.62	Animal Hospital	§ 790.6		
2	733A.63	Ambulance Service	§ 790.2		
3	733A.64	Mortuary	§ 790.62		
4	733A.65	Trade Shop	§ 790.124	P	
5	733A.66	Storage	§ 790.117		
6	733A.67	Video Store	§ 790.135	C	
7	<u>733A.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>	
8	<u>733A.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P#</u>	
9	<u>733A.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>		
10	733A.69C	Neighborhood Agriculture	§ 102.35(a)	P	P P
11	733A.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C C
Institutions and Non-Retail Sales and Services					
12	733A.70	Administrative Service	§ 790.106		
13	733A.80	Hospital or Medical Center	§ 790.44		
14	733A.81	Other Institutions, Large	§ 790.50	P	C
15	733A.82	Other Institutions, Small	§ 790.51	P	P P
16	733A.83	Public Use	§ 790.80	C	C C
17	733A.84	Medical Cannabis Dispensary	§ 790.141	P#	
RESIDENTIAL STANDARDS AND USES					
18	733A.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P P
19	733A.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and	

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			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
733A.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, 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
733A.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)
733A.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit. § 151.1, 166, 167, 145.1
733A.95	Community Residential Parking	§ 790.10	C C C

SPECIFIC PROVISIONS FOR NCT- 12 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 733A.40 § 733A.41 § 733A.42		Boundaries: All NCT-1 Districts

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		<p>Controls: P if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control</p>
§ 733A.44		<p>Boundaries: All NCT-1 Districts</p> <p>Controls: C if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control</p>
<u>§ 733A.141</u>	<u>§ 790.141</u>	<p><i>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation and have obtained a final permit to operate by March 1, 2008 are permitted</i></p>
<u>§ 733A.68</u>	<u>§ 249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries:</u> <i>The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-1 Neighborhood Commercial District.</i></p> <p><u>Controls:</u> <i>Within the FFSRUD and its 1/4mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the</i></p>

FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

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5 Sec. 51. The San Francisco Planning Code is hereby amended by amending Section
6 734.1, to read as follows:

7 **SEC. 734.1. NC-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**
8 **DISTRICT.**

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

24 NCT-2 Districts are intended to provide convenience goods and services to the
25 surrounding neighborhoods as well as limited comparison shopping goods for a wider market.

The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls provide for mixed-use buildings, which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

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

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

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

		NCT-2	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
734.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 263.18, 270, 271	See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X <i>Height Sculpting on Alleys: § 261.1</i>
734.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
734.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all

			residential levels § 134(a)(e)
734.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
734.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply Geneva Avenue
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply NP: Geneva Avenue
734.14	Awning	§ 790.20	P § 136.1(a)
734.15	Canopy	§ 790.26	P § 136.1(b)
734.16	Marquee	§ 790.58	P § 136.1(c)
734.17	Street Trees		Required § 143 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
734.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) and (b)
734.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
734.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1.
734.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
734.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
734.25	Drive-Up Facility	§ 790.30	
734.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
734.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
734.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
734.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
734.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)

No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
734.37	Residential Conversion	§§ 790.84, 207.7	C	C	
734.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Non-Retail Sales and Services					
734.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
734.41	Bar	§ 790.22	P		
734.42	Full-Service Restaurant	§ 790.92	P		
734.43	Large Fast Food Restaurant	§ 790.90	C		
734.44	Small Self-Service Restaurant	§ 790.91	P		
734.45	Liquor Store	§ 790.55	P		
734.46	Movie Theater	§ 790.64	P		
734.47	Adult Entertainment	§ 790.36			
734.48	Other Entertainment	§ 790.38	P		
734.49	Financial Service	§ 790.110	P	C	
734.50	Limited Financial Service	§ 790.112	P		
734.51	Medical Service	§ 790.114	P	P	
734.52	Personal Service	§ 790.116	P	P	
734.53	Business or Professional Service	§ 790.108	P	P	
734.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
734.55	Tourist Hotel	§ 790.46	C	C	C

1	734.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
2	734.57	Automotive Gas Station	§ 790.14	C		
3	734.58	Automotive Service Station	§ 790.17	C		
4	734.59	Automotive Repair	§ 790.15	C		
5	734.60	Automotive Wash	§ 790.18			
6	734.61	Automobile Sale or Rental	§ 790.12			
7	734.62	Animal Hospital	§ 790.6	C		
8	734.63	Ambulance Service	§ 790.2			
9	734.64	Mortuary	§ 790.62			
9	734.65	Trade Shop	§ 790.124	P	C	
10	734.66	Storage	§ 790.117			
10	734.67	Video Store	§ 790.135	C	C	
11	<u>734.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
13	<u>734.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
14	<u>734.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
16	734.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
17	734.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
18	Institutions and Non-Retail Sales and Services					
19	734.70	Administrative Service	§ 790.106			
20	734.80	Hospital or Medical Center	§ 790.44			
21	734.81	Other Institutions, Large	§ 790.50	P	C	C
22	734.82	Other Institutions, Small	§ 790.51	P	P	P
23	734.83	Public Use	§ 790.80	C	C	C
24	734.84	Medical Cannabis Dispensary	§ 790.141	P #		

RESIDENTIAL STANDARDS AND USES

734.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
734.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6		
734.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
734.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
734.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit., §§ 151.1, 166, 167, 145.1		
734.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 734.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-2

		District may only operate between the hours of 8 a.m. and 10 p.m.
<u>§ 734.68</u>	<u>§249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u> <u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the NCT-2 Neighborhood Commercial District.</u> <u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u>

Sec. 52. The San Francisco Planning Code is hereby amended by amending Section 735.1, to read as follows:

SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located along the 6th Street and Folsom Street corridors in the South of Market. The commercial area provides a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The SoMa NCT has a pattern of ground floor commercial and upper story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. Active, neighborhood-serving

1 commercial development is required at the ground story, curb cuts are prohibited and ground
 2 floor transparency and fenestration adds to the activation of the ground story. While offices
 3 and general retail sales uses may locate on the second story or above of new buildings, most
 4 commercial uses are prohibited above the second story. In order to protect the balance and
 5 variety of retail use, bars and liquor stores are allowed with a conditional use. Continuous
 6 retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new
 7 non-retail commercial uses. Above-ground parking is required to be setback or below ground.
 8 Active, pedestrian-oriented ground floor uses are required.

9 Housing development in new buildings is encouraged above the ground story. Housing
 10 density is not controlled by the size of the lot or by density controls, but by bedroom counts.
 11 Given the area's central location and accessibility to the City's transit network, parking for
 12 residential and commercial uses is not required.

13 **SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 14 **ZONING CONTROL TABLE**

No.	Zoning Category	SoMa § References	Controls
BUILDING STANDARDS			
735.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , 270, 271	See Zoning Map. <i>Height Sculpting on Alleys: § 261.1</i>
735.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
735.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
735.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
735.13a	Street Frontage, Above- Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
735.13b	Street Frontage,	§ 145.4	Requirements apply

	Required Ground Floor Commercial		
735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
735.14	Awning	§ 790.20	P § 136.1(a)
735.15	Canopy	§ 790.26	P § 136.1(b)
735.16	Marquee	§ 790.58	P § 136.1(c)
735.17	Street Trees		Required § 143 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
735.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a), (b);
735.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
735.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1.
735.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
735.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
735.25	Drive-Up Facility	§ 790.30	
735.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
735.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
735.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
735.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
735.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)

No.	Zoning Category	§ References	SoMa		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+

1	735.37	Residential Conversion	§§ 790.84, 207.7	C	C	-
2	735.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
3	735.39	Residential Division	§ 207.8	P	P	P
4	Retail Sales and Services					
5	735.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
6						
7	735.41	Bar	§ 790.22	C		
8	735.42	Full-Service Restaurant	§ 790.92	P		
9	735.43	Large Fast Food Restaurant	§ 790.90	C		
10	735.44	Small Self-Service Restaurant	§ 790.91	P		
11	735.45	Liquor Store	§ 790.55	C		
12	735.46	Movie Theater	§ 790.64	P		
13	735.47	Adult Entertainment	§ 790.36			
14	735.48	Other Entertainment	§ 790.38	NP		
15	735.49	Financial Service	§ 790.110	P	C	
16	735.50	Limited Financial Service	§ 790.112	P		
17	735.51	Medical Service	§ 790.114	P	P	
18	735.52	Personal Service	§ 790.116	P	P	
19	735.53	Business or Professional Service	§ 790.108	P	P	
20	735.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
21						
22	735.55	Tourist Hotel	§ 790.46	C	C	C
23	735.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
24	735.57	Automotive Gas Station	§ 790.14	C		
25	735.58	Automotive Service Station	§ 790.17	C		

1	735.59	Automotive Repair	§ 790.15	C		
2	735.60	Automotive Wash	§ 790.18			
3	735.61	Automobile Sale or Rental	§ 790.12			
4	735.62	Animal Hospital	§ 790.6	C		
5	735.63	Ambulance Service	§ 790.2			
6	735.64	Mortuary	§ 790.62			
7	735.65	Trade Shop	§ 790.124	P	C	
8	735.66	Storage	§ 790.117			
9	735.67	Video Store	§ 790.135	P	P	
10	<u>735.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
11	<u>735.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
12	<u>735.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
13	735.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
14	735.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services						
15	735.70	Administrative Service	§ 790.106			
16	735.80	Hospital or Medical Center	§ 790.44			
17	735.81	Assembly and Social Service	§ 790.50(a)	P	P	P
18	735.82	Other Institutions, Large, except Assembly and Social Service	§ 790.50(b) — (e)	C	C	C
19	735.83	Other Institutions, Small	§ 790.51	P	P	P
20	735.84	Public Use	§ 790.80	P	P	P
21	735.85	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES						
22	735.90	Residential Use	§ 790.88	P, except	P	P

			C for frontages listed in 145.4		
735.90A	Single-Room Occupancy (SRO) Unit	§ 890.88	P	P	P
735.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No density limit.		
735.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
735.93	Usable Open Space [<i>Per Residential Unit</i>]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
735.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
735.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR *NCT-2* SOMA TRANSIT DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 735.8 <u>5</u> .4, 790.141	Health Code § 3308	Medical cannabis dispensaries in the SoMa NCT District may only operate between the hours of 8 a.m. and 10 p.m.
<u>§ 735.68</u>	<u>§249.35</u>	<u><i>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</i></u> <u><i>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the SoMa Neighborhood Commercial District.</i></u> <u><i>Controls: Within the FFSRUD and its 1/4mile</i></u>

buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

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6 Sec. 53. The San Francisco Planning Code is hereby amended by amending Section
7 736.1, to read as follows:

8 **SEC. 736.1. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

9 The Mission Street Commercial Transit District is located near the center of San
10 Francisco in the Mission District. It lies along Mission Street between 15th and Cesar Chavez
11 (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd Street, and
12 Cesar Chavez Street. The commercial area of this District provides a selection of goods
13 serving the day-to-day needs of the residents of the Mission District. Additionally, this District
14 serves a wider trade area with its specialized retail outlets. Eating and drinking establishments
15 contribute to the street's mixed-use character and activity in the evening hours.

16 The District is extremely well-served by transit, including regional-serving BART
17 stations at 16th Street and 24th Street, major buses running along Mission Street, and both
18 cross-town and local-serving buses intersecting Mission along the length of this district. Given
19 the area's central location and accessibility to the City's transit network, accessory parking for
20 residential uses is not required. Any new parking is required to be set back or be below
21 ground.

22 This District has a mixed pattern of larger and smaller lots and businesses, as well as a
23 sizable number of upper-story residential units. Controls are designed to permit moderate-
24 scale buildings and uses, protecting rear yards above the ground story and at residential
25 levels. New neighborhood-serving commercial development is encouraged mainly at the

1 ground story. While offices and general retail sales uses may locate at the second story of
 2 new buildings under certain circumstances, most commercial uses are prohibited above the
 3 second story. Continuous retail frontage is promoted by requiring ground floor commercial
 4 uses in new developments and prohibiting curb cuts. Housing development in new buildings is
 5 encouraged above the ground story. Housing density is not controlled by the size of the lot but
 6 by requirements to supply a high percentage of larger units and by physical envelope controls.
 7 Existing residential units are protected by prohibitions on upper-story conversions and
 8 limitations on demolitions, mergers, and subdivisions.

**SEC. 736. MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
 ZONING CONTROL TABLE**

		Mission Street <i>NCT</i>	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
736.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18
736.11	Lot Size [Per Development]	§§790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
736.12	Rear Yard	§§130, 134, 136	Required at residential levels only § 134(a)(e)
736.13	Street Frontage		Required § 145.1
736.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floor above § 145.1(c), (e)
736.13b	Street Frontage, Required Ground Floor Commercial		Required along Mission St. § 145.1 4

1	736.13c	Street Frontage, Parking and Loading access restrictions		NP along Mission St. § 155(r)		
2	736.14	Awning	§ 790.20	P § 136.1(a)		
3	736.15	Canopy	§ 790.26	P § 136.1(b)		
4	736.16	Marquee	§ 790.58	P § 136.1(c)		
5	736.17	Street Trees		Required § 143		
6	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES					
7	736.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a)(b)		
8	736.21	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2		
9	736.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1 §§ 151.1, 166, 145.1		
10	736.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)		
11	736.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
12	736.25	Drive-Up Facility	§ 790.30	NP		
13	736.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
14	736.27	Hours of Operation	§ 790.48	No Limit		
15	736.30	General Advertising Sign	§§ 262, 602-604, 608, 609	P § 607.1(e)2		
16	736.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(f)3		
17	736.32	Other Signs	§§ 262, 602-604, 608, 609	P § 607.1(c), (d), (g)		
18	No.	Zoning Category	§ References	Mission Street		
19				Controls by Story		
20			§ 790.118	1st	2nd	3rd+
21	736.37	Residential Conversion	§§ 790.84, 207.7	C	C	C
22	736.38	Residential Demolition	§§ 790.86, 207.7	C	C	C

1	737 6.39	Residential Division	§ 207.8	P	P	P
	Retail Sales and Services					
2	736.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	P
3						
4	736.41	Bar	§ 790.22	P	P	
5	736.42	Full-Service Restaurant	§ 790.92	P	P	
6	736.43	Large Fast Food Restaurant	§ 790.90			
7	736.44	Small Self-Service Restaurant	§ 790.91	C		
8	736.45	Liquor Store	§ 790.55			
9	736.46	Movie Theater	§ 790.64	P	P	
10	736.47	Adult Entertainment	§ 790.36	C	C	
11	736.48	Other Entertainment	§ 790.38	P	P	
12	736.49	Financial Service	§ 790.110	P	P	
13	736.50	Limited Financial Service	§ 790.112	P	P	
14	736.51	Medical Service	§ 790.114	P	P	P
15	736.52	Personal Service	§ 790.116	P	P	P
16	736.53	Business or Professional Service	§ 790.108	P	P	P
17	736.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	
18	736.55	Tourist Hotel	§ 790.46	C	C	C
19	736.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	NP	NP	NP
20	736.57	Automotive Gas Station	§ 790.14	C		
21	736.58	Automotive Service Station	§ 790.17	C		
22	736.59	Automotive Repair	§ 790.15	C	C	
23	736.60	Automotive Wash	§ 790.18	C		
24	736.61	Automobile Sale or Rental	§ 790.12	C		
25	736.62	Animal Hospital	§ 790.6	C	C	

1	736.63	Ambulance Service	§ 790.2	C		
2	736.64	Mortuary	§ 790.62	C	C	C
3	736.65	Trade Shop	§ 790.124	P	C	C
4	736.66	Storage	§ 790.117	NP	NP	NP
5	736.67	Video Store	§ 790.135	C	C	C
6	736.68	Fringe Financial	§ 790.111	#	#	#
7	<u>736.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
8	<u>736.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
9	<u>736.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
10	736.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
11	736.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services						
12	736.70	Administrative Service	§ 790.106	C	C	C
13	736.80	Hospital or Medical Center	§ 790.44	C	C	C
14	736.81	Other Institutions, Large	§ 790.50	P	P	P
15	736.82	Other Institutions, Small	§ 790.51	P	P	P
16	736.83	Public Use	§ 790.80	C	C	C
17	736.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES						
18	736.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
19	736.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines,		

			applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
736.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, 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		
736.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
736.94	Off-Street Parking, Residential	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
736.95	Community Residential Parking	§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§736.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its 1/2 mile buffer includes, but is not limited to, the Mission Street Neighborhood Commercial Transit District.</p> <p>Controls: Within the FFSRUD and its 1/2 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/2 mile</p>

		buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
§ 736.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.

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7 Sec. 54. The San Francisco Planning Code is hereby amended by amending Section
8 737.1, to read as follows:

9 **SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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

21 The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one-
22 and two-story retail district to include neighborhood-serving commercial uses on lower floors
23 and housing above. Housing density is limited not by lot area, but by the regulations on the
24 built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards
25 for residential uses, including open space and exposure, and urban design guidelines. Access

(i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit function of the street. Residential and commercial parking are not required.

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

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

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

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

SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

		Ocean Ave. <i>NCT</i>	
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
737.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> 270, 271	Generally, 45-X See Zoning Map <i>Height Sculpting on Alleys: § 261.1</i>
737.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft.

			& above § 121.1
1	737.11b	Lot Consolidation	§ 121.6
2			Not Permitted except to create corner lots per § 121.6
3	737.12	Rear Yard	§§ 130, 134, 136
4			Required at the second story and above and at all residential levels § 134(a)(e)
5	737.13	Street Frontage	Required § 145.1
6	737.13a	Street Frontage, Above- Grade Parking Setback and Active Uses	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c)
7	737.13b	Street Frontage, Required Ground Floor Commercial	Ocean Avenue § 145.4
8	737.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r) NP: Ocean Avenue
9	737.14	Awning	§ 790.20
10	737.15	Canopy	§ 790.26
11	737.16	Marquee	§ 790.58
12	737.17	Street Trees	Required § 143 138.1
13	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
14	737.20	Floor Area Ratio	§§ 102.9, 102.11, 123
15			2.5 to 1 § 124(a)(b)
16	737.21	Use Size [Non- Residential]	§ 790.130
17			P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
18	737.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159-160, 204.5
19			§§ 151.1, 166, 145.1 None required. Amount permitted varies by use; see Table 151.1. For retail uses, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of §
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			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.		
737.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)		
737.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)		
737.25	Drive-Up Facility	§ 790.30			
737.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)		
737.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.		
737.30	General Advertising Sign	§§ 262, 602—604, 608, 609	P § 607.1(e)1		
737.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2		
737.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c)(d)(g)		
No.	Zoning Category	§ References	Ocean Ave		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
737.37 37.38	Residential Conversion	§ 790.84	C	C	
737.39	Residential Demolition	§ 790.86	C	C	C
737.39a	Residential Division	§ 207.6-8	P	P	P
Non-Retail Sales and Services					
737.40	Other Retail Sales and	§ 790.102	P	P	

1		Services [Not Listed Below]				
2	737.41	Bar	§ 790.22	P		
3	737.42	Full-Service Restaurant	§ 790.92	P		
4	737.43	Large Fast Food Restaurant	§ 790.90			
5	737.44	Small Self-Service Restaurant	§ 790.91	P		
6	737.45	Liquor Store	§ 790.55	P		
7	737.46	Movie Theater	§ 790.64	P		
8	737.47	Adult Entertainment	§ 790.36			
9	737.48	Other Entertainment	§ 790.38	P		
9	737.49	Financial Service	§ 790.110	P	C	
10	737.50	Limited Financial Service	§ 790.112	P		
11	737.51	Medical Service	§ 790.114	P	P	
12	737.52	Personal Service	§ 790.116	P	P	
12	737.53	Business or Professional Service	§ 790.108	P	P	
13	737.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
14	737.55	Tourist Hotel	§ 790.46	C	C	C
15	737.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
16	737.57	Automotive Gas Station	§ 790.14	C		
17	737.58	Automotive Service Station	§ 790.17	C		
18	737.59	Automotive Repair	§ 790.15	C		
19	737.60	Automotive Wash	§ 790.18			
20	737.61	Automobile Sale or Rental	§ 790.12			
21	737.62	Animal Hospital	§ 790.6	C		
22	737.63	Ambulance Service	§ 790.2			
23	737.64	Mortuary	§ 790.62			
24	737.65	Trade Shop	§ 790.124	P	C	
25	737.66	Storage	§ 790.117			

1	737.67	Video Store	§ 790.135	C	C	
2	737.68	Neighborhood Agriculture	§102.3435(a)	P	P	P
3	737.68A	Large Scale Urban Agriculture	§102.3435(b)	C	C	C
4	<u>737.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
5	<u>737.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
6	<u>737.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
7						
8	<u>737.69C</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
9	<u>737.69D</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>
10	Institutions and Non-Retail Sales and Services					
11	737.70	Administrative Service	§ 790.106			
12	737.80	Hospital or Medical Center	§ 790.44			
13	737.81	Other Institutions, Large	§ 790.50	P	C	C
14	737.82	Other Institutions, Small	§ 790.51	P	P	P
15	737.83	Public Use	§ 790.80	C	C	C
16	737.84	Medical Cannabis Dispensary	§ 790.141	P #		
17	RESIDENTIAL STANDARDS AND USES					
18	737.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
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20	737.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and		
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			design review by the Planning Department. § 207.4, 207.6
737.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, 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
737.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)
737.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	P up to one car for each unit; NP above. § 151.1, 166, 167, 145.1
737.95	Community Residential Parking	§ 790.10	C C C

SPECIFIC PROVISIONS FOR THE OCEAN AVENUE NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 737.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in the Ocean Avenue NCT District may only operate between the hours of 8 a.m. and 10 p.m.
<u>§ 737.68</u>	<u>§ 249.35</u>	<i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></i> <i><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Ocean Avenue NCT Neighborhood Commercial District.</u></i> <i><u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe</u></i>

financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

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6 Sec. 55. The San Francisco Planning Code is hereby amended by amending Section
7 781.8 to read as follows:

8 **SEC. 781.8.** *For controls for the Mission Alcoholic Beverage Special Use District see Section*
9 *249.60.*

10 **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

11 There is an unusually large number of establishments dispensing alcoholic beverages,
12 including beer and wine, for both on-site and off-site consumption in this area. The existence
13 of this many alcoholic beverage establishments appears to contribute directly to numerous
14 peace, health, safety and general welfare problems in the area, including loitering, littering,
15 drug trafficking, prostitution, public drunkenness, defacement and damaging of structures,
16 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public
17 streets and neighborhood lots. The existence of such problems creates serious impacts on
18 the health, safety and welfare of residents of nearby single- and multiple-family areas,
19 including fear for the safety of children, elderly residents and of visitors to the area. The
20 problems also contribute to the deterioration of the neighborhood and concomitant
21 devaluation of property and destruction of community values and quality of life. The number of
22 establishments selling alcoholic beverages and the associated problems discourage more
23 desirable and needed commercial uses in the area. In order to preserve the residential
24 character and the neighborhood-serving commercial uses of the area, there shall be a Mission
25 Alcoholic Beverage Special Use Subdistrict to prohibit new establishments, or expansion of

1 existing establishments, selling alcoholic beverages for the property in the area generally
2 bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez
3 Street, Potrero Avenue and Fourteenth Street as designated on Sectional Map Numbers 7SU
4 and 8SU.

5 The following restrictions shall apply within such district:

6 (a) **Prohibition of New Establishments Selling Alcoholic Beverages.** No new
7 establishment where alcoholic beverages are sold, served or given away for on-site or off-site
8 consumption, shall be established in this special use district as set forth below:

9 (1) No new bar, as defined in Planning Code Section 790.22, shall be permitted in this
10 special use district;

11 (2) No new off-sale liquor establishment shall be permitted in the special use district.

12 An "off-sale liquor establishment" shall mean any establishment that is defined in Section
13 790.55 of this Code.

14 (b) **Prohibition of Expansion of Existing Establishments Selling Alcoholic**
15 **Beverages.** Any establishment selling alcoholic beverages lawfully existing prior to the
16 effective date of this resolution and licensed by the State of California for the retail sale of
17 alcoholic beverages for on-site and off-site consumption, so long as otherwise lawful, may
18 continue in existence, provided such establishment remains in use, as follows:

19 (1) In the event that any such establishment ceases to operate or discontinues
20 operation for 30 days or longer as set forth in State law, such use shall be deemed
21 abandoned;

22 (2) No establishment selling alcoholic beverages may substantially change the mode
23 or character of operation of the establishment, nor may it expand the square footage devoted
24 exclusively to the sale of alcoholic beverages, significantly increase the percentage of
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1 alcoholic beverage sales as a portion of total sales, or change its type of retail liquor license
2 within a license classification.

3 (c) **Exception for Bona Fide Restaurant.** A bona fide restaurant shall be permitted
4 to serve alcoholic beverages in this special use district. A "bona fide restaurant" shall mean a
5 place which is regularly used and kept open for the service of meals to guests for
6 compensation and which has (1) suitable kitchen facilities for the cooking of an assortment of
7 foods which may be required for meals, (2) a primary use of sit-down service to patrons, (3)
8 adequate seating arrangements for sit-down patrons provided on the premises, (4) take-out
9 service that is only incidental to the primary sit-down use, (5) alcoholic beverages which are
10 sold or dispensed for consumption on the premises only when served at tables or sit-down
11 counters by employees of the restaurant, and (6) a minimum of 51 percent of the restaurant's
12 gross receipts shall be from the sale of meals. A "bona fide restaurant" does not include any
13 billiard or pool hall, bowling alley, or adult entertainment business as defined in Planning Code
14 Section 790.36.

15 (d) **Exception for Non-Profit Theaters.** A non-profit theater shall be permitted to
16 serve alcoholic beverages in this special use district. A "non-profit theater" shall mean a
17 building or part of a building intended to be used for the specific purposes of presenting any
18 act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or
19 participated in by one or more persons, whether or not such person or persons are
20 compensated for such performance, and which is exempted from payment of income tax
21 under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of
22 the Internal Revenue Code of the United States. A "non-profit theater" does not include any
23 dance hall as defined in Section 1060 of the San Francisco Police Code, billiard parlor, pool
24 hall, bowling alley, or adult entertainment business as defined in Planning Code Section
25 790.36.

1 (e) **Fringe Financial Services.** In addition to all other applicable controls set forth in
2 this Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within the
3 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject
4 to the controls and exemptions set forth in Section 249.35.

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6 Sec. 56. The San Francisco Planning Code is hereby amended by amending Section
7 781.10, to read as follows:

8 **SEC. 781.10.** For controls for the 17th and Rhode Island Grocery Store Special Use District see
9 Section 249.61.

10 **SEC. 249.61. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE**
11 **SUBDISTRICT.**

12 In order to facilitate the development of a neighborhood grocery store at 17th and
13 Rhode Island Street in the Potrero Hill neighborhood, in an area that does not have a
14 proliferation of off-sale Type 20 or Type 21 liquor establishments and previously was zoned
15 M-1 (which permitted liquor stores as a principal permitted use), there shall be a 17th and
16 Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the NC-3 zoned
17 block bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street
18 (Assessor's Block 3978, Lot 1).

19 The following provisions shall apply within the Special Use Subdistrict:

20 (a) One off-sale Type 20 and Type 21 liquor store, as defined by Section 790.55 of this
21 Code, is permitted as a conditional use on the first or second story, provided that it is operated
22 as an integral element of a grocery store of not less than 30,000 gross square feet.

23 (b) Nighttime Entertainment, as defined by 102.17 of this Code, shall not be permitted.
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1 Sec. 57. The San Francisco Planning Code is hereby amended by amending Section
2 782, to read as follows:

3 **SEC. 782.** *For controls for the Third Street Alcohol Restricted Use District see Section 249.62.*

4 **SEC. 249.62 THIRD STREET ALCOHOL RESTRICTED USE DISTRICT ESTABLISHED.**

5 There is an unusually large number of establishments dispensing alcoholic beverages,
6 including beer and wine, for both on-site and off-site consumption in the Bayview area. The
7 existence of this many alcoholic beverage establishments appears to contribute directly to
8 numerous peace, health, safety and general welfare problems in the area, including loitering,
9 littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of
10 structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems
11 on public streets and neighborhood lots. The existence of such problems creates serious
12 impacts on the health, safety and welfare of residents of nearby single- and multiple-family
13 areas, including fear for the safety of children, elderly residents and of visitors to the area. The
14 problems also contribute to the deterioration of the neighborhood and concomitant
15 devaluation of property and destruction of community values and quality of life. The number of
16 establishments selling alcoholic beverages and the associated problems discourage more
17 desirable and needed commercial uses in the area.

18 (a) In order to preserve the residential character and the neighborhood-serving
19 commercial uses of the area, the Third Street Alcohol Restricted Use District (Third Street
20 Alcohol RUD) is hereby established for the property in the area generally bounded by Islais
21 Creek to the North, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive, Newhall
22 Street, Venus Street and Egbert Avenue to the West, US Highway 101 to the South, and
23 Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls
24 Street to the East, as designated on Sectional Map numbers 8 and 10. The Third Street
25 Alcohol RUD is designated on Section Map Numbers 8SU and 10SU.

1 (1) No new on-sale or off-sale liquor establishment shall be permitted in the Third
2 Street Alcohol RUD.

3 (2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the
4 following:

5 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

6 (B) Establishment of a Liquor Establishment if application for such Liquor
7 Establishment is on file with the California Department of Alcoholic Beverage Control prior to
8 the effective date of legislation establishing the Third Street Alcohol RUD.

9 (3) Continuation of existing Prohibited Liquor Establishments. In the Third Street
10 Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning
11 Code Section 180 through 186.2, subject to the following provisions.

12 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic beverages
13 as licensed by the State of California prior to the effective date of this legislation, or
14 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise
15 lawful, may continue to operate only under the following conditions, as provided by California
16 Business and Professions Code Section 23790:

17 (1) Except as provided by Subsection (B) below, the premises shall retain the same
18 type of retail liquor license within a license classification; and

19 (2) Except as provided by Subsection (B) below, the licensed premises shall be
20 operated continuously, without substantial change in mode or character of operation.

21 (B) A break in continuous operation shall not be interpreted to include the following,
22 provided that the location of the establishment does not change, the square footage used for
23 the sale of alcoholic beverages does not increase, and the type of California Department of
24 Alcoholic Beverage Control Liquor License ("ABC" License) does not change except as
25 indicated:

1 (1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-owner
2 transfer of an ABC License;

3 (2) Re-establishment, restoration or repair of an existing Prohibited Liquor
4 Establishment on the same lot after total or partial destruction or damage due to fire, riot,
5 insurrection, toxic accident or act of God; or

6 (3) Temporary closure of an existing Prohibited Liquor Establishment for not more than
7 ninety (90) days for repair, renovation or remodeling;

8 (4) Re-location of an existing Prohibited Liquor Establishment in the Third Street
9 Alcohol RUD to another location within the same Third Street Alcohol RUD with conditional
10 use authorization from the City Planning Commission, provided that the original premises
11 shall not be occupied by a Prohibited Liquor Establishment, unless by another Prohibited
12 Liquor Establishment that is also relocating from within the Third Street Alcohol RUD.

13 (5) A change from a Type 21 (off-sale) to a Type 20 (off-sale beer and wine) license or
14 a change from any Alcohol Beverage Control Board License type to a Type 41 (on-sale beer
15 and wine—eating place).

16 (b) The following shall apply to all liquor establishments in the Third Street Alcohol
17 RUD in order to maintain the safety of the premises and vicinity:

18 (1) Liquor establishments shall provide outside lighting in a manner sufficient to
19 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security,
20 without disturbing area residences;

21 (2) No more than 33 percent of the square footage of the windows and clear doors of
22 Liquor establishments shall bear advertising or signage of any sort, and all advertising and
23 signage shall be placed and maintained in a manner that ensures that law enforcement
24 personnel have a clear and unobstructed view of the interior of the premises, including the
25 area in which the cash registers are maintained, from the exterior public sidewalk or entrance

1 to the premises. This requirement shall not apply to premises where there are no windows, or
2 where existing windows are located at a height that precludes a view of the interior of the
3 premises to a person standing outside the premises.

4 (c) **Definitions.**

5 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as
6 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a
7 California Alcoholic Beverage Control Board license.

8 (2) An "on-sale liquor establishment" shall mean any liquor establishment which has
9 obtained Alcoholic Beverage Control Board license type 40 (on-sale beer), type 42 (on-sale
10 beer and wine public premises), type 48 (on-sale general-public premises) or type 57 (special
11 on-sale general) selling alcoholic beverages for consumption on the premises. Typical on-
12 sale establishments may include but are not limited to bars serving alcoholic beverages. It
13 shall not include types 41, 47, 51, 52, 59, 60, 61, 67, 70 or 75.

14 (3) An "off-sale liquor establishment" shall mean any establishment that is defined in
15 Section 790.55 of this Code.

16 (4) A "prohibited liquor establishment" shall mean any establishment selling alcoholic
17 beverages lawfully existing prior to the effective date of the establishment of the Third Street
18 Alcohol RUD and licensed by the State of California for the retail sale of alcoholic beverages
19 for on- or off-site consumption, so long as otherwise lawful.

20 (d) **Fringe Financial Services.** In addition to all other applicable controls set forth in
21 this Code, properties in the Third Street Alcohol Restricted Use District are within the Fringe
22 Financial Service Restricted Use District established by Section 249.35 and are subject to the
23 controls and exemptions set forth in Section 249.35.

1 Sec. 58. The San Francisco Planning Code is hereby amended by amending Section
2 781.1, to read as follows:

3 **SEC. 781.1.** For controls for the 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL
4 USE SUBDISTRICT see Section 249.62.

5 **SEC. 249.63. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE**
6 **SUBDISTRICT.**

7 In order to facilitate the development of a neighborhood grocery store at 17th and
8 Rhode Island Street in the Potrero Hill neighborhood, in an area that does not have a
9 proliferation of off-sale Type 20 or Type 21 liquor establishments and previously was zoned
10 M-1 (which permitted liquor stores as a principal permitted use), there shall be a 17th and
11 Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the NC-3 zoned
12 block bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street
13 (Assessor's Block 3978, Lot 1). The following provisions shall apply within the Special Use
14 Subdistrict:

15 (a) One off-sale Type 20 and Type 21 liquor store, as defined by Section 790.55 of this
16 Code, is permitted as a conditional use on the first or second story, provided that it is operated
17 as an integral element of a grocery store of not less than 30,000 gross square feet.

18 (b) Nighttime Entertainment, as defined by 102.17 of this Code, shall not be permitted.

19
20 Sec. 59. The San Francisco Planning Code is hereby amended by amending Section
21 784, to read as follows:

22 **SEC. 784. LOWER HAIGHT STREET ALCOHOL RESTRICTED USE DISTRICT.**

23 (a) **Findings.** There are an unusually large number of establishments dispensing
24 alcoholic beverages, including beer and wine, for off-site consumption in the Neighborhood
25 Commercial Cluster Districts located generally along Haight Street at Scott Street and

1 generally along Haight Street at Pierce Street and in the Small-Scale Neighborhood
2 Commercial District located generally along Haight Street at and between Steiner and
3 Webster Streets. The existence of this many off-sale alcoholic beverage establishments
4 appears to contribute directly to numerous peace, health, safety, and general welfare
5 problems in the area, including loitering, littering, public drunkenness, defacement and
6 damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and
7 noise problems on public streets and neighborhood lots. The existence of such problems
8 creates serious impacts on the health, safety, and welfare of residents of nearby single- and
9 multiple-family areas, including fear for the safety of children, elderly residents and visitors to
10 the area. The problems also contribute to the deterioration of the neighborhood and
11 concomitant devaluation of property and destruction of community values and quality of life.
12 The number of establishments selling alcoholic beverages for off-site consumption and the
13 associated problems discourage more desirable and needed commercial uses in the area.

14 (b) **Establishment of the Lower Haight Street Alcohol Restricted Use District.** In
15 order to preserve the residential character and the neighborhood-serving commercial uses of
16 the area, the Lower Haight Street Alcohol Restricted Use District (Lower Haight Street Alcohol
17 RUD) is hereby established for the following:

18 (1) Properties in the Neighborhood Commercial Cluster District located generally
19 along Haight Street at Scott Street;

20 (2) Properties in the Neighborhood Commercial Cluster District located generally along
21 Haight Street at Pierce Street;

22 (3) Properties in the Small-Scale Neighborhood Commercial District located generally
23 along Haight Street at and between Steiner and Webster Streets.

24 The above Neighborhood Commercial Cluster Districts and Small-Scale Neighborhood
25 Commercial District are designated on Sectional Map Number 7 of the Zoning Map of the City

1 and County of San Francisco. Block and lot numbers for the properties included in these
2 districts are on file with the Clerk of the Board of Supervisors in File No. 060537 and are
3 incorporated herein by reference. The Lower Haight Street Alcohol RUD is designated on
4 Sectional Map Number 7SU of the Zoning Map of the City and County of San Francisco.

5 (1) No new off-sale liquor establishments shall be permitted in the Lower Haight Street
6 Alcohol RUD.

7 (2) The prohibition on off-sale liquor establishments shall not be interpreted to prohibit
8 the following:

9 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

10 (B) Establishment of an off-sale liquor establishment if an application for such liquor
11 establishment is on file with the California Department of Alcoholic Beverage Control prior to
12 the effective date of this ordinance establishing the Lower Haight Street Alcohol RUD.

13 (3) Continuation of Existing Prohibited Liquor Establishments. In the Lower Haight
14 Street Alcohol RUD, any prohibited liquor establishment may continue in accordance with
15 Planning Code section 180 through 186.2, subject to the following provisions:

16 (A) A prohibited liquor establishment lawfully existing and selling alcoholic beverages
17 as licensed by the State of California prior to the effective date of this legislation, or
18 subsequent legislation prohibiting that type of liquor establishment, so long as otherwise
19 lawful, may continue to operate only under the following conditions, as provided by California
20 Business and Professions Code Section 23790:

21 (i) Except as provided in subsection (B) below, the premises shall retain the same type
22 of retail liquor license within a license classification; and

23 (ii) Except as provided in subsection (B) below, the liquor establishment shall be
24 operated continuously, without substantial changes in mode or character of operation.

1 (B) A break in continuous operation shall not be interpreted to include the following,
2 provided that, except as indicated below, the location of the establishment does not change,
3 the square footage used for the sale of alcoholic beverages does not increase, and the type of
4 California Department of Alcoholic Beverage Control Liquor License ("ABC License") does not
5 change:

6 (i) A change in ownership of a prohibited liquor establishment or an owner-to-owner
7 transfer of an ABC License;

8 (ii) Temporary closure for restoration or repair of an existing prohibited liquor
9 establishment on the same lot after total or partial destruction or damage due to fire, riot,
10 insurrection, toxic accident, or act of God;

11 (iii) Temporary closure of an existing prohibited liquor establishment for reasons other
12 than total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act
13 of God for not more than thirty (30) days for repair, renovation, or remodeling; or

14 (iv) Relocation of an existing prohibited liquor establishment in the Lower Haight Street
15 Alcohol RUD to another location within the same Lower Haight Street Alcohol RUD with
16 conditional use authorization from the Planning Commission, provided that the original
17 premises shall not be occupied by a prohibited liquor establishment, unless by another
18 prohibited liquor establishment that is also relocating from within the Lower Haight Street
19 Alcohol RUD.

20 (c) **Definitions.** The following definitions shall apply to this Section 784.

21 (1) An "off-sale liquor establishment" shall mean any establishment that is defined in
22 Section 790.55 of this Code.

23 (2) A "prohibited liquor establishment" shall mean any establishment selling alcoholic
24 beverages lawfully existing prior to the effective date of this ordinance and licensed by the
25

1 State of California for the sale of alcoholic beverages for off-site consumption ("off-sale"), so
2 long as otherwise lawful.

3 ~~(d) **Sunset Provision.** This Section 784 shall be repealed three years after its initial effective~~
4 ~~date unless the Board of Supervisors, on or before that date, extends or re-enacts it.~~

5
6 Sec. 60. The San Francisco Planning Code is hereby amended by amending Section
7 790.22, to read as follows:

8 **SEC. 790.22. BAR.**

9 A retail use which provides on-site alcoholic beverage sales for drinking on the
10 premises, including bars serving beer, wine and/or liquor to the customer where no person
11 under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or
12 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction
13 with other uses which admit minors, such as restaurants, movie theaters, and other
14 entertainment. If a bar use also includes a full-service restaurant, as defined by 790.92, or a small
15 self-service restaurant as defined by 790.91, then these uses are considered to be separate and distinct,
16 even though they may occupy the same retail space.

17
18 Sec. 61. The San Francisco Planning Code is hereby amended by amending Section
19 790.44, to read as follows:

20 **SEC. 790.44. HOSPITAL OR MEDICAL CENTER.**

21 A public or private institutional use which provides medical facilities for inpatient or
22 outpatient medical care, medical offices, clinics, and laboratories. It may also include employee
23 or student dormitories adjacent to medical facilities when the dormitories are operated by and
24 affiliated with a medical institution. The institution must have met the applicable provisions of
25 Section 304.5 of this Code concerning institutional master plans.

1
2 Sec. 62. The San Francisco Planning Code is hereby amended by amending Section
3 790.141 to read as follows:

4 **SEC. 790.141. MEDICAL CANNABIS DISPENSARY.**

5 Medical cannabis dispensary("MCD") as defined by Section 3301(f) of the San Francisco
6 Health Code.

7 (a) Requirements. MCDs must meet all of the following requirements:

8 (1) The parcel containing the MCD cannot be located within 1,000 feet from a parcel
9 containing:

10 (A) a public or private elementary or secondary school; or

11 (B) a community facility and/or a recreation center that primarily serves persons under 18
12 years of age;

13 (2) The MCD is not located on the same parcel as a facility providing substance abuse services
14 that is licensed or certified by the State of California or funded by the Department of Public Health;

15 (3) No alcohol is sold or distributed on the premises for on or off-site consumption;

16 (4) If medical cannabis is smoked on the premises, the dispensary shall provide adequate
17 ventilation within the structure such that the doors and windows are not left open for such purposes,
18 resulting in odor emission from the premises;

19 (5) In addition to these requirements, an MCD must meet all of the requirements in Article 33
20 of the San Francisco Health Code.

21 (b) Application and Referral Process. The Department of Public Health is the lead agency for
22 regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary
23 may open without final authorization from the Department of Public Health. The Planning Department
24 will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral
25 from the Department of Public Health pursuant to Health Code Section 3304 and 3305, (2)

1 supplemental application materials, if any, designated by the Planning Department, and (3) a building
2 permit application.

3 (c) **Notice.** Once the Department has determined that the application is complete, a 30-day
4 notice of application shall be mailed to owners and occupants within a 300 foot radius of the subject
5 property. Notice shall be posted on the project site for no less than 30 days.

6 (d) **Hearing.** A Mandatory Discretionary Review hearing will be scheduled at the Planning
7 Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or
8 approve the dispensary.

9 (e) **Signage.** Signage for the medical cannabis dispensary shall be limited to one wall sign not
10 to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such
11 signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis
12 dispensary has no exterior wall sign, shall include the following language: "Only individuals with
13 legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation
14 from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The
15 required text shall be a minimum of two inches in height.

16 (f) **Abandonment.** If an MCD closes for a duration longer than 18 months or if the MCD's
17 license is revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered
18 abandoned and any Planning Commission authorization for the parcel shall be null and void.

19 (g) **Permit Statement.** Any permit issued for a medical cannabis dispensary shall contain the
20 following statement in bold-face type: "Issuance of this permit by the City and County of San Francisco
21 is not intended to and does not authorize the violation of State or Federal law." A medical cannabis
22 dispensary shall be as defined by Section 3301(f) of the San Francisco Health Code provided that:

23 (a) the medical cannabis dispensary has applied for a permit from the Department of Public
24 Health pursuant to Section 3304 of the San Francisco Health Code;

1 ~~(b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis~~
2 ~~dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary~~
3 ~~or secondary school, public or private, or a community facility that primarily serves persons under 18~~
4 ~~years of age, or a recreation building as defined in Section 790.50(a) of this Code that primarily serves~~
5 ~~persons under 18 years of age, unless not required by State law, and, regardless of whether medical~~
6 ~~cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as~~
7 ~~defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of~~
8 ~~an elementary or secondary school, public or private, or a community facility that primarily serves~~
9 ~~persons under 18 years of age or a recreation building as defined in Section 790.50(f) of this Code that~~
10 ~~primarily serves persons under 18 years of age;~~

11 ~~(c) if medical cannabis is smoked on the premises the dispensary shall provide adequate~~
12 ~~ventilation within the structure such that doors and/or windows are not left open for such purposes~~
13 ~~resulting in odor emission from the premises;~~

14 ~~(d) regardless of whether medical cannabis is smoked on the premises the parcel containing the~~
15 ~~medical cannabis dispensary is not located on the same parcel as a facility providing substance abuse~~
16 ~~services that is licensed or certified by the State of California or funded by the Department of Public~~
17 ~~Health;~~

18 ~~(e) no alcohol is sold or distributed on the premises for on or off-site consumption;~~

19 ~~(f) upon acceptance of a complete application for a building permit for a medical cannabis~~
20 ~~dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall~~
21 ~~cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet~~
22 ~~of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well~~
23 ~~as to all individuals or groups that have made a written request for notification regarding specific~~
24 ~~properties, areas or medical cannabis dispensaries;~~

1 ~~(g) all building permit applications shall be held for a period of 30 calendar days from the date~~
2 ~~of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and~~
3 ~~neighborhood groups;~~

4 ~~(h) after this 30-day period, the Planning Commission shall schedule a hearing to consider~~
5 ~~whether to exercise its discretionary review powers over the building permit application for a medical~~
6 ~~cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in~~
7 ~~accordance with Section 312(e) of this Code;~~

8 ~~(i) [Expired.]~~

9 ~~(j) any permit issued for a medical cannabis dispensary shall contain the following statement in~~
10 ~~boldface type: "Issuance of this permit by the City and County of San Francisco is not intended to and~~
11 ~~does not authorize the violation of State or Federal la — w."~~

12
13 Section 63. The San Francisco Planning Code is hereby amended by amending
14 Section 803.2, to read as follows:

15 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

16 A use is the specific purpose for which a property or building is used, occupied,
17 maintained, or leased. Whether or not a use is permitted in a specific Chinatown Mixed Use
18 District is set forth, summarized or cross-referenced in Sections 810.1 through 812.96 of this
19 Code for each district class.

20 (a) **Use Categories.** The uses, functions, or activities, which are permitted in each
21 Chinatown Mixed Use Districts class include those listed in Table 803.2 below by zoning
22 control category and numbered and cross-referenced to the Code Section containing the
23 definition.

24 (b) **Use Limitations.** Uses in Chinatown Mixed Use Districts are either permitted,
25 conditional, accessory, temporary, or are not permitted.

1 **(1) Permitted Uses.** All permitted uses in Chinatown Mixed Use Districts shall be
2 conducted within an enclosed building, unless otherwise specifically allowed in this Code.
3 Exceptions from this requirement are: accessory off-street parking and loading; uses which,
4 when located outside of a building, qualify as an outdoor activity area, as defined in Section
5 890.71 of this Code; and uses which by their nature are to be conducted in an open lot or
6 outside a building, as described in Sections 890 through 890.140 of this Code.
7 If there are two or more uses in a structure and none is classified under Section
8 803.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
9 separately as an independent permitted, conditional, temporary or not permitted use.

10 **(A) Principal Uses.** Principal uses are permitted as of right in a Chinatown Mixed Use
11 District, when so indicated in Sections 810.1 through 812.96 of this Code for each district
12 class.

13 **(B) Conditional Uses.** Conditional uses are permitted in a Chinatown Mixed Use
14 District when authorized by the Planning Commission; whether a use is conditional in a given
15 district is indicated in Sections 810 through 812. Conditional uses are subject to the provisions
16 set forth in Section 303 of this Code. In the case of formula retail uses, the provisions of Planning
17 Code Section 303(i) shall apply.

18 (i) An establishment which sells beer and wine with motor vehicle fuel is a conditional
19 use, and shall be governed by Section 229.

20 (ii) Any use or feature which lawfully existed and was permitted as a principal or
21 conditional use on the effective date of these controls which is not otherwise nonconforming
22 or noncomplying as defined in Section 180 of this Code, and which use or feature is not
23 permitted under this Article is deemed to be a permitted conditional use subject to the
24 provisions of this Code.

1 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of
2 a movie theater use, as set forth in Section 890.64, shall require conditional use authorization.
3 This Subsection shall not authorize a change in use if the new use or uses are otherwise
4 prohibited.

5 (iv) Notwithstanding any other provision of this Article, a change in use or demolition of
6 a general grocery store use, as set forth in Section 890.102(a) and as further defined in
7 Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use
8 authorization. This Subsection shall not authorize a change in use if the new use or uses are
9 otherwise prohibited.

10 (v) Installing a garage in an existing residential building of four or more units requires a
11 mandatory discretionary review hearing by the Planning Commission; Section 311 notice is
12 required for a building of less than four units. In approving installation of the garage, The
13 Planning Commission shall find that: (1) the proposed garage opening/addition of off-street
14 parking will not cause the "removal" or "conversion of residential unit," as those terms are
15 defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street
16 parking will not substantially decrease the livability of a dwelling unit without increasing the
17 floor area in a commensurate amount; (3) the building has not had two or more "no-fault"
18 evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, with
19 each eviction associated with a separate unit(s) within the past ten years, and (4) the
20 proposed garage/addition of off-street parking installation is consistent with the Priority
21 Policies of Section 101.1 of this Code.

22 Prior to the Planning Commission hearing, or prior to issuance of notification under
23 Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the
24 project sponsor attesting to (1), (2), and (3) above, which the Department shall independently
25 verify. The Department shall also have made a determination that the project complies with

1 (4) above and will determine whether the proposed garage opening will require a minor
2 sidewalk encroachment permit or a street tree removal permit.

3 (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
4 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as
5 Accessory Uses) of this Code, a related minor use which is either necessary to the operation
6 or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and
7 subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an
8 accessory use when located on the same lot. Any use not qualified as an accessory use shall
9 only be allowed as a principal or conditional use, unless it qualifies as a temporary use under
10 Sections 205 through 205.2 of this Code.

11 No use in a Chinatown Mixed Use District will be considered accessory to a principal
12 use which involves or requires any of the following:

13 (i) The use of more than 1/3 of the total floor area occupied by both the accessory use
14 and the principal use to which it is accessory, combined, except in the case of accessory off-
15 street parking;

16 (ii) Any bar, restaurant, other entertainment, or any retail establishment which serves
17 liquor for consumption on-site;

18 (iii) Any take-out food use, except for a take-out food use which occupies 100 square
19 feet or less (including the area devoted to food preparation and service and excluding storage
20 and waiting areas) in a retail grocery or specialty food store;

21 (iv) The wholesaling, manufacturing or processing of foods, goods, or commodities on
22 the premises of an establishment which does not also provide for primarily retail sale of such
23 foods, goods or commodities at the same location where such wholesaling, manufacturing or
24 processing takes place.

25 (v) Medical Cannabis Dispensaries as defined in 890.133.

1 The above shall not prohibit take-out food activity which operates in conjunction with a
2 fast-food restaurant. A fast-food restaurant, by definition, includes take-out food as an
3 accessory and necessary part of its operation.

4 (D) Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this Code.

5 **(2) Not Permitted Uses.**

6 (A) Uses which are not listed in this Article are not permitted in a Chinatown Mixed
7 Use District unless determined by the Zoning Administrator to be permitted uses in
8 accordance with Section 307(a) of this Code.

9 (B) No use, even though listed as a permitted use or otherwise allowed, shall be
10 permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of
11 operation, creates conditions that are hazardous, noxious, or offensive through the emission
12 of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
13 excessive noise.

14 (C) The establishment of a use that sells alcoholic beverages, other than beer and
15 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

16 (D) No off-street parking garage installations or new curb cuts are permitted on the
17 alleyways of the Chinatown Mixed Use Districts.

18
19 Section 64. The San Francisco Planning Code is hereby amended by amending
20 Section 803.3, to read as follows:

21 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**
22 **DISTRICTS AND SOUTH OF MARKET USE MIXED USE DISTRICTS.**

23 (a) **Use Categories.** A use is the specified purpose for which a property or building is
24 used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Eastern
25 Neighborhood Mixed Use District and South of Market Mixed Use District is generally set

1 forth, summarized or cross-referenced in Sections 813.3 through 818 and 840 through 843 of
2 this Code for each district class.

3 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and South of
4 Market Mixed Use Districts are either permitted, conditional, accessory, temporary or are not
5 permitted.

6 (1) **Permitted Uses.** If there are two or more uses in a structure, any use not
7 classified below under Section 803.3(b)(1)(C) of this Code as accessory will be considered
8 separately as an independent permitted, conditional, temporary or not permitted use.

9 (A) **Principal Uses.** Principal uses are permitted as of right in an Eastern
10 Neighborhood Mixed Use District and South of Market Mixed Use District, when so indicated
11 in Sections 813 through 818 and 840 through 843 of this Code for the district. Additional
12 requirements and conditions may be placed on particular uses as provided pursuant to
13 Section 803.5 through 803.9 and other applicable provisions of this Code.

14 (B) **Conditional Uses.** Conditional uses are permitted in an Eastern Neighborhood
15 Mixed Use District and South of Market Mixed Use District, when authorized by the Planning
16 Commission; whether a use is conditional in a given district is generally indicated in Sections
17 813 through 818 and 840 through 843 of this Code. Conditional uses are subject to the
18 applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through
19 803.9 of this Code.

20 (i) An establishment which sells beer or wine with motor vehicle fuel is a conditional
21 use, and shall be governed by Section 229.

22 (ii) Notwithstanding any other provision of this Article, a change in use or demolition of
23 a movie theater use, as set forth in Section 890.64, shall require conditional use authorization.
24 This Section shall not authorize a change in use if the new use or uses are otherwise
25 prohibited.

1 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of
2 a general grocery store use, as set forth in Section 890.102(a) and as further defined in
3 Section 790.102(a), shall require conditional use authorization. This Subsection shall not
4 authorize a change in use if the new use or uses are otherwise prohibited.

5 (iv) Large-Scale Urban Industrial Agriculture, as defined in Section 102.3435 (b), shall
6 require conditional use authorization.

7 (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
8 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses
9 Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other Uses), and
10 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related
11 minor use which is either necessary to the operation or enjoyment of a lawful principal use or
12 conditional use, or is appropriate, incidental and subordinate to any such use, and shall be
13 permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of
14 Market Mixed Use District. In order to accommodate a principal use which is carried out by
15 one business in multiple locations within the same general area, such accessory use need not
16 be located in the same structure or lot as its principal use provided that (1) the accessory use
17 is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April
18 6, 1990 (the effective date of this amendment). Accessory uses to non-office uses (as defined
19 in Section 890.70) may occupy space which is non-contiguous or on a different story as the
20 principal use so long as the accessory use is located in the same building as the principal use
21 and complies with all other restrictions applicable to such accessory uses. Any use which
22 does not qualify as an accessory use shall be classified as a principal use.

23 No use will be considered accessory to a principal use which involves or requires any
24 of the following:
25

1 (i) The use of more than one-third of the total occupied floor area which is occupied by
2 both the accessory use and principal use to which it is accessory, combined, except in the
3 case of accessory off-street parking or loading which shall be subject to the provisions of
4 Sections 151, 156 and 157 of this Code;

5 (ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment, massage
6 establishment, large fast food restaurant, or movie theater use in a RED, SPD, RSD, SLR,
7 SLI, SSO, DTR, MUG, MUR, MUO, or UMU District;

8 (iii) Any take-out food use, except for a take-out food use which occupies 100 square
9 feet or less (including the area devoted to food preparation and service and excluding storage
10 and waiting areas) in a restaurant, bar, catering establishment, bakery, retail grocery or
11 specialty food store.

12 (iv) Any sign not conforming to the limitations of Section 607.2(f)(3).

13 (v) Medical Cannabis Dispensaries as defined in 890.133.

14 (D) **Temporary Uses.** Temporary uses not otherwise permitted are permitted in
15 Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts to the
16 extent authorized by Sections 205 through 205.3 of this Code.

17
18 Section 65. The San Francisco Planning Code is hereby amended by amending
19 Section 803.6 to read as follows:

20 **SEC. 803.6. FORMULA RETAIL USES IN THE CHINATOWN MIXED USE DISTRICTS AND**
21 **IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.**

22 (a) **Findings.**

23 (1) San Francisco is a city of diverse and distinct neighborhoods identified in large part
24 by the character of their commercial areas.

1 (2) San Francisco needs to protect its vibrant small business sector and create a
2 supportive environment for new small business innovations. One of the eight Priority Policies
3 of the City's General Plan resolves that "existing neighborhood-serving retail uses be
4 preserved and enhanced and future opportunities for resident employment in and ownership
5 of such businesses enhanced."

6 (3) Retail uses are the land uses most critical to the success of the City's commercial
7 districts.

8 (4) Formula retail businesses are increasing in number in San Francisco, as they are
9 in cities and towns across the country.

10 (5) Money earned by independent businesses is more likely to circulate within the local
11 neighborhood and City economy than the money earned by formula retail businesses which
12 often have corporate offices and vendors located outside of San Francisco.

13 (6) Formula retail businesses can have a competitive advantage over independent
14 operators because they are typically better capitalized and can absorb larger startup costs,
15 pay more for lease space, and commit to longer lease contracts. This can put pressure on
16 existing businesses and potentially price out new startup independent businesses.

17 (7) San Francisco is one of a very few major urban centers in the state in which
18 housing, shops, work places, schools, parks and civic facilities intimately co-exist to create
19 strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and
20 the City's mix of architecture contributes to a strong sense of neighborhood community within
21 the larger City community.

22 (8) Notwithstanding the marketability of a retailer's goods or services or the visual
23 attractiveness of the storefront, the standardized architecture, color schemes, decor and
24 signage of many formula retail businesses can detract from the distinctive character of certain
25 neighborhood commercial *and mixed use* districts.

1 (9) The increase of formula retail businesses in the City's neighborhood commercial
2 and mixed use areas, if not monitored and regulated, will hamper the City's goal of a diverse
3 retail base with distinct neighborhood retailing personalities comprised of a mix of businesses.
4 Specifically, the unregulated and unmonitored establishment of additional formula retail uses
5 may unduly limit or eliminate business establishment opportunities for smaller or medium-
6 sized businesses, many of which tend to be non-traditional or unique, and unduly skew the
7 mix of businesses towards national retailers in lieu of local or regional retailers, thereby
8 decreasing the diversity of merchandise available to residents and visitors and the diversity of
9 purveyors of merchandise.

10 (b) **Formula Retail Uses.**

11 (1) **Formula Retail Uses Permitted as a Conditional Use.** Formula retail uses are
12 permitted in the Western SoMa Planning Area Special Use District, the Chinatown Community
13 Business District and the Chinatown Residential Neighborhood Commercial District only as a
14 conditional use. When considering an application for a conditional use permit under this Section, the
15 Planning Commission shall consider the criteria defined in Section 303(i) of this Code.

16 (2) **Formula Retail Uses Prohibited.** The establishment of new formula retail uses in the
17 Chinatown Mixed Use Districts, as defined in the Planning Code, Sections 810.1 (Chinatown
18 Community Business District), 811.1 (Chinatown Visitor Retail District) and 812.1 (Chinatown
19 Residential Neighborhood Commercial District) is prohibited.

20 (c) **Formula Retail Use Defined.** Formula retail use is hereby defined as a type of
21 retail sales activity or retail sales establishment which, along with eleven or more other retail
22 sales establishments located in the United States, maintains two or more of the following
23 features: a standardized array of merchandise, a standardized façade, a standardized décor
24 and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

1 (1) Standardized array of merchandise shall be defined as 50% or more of in-stock
2 merchandise from a single distributor bearing uniform markings.

3 (2) Trademark shall be defined as a word, phrase, symbol or design, or a combination
4 of words, phrases, symbols or designs that identifies and distinguishes the source of the
5 goods from one party from those of others.

6 (3) Servicemark shall be defined as word, phrase, symbol or design, or a combination
7 of words, phrases, symbols or designs that identifies and distinguishes the source of a service
8 from one party from those of others.

9 (4) Décor shall be defined as the style of interior finishings, which may include but is
10 not limited to, style of furniture, wallcoverings or permanent fixtures.

11 (5) Color Scheme shall be defined as selection of colors used throughout, such as on
12 the furnishings, permanent fixtures, and wallcoverings, or as used on the façade.

13 (6) Façade shall be defined as the face or front of a building, including awnings,
14 looking onto a street or an open space.

15 (7) Uniform Apparel shall be defined as standardized items of clothing including but
16 not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than
17 name tags) as well as standardized colors of clothing.

18 (8) Signage shall be defined as business sign pursuant to Section 602.3 of the
19 Planning Code.

20 (9) "Retail sales activity or retail sales establishment" shall include the following uses,
21 as defined in Article 8 of this code: "bar," "drive-up facility," "eating and drinking use,"
22 "restaurant, large fast-food," "restaurant, small fast-food," "restaurant, full-service," "sales and
23 services, other retail," "sales and services, nonretail," "movie theater," "amusement game
24 arcade," and "take-out food."
25

1 (d) **Determination of Formula Retail Use.** If the City determines that a building
2 permit application or building permit subject to this section of the Code is for a "formula retail
3 use," the building permit applicant or holder bears the burden of proving to the City that the
4 proposed or existing use is not a "formula retail use."

5 (e) **Permit Application Processing.** After the effective date of this ordinance, any
6 building permit application determine by the City to be for a "formula retail use" that does not
7 identify the use as a "formula retail use" is incomplete and cannot be processed until the
8 omission is corrected.

9
10 Section 66. The San Francisco Planning Code is hereby amended by amending
11 Section 890.133 to read as follows:

12 **SEC. 890.133. MEDICAL CANNABIS DISPENSARY.**

13 Medical cannabis dispensary("MCD") as defined by Section 3301(f) of the San Francisco
14 Health Code.

15 (a) **Requirements.** MCDs must meet all of the following requirements:

16 (1) The parcel containing the MCD cannot located within 1,000 feet from a parcel containing:

17 (A) a public or private elementary or secondary school; or

18 (B) a community facility and/or a recreation center that primarily serves persons under 18
19 years of age;

20 (2) The MCD is not located on the same parcel as a facility providing substance abuse services
21 that is licensed or certified by the State of California or funded by the Department of Public Health;

22 (3) No alcohol is sold or distributed on the premises for on or off-site consumption;

23 (4) If medical cannabis is smoked on the premises the dispensary shall provide adequate
24 ventilation within the structure such that the doors and windows are not left open for such purposes,
25 resulting in odor emission from the premises;

1 (5) In addition to these requirements, an MCD must meet all of the requirements in Article 33
2 of the San Francisco Health Code.

3 (b) **Application and Referral Process.** The Department of Public Health is the lead agency for
4 regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary
5 may open without final authorization from the Department of Public Health. The Planning Department
6 will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral
7 from the Department of Public Health pursuant to Health Code Section 3304 and 3305, (2)
8 supplemental application materials, if any, designated by the Planning Department, and (3) a building
9 permit application.

10 (c) **Notice.** Once the Department has determined that the application is complete, a 30-day
11 notice of application shall be mailed to owners and occupants within a 300 foot radius of the subject
12 property. Notice shall be posted on the project site for no less than 30 days.

13 (d) **Hearing.** A Mandatory Discretionary Review hearing will be scheduled at the Planning
14 Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or
15 approve the dispensary.

16 (e) **Signage.** Signage for the medical cannabis dispensary shall be limited to one wall sign not
17 to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such
18 signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis
19 dispensary has no exterior wall sign, shall include the following language: "Only individuals with
20 legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation
21 from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The
22 required text shall be a minimum of two inches in height.

23 (f) **Abandonment.** If an MCD closes for a duration longer than 18 months or if the MCD's
24 license is revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered
25 abandoned and any Planning Commission authorization for the parcel shall be null and void.

1 (g) Permit Statement. Any permit issued for a medical cannabis dispensary shall contain the
2 following statement in bold-face type: "Issuance of this permit by the City and County of San Francisco
3 is not intended to and does not authorize the violation of State or Federal law." A medical cannabis
4 dispensary shall be as defined by Section 3301(f) of the San Francisco Health Code provided that:

5 ~~(a) the medical cannabis dispensary has applied for a permit from the Department of Public~~
6 ~~Health pursuant to Section 3304 of the San Francisco Health Code;~~

7 ~~(b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis~~
8 ~~dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary~~
9 ~~or secondary school, public or private, or a community facility that primarily serves persons under 18~~
10 ~~years of age, or a recreation building as defined in Section 890.50(a) of this Code that primarily serves~~
11 ~~persons under 18 years of age, unless not required by State law, and, regardless of whether medical~~
12 ~~cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as~~
13 ~~defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of~~
14 ~~an elementary or secondary school, public or private, or a community facility that primarily serves~~
15 ~~persons under 18 years of age, or a recreation building as defined in Section 890.50(a) of this Code~~
16 ~~that primarily serves persons under 18 years of age;~~

17 ~~(c) if medical cannabis is smoked on the premises the dispensary shall provide adequate~~
18 ~~ventilation within the structure such that doors and/or windows are not left open for such purposes~~
19 ~~resulting in odor emission from the premises;~~

20 ~~(d) regardless of whether medical cannabis is smoked on the premises the parcel containing the~~
21 ~~medical cannabis dispensary is not located on the same parcel as a facility providing substance abuse~~
22 ~~services that is licensed or certified by the State of California or funded by the Department of Public~~
23 ~~Health;~~

24 ~~(e) no alcohol is sold or distributed on the premises for on or off-site consumption;~~

1 ~~(f) upon acceptance of a complete application for a building permit for a medical cannabis~~
2 ~~dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall~~
3 ~~cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet~~
4 ~~of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well~~
5 ~~as to all individuals or groups that have made a written request for notification regarding specific~~
6 ~~properties, areas or medical cannabis dispensaries;~~

7 ~~(g) all building permit applications shall be held for a period of 30 calendar days from the date~~
8 ~~of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and~~
9 ~~neighborhood groups;~~

10 ~~(h) after this 30-day period, the Planning Commission shall schedule a hearing to consider~~
11 ~~whether to exercise its discretionary review powers over the building permit application for a medical~~
12 ~~cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in~~
13 ~~accordance with Section 312(e) of this Code;~~

14 ~~(i) [Expired;]~~

15 ~~(j) any permit issued for a medical cannabis dispensary shall contain the following statement in~~
16 ~~bold face type: "Issuance of this permit by the City and County of San Francisco is not intended to and~~
17 ~~does not authorize the violation of State or Federal law."~~

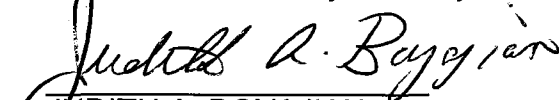
18
19 Section 67. This Section is uncodified.

20 In enacting this Ordinance, the Board intends to amend only those words, phrases,
21 paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any
22 other constituent part of the Planning Code that are explicitly shown in this legislation as
23 additions, deletions, Board amendment additions, and Board amendment deletions in
24 accordance with the "Note" that appears under the official title of the legislation. This
25 Ordinance shall not be construed to effectuate any unintended amendments. Any additions or

1 deletions not explicitly shown as described above, omissions, or other technical and non-
2 substantive differences between this Ordinance and the Planning Code that are contained in
3 this legislation are purely accidental and shall not effectuate an amendment to the Planning
4 Code. The Board hereby authorizes the City Attorney, in consultation with the Clerk and other
5 affected City departments, to make those necessary adjustments to the published Planning
6 Code, including non-substantive changes such as renumbering or relettering, to ensure that
7 the published version of the Planning Code is consistent with the laws that this Board enacts.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By:


12 JUDITH A. BOYAJIAN
13 Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

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

File Number: 110482

Date Passed: June 28, 2011

Ordinance amending the San Francisco Planning Code to: 1) correct clerical errors, make language revisions and update Sections 121.2, 134, 136.1, 142, 185, 201, 204.1, 204.2, 205, 205.1, 205.3, 207.2, 209.3, 217, 243, 303, 309, 311, 312, 317, 602.25, 602.26, 607.1, and various Sections and Tables in Articles 7 and 8; and 2) adopting findings, including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

June 13, 2011 Land Use and Economic Development Committee - RECOMMENDED

June 21, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

June 28, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110482

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/28/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved