



## San Francisco's Local Coastal Program – Implementation Plan

The following pages contain the Implementation Plan of the City and County of San Francisco's Local Coastal Program, as provided to the City by the California Coastal Commission and certified on March 14, 1986 and as subsequently amended by the California Coastal Commission on July 11, 2024.

The Implementation Plan includes the following five components:

1. A portion of the Planning Code, as it existed on September 28, 1979, beginning with the cover page and ending mid-sentence in Section 304(d)(4), and resuming mid-sentence in Section 305(a) before ending again at the conclusion of Section 308.2(c)(1). A handwritten note in the margin states "See added page for Section 305 – Variances".
2. A two-page spread of the Planning Code, as it existed on September 28, 1979, beginning mid-sentence in Section 304(f) and ending after the opening sentence of Section 306.1(e). This spread contains procedural information on Variances, and is consistent with the handwritten note, above.
3. Section 330 and the associated Zoning Maps that specify procedures related to the Coastal Zone, which became effective on December 22, 1985. Those provisions remain substantively the same today.
4. The Neighborhood Commercial Rezoning Study, published in February 1985, which includes the Code provisions and associated Zoning Maps relating to the Planning Code's Neighborhood Commercial controls that generally took effect on March 13, 1987.
5. The Wawona Street and 45<sup>th</sup> Avenue Cultural Center Special Use District, found in Planning Code Section 249.96, along with amendments to Planning Code Sections 330.9 and 330.10 relating to Principal Permitted Uses for purposes of appeals of Coastal Zone Permits to the California Coastal Commission.

*revised July 16, 2024*

## Portions of the 1979 Planning Code

CERTIFIED AS LEGALLY ADEQUATE  
BY THE CALIFORNIA COASTAL  
COMMISSION ON 3/14/86  
(A Portion of the Zoning  
Ordinance)

CITY AND COUNTY OF

San Francisco

# CITY PLANNING CODE

**1979 EDITION**

With amendments to and including  
September 28, 1979

**PART II**

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**Chapter II**  
**of the**  
**San Francisco Municipal**  
**Code**

# CITY AND COUNTY OF SAN FRANCISCO

**DIANNE FEINSTEIN, Mayor**

**BOARD OF SUPERVISORS**  
Room 235, City Hall  
San Francisco, California 94102

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**SILBERT H. BOREMAN, Clerk of the Board**



amount of permitted basic gross floor area to be transferred, the total amount permitted on the transferee lot by virtue of the transfer, and the remaining amount permitted on the adjacent lot; (2) the duration of the transfer, which shall be specified to be not less than the actual lifetime of any building on the transferee lot whose construction is made possible, in whole or in part, by the transfer; (3) the effects of any subsequent changes in the basic floor area ratio limit under this Code upon the permitted basic gross floor area for both lots; and (4) the effects of any subsequent changes in the size of either lot, whether by virtue of conveyance, condemnation or otherwise, upon the permitted basic gross floor area for both lots.

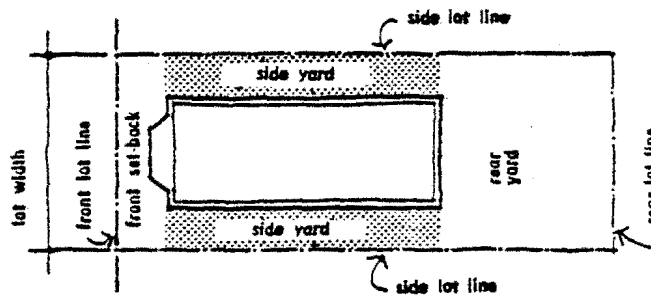
(e) **Limitations.** No transfer of permitted gross floor area shall serve to increase the total gross floor area permitted under this Code on the adjacent lot and the transferee lot taken together, either presently or prospectively. No building permit application shall be approved by the Department of City Planning at any time, nor shall any building permit be issued by any City department at any time, if the result of such approval or issuance would be to increase the total permitted gross floor area of both such lots taken together above such total as calculated on the basis of the floor area ratio limits prevailing at that time for such lots.

(f) **Completed transfers.** Any transfer of permitted gross floor area completed prior to the effective date of this section shall be effective notwithstanding the location of the transferee lot outside the C-3-O district and notwithstanding the aggregate transfer of more than one-half the gross floor area permitted on the adjacent lot under the basic floor area ratio limit, provided all other conditions of this section have been met.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 130. YARD AND SET-BACK REQUIREMENTS, GENERAL.** (a) Except as provided in Sections 172 and 188 of this Code, every building and addition shall have yards and set-backs as required by Sections 131 through 134 for the district in which the building is located.

(b) Every such front set-back and rear yard shall extend along a lot line the full width of the lot. Every such side yard shall extend along a lot line from the front set-back or the front lot line to the rear yard. The required minimum depth or width of any yard or set-back shall be measured generally at right angles to the lot line. All required yards and set-backs shall be located on the lot on which the building is situated.



(c) Where a lot abuts on two or more streets, any street lot line may be elected by the owner as the front lot line for purposes of the yard and set-back requirements, and in general the lot line opposite and most nearly parallel thereto shall be the rear lot line. Any street lot line that is not a front lot line shall be a rear lot line or a side lot line.

(d) Where the side lot lines converge to a point, a line five feet long within the lot parallel to and at a maximum distance from the front lot line shall be deemed to be the rear lot line for the purpose of determining the depth of the rear yard.

(e) Where the building wall is not parallel to a side or a rear lot line the required least dimension of the side yard or the rear yard along such line may be applied to the average, provided that no such side yard shall be less than three feet in width at any point, and no such rear yard shall be less than five feet in depth at any point.

(f) Obstructions in any required yard or set-back shall be limited to those specified in Section 136 of this Code.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 131. LEGISLATED SET-BACK LINES.** (a) The legislated set-back lines along specific street and alley frontages established by ordinance and resolution pursuant to former Article 4 of the City Planning Code and earlier provisions of law are hereby continued in effect as regulations of the City Planning Code, regardless of the regulations for the use districts in which such street and alley frontages are located, and said ordinances and resolutions are expressly incorporated herein by reference as though fully set forth.

(b) The obstructions permitted within such legislated set-back lines shall be as described in Sections 132 and 136 of this Code. No other obstruction shall be constructed, placed or maintained within a legislated set-back line.

(c) The procedures for establishment, abolition or modification of a legislated set-back line shall be as specified in Sections 302 and 306 through 306.5 for amendments to this Code.

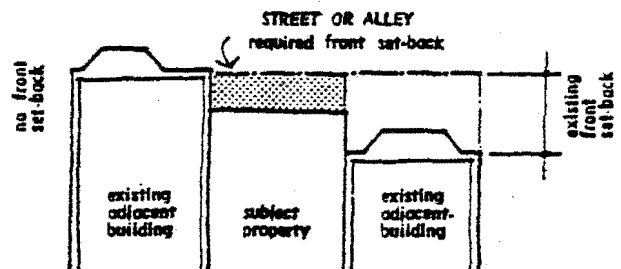
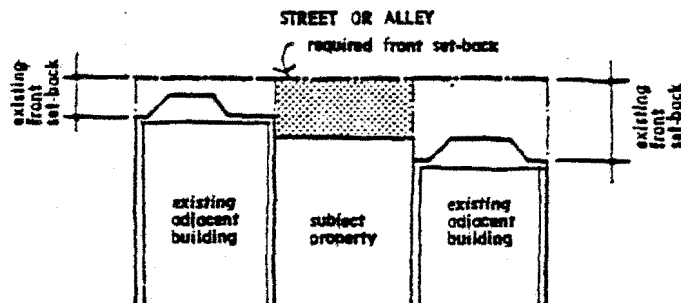
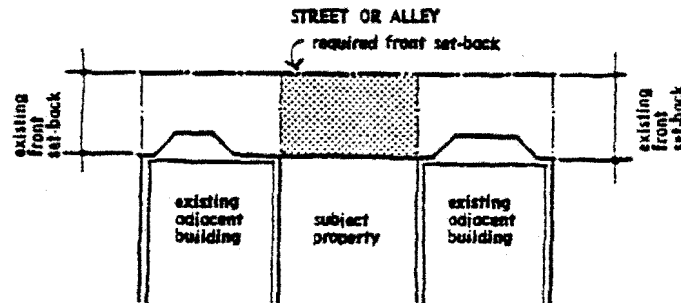
(d) In case of any conflict between the requirements of a legislated set-back line and a front set-back area established by Section 132 of this Code, the more restrictive requirements shall prevail.

*(Added Ord. 443-78, Approved 10/6/78)*

**SEC. 132. FRONT SET-BACK AREAS, RH AND RM DISTRICTS.** The following requirements for minimum front set-back areas shall apply to every building in all RH and RM districts, in order to relate the set-backs provided to the existing front set-backs of adjacent buildings.

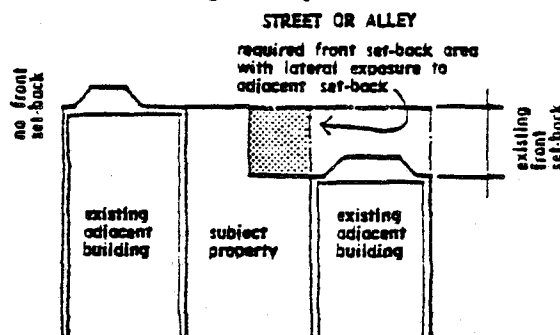
(a) **Basic requirement.** Where one or both of the buildings adjacent to the subject property have front set-backs along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front set-backs. If only one of the adjacent buildings has a front set-back, or if there is only

one adjacent building, then the required set-back for the subject property shall be equal to one-half the front set-back of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an "adjacent building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building."



(b) Alternative method of averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front set-backs, or between one adjacent set-back and another adjacent building with no set-back, the required set-back on the subject property may alternatively be averaged in an irregular manner within the depth between the set-backs of the two adjacent buildings; provided that the area of the resulting set-back shall be at least equal to the product of the width

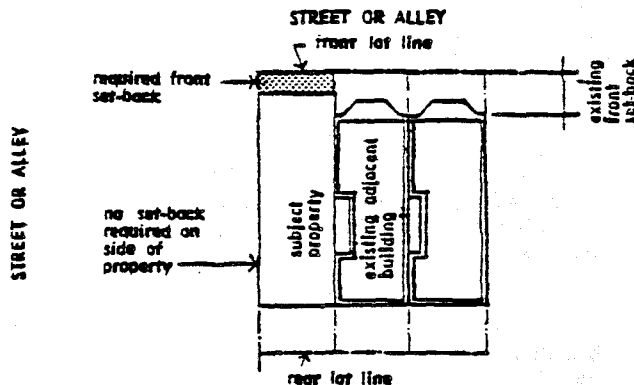
of the subject property along the street or alley times the set-back depth required by Subsections (a) and (e) of this section; and provided further that all portions of the resulting set-back area on the subject property shall be directly exposed laterally to the set-back area of the adjacent building having the greater set-back. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front set-back on the subject property for purposes of Subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by Subsection (a) above, in the form of a single line parallel to the street or alley.



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

(d) **Applicability to special lot situations.**

1. **Corner lots and lots at alley intersections.** On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, a front set-back area shall be required only along the street or alley elected by the owner as the front of the property. Along such street or alley, the required set-back for the subject lot shall be equal to one-half the front set-back of the adjacent building.

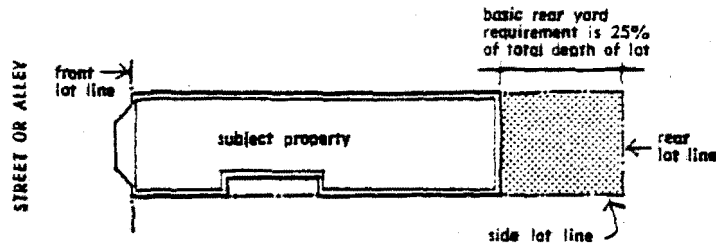




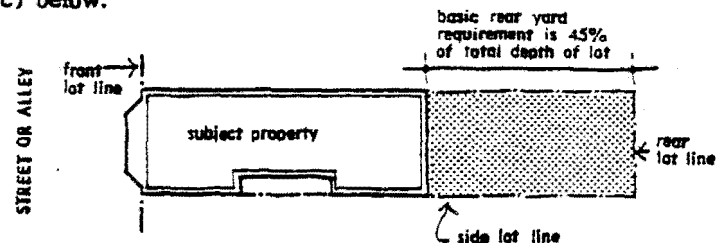
continuation of established mid-block, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

(a) **Basic requirements.** The basic rear yard requirements shall be as follows for the districts indicated. Such rear yards shall be provided at grade level and at each succeeding level or story of the building; except that in RC-2, RC-3, RC-4, C and M districts such rear yards shall be provided at the lowest story occupied as a dwelling at the rear of the building, and at each succeeding story of the building.

1. RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, C and M districts. The minimum rear yard depth shall be equal to 25 per cent of the total depth of the lot on which the building is situated, but in no case less than 15 feet.



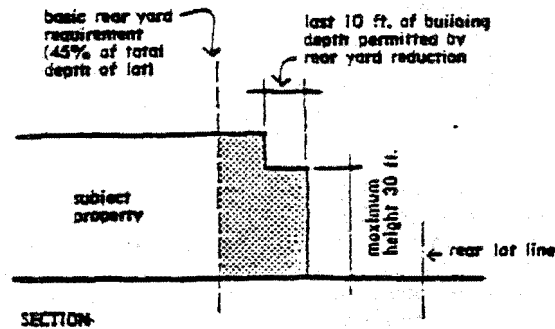
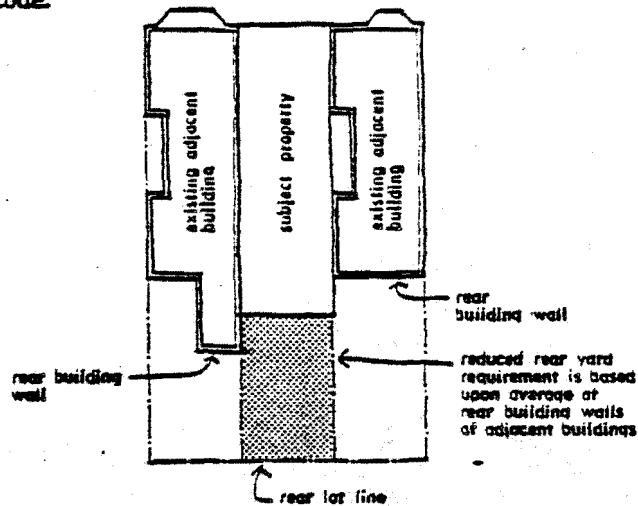
2. RH-2, RH-3, RM-1 and RM-2 districts. The minimum rear yard depth shall be equal to 45 per cent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by Subsection (c) below.



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

(c) **Reduction of requirements in RH-2, RH-3, RM-1 and RM-2 districts.** The rear yard requirement in RH-2, RH-3, RM-1 and RM-2 districts, as stated in Paragraph (a)2 above, shall be reduced in specific situations as described in this Subsection (c), based upon conditions on adjacent lots. Under no circumstances, however, shall the minimum rear yard be thus reduced to less than a depth equal to 25 per cent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

1. **General rule.** In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Provided, that in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.



2. **Alternative method of averaging.** If, under the rule stated in Paragraph (c)1 above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)1 above times the reduction in depth of rear yard permitted by Paragraph (c)1; and provided further that all portions of the open

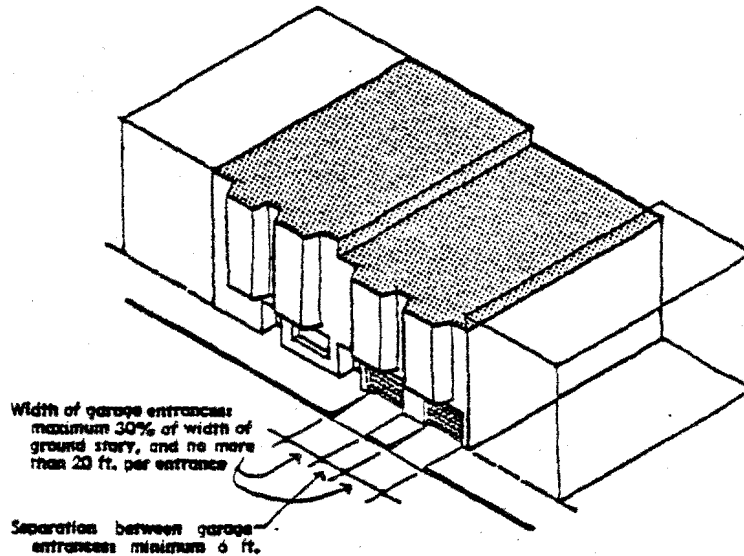
(b) The street trees installed shall be a minimum of one tree of 15 gallon size for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a set-back area on the lot or within the public right-of-way along such lot.

(c) The species of trees selected shall be suitable for the site, and in the case of trees installed in the public right-of-way the species and locations shall be subject to approval by the Department of Public Works. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

(d) In any case in which the Department of Public Works cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 143 may be modified or waived by the Zoning Administrator to the extent necessary.  
*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 144. TREATMENT OF GROUND STORY ON STREET FRONTAGES, RH-2, RH-3, RM-1 AND RM-2 DISTRICTS.** (a) **General.** This section is enacted to assure that in RH-2, RH-3, RM-1 and RM-2 districts the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to the pattern of the neighborhood, and so designed that adequate areas are provided for front landscaping, street trees and on-street parking between driveways.

(b) **Entrances to off-street parking.** Except as otherwise provided herein, in the case of every dwelling in such districts no more than 30 per cent of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than 16 feet in width. In addition, no entrance to off-street parking for a dwelling on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. The requirements of this Subsection (b) shall not be applicable where the lot has an upward or downward slope from the front lot line to the forward edge of the required rear yard, along the center line of the building, of more than 20 per cent; or where the lot depth and the requirements of this Code for dimensions, areas and open spaces are such that the permitted building depth is less than 40 feet in an RH-2 district or less than 65 feet in an RH-3, RM-1 or RM-2 district.



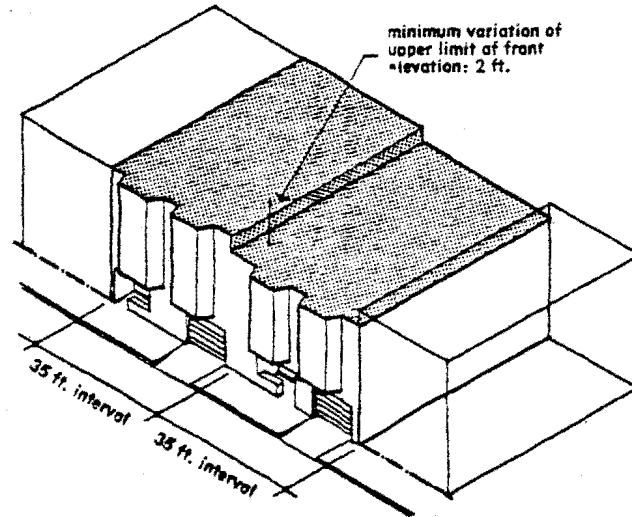
(c) Features to be provided. In the case of every dwelling in such districts no less than 30 per cent of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for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

(Amended Ord. 443-78, Approved 10/6/78)

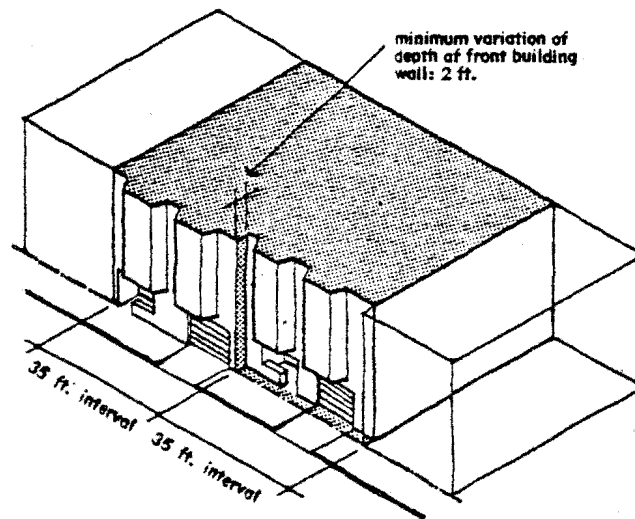
**SEC. 145. MODERATION OF FRONT OF BUILDING, RM-1 AND RM-2 DISTRICTS.** (a) General. This section is enacted to assure that in RM-1 and RM-2 districts new dwellings will be compatible with the established mixture of houses and apartment buildings in terms of apparent building width, requiring that on wider lots the front of the building be divided visually into narrower segments, according to the predominant existing scale in such areas.

(b) Stepping of building height and walls. Except as provided in Subsection (c) below, in the case of every dwelling in such districts on a lot with a width of more than 35 feet, there shall be a stepping of the building along the front lot line, or along the front of the building where it is set back from such lot line, by at least one of the following methods:

1. Variation of the upper limit of the front elevation of the building, at intervals of not more than 35 feet, by a minimum of two feet in height. Not less than 30 per cent of the width of such elevation shall be varied in this way from the height of the remainder of such elevation. For purposes of this provision, the term "front elevation" shall mean the front wall and other portions of the building to a significant depth on the lot.



2. Variation of the depth of the front building wall from the front lot line, at intervals of not more than 35 feet, by a minimum of two feet in depth. Not less than 30 per cent of the width of such front building wall shall be varied in this way from the depth of the remainder of such wall. For purposes of this provision, the term "front building wall" shall mean such wall exclusive of all projections and other obstructions permitted by Section 136 of this Code for required front set-back areas.



(c) Entrances to dwelling units. As an alternative to the requirements of Subsection (b) above, there may be provided for such dwelling a minimum of one pedestrian entrance serving a dwelling unit or units within each portion of the front of the building that has a full width of 25 feet.

(Amended Ord. 443-78, Approved 10/6/78)

**ARTICLE 1.5****OFF-STREET PARKING AND LOADING**

- Sec. 150.** Off-Street Parking and Loading Requirements.
- Sec. 151.** Schedule of Required Off-Street Parking Spaces.
- Sec. 152.** Schedule of Required Off-Street Freight Loading Spaces.
- Sec. 153.** Rules for Calculation of Required Spaces.
- Sec. 154.** Minimum Dimensions for Required Off-Street Parking and Freight Loading Spaces.
- Sec. 155.** General Standards as to Location and Arrangement of Off-Street Parking and Freight Loading Facilities.
- Sec. 156.** Parking Lots.
- Sec. 157.** Conditional Use Applications for Parking Exceeding Accessory Amounts: Additional Criteria.
- Sec. 158.** Major Parking Garages in C-3 Districts.
- Sec. 159.** Required Off-Street Parking Not on the Same Lot as the Structure or Use Served.
- Sec. 160.** Collective Provision and Joint Use of Required Off-Street Parking.
- Sec. 161.** Exemptions from Off-Street Parking and Loading Requirements.

**SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.** (a) General. This Article 1.5 is intended to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the San Francisco Master Plan, as part of a balanced transportation system that makes suitable provision for use of both private vehicles and transit. With respect to off-street parking, this Article is intended to require needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of public transit as an alternative to travel by private automobile.

(b) Spaces required. Off-street parking and loading spaces, according to the requirements stated in this Article 1.5, shall be provided for any structure constructed, and any use established, whether public or private, after the original effective date of any such requirement applicable to such structure or use.

M-1 Light Industrial Districts  
M-2 Heavy Industrial Districts

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 202. USES PERMITTED BY THIS CODE.** (a) The use limitations of this Code shall be as set forth in this Article 2 for the use districts of the city, as established by Section 201 of this Code and as shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of Section 105. The uses permitted under this Code shall consist of the following:

1. Principal uses, permitted as of right in each established district where listed for that class of districts in this Article 2, as regulated herein and elsewhere in this Code.

2. Conditional uses, permitted in each established district when authorized by the City Planning Commission under Section 303 of this Code, where listed for that class of districts in this Article 2 and as regulated herein and elsewhere in this Code.

3. Accessory uses for such permitted principal and conditional uses, as defined and regulated in Sections 204 through 204.5 of this Code. Any use not qualified under such sections as an accessory use shall be classified as a principal or conditional use.

(b) Permitted uses shall include in each established district such uses not specifically listed in this Article 2 as are from time to time determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(c) No use shall be permitted in any R district, C district or M-1 district which by reason of its nature or manner of operation creates conditions that are hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(d) Except as specifically provided herein to the contrary, the provisions of this Article 2 shall apply to all uses, properties and developments, both public and private, including those of the City and County of San Francisco.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 203. EFFECT ON CERTAIN PUBLIC SERVICES.** This Code shall not limit the temporary use of any property as a public voting place, or the construction, installation or operation by any public agency or private corporation of any street, of any utility pipe, conduit, or sewer, of any power, transmission, communication or transportation line, or of incidental appurtenances to any of the foregoing when located in a street, alley, utility easement or other right-of-way.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 204. ACCESSORY USES, GENERAL.** Subject to the limitations set forth in this Code, and especially as specified in Sections 204.1 through 204.5, a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and sub-

ordinate to any such use, shall be permitted as an accessory use when located on the same lot.

*(Amended Ord. 443-78, Approved 10/6/78)*

**Sec. 204.1. Accessory Uses for Dwellings in R Districts.** No use shall be permitted as an accessory use to a dwelling unit in any R district which involves or requires any of the following:

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

(b) The use of more than  $\frac{1}{4}$  of the total floor area of the dwelling unit, except in the case of accessory off-street parking and loading;

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

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

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

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

(g) The maintenance of a stock in trade, or the use of show windows or window displays or advertising to attract customers or clients; or

(h) The conduct of a business office open to the public.

Provided, however, that Subsection (h) of this section shall not exclude the maintenance within a dwelling unit of the office of a professional person who resides therein, if accessible only from within the dwelling unit; and provided, further, that Subsection (g) shall not exclude the display of signs permitted by Article 6 of this Code. *(Amended Ord. 443-78, Approved 10/6/78)*

**Sec. 204.2. Accessory Uses for Uses Other than Dwellings in R Districts.** No use shall be permitted as an accessory use to a use other than a dwelling in any R district which involves or requires any of the following:

(a) The use of more than  $\frac{1}{4}$  of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;

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

(c) The conduct of any activity of a profit-making or commercial nature, except as an integral part of the permitted



or of an amendment thereto under which such use is classified as a temporary use, or wherever a use is being conducted under a temporary use authorization given prior to such date, such use may be continued for the maximum term specified therefor, calculated from said effective date or date of authorization. No such use shall continue thereafter unless a temporary use authorization shall have been sought and obtained under a new application. Continuance of a temporary use beyond the date of expiration of the period authorized therefor, or failure to remove a structure for such temporary use within 10 days thereafter, shall constitute a violation of this Code.

*(Amended Ord. 443-78, Approved 10/6/78)*

**Sec. 205.1. Temporary Uses: Sixty Day Limit.** A temporary use may be authorized for a period not to exceed 60 days for any of the following uses:

- (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an organized group of residents in the vicinity;
- (b) Booth for charitable, patriotic or welfare purposes;
- (c) Open-air sale of Christmas trees.

*(Amended Ord. 443-78, Approved 10/6/78)*

**Sec. 205.2. Temporary Uses: Two Year Limit.** A temporary use may be authorized for a period not to exceed two years for any of the following uses:

- (a) Temporary structures and uses incidental to the construction of a group of buildings on the same or adjacent premises;
- (b) Rental or sales office incidental to a new residential development, not including the conduct of a general real estate business; provided, that it be located within the development, and in a temporary structure or in part of a dwelling.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 206. DESCRIPTION AND PURPOSE OF RESIDENTIAL DISTRICTS.** The following statements of description and purpose outline the main functions of the R (Residential) districts in the zoning plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code. These districts are established for purposes of implementing the Residence element and other elements of the Master Plan, according to the objectives, principles and policies stated therein. Among these purposes are the following:

- (a) Preservation, improvement and maintenance of the existing housing stock through protection of neighborhood environments and encouragement of sound ownership practices and rehabilitation efforts;
- (b) Recognition and protection of the architectural characteristics and densities of existing residential areas;
- (c) Maximizing of housing choice by assuring the availability of quality owner and rental housing of various kinds, suitable

for a wide range of household types, lifestyles and economic levels;

(d) Encouragement of residential development that will meet outstanding community needs, provide adequate indoor and outdoor spaces for its occupants, and relate well to the character and scale of existing neighborhoods and structures; and

(e) Promotion of balanced and convenient neighborhoods having appropriate public improvements and services, suitable non-residential activities that are compatible with housing and meet the needs of residents, and other amenities that contribute to the livability of residential areas.

*(Amended Ord. 143-78, Approved 10/6/78)*

**Sec. 206.1. RH (Residential, House) Districts.** These districts are intended to recognize, protect, conserve and enhance areas characterized by dwellings in the form of houses, usually with one, two or three units with separate entrances, and limited scale in terms of building width and height. Such areas tend to have similarity of building styles and predominantly contain large units suitable for family occupancy, considerable open space, and limited non-residential uses. The RH districts are composed of five separate classes of districts, as follows:

**RH-1(D) Districts: One-Family (Detached Dwellings).** These districts are characterized by lots of greater width and area than in other parts of the city, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizeable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas.

**RH-1 Districts: One-Family.** These districts are occupied almost entirely by single-family houses on lots 25 feet in width, without side yards. Floor sizes and building styles vary, but tend to be uniform within tracts developed in distinct time periods. Though built on separate lots, the structures have the appearance of small-scale row housing, rarely exceeding 35 feet in height. Front set-backs are common, and ground level open space is generous. In most cases the single-family character of these districts has been maintained for a considerable time.

**RH-1(S) Districts: One-Family with Minor Second Unit.** These districts are similar in character to RH-1 districts, except that a small second dwelling unit has been installed in many structures, usually by conversion of a ground-story space formerly part of the main unit or devoted to storage. The second unit remains subordinate to the owner's unit, and may house one or two persons related to the owner or be rented to others. Despite these conversions, the structures retain the appearance of single-family dwellings.

**RH-2 Districts: Two-Family.** These districts are devoted to one-family and two-family houses, with the latter commonly

consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground level open space is available, and it frequently is private for each unit. The districts may have easy access to shopping facilities and transit lines. In some cases, group housing and institutions are found in these areas, although non-residential uses tend to be quite limited.

**RH-3 Districts: Three-Family.** These districts have many similarities to RH-2 districts, but structures with three units are common in addition to one-family and two-family houses. The predominant form is large flats rather than apartments, with lots 25 feet wide, a fine or moderate scale and separate entrances for each unit. Building styles tend to be varied but complementary to one another. Outdoor space is available at ground level, and also on decks and balconies for individual units. Non-residential uses are more common in these areas than in RH-2 districts.

*(Added Ord. 443-78, Approved 10/6/78)*

**Sec. 206.2. RM (Residential, Mixed) Districts.** These districts are intended to recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms according to the individual district designations. Despite the range of densities and building sizes, most structures are of a scale that respects the traditional lot patterns, open spaces and articulation of facades typical of San Francisco neighborhoods. These districts provide unit sizes and types suitable for a variety of households, and contain supporting non-residential uses. The RM districts are composed of four separate classes of districts, as follows:

**RM-1 Districts: Low Density.** These districts contain a mixture of the dwelling types found in RH districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. A pattern of 25-foot to 35-foot building widths is retained, however, and structures rarely exceed 40 feet in height. The over-all density of units remains low, buildings are moderately scaled and segmented, and units or groups of units have separate entrances. Outdoor space tends to be available at ground and upper levels regardless of the age and form of structures. Shopping facilities and transit lines may be found within a short distance of these districts. Non-residential uses are often present to provide for the needs of residents.

**RM-2 Districts: Moderate Density.** These districts are generally similar to RM-1 districts, but the over-all density of units is greater and the mixture of building types and unit sizes is more pronounced. Building widths and scales remain moderate, and considerable outdoor space is still available. The unit density permitted requires careful design of new structures in order to provide adequate amenities for the residents. Where non-

residential uses are present, they tend to offer services for wider areas than in RM-1 districts.

**RM-3 Districts: Medium Density.** These districts have some smaller structures, but are predominantly devoted to apartment buildings of six, eight, ten or more units. Most of these districts are close to downtown and have been developed in this manner for some time. The units vary in size, but tend to be smaller than in RM-1 and RM-2 districts. Many buildings exceed 40 feet in height, and in some cases additional buildings over that height may be accommodated without disruption of the district character. Although lots and buildings wider than 25 or 35 feet are common, the scale often remains moderate through sensitive facade design and segmentation. Open spaces are smaller, but decks and balconies are used to advantage for many units. Supporting non-residential uses are often found in these areas.

**RM-4 Districts: High Density.** These districts are devoted almost exclusively to apartment buildings of high density, usually with smaller units, close to downtown. Buildings over 40 feet in height are very common, and other tall buildings may be accommodated in some instances. Despite the intensity of development, distinct building styles and moderation of facades are still to be sought in new development, as are open areas for the residents. Group housing is especially common in these districts, as well as supporting non-residential uses.

*(Added Ord. 443-78, Approved 10/6/78)*

**Sec. 206.3. RC (Residential-Commercial Combined) Districts.** These districts are intended to recognize, protect, conserve and enhance areas characterized by structures combining residential uses with neighborhood-serving commercial uses. The predominant residential uses are preserved, while provision is made for supporting uses, usually in or below the ground story, which meet the frequent needs of nearby residents without generating excessive vehicular traffic. The RC districts are composed of four separate classes of districts, as follows:

**RC-1 Districts: Low Density.** These districts provide for a mixture of low-density dwellings similar to those in RM-1 districts with certain commercial uses of a very limited nature. The commercial uses are those permitted in C-1 districts, located in or below the ground story only and designed primarily for walk-in trade to meet the frequent and recurring needs of nearby residents. Open spaces are required for dwelling in the same manner as in RM-1 districts, except that rear yards are somewhat smaller and front set-back areas are not required.

**RC-2 Districts: Moderate Density.** These districts provide for a mixture of moderate-density dwellings similar to those in RM-2 districts with supporting commercial uses. The commercial uses are those permitted in C-2 districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-2 districts, except that rear yards are somewhat smaller and need not be at ground level, and front set-back areas are not required.

**RC-3 Districts: Medium Density.** These districts provide for a mixture of medium-density dwellings similar to those in RM-3 districts with supporting commercial uses. The commercial uses are those permitted in C-2 districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-3 districts, except that rear yards need not be at ground level and front set-back areas are not required.

**RC-4 Districts: High Density.** These districts provide for a mixture of high-density dwellings similar to those in RM-4 districts with supporting commercial uses. The commercial uses are those permitted in C-2 districts, located in or below the ground story in most instances, and excluding automobile-oriented establishments. Open spaces are required for dwellings in the same manner as in RM-4 districts, except that rear yards need not be at ground level and front set-back areas are not required. The high-density and mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements.  
*(Added Ord. 443-78, Approved 10/6/78)*

**SEC. 207. DENSITY OF DWELLING UNITS IN R DISTRICTS.** The density of dwelling units permitted in the various R districts shall be as set forth in Section 209.1 of this Code and in Section 207.1. The term "dwelling unit" is defined in Section 102.6 of this Code.  
*(Added Ord. 443-78, Approved 10/6/78)*

**Sec. 207.1. Rules for Calculation of Dwelling Unit Densities.** The following rules shall apply in the calculation of dwelling unit densities under this Code:

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

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

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

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

(e) Where a lot is divided by a use district boundary line,

the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the dwelling units attributable to the district permitting the greater density shall be located in the district permitting the lesser density.

(Added Ord. 443-78, Approved 10/6/78)

**SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.** The density limitations for group housing, as described in Sections 209.2(a), (b) and (c) of this Code, shall be as follows:

(a) The maximum number of bedrooms on each lot shall be as specified in the following table for the district in which the lot is located.

**TABLE 5A**

**Maximum Density for Group Housing**

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70

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

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

(Added Ord. 443-78, Approved 10/6/78)

**SEC. 209. USES PERMITTED IN R DISTRICTS.** (a) The uses listed in Sections 209.1 through 209.9 are permitted in R districts as indicated by the following symbols in the respective columns for each district:

P: Permitted as a principal use in this district.

C: Subject to approval by the City Planning Commission as a conditional use in this district as provided in Section 303 of this Code.

NA: This listing not applicable to this district, as the same use is listed subsequently for the district with fewer restrictions.

Blank Space: Not permitted in this district.

(b) The section titles are intended only as an aid to use of this Code and are not binding as to interpretation of these sections. Uses listed in this table shall not include any use specifically listed elsewhere in the table.

(c) Determinations as to the classification of uses not speci-

cally listed shall be made in the manner indicated in Sections 202 and 307(a) of this Code.

(d) Reference should be made to Sections 204 through 204.5 for regulations pertaining to accessory uses permitted for principal and conditional uses listed in Sections 209.1 through 209.9.

(e) Reference should also be made to the other Articles of this Code containing provisions relating to definitions, off-street parking and loading, dimensions, areas and open spaces, non-conforming uses, height and bulk districts, signs, historic preservation, and other factors affecting the development and alteration of properties in these use districts.

(Amended Ord. 443-78, Approved 10/6/78)

**Sec. 209.1. Dwellings.**

(a) One-family dwelling having side yards as required by Section 133 of this Code.

(b) Other one-family dwelling.

(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.

(d) Other two-family dwelling.

(e) Three-family dwelling.

(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.

(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.

(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.

(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.

(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.

(k) Dwelling at a density ratio

RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RC-1	RC-2	RC-3	RC-4
P	N	N	N	N	N	N	N	N	N	N	N	N
	P	P	P	P	P	P	P	P	P	P	P	P
	P	N	N	N	N	N	N	N	N	N	N	N
		P	P	P	P	P	P	P	P	P	P	P
			P	P	P	P	P	P	P	P	P	P
C	C	N	N	N	N	N	N	N	N	N	N	N
		C	N	N	N	N	N	N	N	N	N	N
			C	N	N	N	N	N	N	N	N	N
				P	N	N	N	N	P	N	N	N
					P	N	N	N		P	N	N
						P	N	N			P	N







institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC districts, see also Section 209.9(d).)  
 (Added Ord. 443-78, Approved 10/6/78)

**Sec. 209.4. Community Facilities.**

(a) Community clubhouse, neighborhood center, community cultural center or other community facility not publicly owned but open for public use, in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC districts, see also Section 209.9(d).)

	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RC-1	RC-2	RC-3	RC-4
(a) Community clubhouse, neighborhood center, community cultural center or other community facility not publicly owned but open for public use, in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC districts, see also Section 209.9(d).)		C	C	C	C	C	C	C	C	C	C	C	C
(b) Private lodge, private clubhouse, private recreational facility or community facility other than as specified in Subsection 209.4(a) above, and which is not operated as a gainful business. (With respect to RC districts, see also Section 209.9(d).) (Added Ord. 443-78, Approved 10/6/78)										C	C	C	C
<b>Sec. 209.5. Open Recreation and Horticulture.</b>		C	C	C	C	C	C	C	C	P	P	P	P
(a) Open recreation area not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business and is devoted to outdoor recreation such as golf, tennis or riding.		C	C	C	C	C	C	C	C	P	P	P	P

ties and developments, both public and private, including those of the City and County of San Francisco.

(f) The requirements of height and bulk districts established by this Article 2.5 shall not apply to buildings and structures on sites for which a redeveloper had been formally selected by the Redevelopment Agency of the City prior to August 26, 1971, for development in a Redevelopment Project Area in accordance with an agreement that specifically committed the City to a height or bulk configuration not consistent with the provisions of this Article for height and bulk districts.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 251. HEIGHT AND BULK DISTRICTS: PURPOSES.** In addition to the purposes of this Code as stated in Section 101, these height and bulk districts are established for further purposes of implementing the Urban Design element and other elements of the Master Plan, according to the objectives, principles and policies stated therein. Among these purposes are the following:

(a) Relating of the height of buildings to important attributes of the city pattern and to the height and character of existing development;

(b) Relating of the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction;

(c) Promotion of building forms that will respect and improve the integrity of open spaces and other public areas;

(d) Promotion of harmony in the visual relationships and transitions between new and older buildings;

(e) Protection and improvement of important city resources and of the neighborhood environment;

(f) Conservation of natural areas and other open spaces; and

(g) Direction of new development to locations that are appropriate in terms of land use and transportation.

*(Amended Ord. 234-72, Approved 8-18-72)*

**SEC. 252. CLASSES OF HEIGHT AND BULK DISTRICTS.** The City is hereby divided into classes of height and bulk districts as indicated on the Zoning Map and in this Article 2.5. The original of the sectional maps establishing said districts is on file with the Clerk of the Board of Supervisors under File No. 362-72-2. The height limits for each such district are specified on said map by numerical designations in feet, and the bulk limits are designated thereon by letter symbols referring to the limitations upon the plan dimensions of buildings and structures set forth in Section 270 of this Code.

*(Amended Ord. 234-72, Approved 8-18-72)*

**SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN R DISTRICTS.** (a) Notwithstanding any other provision of this Code to the contrary, in any R district established by the use district

provisions of Article 2 of this Code, wherever a height limit of more than 40 feet is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

(b) In reviewing any such proposal for a building or structure exceeding 40 feet in height, the City Planning Commission shall consider the expressed purposes of this Code, of the R districts, and of the height and bulk districts, set forth in Sections 101, 206 through 206.3 and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the Master Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located. *(Added Ord. 443-78, Approved 10/6/78)*

**SEC. 260. HEIGHT LIMITS: MEASUREMENT.** (a) Method of measurement. The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:

1. The point above which such measurement shall be taken shall be as specified in the definition of "height" in this Code.

2. The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched roof, or any higher point of a feature not exempted under Subsection (b) below.

3. In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height", as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

TABLE 6

Height Measurement on Lateral Slopes  
Where Height Limit is 65 Feet or Less

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May be Measured from a Single Point
5 per cent or less	No requirement
More than 5 per cent but no more than 15 per cent	65 feet
More than 15 per cent but no more than 20 per cent	55 feet
More than 20 per cent but no more than 25 per cent	45 feet
More than 25 per cent	35 feet

TABLE 7  
Bulk Limits

District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	55	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
OS	See Section 290.		
X	This table not applicable. But see Section 260(c)3.		

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

(Added Ord. 234-72, Approved 8-18-72)

**SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS.** (a) **General.** The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in San Francisco. There may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree, however, following public review and exploration of alternatives, provided there are adequate compensating factors. Such deviation might occur, when the criteria of this Section are met, for one or both of the following positive reasons:

1. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.

2. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

(b) **Procedures.** Deviations from the bulk limits under this section shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

(c) **Criteria.** In acting upon any application for a conditional use to permit the bulk limits to be exceeded under this section, the City Planning Commission shall consider the following standards and criteria in addition to those stated in Section 303(c) of this Code:

1. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

(C) Differences in materials, colors or scales of the facades that produce separate major elements;

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

2. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land forms and building patterns, including the patterns produced by height limits;

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

3. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

*(Amended Ord. 234-72, Approved 8-18-72)*

**SEC. 290. HEIGHT AND BULK LIMITS FOR OPEN SPACE DISTRICTS.** In the Open Space districts designated by the symbol "OS" on Sectional Maps Nos. 1H through 13H of the Zoning Map, the height and bulk of buildings and structures shall be determined in accordance with the objectives, principles and policies of the Master Plan, and no building or structure or addition thereto shall be permitted unless in conformity with the Master Plan. The inclusion of land in Open Space districts is intended to indicate its principal or exclusive purpose as open space, with future development of any character strictly limited. The exemptions from height and bulk limitations set forth in Section 260(b) of this Code shall not be applicable to Open Space districts unless in conformity with the Master Plan.

*(Amended Ord. 234-72, Approved 8-18-72)*

## ARTICLE 3

# ZONING PROCEDURES

- Sec. 301. General Description of Zoning Procedures.
- Sec. 302. Amendments.
- Sec. 303. Conditional Uses.
- Sec. 304. Planned Unit Developments.
- Sec. 304.5. Institutional Master Plans.
- Sec. 305. Variances.
- Sec. 306. Applications and Hearings.
- Sec. 306.1. Applications.
- Sec. 306.2. Scheduling of Hearings.
- Sec. 306.3. Notice of Hearings.
- Sec. 306.4. Conduct of Hearings.
- Sec. 306.5. Reconsideration.
- Sec. 307. Other Powers and Duties of the Zoning Administrator.
- Sec. 308. Appeals.
- Sec. 308.1. Appeals: Amendments and Conditional Uses.
- Sec. 308.2. Appeals: Variances and Administrative Actions.
- Sec. 310. Severability.

**SEC. 301. GENERAL DESCRIPTION OF ZONING PROCEDURES.** This section is a summary of provisions more fully described in the remainder of this Article.

The final legislative authority for enactment and amendment of the zoning provisions contained in this Code resides in the Board of Supervisors. However, all proposals for reclassifications of property or other amendments are considered first by the City Planning Commission, and its disapprovals are final unless overruled by the Board of Supervisors.

The provisions of this Code are administered by the Zoning Administrator and other staff members of the Department of City Planning, by means of public information, review of permit applications, keeping of records, interpretation of the meaning and intent of the Code, and enforcement actions against violations. The Zoning Administrator is also responsible for reviewing the effectiveness of the Code and recommending appropriate changes to the legislative authorities.

Certain specified uses and features in various zoning districts require approval by the City Planning Commission through conditional use procedures, in which the Commission determines whether the provisions of the Code are met. The decisions of the Commission in these cases may be appealed to the Board of Supervisors.

In some cases, provisions of the Code may be relaxed by means of variances granted by the Zoning Administrator, pro-

vided certain specific findings can be made. Decisions in these cases may be appealed to the Board of Permit Appeals.

The responsibilities of each of these persons and agencies are derived from the San Francisco Charter.

*(Amended Ord. 235-68. Approved 3-7-68)*

**SEC. 302. AMENDMENTS.** (a) **General.** Whenever the public necessity, convenience and general welfare require, the Board of Supervisors may, by ordinance, amend any part of this Code. Such amendments may include reclassifications of property (changes in the Zoning Map), changes in the text of the Code, or establishment, abolition or modification of a set-back line. The procedures for amendments shall be as specified in this section and in Sections 306 through 306.5.

(b) **Initiation.** An amendment may be initiated by the Board of Supervisors or by a resolution of intention by the City Planning Commission, or, except for changes in the text of the Code, by application of one or more interested property owners or their authorized agents. An interested property owner is hereby defined, for the purposes of this section, as an owner of real property that is either within the area included in the application or within a distance of 300 feet of the exterior boundaries of such area, or at a greater distance therefrom where such property might be influenced by development currently permitted by this Code within the area.

(c) **Determination.** The City Planning Commission shall hold a hearing on the proposed amendment. If, following its hearing, the City Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or any part thereof, it shall approve such amendment or part, and otherwise it shall disapprove the same. If approved by the City Planning Commission in whole or in part, the proposed amendment or part shall be presented to the Board of Supervisors, together with a copy of the resolution of approval, and the Board of Supervisors may adopt such amendment or part by a majority vote. Disapproval of the proposed amendment or part by the City Planning Commission shall have the following effect, depending upon the type of amendment involved:

1. A proposed amendment or part that had been initiated by the Board of Supervisors to change the text of the Code shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board by a majority vote.

2. A proposed amendment or part that had been initiated by the Board of Supervisors to reclassify property or to establish, abolish or modify a set-back line shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board only by a vote of not less than 2/3 of all the members of said Board.

3. In all other cases, the action of the City Planning Commission shall be final, except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1 in the



case of a proposed amendment or part that had been initiated by application to reclassify property or to establish, abolish or modify a set-back line.

(d) **Referral of Proposed Text Amendments Back to City Planning Commission.** In acting upon any proposed amendment to the text of the Code, the Board of Supervisors may modify said amendment but shall not take final action upon any material modification that has not been approved or disapproved by the City Planning Commission. Should the amendment be so materially modified while it is before said Board, said amendment as so modified shall be referred back to the City Planning Commission for its consideration. In all such cases of referral back, the amendment as so modified shall be heard by the City Planning Commission according to the requirements for a new proposal, except that newspaper notice required under Section 306.3 need be given only 10 days prior to the date of the hearing.

(e) **Effect of Reclassification of Set-back Proceedings Upon Permit Applications.** No application for a building permit on any property or for any other permit or license for a new use of any property, filed subsequent to the day that an application has been filed or a resolution of intention has been adopted for the reclassification of such property or for the establishment or change of a building set-back line thereon, shall be approved by the Department of City Planning while proceedings are pending on such reclassification or establishment or change of set-back line, unless the construction and use proposed under that permit or license would conform both to the existing classification of such property or set-back line thereon and also to the different classification or set-back under consideration in those proceedings; provided that if final action on such reclassification or establishment or change of building set-back line has not been taken by the Board of Supervisors during the following time periods after the start of the proceedings, conformity to the different classification or set-back under consideration shall no longer be required:

1. Two years in the case of a city-wide or major sub-area reclassification as described in Section 306.3(b)2 of this Code;
2. One year in all other cases; and
3. In addition to the above time periods, the Board of Supervisors may by resolution extend such time for a further period of up to six months.

(f) **Effect of Text Amendment Proceedings Upon Permit Applications.** No permit or license for any construction or use which would be newly prohibited by an amendment to the text of the City Planning Code shall be granted or issued on or after the effective date of such text amendment. In the case of concurrent proceedings for both a text amendment and a property reclassification or establishment or change of a building set-back line as described in Subsection (e) above, the more restrictive requirement with respect to permits and licenses shall prevail.

(g) **Subsequent Action.** In any case in which a permit or

license has been fully applied for prior to the taking effect of Subsection (e) above, or lawfully granted prior to the taking effect of Subsection (f) above, such application, permit or license shall continue to be valid provided it is pursued and exercised, and provided further that any construction or other action of the applicant under such application, permit or license is commenced and diligently prosecuted to completion.

*(Amended Ord. 42-73, Approved 2-1-73)*

**SEC. 303. CONDITIONAL USES.** (a) **General.** The City Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this section and in Sections 306 through 306.5, except that Planned Unit Developments shall in addition be subject to Section 304, and medical institutions and post-secondary educational institutions shall in addition be subject to the institutional master plan requirements of Section 304.5.

(b) **Initiation.** A conditional use action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the conditional use is sought.

(c) **Determination.** After its hearing on the application, the City Planning Commission may approve the application and authorize a conditional use if the facts presented are such as to establish:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and

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

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

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

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

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

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

Such action of the City Planning Commission, in either approving or disapproving the application, shall be final except

upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.

(d) **Conditions.** When authorizing a conditional use as provided herein the City Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.

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

(f) **Continuation.**

1. Except as provided for temporary uses in Section 205 of this Code, and except where time limits are otherwise specified as a condition of authorization, any conditional use that has been established as authorized by the City Planning Commission may continue as authorized so long as it is not changed to another use or feature, or discontinued for a continuous period of three years, or otherwise abandoned.

2. A conditional use shall not be restored when so abandoned, or changed to another use or feature that is classified as a conditional use in the district in which it is located, or significantly altered or intensified, except upon approval of a new conditional use application by the City Planning Commission.

3. Where a use or feature classified as a conditional use in the district in which it is located lawfully exists at the effective date of this Code, or at the effective date of any amendment imposing new conditional use requirements upon such use or feature in such district, such use or feature shall be deemed to be a permitted conditional use in the form in which it exists on such date, without further authorization except as provided in this subsection or in Section 205 or Article 2 of this Code.

(g) **Delegation of hearing.** The City Planning Commission may delegate to a committee of one or more of its members, or to the Zoning Administrator, the holding of the hearing required by this Code for a conditional use action. The delegate or delegates shall submit to the City Planning Commission a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the Commission in reaching its decision in the case.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 304. PLANNED UNIT DEVELOPMENTS.** The City Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this section. After review of any proposed development, the City Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

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

(b) **Nature of site.** The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than  $\frac{1}{2}$  acre, exclusive of streets, alleys and other public property that will remain undeveloped.

(c) **Application and plans.** The application must describe the proposed development in detail, and must be accompanied by an over-all development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

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

1. Affirmatively promote applicable objectives and policies of the Master Plan;
2. Provide off-street parking, adequate for the occupancy proposed;
3. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
4. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit

standards in this Code. He shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Code and in accordance with the general and specific rules contained herein, and he shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this section. No variance shall be granted in whole or in part which would have an effect substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Code; or which would change a definition in this Code. The procedures for variances shall be as specified in this section and in Sections 306 through 306.5.

(b) **Initiation.** A variance action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the variance is sought.

(c) **Determination.** The Zoning Administrator shall hold a hearing on the application, provided, however, that if the variance requested involves a deviation of less than 10 per cent from the Code requirement, the Zoning Administrator may at his option either hold or not hold such a hearing. No variance shall be granted in whole or in part unless there exist, and the Zoning Administrator specifies in his findings as part of a written decision, facts sufficient to establish:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

Upon issuing his written decision either granting or denying the variance in whole or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2.

See attached page for  
Section 305 - Variance

(d) **Conditions.** In granting any variance as provided herein, the Zoning Administrator, or the Board of Permit Appeals on appeal, shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Code. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within a reasonable time.

*(Amended Ord. 234-72, Approved 8-18-72)*

**SEC. 306. APPLICATIONS AND HEARINGS.** In case of an amendment, conditional use or variance action described in Sections 302 through 305 of this Code, the procedures for applications and hearings shall be as described in Sections 306 through 306.5. In addition, the Zoning Administrator and the City Planning Commission may from time to time establish policies, rules and regulations which further define these procedures.

*(Amended Ord. 235-68, Approved 8-7-68)*

**Sec. 306.1. Applications and Filing Fees.** (a) Who may initiate. The persons and agencies that may file or otherwise initiate actions for amendments, conditional uses and variances are indicated in Sections 302 through 305.

(b) Where to file. Applications shall be filed in the office of the Department of City Planning.

(c) Content of applications. The content of applications shall be in accordance with the policies, rules and regulations of the Zoning Administrator and the City Planning Commission. All applications shall be upon forms prescribed therefor, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. The applicant may be required to file with his application the information needed for the preparation and mailing of notices as specified in Section 306.3.

(d) Verification. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented.

(e) Fees. Before accepting any application for filing, the Department of City Planning shall charge and collect a fee as follows:

1. For each application for an amendment to reclassify property or to establish, abolish or modify a set-back line, the fee shall be \$100.

2. For each application for authorization of a conditional use (including Planned Unit Development), the fee shall be \$100.

3. For each application for a variance, the fee shall be

\$100, except that where this Code does not require a hearing the fee shall be \$50 whether or not a hearing is actually held.

(f) **Exemption.** Any fraternal, charitable, benevolent or any other non-profit organization having a regular membership associated primarily for civic welfare, with revenue accruing therefrom to be used exclusively for the non-profit purposes of said organization, and which organization is exempt from taxation, under the Internal Revenue laws of the United States as a bonafide fraternal, charitable, benevolent or other non-profit organization shall be exempt from paying the fees specified in Subsection (e) above.

*(Amended Ord. 444-74, Approved 9/18/74)*

**Sec. 306.2. Scheduling of Hearings.** When an action for an amendment, conditional use or variance has been initiated by application or otherwise, the Zoning Administrator shall set a time and place for a hearing thereon within a reasonable period. In the case of an application for a variance, such period shall not exceed 30 days from the date upon which the application is accepted for filing. *(Added Ord. 235-68, Approved 8-7-68)*

**Sec. 306.3. Notice of Hearings.** (a) Except as indicated in Subsection (b) below, notice of the time, place and purpose of the hearing on an action for an amendment, conditional use or variance shall be given by the Zoning Administrator as follows:

1. By mail to the applicant or other person or agency initiating the action.
2. By mail, except in the case of proposed amendments to change the text of the Code, not less than 10 days prior to the date of the hearing to the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of such area, using for this purpose the names and addresses of the owners as shown on the latest city-wide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action.
3. By publication, except in variance cases, at least once in a newspaper of general circulation in the city not less than 20 days prior to the date of the hearing.
4. Such other notice as the Zoning Administrator shall deem appropriate.

(b) In the following situations, notice of hearings shall be given as indicated:

1. In the case of variance applications involving a less than 10 per cent deviation as described in Section 305(c), the Zoning Administrator need give only such notice as the Zoning Administrator deems appropriate in cases in which a hearing is actually held.

2. In the case of amendments to reclassify land on the basis of general zoning studies for one or more zoning districts, which studies either are city-wide in scope or cover a major sub-area of the city as determined by the City Planning Commission, and where the total area of land so proposed for reclassification, excluding the area of public streets and alleys, is 30 acres or more, the notice given shall be as described in Subsection (a) above, except that:

(A) The newspaper notice shall be published as an advertisement in all editions of such newspaper, and need contain only the time and place of the hearing and a description of the general nature of the proposed amendment together with a map of the area proposed for reclassification.

(B) The notice by mail need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification.

*(Amended Ord. 443-78, Approved 10/10/78)*

**Sec. 306.4. Conduct of Hearings.** (a) **Reports and Recommendations.** In all actions for amendments or conditional uses, the Zoning Administrator shall make necessary investigations and studies and submit his findings to the Director of Planning prior to the hearing of the City Planning Commission. The report and recommendation of the Director of Planning shall be submitted at the hearing.

(b) **Record.** A record shall be kept of the pertinent information presented at the hearing on any action for an amendment, conditional use or variance, and such record shall be maintained as a part of the permanent public records of the Department of City Planning. A verbatim record may be made if permitted or ordered by the City Planning Commission in the case of actions for amendments or conditional uses, and by the Zoning Administrator in the case of variance actions.

(c) **Continuations.** The City Planning Commission in the case of actions for amendments or conditional uses, and the Zoning Administrator in the case of variance actions, shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.

(d) **Decision.** The decision of the City Planning Commission or the Zoning Administrator shall be in accordance with the provisions for each type of case in Sections 302 through 305.

1. In the case of variances, the decision of the Zoning Administrator shall, unless deferred upon the request or consent of the applicant, be rendered within 60 days from the date of conclusion of the hearing or, where no hearing is involved, within 60 days from the date of filing; failure of the Zoning Administrator to act within the prescribed time shall entitle the applicant to cause the matter to be placed before the City Planning Commission for decision at its next following regular meeting.

2. In the case of actions for amendments or conditional



uses, the decision of the City Planning Commission shall be rendered within 90 days from the date of conclusion of the hearing; failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval.

3. In the case of proposed amendments initiated by the Board of Supervisors under Section 302(b), or modifications to proposed amendments made by the Board under Section 302(d) of this Code, the decision of the City Planning Commission shall be rendered within 180 days from the date of referral of the proposed amendment or modification by the Board to the Commission. Failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval, except that the Board may, by resolution, extend the prescribed time within which the Commission is to render its decision.

*(Amended Ord. 271-79, App. 6-7-79)*

**Sec. 306.5. Reconsideration.** Whenever any application for an amendment, conditional use or variance, or any part thereof, has been disapproved by the City Planning Commission or Zoning Administrator, or by the Board of Supervisors or the Board of Permit Appeals on appeal as described in Section 308, no application proposing an amendment, conditional use or variance, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the City Planning Commission or Zoning Administrator within a period of one year from the effective date of final action upon the earlier application.

*(Added Ord. 235-68, Approved 8-7-68)*

**SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.** In addition to those specified in Sections 302 through 306, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this section shall be performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

(a) **Rules, regulations and interpretations.** The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Code and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code. Such rules and regulations, and any such interpretations that will be of general application in future cases, shall be made a part of the permanent public records of the Department of City Planning. The Zoning Administrator shall respond to all written requests for determinations regarding the classification of uses and the interpretation and applicability of the provisions of this Code.

(b) **Compliance with this Code.** The Zoning Administrator shall have authority to take appropriate actions to secure compliance with this Code, through review of permit applications, surveys and record keeping, enforcement against violations as described in Section 176, and other means.

(c) **Inspection of premises.** In the performance of any pre-

scribed duties, the Zoning Administrator and employees of the Department of City Planning authorized to represent the Zoning Administrator shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(d) **Code maintenance.** The Zoning Administrator shall periodically review and study the effectiveness and appropriateness of the provisions of this Code, for the purpose of recommending necessary changes to the Director of Planning and the City Planning Commission.

(e) **Exercise of powers and duties by others.** In cases where absence, incapacity, vacancy of the office, conflict of interest or other sufficient reasons prevents action by the Zoning Administrator, the Director of Planning may designate any officer or employee of the Department to carry out any function of the Zoning Administrator so affected.

(f) **Cooperation with other departments.** The Zoning Administrator shall furnish to the various departments, officers and employees of the City vested with the duty or authority to issue permits or licenses (including but not limited to the Department of Public Works, Department of Public Health, Police Department and Fire Department) such information as will insure the proper administration of this Code and of the rules, regulations, interpretations and other determinations of the Department of City Planning relative thereto. It shall be the duty of said departments, officers and employees to cooperate with the Zoning Administrator in the performance of the Zoning Administrator's duties, and to assist in the enforcement of the provisions of this Code.

*(Amended Ord. 443-78, Approved 10/6/78)*

**SEC. 308. APPEALS.** In the case of any amendment, conditional use or variance action described in Sections 302 through 305 of this Code and in the case of any order, requirement, decision or other determination (other than a variance) made by the Zoning Administrator the procedures for appeals shall be as described in Sections 308 through 308.2.

*(Amended Ord. 235-68, Approved 8-7-68)*

**Sec. 308.1. Appeals: Amendments and Conditional Uses.**

(a) **Right of appeal.** The action of the City Planning Commission, in disapproving in whole or in part an amendment initiated by application as described in Section 302 and Sections 306 through 306.5, or in approving or disapproving in whole or in part an application for conditional use authorization as described in Sections 303 and 304, and Sections 306 through 306.5, shall be subject to appeal to the Board of Supervisors in accordance with this section. An action of the Commission so appealed from shall not become effective unless and until approved by the Board of Supervisors in accordance with this section.

(b) **Notice of appeal.** Any appeal under this section shall

be taken by filing written notice of appeal with the Board of Supervisors within 30 days after the date of action by the City Planning Commission. The notice of appeal shall be subscribed by the owners of at least 20 per cent of the property affected by the proposed amendment or conditional use. For the purposes of this section, the property affected shall be calculated as follows:

1. When a proposed amendment or conditional use has been disapproved by the City Planning Commission, the property affected shall be deemed to be all property within the area that is the subject of the application for amendment or conditional use, and within 300 feet of all exterior boundaries of the property that is the subject of the application;

2. When a proposed conditional use has been approved by the City Planning Commission, the property affected shall be deemed to be all property within 300 feet of all exterior boundaries of the property for which the conditional use has been approved by the City Planning Commission, excluding the property for which the approval has been given;

3. In either of the above cases, when any property is owned by the City and County of San Francisco, the United States Government or the State of California, or any department or agency thereof, or by any special district, and is located within 300 feet of the area that is the subject of the application for amendment or conditional use, such property shall be excluded in determining the property affected unless such owner shall itself be a subscriber of the notice of appeal; and

4. Wherever a property is held in joint ownership, the signatures of joint owners shall be calculated as representing affected property in direct proportion to the amount of the total ownership of that property attributable to the joint owner or owners subscribing to the notice of appeal. For the purposes of this calculation, the term "joint ownership" shall include joint tenancies, interests in common, community property, partnerships, stock cooperatives, condominiums, community apartments and planned unit developments. Where each owner has exclusive rights to a portion of the property, the proportion of the total ownership attributable to that owner shall be calculated in terms of a ratio of the floor area and land area in which that owner has exclusive, joint and common rights to the total floor area and land area of that property. Under these calculations, the land area of an affected property in joint ownership shall be given the same weight as the land area of an affected property not in joint ownership, in determining whether 20 per cent of the property affected is represented by signatures to the notice of appeal.

(c) Hearing. Upon the filing of such written notice of appeal so subscribed, the Board of Supervisors or the Clerk thereof shall set a time and place for hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing. The Board of Supervisors must decide such appeal within 30 days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present

on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the City Planning Commission.

(d) **Decision.** In acting upon any such appeal, the Board of Supervisors may disapprove the action of the City Planning Commission only by a vote of not less than 2/3 of all members of the Board, except that in the event that one or more of the full membership of the Board is disqualified or excused from voting because of an interest prohibited by general law or the San Francisco Charter, any such disapproval shall be by a vote of not less than 2/3 of all members of the Board that are not disqualified or excused; provided, however, that in the event that a quorum of all members of the Board is disqualified or excused from voting because of an interest prohibited by general law or the Charter, the action of the City Planning Commission shall be deemed approved. In the event the Board disapproves the action of the Commission when the Commission has disapproved in whole or in part a proposed amendment, the Board shall, not later than its next, regularly scheduled meeting, adopt the proposed ordinance. In the event the Board disapproves the action of the Commission when the Commission has disapproved in whole or in part a proposed conditional use, the Board shall prescribe in its resolution such conditions as are in its opinion necessary to secure the objectives of this Code, in accordance with Section 303(d).

*(Amended Ord. 443-78, Approved 10/6/78)*

**Sec. 308.2. Appeals: Variances and Administrative Actions.**

(a) **Right of Appeal.** The action of the Zoning Administrator, in granting or denying a variance application as described in Section 305 and Sections 306 through 306.5, or in making any order, requirement, decision or other determination, other than a variance, shall be subject to appeal to the Board of Permit Appeals in accordance with this section. Such an appeal may be taken by any person aggrieved or by an officer, board or commission of the City and County. An appeal shall stay all proceedings in furtherance of the action appealed from.

(b) **Notice of Appeal.** Any appeal under this section shall be taken by filing written notice of appeal with the Board of Permit Appeals within 10 days after the date of the written variance decision or other written determination of the Zoning Administrator.

(c) **Allegations.** Any notice of appeal filed pursuant to this section shall include allegations as follows:

1. A notice of appeal filed from a variance decision shall set forth the particulars wherein the application for variance is alleged to have met or to have failed to meet, as the case may be, the five requirements set forth in Section 305(c).

**Additional pages from the 1979 Planning Code regarding Variances**

pursuant to Sections 1513, 1523 and 1604 of Public Law 93-641 or Sections 437 and 438 of the California Health and Safety Code, if such approval is found by the reviewing agencies to be required under those Sections.

(g) **Permit Applications.** Commencing on January 1, 1977, the Department of City Planning shall not approve any building permit application for any construction pertaining to any development of any institution subject to this Section, with the exception of minor alterations necessary to correct immediate hazards to health or safety, unless that institution has complied with all the applicable requirements of Subsections (b) and (c) above with regard to its filing of an institutional master plan or revisions thereto. (Amended Ord. 443-78, App. 10/6/78)

**SEC. 305. VARIANCES.** (a) **General.** The Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in this Code. He shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Code and in accordance with the general and specific rules contained herein, and he shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Section. No variance shall be granted in whole or in part which would have an effect substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Code; or which would change a definition in this Code. The procedures for variances shall be as specified in this Section and in Sections 306 through 306.5.

(b) **Initiation.** A variance action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the variance is sought.

(c) **Determination.** The Zoning Administrator shall hold a hearing on the application, provided, however, that if the variance requested involves a deviation of less than 10 percent from the Code requirement, the Zoning Administrator may at his option either hold or not hold such a hearing. No variance shall be granted in whole or in part unless there exist, and the Zoning Administrator specifies in his findings as part of a written decision, facts sufficient to establish:

(1) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

(2) That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(3) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

(4) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and

(5) That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

Upon issuing his written decision either granting or denying the variance whole or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2.

(d) **Conditions.** In granting any variance as provided herein, the Zoning Administrator, or the Board of Permit Appeals on appeal, shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Code. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorized variance shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the variance. Such conditions may include time limits on the exercise of the granted variance; otherwise, any exercise of such variance must commence within a reasonable time. (Amended Ord. 234-72, App. 8/18/72)

**SEC. 306. APPLICATIONS AND HEARINGS.** In case of an amendment, interim control, conditional use or variance action described in Sections 305 through 306.7 of this Code, the procedures for applications and hearings shall be as described in Sections 306 through 306.7. In addition, the Zoning Administrator and the City Planning Commission may from time to time establish policies, rules and regulations which further define these procedures. (Amended Ord. 210-84, App. 5/4/84)

**SEC. 306.1. APPLICATIONS AND FILING FEES.** (a) **Who May Initiate.** The persons and agencies that may file or otherwise initiate actions for amendments, conditional uses and variances are indicated in Sections 302 through 305.

(b) **Where To File.** Applications shall be filed in the office of the Department of City Planning.

(c) **Content of Applications.** The content of applications shall be in accordance with the policies, rules and regulations of the Zoning Administrator and the City Planning Commission. All applications shall be upon forms prescribed therefor, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for permanent record. The applicant may be required to file with his application the information needed for the preparation and mailing of notices as specified in Section 306.3.

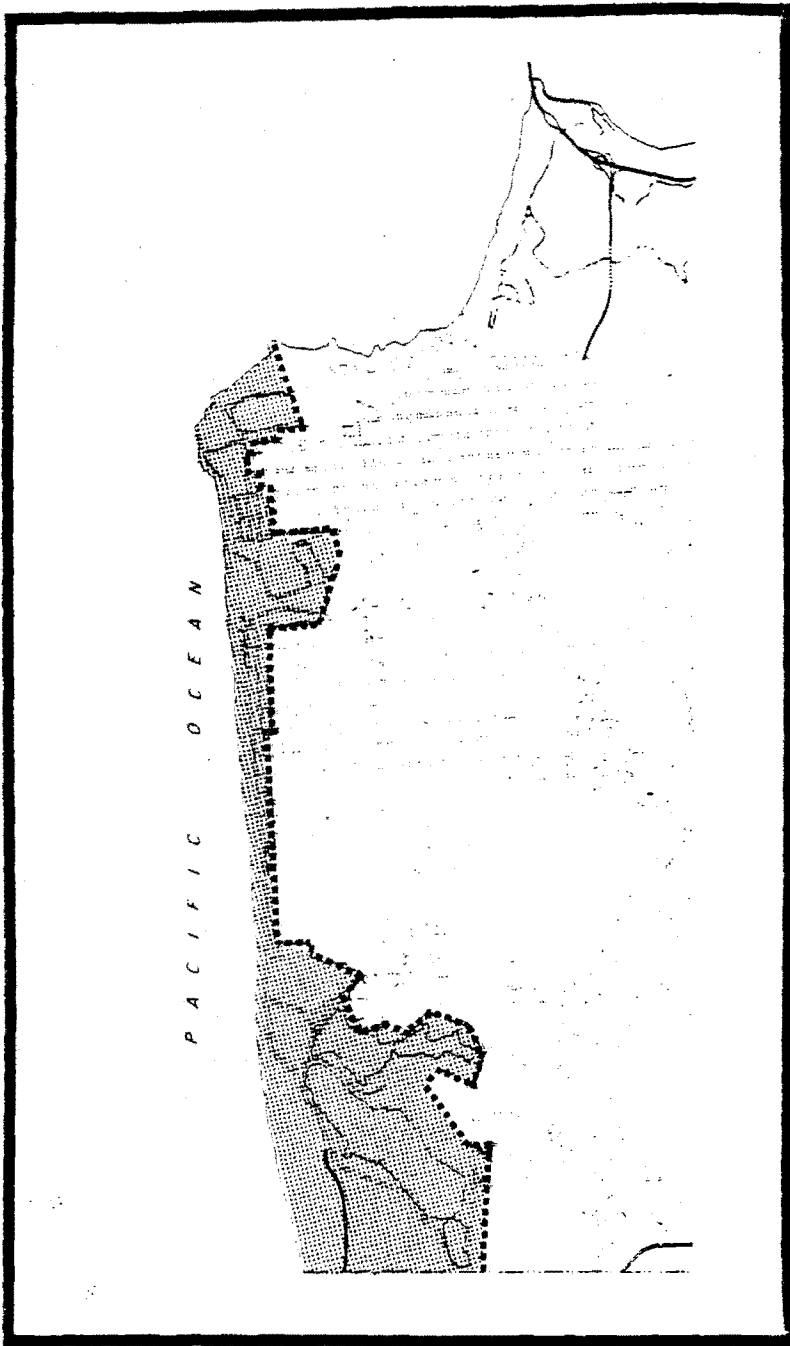
(d) **Verification.** Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented.

(e) **Fees.** Before accepting any application for filing, the Department of City Planning shall charge and collect a fee as specified in Article 3.5 of this Code. (Amended Ord. 259-81, App. 5/15/81)

## **Section 330 and Zoning Maps from the 1985 Planning Code**

# COASTAL ZONE PERMIT REVIEW PROCEDURES

SAN FRANCISCO CITY  
PLANNING CODE



CERTIFIED AS LEGALLY ADEQUATE  
BY THE CALIFORNIA COASTAL  
COMMISSION ON 3/14/86  
(A Portion of the Zoning  
Ordinance)

SAN FRANCISCO DEPARTMENT OF CITY PLANNING



## SAN FRANCISCO CITY PLANNING CODE

### COASTAL ZONE PERMIT PROCEDURES

- Sec. 330. Purpose and Coastal Zone Permit Area.
- Sec. 330.1 Projects Requiring Coastal Zone Permit Review.
- Sec. 330.2 Definitions.
- Sec. 330.3 Projects Exempt from Coastal Zone Permit Review.
- Sec. 330.4 Projects Subject to Coastal Zone Permit Review.
- Sec. 330.4.1 Projects Requiring a Coastal Zone permit from the California Coastal Commission.
- Sec. 330.5 Application for a Coastal Zone Permit.
- Sec. 330.5.1 Permit Application Review for Consistency with the Local Coastal Program.
- Sec. 330.5.2 Findings.
- Sec. 330.5.3 Determination of Permit Jurisdiction.
- Sec. 330.5.4 Planning Commission Review of Coastal Zone Permits.
- Sec. 330.6 Coastal Commission Notification.
- Sec. 330.7 Public Notice.
- Sec. 330.8 Emergency Coastal Zone Permits.
- Sec. 330.9 Appeal Procedures.
- Sec. 330.10 Appealable Projects.
- Sec. 330.11 Who May Appeal a Coastal Zone Permit.
- Sec. 330.12 Permit Approval by Operation of Law.
- Sec. 330.13 Effective Date of Approved Projects.
- Sec. 330.14 Expiration Date and Extensions.
- Sec. 330.15 Coastal Zone Permit Fees.
- Sec. 330.16 Procedural Permit Review Changes.

SEC. 330. PURPOSE AND COASTAL ZONE PERMIT AREA.

- (a) **Purpose.** The purpose of Section 330 through 330.16 is to implement the process of reviewing projects within the Coastal Zone for consistency with the San Francisco Local Coastal Program as required by the California Coastal Act of 1976 as amended.
- (b) **Coastal Zone Permit Area.** The following regulations pertain to the San Francisco Coastal Zone Area designated on Section Maps CZ4, CZ5, and CZ13 of the Zoning Map.  
(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.1. PROJECTS REQUIRING COASTAL ZONE PERMIT REVIEW.

All private projects, except those specifically exempt, shall be required to apply to the San Francisco Department of City Planning for a Coastal Zone Permit for demolition, construction, reconstruction, alterations, change of use, change of occupancy, condominium conversions or any other development on or affecting real property located within the designated boundary of the Coastal Zone.

All public projects, except those specifically exempt, shall be required to apply to the San Francisco Department of City Planning for a Coastal Zone Permit, including any development project or change of use in the coastal zone area of Golden Gate Park, the Zoo, or the Lake Merced area.

A Coastal Zone Permit shall be required in addition to any other permit application which may be required elsewhere by the Planning Code, Building Code, or other Municipal Code.  
(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.2. DEFINITIONS.

For the purposes of this Section 330 through 330.16, the following definitions shall apply:

- (a) An "aggrieved person" for the purpose of appeals to the California Coastal Commission shall be any person who appears at a public hearing in connection with a decision or action appealed to the California Coastal Commission, or who by other appropriate means informed in writing the Zoning Administrator, Planning Commission, or Board of Permit Appeals.
- (b) "Emergency" is defined as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

- (c) "Environmentally sensitive habitat" is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.
- (d) The "Local Coastal Program" shall be the San Francisco Western Shoreline Plan, a part of the City's Master Plan, and any of its implementation programs, issue papers and any other documents certified by the California Coastal Commission.
- (e) A "project" shall be any of the following:
1. Construction, reconstruction, demolition, or alteration of the size of any building, including any facility of any private, public or municipal utility.
  2. Change in the density or intensity of use of land, including but not limited to subdivision(s) and any other division of land, including lot splits, except where the land is for the purchase of such land by a public agency for public recreational use.
  3. The placement, building or construction of any solid material or structure, including but not limited to, any building, road pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
  4. Grading, removing, dredging, mining, or extraction of any material.
  5. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, and the mining or extraction of any material.
  6. Change in the intensity or use of a body of water or stream, or access thereto.
  7. The removal or harvesting of major trees, rare or endangered species, and permanently established riparian vegetation other than for agricultural purposes.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.3. PROJECTS EXEMPT FROM COASTAL ZONE PERMIT REVIEW.**

No Coastal Zone Permit shall be required for the following projects:

- (a) Enlargement, alteration or reconstruction of any existing single-family residence.

- (b) Enlargement or alteration of any structure other than a single-family residence or a public structure or facility, provided that these improvements do not have an adverse environmental effect, adversely affect public access, or involve a change in use contrary to any policy of the Local Coastal Program.
- (c) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of a structure or use, provided that it does not fall within the requirement in Sec. 330.4 (e), (h), and (i).
- (d) The replacement of any structure, other than a public structure or facility, destroyed by natural disaster. Such replacement structure shall (1) conform to applicable Building Code, other standards of this Code and zoning requirements, and other applicable Municipal Code, (2) shall be for the same use as the destroyed structure, (3) shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and (4) shall be sited in the same location on the affected property as the destroyed structure.
- (e) The conversion of any existing multiple-unit residential structure to a time-share project, resort club, vacation club, estate, or other short-term use.
- (f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this Code.
- (g) Recreation and Park tree trimming, reforestation and support services, landscaping improvements, vegetation removal and seasonal planting, replacement planting, maintenance, and other park landscaping and planting improvements, provided that this activity does not involve a change contrary to any policy of the Coastal Program.
- (h) Recreation and Park Department road maintenance, repairs, facilities and street lighting, and road and circulation improvements as proposed in the Golden Gate Park Transportation Management Plan.
- (i) Recreation and Park Department play structures, maintenance, and any other Park and Recreation activity that requires no building permit or is subject to section 330.4 (a) through (h) of this Code.
- (j) Maintenance dredging of existing navigation channels or moving dredged materials from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

- (k) Maintenance, improvements, and any other projects within the United States Federal lands in designated Golden Gate National Recreation Areas.

(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.4. PROJECTS SUBJECT TO COASTAL ZONE PERMIT REVIEW.

A Coastal project as defined in Section 330.2(e).

- (a) Construction of any residential or commercial building, structure, or project as defined in Section 330.2(d).
- (b) Any alteration, enlargement or reconstruction of a structure or building which increases the intensity of use of the structure or building.
- (c) Any alteration, enlargement or reconstruction made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion, motel/hotel or time-sharing conversion.
- (d) An enlargement or alteration that would result in an increase of 10 percent or more of internal floor area of the existing structure, or increase in height by more than 10 percent of an existing structure on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the California Coastal Commission.
- (e) Any repair or maintenance to facilities, structures or public works located in an environmentally sensitive habitat area, any sand area within 50 feet of the edge of a coastal waters or streams that include the placement or removal, whether temporary or permanent, of rip-rap rocks, sand or other beach materials or any other forms of solid materials.
- (f) Alteration or reconstruction of any structure on a beach, wetland, stream, or lake seaward of the mean high tide line; where the structure or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.
- (g) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff, or stream or in areas of natural vegetation.

- (h) Any method of routine maintenance dredging that involves:
  - 1. The dredging of 100,000 cubic yards or more within a twelve month period.
  - 2. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, or a sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.
  - 3. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the California Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
  
- (i) Any repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
  - 1. Repair or maintenance involving substantial alteration of the protective work including pilings and other surface or subsurface structures.
  - 2. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other form of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries.
  - 3. The replacement of 20 percent or more of the structural materials of an existing structure with materials of a different kind.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.4.1. PROJECTS REQUIRING A COASTAL ZONE PERMIT FROM THE CALIFORNIA COASTAL COMMISSION.**

The California Coastal Commission shall retain coastal permit review jurisdiction over all tidelands, submerged lands below the mean high tide, and any other area so designated on Sectional Maps CZ4, CZ5, and CZ13 of the Zoning Map, including the Olympic Country Club, Lake Merced, and the Pacific Ocean shore extending 3 miles out to sea from the mean high tide.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.5. APPLICATION FOR A COASTAL ZONE PERMIT.**

A Coastal Zone Permit shall be applied for at the Department of City Planning concurrent with other necessary project permit(s).

- (a) An application for a Coastal Zone Permit where a conditional use authorization is required shall be reviewed subject to the procedures for reviewing conditional use applications in Section 303 of the City Planning Code.
- (b) An application for a Coastal Zone Permit where a variance application is required shall be reviewed subject to the procedures for variances in Section 305 of the City Planning Code.
- (c) An application for a Coastal Zone Permit where a building permit authorization is required shall be reviewed subject to the procedures set forth in the Planning Code, Building Code and part III of the Municipal Code.
- (d) City Planning Code amendments and changes to the Zoning Map shall be conducted according to Section 302 of the City Planning Code.
  - 1. Amendments to the Local Coastal Program, include, but are not limited to, any action by the Planning Commission, or Board of Supervisors which authorizes a use of a parcel of land other than that designated in the certified Local Coastal Program as a permitted use of such parcel.
  - 2. Any proposed amendments, set-back proceedings, zoning map changes or interim zoning controls which may alter the Local Coastal Program shall be submitted as a request for an amendment of the Local Coastal Program for review by the California Coastal Commission. No more than three submittals may be made per calendar year. Such amendment shall take effect only after it has been certified by the California Coastal Commission.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.5.1. PERMIT APPLICATION REVIEW FOR CONSISTENCY WITH THE LOCAL COASTAL PROGRAM.**

- (a) The City Planning Department shall review all Coastal Zone Permit Applications, Building Permit Applications, Conditional Use Applications, Variances, City Planning Code Amendments, and Zoning Map changes within the Coastal Zone for consistency with the requirements and objectives of the San Francisco Local Coastal Program.

(b) The Board of Permit Appeals shall review all appeals of coastal zone permit applications. Any appeals shall be reviewed by the Board of Permit Appeals for consistency with the requirements and objectives of the San Francisco Local Coastal Program.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.5.2. FINDINGS.**

The Zoning Administrator or the City Planning Commission, or Board of Permit Appeals in reviewing a Coastal Zone Permit Application or an appeal thereof shall adopt factual findings that the project is consistent or not consistent with the Local Coastal Program. A Coastal Zone permit shall be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the San Francisco Local Coastal Program.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.5.3. DETERMINATION OF PERMIT JURISDICTION.**

The Zoning Administrator shall determine whether or not a project is exempt or subject to a Coastal Permit Application pursuant to Section 330.2 through 330.4 of the City Planning Code. If the project requires a Coastal Zone Permit Application, the Zoning Administrator shall determine whether the project may be appealed to the California Coastal Commission, or whether the project can only be appealed locally to the Board of Permit Appeals.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.5.4. PLANNING COMMISSION REVIEW OF COASTAL ZONE PERMITS.**

The City Planning Commission shall hold a public hearing on any Coastal Zone Permit Application for which the Zoning Administrator has determined from the findings that the project has a significant impact on the Coastal Zone. Any projects which may be appealed to the California Coastal Commission shall be scheduled for review by the Planning Commission. The City Planning Commission may schedule a public hearing on any Coastal Zone Permit Application on its own motion.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.6. COASTAL COMMISSION NOTIFICATION.**

The Department of City Planning shall notify the California Coastal Commission of each Coastal Zone Permit Application received as follows:



- (a) A written notice to the California Coastal Commission shall be mailed within ten (10) calendar days of filing of a Coastal Zone Permit Application with the Department of City Planning. This notice shall include the application number, address or location, the nature of the project, determination of whether the project is exempt, or appealable to the California Coastal Commission, and schedule for permit review.
- (b) A written notice to the California Coastal Commission shall be mailed within seven (7) calendar days after a final decision has been made by the Zoning Administrator or City Planning Commission. Notice of approval shall include the findings, the action taken by the Zoning Administrator or City Planning Commission, conditions of approval if any, and procedures for appeal.
- (c) The Department of City Planning shall notify in writing the California Coastal Commission of any appeal of a Coastal Zone Permit Application to the Board of Permit Appeals. This notification shall take place within ten (10) calendar days of filing the appeal. A notice of final action on the appeal shall be mailed by the Department of City Planning to the California Coastal Commission within seven (7) calendar days of such action.
- (d) A local decision on a Coastal Zone Permit shall not be deemed complete until (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not consistent with the Local Coastal Program and (2) when all local rights of appeal have been exhausted.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.7. PUBLIC NOTICE.**

In addition to the notice standards of Section 306 through 306.5 in this Code, and any other notice requirement by the Building Code or any other notice required by the Municipal Code, the Zoning Administrator shall mail notice of a Coastal Zone Permit Application to residents within 100 feet of the subject property, and mail notice to any person or group who specifically requests notice. The notice shall identify the nature of the project, its location within the coastal zone, the time and date of hearing if any, and appeal procedures.

(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.8.

EMERGENCY COASTAL ZONE AUTHORIZATION.

In case of an emergency, temporary emergency authorization to proceed may be given by the Director of Planning or his designee until such time as a full Coastal Zone Permit Application shall be filed.

- (a) An applicant may request an Emergency Coastal Zone Authorization by letter to the Director of Planning, in person or by telephone, if time does not allow. The following information shall be included in the request:
  - 1. The nature of the emergency.
  - 2. The cause of the emergency, insofar as this can be established.
  - 3. The location of the emergency.
  - 4. The remedial, protective, or preventive work required to deal with the emergency.
  - 5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.
  
- (b) The Director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows. The Director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of emergency. If time does not allow for public notice to be given before the emergency work begins, the Director shall provide public notice of the action taken soon thereafter. The Director may grant emergency authorization upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Director finds that:
  - 1. An emergency exists that requires action more quickly than permitted by the procedures for administrative permits or for regular permits and the work can and will be completed within 30 days unless otherwise specified by the terms of the authorization.
  - 2. Public comment on the proposed emergency action has been reviewed, if time allows.
  - 3. The work proposed would be consistent with the requirements of the Local Coastal Program.

- (c) The Director shall not grant an Emergency Coastal Zone Authorization for any work that falls within an area that the Coastal Commission retains direct permit review authority as designated on Section Maps CZ4, CZ5, and CZ13 of the Zoning Map. In such areas, an applicant may request emergency authorization from the California Coastal Commission.
- (d) The Director shall report, in writing, to the Coastal Commission and to the Planning Commission, at its first scheduled meeting after authorizing the emergency work, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing. The report of the Director shall be informational only; the decision to grant an Emergency Coastal Zone Authorization is at the discretion of the Director of City Planning or his designee.

(Added Ord. 509-85, Approved 11/22/85)

#### SEC. 330.9. APPEAL PROCEDURES.

- (a) All Coastal Zone Permits Applications may be appealed to the Board of Permit Appeals as described in Sections 308.2 of this Code. Local appeal of a Coastal Zone Permit is not subject to the aggrieved party provisions in Section 330.2(a) of this Code, but must comply with the appeal review procedures of Section 330.5.1(b) and Section 330.5.2 of this Code.
- (b) Appeal to the California Coastal Commission is available only for approved projects in the appealable area of the Coastal Zone, as designated in Sectional Maps CZ4, CZ5, and CZ13 of the Zoning Map. Disapproved Coastal Zone Permit Applications are not appealable to the California Coastal Commission.
- (c) A Coastal Zone Permit which may be appealed to the California Coastal Commission can be appealed by filing with the California Coastal Commission within 10 working days after the California Coastal Commission receives notice of final action from the Department of City Planning. Appeals to the California Coastal Commission are subject to the aggrieved party provisions in Section 330.2(a).
- (d) An applicant is required to exhaust local appeals before appealing to the California Coastal Commission.
- (e) Major public works and energy facilities within the Coastal Zone may be appealed to the California Coastal Commission whether approved or not by the local government.

(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.10. APPEALABLE PROJECTS.

The following projects may be appealed to the California Coastal Commission:

- (a) Projects approved between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, or as otherwise indicated in Sectional Maps CZ4, CZ5, and CZ13 of the Zoning Map.
- (b) Projects approved and located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (c) Any project which constitutes a major public works project or a major energy facility, including the following:
  1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
  2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. A railroad whose primary business is the transportation of passengers shall not be considered public works nor a development if at least 90 percent of its routes located within the coastal zone utilize existing rail or highway rights-of-way.
  3. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
  4. All community college facilities.
  5. Major public works or energy facility with an estimated cost of \$100,000 or more.
  6. Energy facilities is any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.11. WHO MAY APPEAL A COASTAL ZONE PERMIT TO THE CALIFORNIA COASTAL COMMISSION.**

Appeal of a local decision may be filed by: (1) an applicant; (2) any aggrieved person as defined in Section 330.2(a); or (3) any two members of the California Coastal Commission. In the case of appeal by two Coastal Commission members local appeal need not be exhausted.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.12. PERMIT APPROVAL BY OPERATION OF LAW.**

- (a) If the City Planning Department has failed to act on a Coastal Zone Permit Application within a one year period from the date of which the application has been accepted as complete, the person claiming a right to proceed shall notify in writing the Zoning Administrator of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.
- (b) When an applicant claims that a Coastal Zone Permit Application has been approved by operation of law, a written notice shall be mailed by the Zoning Administrator within seven (7) calendar days of such action to the California Coastal Commission and any person entitled to receive notice that the application has been approved by operation of law. Approval of a Coastal Zone Permit Application by expiration of time limitation may be appealed to the California Coastal Commission.

(Added Ord. 509-85, Approved 11/22/85)

**SEC. 330.13. EFFECTIVE DATE OF APPROVED PROJECTS.**

- (a) A final decision on an application for an appealable project shall become effective after a ten (10) working day appeal period to the California Coastal Commission has expired, unless either of the following occur: (1) a valid appeal is filed in accordance with City and State regulations, or (2) local government requirements are not met per section 330.6(b). When either of the above occur, the California Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the local government action has been suspended. The applicant shall cease construction immediately if that occurs.
- (b) Coastal Zone Permits for projects not appealable to the California Coastal Commission shall become effective only after other required planning or building permit applications have been issued.

(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.14. EXPIRATION DATE AND EXTENSIONS.

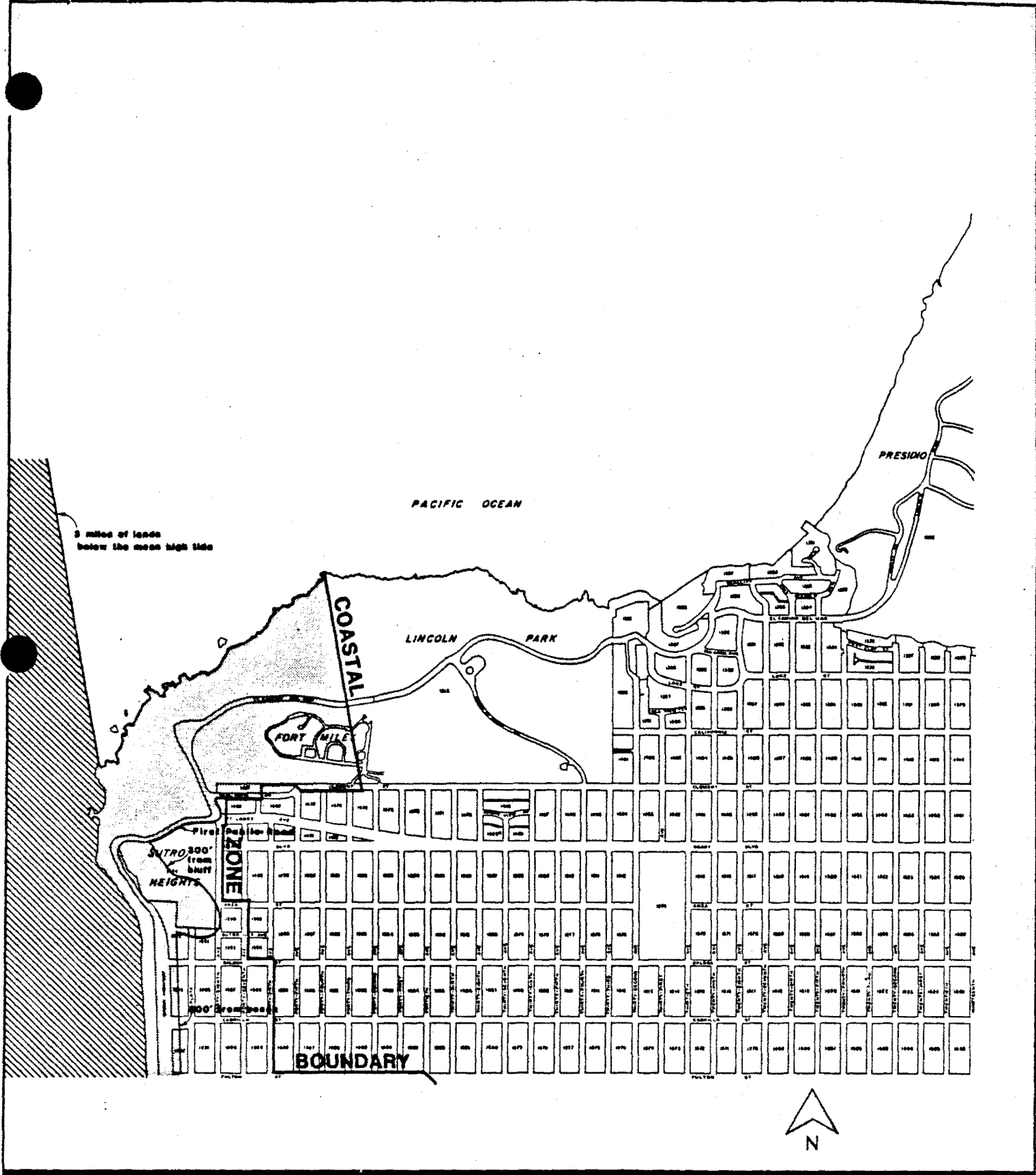
A Coastal Zone Permit shall expire one year from the date of issuance unless otherwise explicitly modified by approval conditions for the project. The Zoning Administrator may extend a Coastal Zone Permit prior to its expiration for up to 12 months from its original date of expiration. Coastal Zone Permit extensions may be granted upon findings that the project continues to be in conformance with the Local Coastal Program.  
(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.15. COASTAL ZONE PERMIT FEES.

Before accepting any Coastal Zone Permit Application for filing, the Department of City Planning shall charge and collect a fee as set forth in Section 351(d) for processing a Coastal Zone Permit Application. No fees shall be established for appealing any Coastal Zone Permit.  
(Added Ord. 509-85, Approved 11/22/85)

SEC. 330.16. PROCEDURAL PERMIT REVIEW CHANGES.




Any proposed changes in the Coastal Zone Permit procedures specified in Sections 330 through 330.16, or any subsequent action by the Board of Supervisors, Planning Commission or Zoning Administrator pertaining to the permit review process of Coastal Zone Permits shall be submitted to the California Coastal Commission for its review prior to final approval. The California Coastal Commission shall take action on any such amendments within a reasonable time period after the submittal of any such proposals.  
(Added Ord. 509-85, Approved 11/22/85)



### COASTAL ZONE AREA

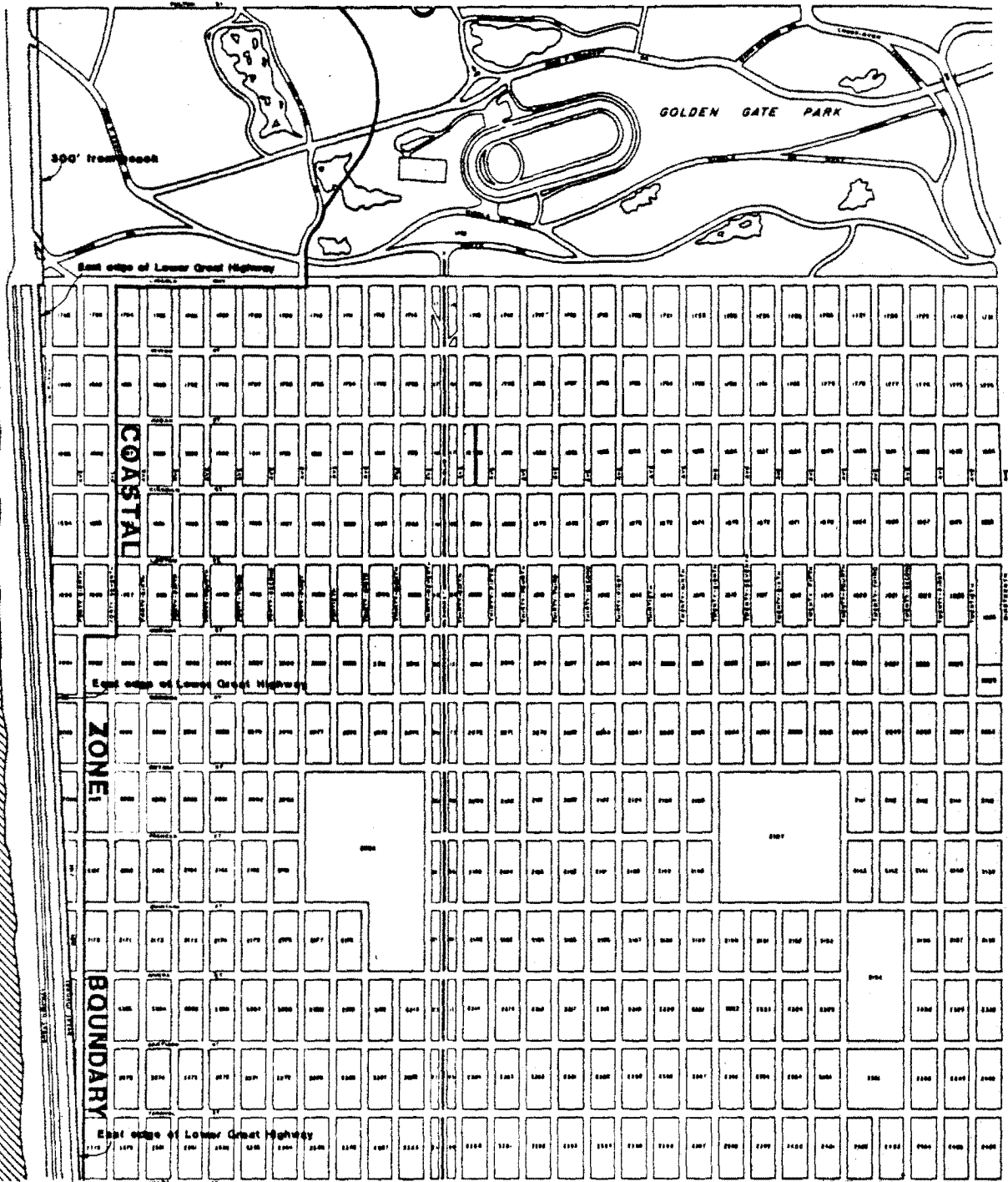
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# CZ4

-  Local Coastal Zone Permit Area
-  Area appealable to the California Coastal Commission\*
-  Jurisdiction retained by the California Coastal Commission

San Francisco Municipal Code  
 Part II, Chapter II, Section 330  
 through 330.16, 1985

\* If a parcel is bisected by the appeal area boundary, only that portion of the parcel within the appeal area is subject to appeal to the California Coastal Commission



**COASTAL ZONE AREA**

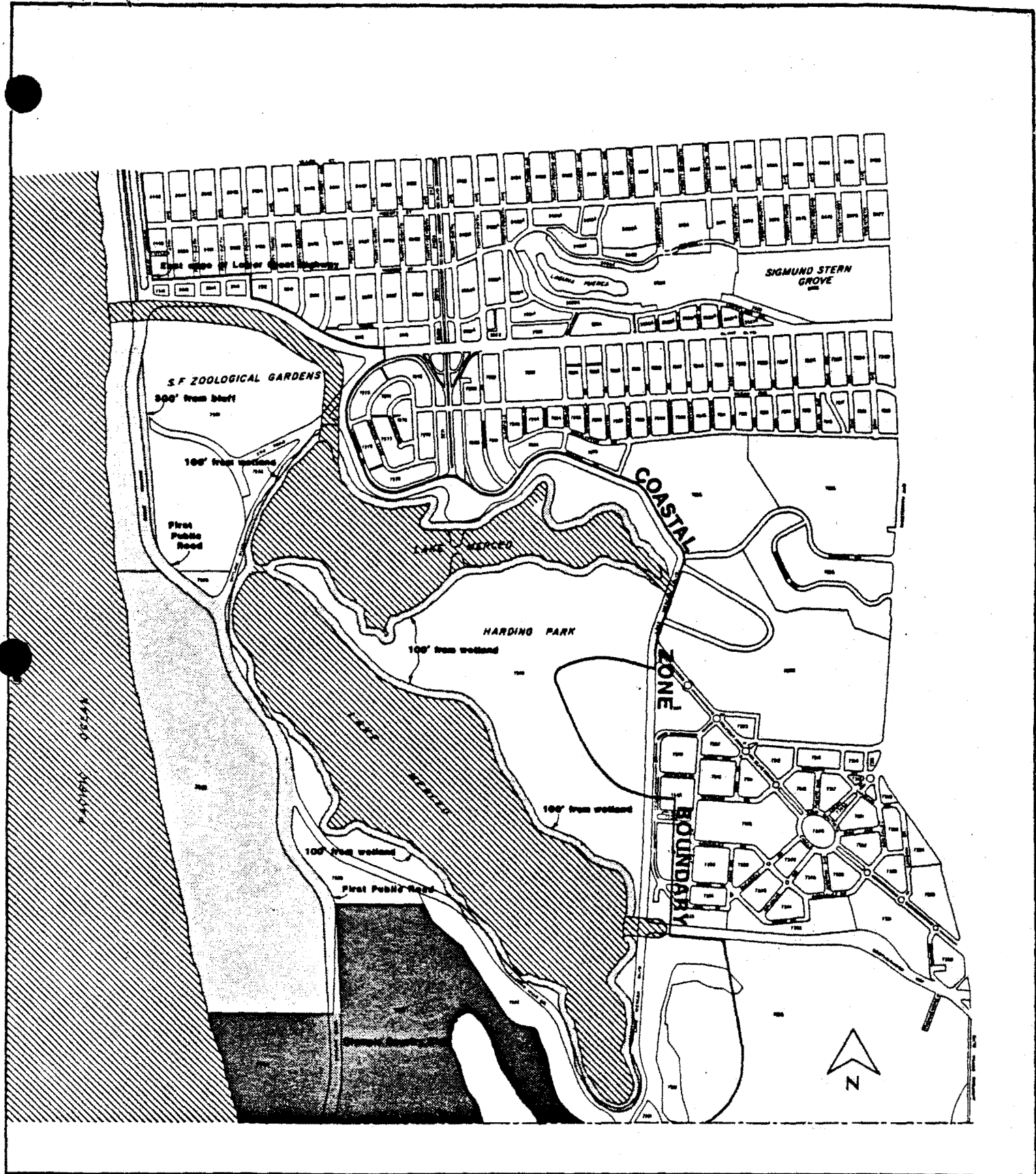
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**CZ5**

- Local Coastal Zone Permit Area
- Area appealable to the California Coastal Commission
- /// Jurisdiction retained by the California Coastal Commission

San Francisco Municipal Code  
Part II, Chapter II, Section 330  
through 330.16, 1985









### COASTAL ZONE AREA

SHEET

# CZ13

-  Local Coastal Zone Permit Area
-  Area appealable to the California Coastal Commission
-  Jurisdiction retained by the California Coastal Commission
-  Segmentation of Olympic Country Club Area by the California Coastal Commission

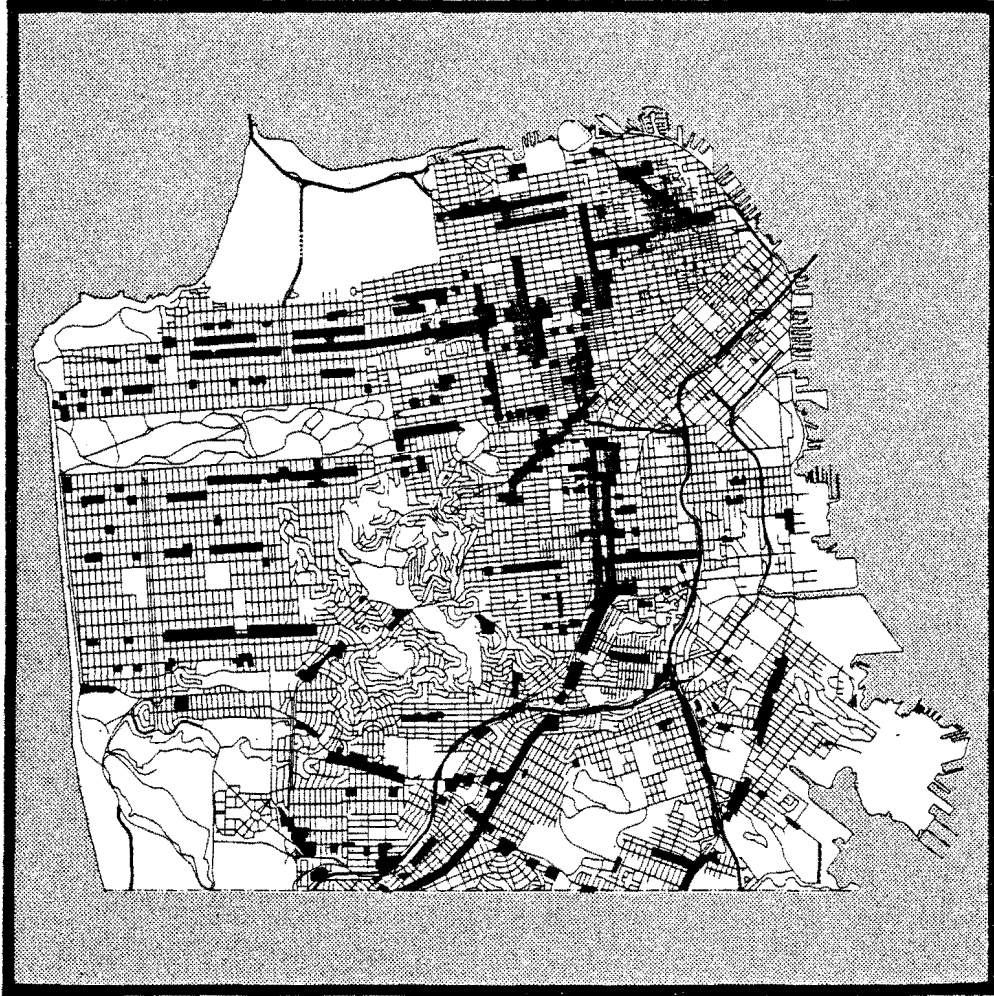
San Francisco Municipal Code  
Part II, Chapter 1, Section 330  
through 330.16, 1985



## **1985 Neighborhood Commercial Rezoning Study**

# NEIGHBORHOOD

# NEIGHBORHOOD



# COMMERCIAL

# COMMERCIAL

CERTIFIED AS LEGALLY ADEQUATE  
BY THE CALIFORNIA COASTAL  
COMMISSION ON 3/14/86  
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Ordinance)

SAN FRANCISCO DEPARTMENT OF CITY PLANNING  
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# NEIGHBORHOOD COMMERCIAL REZONING

PROPOSAL FOR ADOPTION

Department of City Planning  
City and County of San Francisco  
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# INTRODUCTION

This volume contains proposed amendments to the Master Plan and the text and maps of the City Planning Code necessary for the comprehensive revision of zoning controls for San Francisco's neighborhood commercial districts.

## BACKGROUND

Detailed investigation of neighborhood commercial planning issues began in 1978, based on concerns raised during Department studies leading to adoption of new residential zoning controls and the Commerce and Industry Element of the Master Plan. At the request of neighborhood residents and local merchants, the Board of Supervisors passed a resolution calling for a zoning study and establishing a temporary moratorium on approval of permits for bars, restaurants, take-out foods, and branch banks on Union Street. Recommendations for Special Use District zoning controls on Union Street were adopted by the City Planning Commission in 1979. Further work led to adoption of similar controls for eleven other neighborhood commercial special use districts and moratoria on bars, restaurants, financial institutions and/or other uses for six other streets. These Special Use Districts and moratoria were adopted pending completion of a citywide neighborhood commercial rezoning study. This report completes that study and contains its recommendations for changes in the City's Master Plan and Planning Code, which is the City's zoning ordinance.

## SUMMARY OF PROPOSAL

This Proposal for Adoption contains Master Plan amendments, Planning Code text and Zoning Map amendments for approximately 220 neighborhood commercial areas ranging from large active districts, such as North Beach and Polk Street, to small corner clusters of grocery and convenience stores. Existing zoning for most commercial areas currently zoned C-1, C-2, RC-1, RC-2, and RC-3 is proposed to be replaced by the following new districts:

- NC-1 Neighborhood Commercial Cluster (e.g. small corner grocery stores)
- NC-2 Small-Scale Neighborhood Commercial District (e.g. Chestnut Street)
- NC-3 Moderate-Scale Neighborhood Commercial District (e.g. Outer Geary Boulevard, Inner Mission Street)
- NC-S Neighborhood Shopping Center (e.g. Laurel Village, Petrini Plaza)

In addition, separate individual zoning districts are recommended for 15 neighborhood commercial areas which have been the subject of careful evaluation as interim Special Use Districts and moratorium areas. Permanent controls designed to meet unique conditions are proposed for the following districts:

- |                       |                     |                        |
|-----------------------|---------------------|------------------------|
| Broadway              | Haight Street       | Sacramento Street      |
| Castro Street         | Hayes-Gough         | Union Street           |
| Inner Clement Street  | Upper Market Street | Valencia Street        |
| Outer Clement Street  | North Beach         | 24th Street-Mission    |
| Upper Fillmore Street | Polk Street         | 24th Street-Noe Valley |



Some main provisions contained in the proposed program are:

- New controls for eating and drinking establishments in all neighborhood , commercial districts including:
  - Prohibition of new eating and drinking establishments in seven districts,
  - Conditional use review of eating and drinking establishments in three districts,
  - Conditional use review of fast-food restaurants and take-out food uses in the remaining districts;
- Review of development on lots which exceed certain size thresholds and review of uses which exceed certain size thresholds;
- Regulation of residential conversions and demolitions by story;
- Controls of entertainment uses;
- Guidelines for location and design of financial services;
- Separate controls of upper-story medical, personal and business services;
- Rear yard requirements by story;
- Exclusion of residential space from the floor area ratio calculation;
- Controls on outdoor activities, drive-up facilities, walk-up facilities, and general treatment of street frontage in new buildings and alterations to existing buildings;
- Limits on hours of operation of commercial uses in most districts;
- Requirements for street trees for new development in all districts;
- Higher maximum residential densities in about 40 district locations;
- Controls on awnings, marquees and canopies, and limits on the size and location of signs.

## REPORT CONTENTS

Master Plan amendments necessary to implement the Neighborhood Commercial rezoning proposal include thorough revisions of policies of Objective 8 of the Commerce and Industry Element (with detailed guidelines for land use, conversion and demolition of residential units, and urban design) and minor additions to Objective 2, Policy 4 of the Residence Element.

The main feature of the rezoning proposal is Article 7, a new part of the Planning Code, which establishes a comprehensive, flexible system of neighborhood commercial zoning controls. It contains four general area districts and fifteen individual area districts with controls which embrace the full range of land use issues in each district. A description and purpose statement for each district is accompanied by a chart which displays all applicable zoning controls, either directly or by reference to other sections of the Code. Article 7 also includes sections describing standards, permitted uses, definitions, and references to other Code sections. Two fold-out charts at the end of the report summarize the existing and proposed controls for neighborhood commercial districts.

All other sections of the Code which are to be modified to implement the neighborhood commercial zoning proposal are also presented in the report. These include amendments to Articles 1, 1.2, 1.5, 1.7, 2, 2.5, 3, and 6. This volume also contains maps showing existing and proposed zoning boundaries for neighborhood commercial districts and a complete index of recommended zoning map changes by street name.



# MASTER PLAN AMENDMENTS

## INTRODUCTION

This chapter presents revisions to the Master Plan necessary to implement the Neighborhood Commercial rezoning proposal. In conjunction with the development of new zoning controls, each element of the Master Plan was thoroughly reviewed for consistency with the new zoning and, if appropriate, updated, revised or expanded. Only those elements which directly address neighborhood commercial districts or require changes are addressed in this report.

The Commerce and Industry Element, dating from 1975, has been updated to reflect current land use patterns and planning goals. Objective 8 is thoroughly revised and now contains seven policies, including guidelines for land use, conversion and demolition of residential units, and urban design for use by the Planning Commission in its review of permit applications.

Other Master Plan elements address various other aspects relating to neighborhood commercial districts, either in general policies applicable citywide or in specific policies pertinent to neighborhood commercial districts. Specific policies in the Transportation and Residence Elements are listed for reference. One policy in the Residence Element is expanded to include reference to the proposed new neighborhood commercial zoning districts.

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 8

#### **MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.**

San Francisco is well known as a city with many distinct neighborhoods whose diverse characteristics are expressed on their commercial streets. Many of these neighborhood shopping areas reflect the surrounding neighborhood's ethnic and lifestyle characteristics, building scale and architectural style, topography, and historical development.

Neighborhood commercial districts also constitute an important part of the city's economic base, contributing to the city's fiscal stability through business taxes, and providing employment opportunities for local residents. They create a public domain where individuals can choose from a wide array of activities as well as have opportunities for leisure, cultural activities and entertainment. Many districts maintain an active street life and pedestrian character which enhances the city's stature as a walking city.

The continuing viability of a neighborhood commercial district is dependent primarily on its ability to provide required services and maintain customer patronage. The successful district provides a variety of goods and services in an atmosphere of safety, convenience, and attractiveness.

### POLICY 1

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

One of the unique charms and features of San Francisco is the diversity of its neighborhoods and their shopping areas. Neighborhood commercial areas vary widely in function, trade area, form, design and character; but they all serve a common purpose in providing goods and services to meet the needs of City residents. In particular, convenience goods and services, such as groceries, personal toiletries, shoe repair, hair cutting, film processing, laundry and dry cleaning, should be readily available to residents in nearby shopping areas. Residents require easy access to such goods and services in order to satisfy their basic personal and household needs.

While all neighborhood commercial districts provide for the convenience needs of residents in adjacent neighborhoods, many also provide specialty and comparison goods and services to a larger, often citywide trade area. A district may specialize in uses which cater to its surrounding neighborhood's lifestyle. However, as a district becomes more specialized, it may need to draw from a broader geographical market area in order to sustain itself with sufficient customer patronage. The function of a district is also influenced by its proximity to other commercial areas. Some relatively isolated districts may serve nearly all the retail and service needs for a residential neighborhood. Other districts may serve a community in conjunction with other nearby commercial districts, each with varying degrees of specialization.

Neighborhood shopping areas also differ in the size, scale, and configuration of their lots and buildings. They range from a small cluster of lots to linear shopping districts, extending two or more blocks along arterials or thoroughfares. Neighborhood shopping centers and supermarkets with extensive on-site parking are also scattered throughout the city. The differing sizes of lots and blocks, which are determined in part by the neighborhood's topography, influence the configuration of the commercial district and its surrounding lots. The variation in topography, lot size and juxtaposition with surrounding uses, in addition to the district's historic development, all contribute to the variety in size, shape, and architectural style of a district's buildings.

The scale and extent of commercial activity, relative to other uses, also varies among districts. Commercial uses may occupy from one to four stories, in a continuous series or interspersed among residential buildings. In many linear shopping districts, the commercial activity is often concentrated on a primary street or streets, with side streets or alleys containing a mix of commercial and residential uses.

The variation in function and character of commercial districts should be maintained through controls on building form, scale, ground story and upper story commercial and residential uses, and operation which reflect the differences between districts and reinforce the variations in individual land use patterns.

The essential character of neighborhood commercial districts should be maintained by encouraging uses which are compatible in scale or type with the district in which they are to be located. However, districts also should be allowed to evolve over time in response to changes in the neighborhoods they serve and changes in consumer tastes and preferences.

The determination of the appropriateness of various land uses in neighborhood commercial districts should consider the following basic aspects:

- Individual district character;
- Customer orientation of the district;
- Residential community living within and adjacent to the district;
- Necessity and desirability of the use to the community; and
- Environmental impacts of the use.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications which require case by case review and City Planning Commission approval. In general, commercial uses should be encouraged which meet the guidelines; conversely, commercial uses should be discouraged which do not.

## Guidelines for All Uses

- The use should be consistent with the purpose of the district in which it is located as stated in the Planning Code.
- The use primarily should serve the local community and not attract a major part of its clientele from outside the district in which it is located. (This guideline should not apply to districts specifically intended to serve a citywide or regional clientele.)
- The use should contribute to the variety of commercial goods and services offered in the district and avoid an undesirable concentration of one type of use in a certain location. In low-intensity districts, a balanced mix of various neighborhood-serving uses, with no concentration of a particular use, is desirable. In higher-intensity districts with a special orientation to one type of use (such as antique stores), clustering of such specialty uses may be appropriate. However, one type of use should not occupy an entire block frontage.
- The size of the use should not be larger than necessary to serve the district's trade area. Individual use sizes may vary depending on the type of merchandise offered. For example, a supermarket may require a larger floor area than a shoe repair shop in order to serve the same trade area.
- The use should not detract from the livability of the district or adjacent residential areas by causing offensive noise, odors, or light, particularly in the late night or very early morning hours. Establishments operating in the late night or early morning hours should be of a type which provide goods and services which it is necessary and desirable to make available to the community at those hours. For example, longer hours of operation may be appropriate for neighborhood-serving convenience stores such as groceries or pharmacies.
- If locating at the ground story, the use should contribute to an active retail frontage. In districts with continuous active retail frontage, individual uses which do not serve the general public during regular business hours, such as churches, are encouraged to share ground story space with more active uses. This guideline may not apply in those districts or parts of a district where retail uses are interspersed with fully residential buildings and institutional facilities. However, in most areas, provisions should be made to allow future conversion of non-commercial ground story space in order to accommodate future commercial growth in the district.
- The use should fully utilize available floor area. Uses which occupy a limited amount of ground story frontage, such as limited financial services and hotel lobbies, should provide access to remaining space for use by other establishments.
- The use should not significantly increase traffic congestion or parking demand (See Auto-Oriented or Drive-Up Facilities section for more specific guidelines on parking).

## Guidelines for Specific Uses

In some districts, the balanced mix of commercial activities has been upset by the proliferation of certain uses such as financial services, restaurants and bars, take-out food and quick-stop establishments and entertainment uses.. The concerns are not limited to the number and concentration of these uses but also include the related nuisances they create and their impacts on the neighborhood. Other uses, such as automotive repair and principal non-accessory parking, also can create noise and traffic problems. Special controls should be adopted for these uses in districts where they are a particular problem. These uses should adhere to the following guidelines, in addition to those general guidelines noted above.

### Financial Services

- Financial offices should not be located near other financial uses. It is preferable that they be at least 300 feet apart. In districts where the number of financial services has seriously upset the balance of commercial uses, the distance may be increased for additional financial services. Also, the distribution pattern of existing financial services and the form of the district may be considered in increasing the distance factor. For example, to provide for the same number of additional financial establishments, a non-linear district with a concentration of financial services might warrant greater distances between existing and proposed uses than a linear district with an even distribution of financial services.
- Financial services should provide retail banking services to serve the business community as well as the residential community.
- The location of new or expanding financial services should, if feasible, avoid the demolition of sound buildings which are compatible in scale and character with other buildings in the district.
- If new construction is necessary, inclusion of other commercial uses and/or residential units is desirable. New structures should have continuous retail frontage along the shopping street or mall except where access to upper-level uses, accessory parking, loading or public open space is necessary. New development should be compatible in scale, design and use with the rest of the district.
- In neighborhood commercial districts where drive-up facilities are not permitted, financial offices should be pedestrian-oriented. In cases where drive-up facilities are permitted or parking is required, interruptions of the continuous retail frontage should be kept to a minimum.

### Eating and Drinking Establishments

Eating and drinking establishments include bars, restaurants, fast food restaurants, and take-out food. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

In districts where the proliferation of eating and drinking establishments could generate problems, the following guidelines should be employed in the consideration of new establishments:

- The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts primarily designed to accommodate a strong eating and drinking trade, such as North Beach, such establishments should not occupy more than 25% of the total commercially-occupied frontage in a district.
- It is preferable that the proposed new use be at least 100 feet from the nearest eating and drinking establishment. Two or more uses within that distance may be troublesome.
- In most cases, accessory parking should not be provided unless the Planning Code requires parking for the use. Where the district's parking supply cannot adequately accommodate the demand generated by the use and traffic and parking congestion is expected to increase significantly, then the establishment should not be permitted (See Auto-Oriented or Drive-Up Facilities section for more specific guidelines on parking).

## **Fast Food Restaurants, Take-Out Food, Convenience Stores, and Similar Quick-Stop Establishments**

Quick-stop establishments include fast food restaurants and take-out food, convenience stores and other quick-stop establishments which may or may not involve food service. These latter uses may include small or medium-sized grocery stores, film processing stores, video rental outlets, dry cleaners, and other establishments which primarily provide convenience goods and services and generate a high volume of customer trips.

- These uses should be interspersed with other retail businesses and avoid undue concentration of one type of product.
- Fast food restaurants usually include large kitchens, service counter(s), customer queuing areas and other features which are intended to serve more customers than the use can physically accommodate for eating on-site. New or expanding fast food restaurants should be evaluated for their anticipated customer volumes. If high customer volumes are anticipated, the use should be designed to avoid concomitant traffic and other nuisance problems for the surrounding neighborhood.
- The site should provide adequate waiting space for either walk-in or drive-in patrons.
- The site should be equipped with sufficient outdoor trash receptacles to avoid litter problems in the surrounding neighborhood.

## **Entertainment and Adult Entertainment Uses**

Adult entertainment uses are generally inappropriate in most neighborhood commercial districts because:

- Neighborhood commercial districts are located near family-oriented residential areas; since adult entertainment uses may attract criminal activity, their proximity to residential areas, parks, schools, and churches may introduce criminal activity in such neighborhoods, or may tend to reduce property values;
- They appeal to a more specialized clientele, drawing customers from outside the neighborhood who may drive and create or add to parking congestion, and occupy space that could be devoted to uses which serve a broader segment of the immediate neighborhood.
- There is adequate provision of space for these uses in other areas of the city.

Adult entertainment and entertainment uses in other districts may be appropriate in certain districts or parts of districts. The following guidelines should be used in their review:

- Except in the Broadway district, entertainment uses should not be open after 2:00 a.m. in order to minimize disruption to residences in and around a district. For uses involving liquor service, potentially loud music, dancing or large patron volumes, earlier closing hours may be necessary.



- Entertainment uses should be sufficiently insulated for noise and operated so as to reasonably protect surrounding residences. Fixed source equipment noise should not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Ventilation systems should be adequate to permit doors to stay closed during performances.
- Except for movie theaters, entertainment uses should not involve electronic amplification after midnight, in order to minimize disruption to surrounding residences.
- New adult entertainment uses should be at least 1000 feet from the nearest existing adult entertainment use.

### Auto Repair Services

- When converting a gas station with minor repair facilities to an auto repair service, adequate building space should be provided for carrying out all repair services inside the building.
- Auto repair facilities should be large enough to accommodate all cars on site and avoid on-street parking of cars before or after repair work is done. If temporary on-site storage of cars must be outside the building, suitable landscaping or screening should be provided.

### Auto-Oriented or Drive-Up Facilities

The following guidelines apply to auto-oriented facilities which include those designed primarily for drive-to or drive-through trade, providing service to patrons in automobiles and providing off-street parking, such as gas and service stations, car washes, auto-repair facilities, supermarkets, and principal parking facilities:

- Non-thoroughfare transit-preferential streets, collector, local and recreational streets which are located in residential areas, as designated in the Transportation Element of the Master Plan, are not considered appropriate for auto-oriented facilities. Certain other major and secondary thoroughfares are appropriate for auto-oriented or drive-up facilities.
- Auto-oriented or drive-up facilities should not be located in areas of heavy pedestrian concentration. To avoid potential pedestrian-vehicle conflicts where large numbers of children are present, the site should not be within 500-foot walking distance of an elementary or secondary school.
- Potential traffic demand generated by the use should be evaluated. Sufficient parking to provide for the parking demand should be located on-site or within easy walking distance of the site and should be designed to prevent traffic congestion. Parking should not be provided unless the Planning Code requires parking for the use, or it can be shown that such parking is necessary and will be sufficient to meet all demand generated on site without disrupting retail and pedestrian continuity, or causing circulation congestion, or violating other guidelines in this objective. If parking is required, the number of spaces provided generally should be limited to the amount defined in the Planning Code for accessory parking. If such off-street parking is expected to be insufficient to provide for the anticipated parking demand and could thereby lead to increases in traffic and parking congestion, more parking

may be necessary. As an alternative to, or in addition to, providing parking on or near the site, other measures such as carpooling for employees or shuttle bus service for patrons to existing or new parking facilities elsewhere in the district may be necessary and appropriate to reduce or provide for the expected parking demand. If no parking is provided or other measures are not taken to address parking or traffic congestion, the location of the use on the subject site should not be permitted.

- To avoid cumulative impacts of auto-oriented facilities and drive-up facilities on the traffic flow, sites should not be within 500-foot walking distance of another auto-oriented establishment, unless specific traffic volumes and patterns could accommodate such facilities.
- Preferable sites are those which are vacant or already devoted to an open use such as a service station or parking lot.
- To avoid underutilization of land, accessory parking should be made available for general public use when not being utilized by the facility.
- The site plan and operating policy of the drive-in use should allow vehicles to enter promptly without having to wait in line on the street or across the sidewalk.
- Ingress or egress for parking should not occur on streets or alleys having predominantly residential use.
- Parking areas, if provided, should not be placed at the commercial street frontage if such placement would disrupt a continuous streetwall with an active retail frontage. Parking areas should be well screened or landscaped, and easily monitored so as not to encourage loitering or vandalism.

## **POLICY 2**

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

Most neighborhood commercial districts contain dwelling units in addition to commercial uses. Flats, apartments, and residential hotels are frequently located above ground-story commercial uses; fully residential buildings are common in some districts. The retention of this mix is desirable. Among other things, it ensures the presence of people on the streets at different times which increases safety and business vitality on evenings and weekends. Residents in commercial areas help to create an active street life, which promotes interaction between people in the neighborhood.

The mixed residential-commercial character of neighborhood commercial districts should be promoted by encouraging new construction of upper-story residential units above commercial development in mixed-use buildings. In order to make feasible such mixed-use projects, higher residential density and/or reductions in required parking may be warranted in districts with a reduced need for auto ownership or where anticipated parking demand can be accommodated off-site.

Existing residential units in neighborhood commercial districts comprise a valuable affordable housing resource which provides for the needs of San Francisco's diverse population. Most of these units are in sound or rehabilitable wood-frame structures and they are among the least expensive rental units in the city.

On the other hand, conversion of this housing is an important means of providing competitive and affordable commercial space. Conversions of ground-story residential units should be permitted in all neighborhood commercial districts without special review. In many neighborhood commercial districts, the physical location and structural aspects of the upper-story housing units make it attractive and feasible to convert them to commercial use. Due to the limited supply of vacant land, some commercial expansion into the residential space may be the only feasible way to adequately meet the commercial needs of the trade area served by the district.

The amount of commercial space necessary and desirable to serve the retail and service function of a district varies depending on the size of the trade area, proximity to other commercial districts, and competition from other land uses.

In neighborhood commercial districts consisting of a small cluster of lots, commercial uses at the ground story only can provide for the convenience needs (such as groceries and laundry) of nearby residents. In these districts no new commercial use should be permitted above the ground story, nor should conversions of existing residential units above the ground story be permitted.

In small-scale neighborhood commercial districts most of the anticipated demand for commercial growth can be accommodated through new construction at the first two stories on vacant or underused parcels without the necessity to convert upper story residential units. However in some of these districts where demand for commercial space is particularly strong, allowing commercial uses above the second story in new construction and allowing some conversion of existing residential units above the ground story may be appropriate as long as the general equilibrium between retail, office, and residential uses is maintained.

In larger, moderate-scale neighborhood commercial districts which are intended to provide a wider range of goods and services to a larger trade area, growth opportunities through new construction at the first two stories on vacant or underused parcels may be insufficient to meet the demand for commercial space. While the retention of mixed use buildings and the construction of new mixed use buildings is desirable in these districts, construction of new, fully commercial structures, and some conversion of existing upper story residential units may be appropriate to meet demand if the increased commercial activity would not adversely affect existing traffic or parking congestion.

Because the appropriateness of residential conversions depends on many factors which vary from district to district, land use controls should be adjusted to reflect the different needs of each district. In most districts certain conversions, such as those at the ground story or third story, can be regulated by permitting or prohibiting them without special review, while those at the second story may need case-by-case review by the City Planning Commission. In other districts, however, proposed conversions at all stories may need case-by-case review. A balance must be struck between the need to retain the housing and the need to provide for commercial expansion. Some upper-story conversions may be appropriate, if based on a review of an individual case, it is found that the need for commercial expansion clearly outweighs the need to preserve affordable housing. In that case-by-case review the following guidelines should be employed:

## Guidelines for Residential Conversions

- The need for the proposed commercial use in the district should be clearly established. The need to preserve affordable housing may be presumed in light of the citywide shortage of such housing and established policy in the Residence Element.
- The conversion should be disallowed if commercial space suitable for occupancy by the proposed commercial use is available elsewhere in the district.
- Many small businesses providing personal, medical, professional and business services to neighborhood residents and the general public seek affordable space in the upper stories; they should be accommodated as long as the conversions are not so numerous as to upset the general equilibrium between commercial and residential uses or to constitute a substantial loss of housing. Commercial and institutional uses which do not primarily serve the general public usually are not appropriate in neighborhood commercial areas unless they are minor uses ancillary to those which do serve the general public, such as a small dental laboratory or small business accountant.
- Conversions are more appropriate if the units are located in an active commercial district and are isolated from other residential units.
- Along secondary side streets and alleys of linear or areawide districts, conversions are inappropriate. The more residential character of the secondary streets should be protected to provide a transition between the commercial and surrounding residential districts.
- Conversion may be appropriate if the unit(s) is unsuitable for residential occupancy because offensive noise, especially from traffic or late night activity, is generated on the same site or near the unit; or a building adjacent to or near the unit(s) blocks the residents' access to light and air.
- Conversion may be appropriate if the housing unit is declared by the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention to be unsafe and/or incapable of being made habitable for residential occupancy. However, if the property owner has shown possible willful neglect or a pattern of negligence in performing ordinary maintenance, thereby resulting in uninhabitable or unsafe units, the conversion should not be permitted, or the property owner should add other replacement rental units to the city's housing supply.
- Conversions should not adversely impact the livability of any remaining units in the building. In buildings where re-conversion back to dwelling units may be desirable, the kitchens should be retained.
- In evaluating proposed conversions, consideration should be given to economic hardships which might result from the denial of the conversion application.
- Tenants should be notified prior to filing the application to convert the unit(s) and for any conversion that is permitted relocation assistance should be made available to displaced tenants, i.e. efforts to identify housing comparable in size, price, and location; and the provision of a relocation allowance, particularly in the case of units occupied by low or moderate income residents.

The same considerations that apply to conversions apply to demolition of housing units. Therefore, demolitions should be reviewed on a case-by-case basis using the same guidelines that are to be used in reviewing conversions. Demolition permits should be reviewed in conjunction with the permits for the replacement structures whenever possible. When this is not possible, conditions applying to future buildings permits may be attached to the demolition permit or the new building permit may require further review. The replacement structure should include housing units, for which there is an exhibited demand, or replacement rental units should be added to the city's housing supply. In order to encourage prompt replacement of demolished structures, permits should not be approved for temporary uses, such as general advertising signs or parking, unless such uses are appropriate permanent uses.

### **POLICY 3**

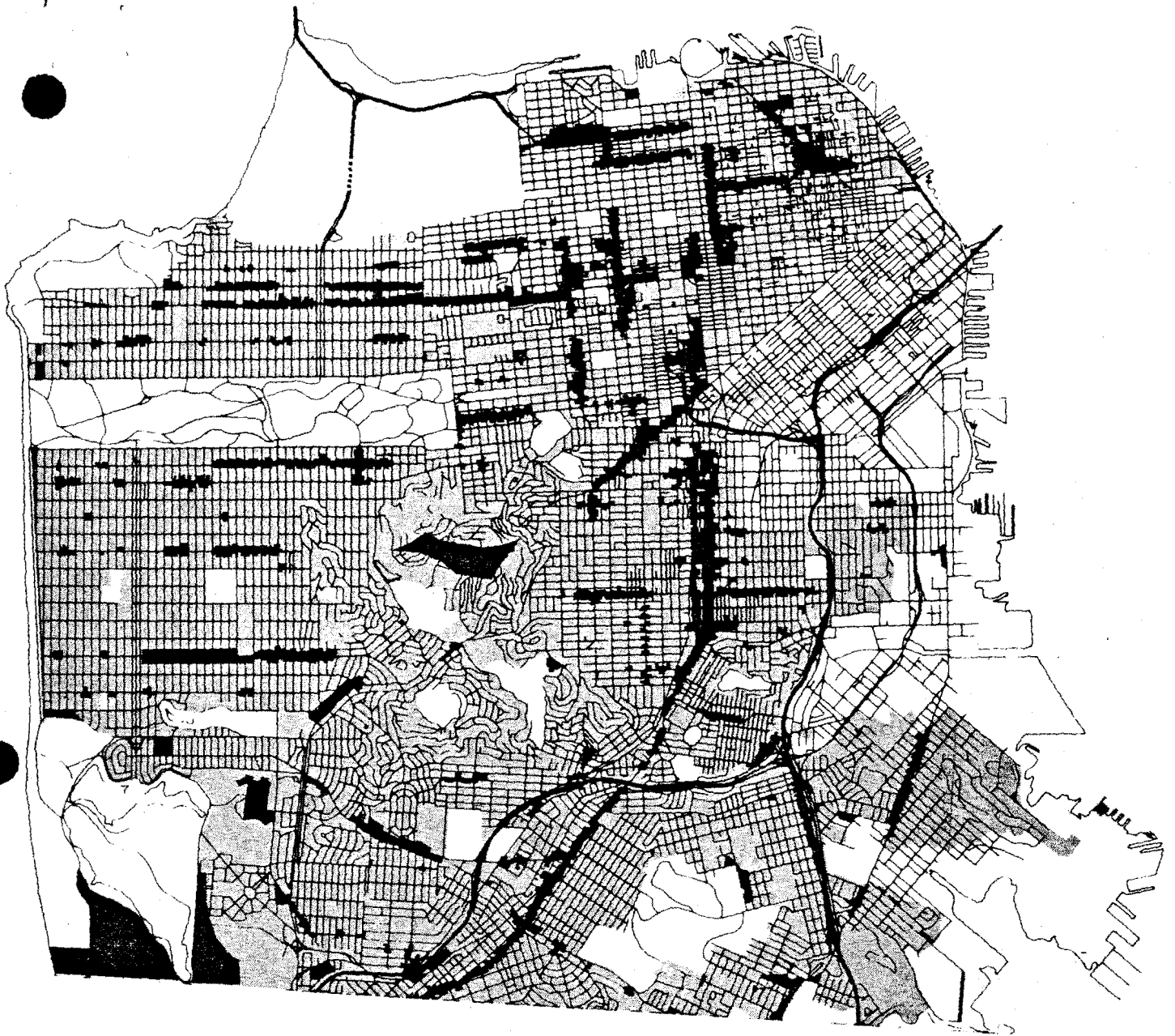
**Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.**

Neighborhood shopping districts should be distributed throughout the city so that all residential areas are within a service radius of one-quarter to one-half mile, depending upon the population density and topography of the area served. Most residential areas meet this service area standard, as can be seen on Map 1. Some remaining residential areas which are not served by commercial districts within these distances are served by individual commercial uses located within a quarter of a mile. These individual uses are typically corner grocery stores which are open long hours, providing a range of food and household convenience goods. The few remaining residential areas, which are neither served by neighborhood commercial districts nor by individual commercial uses, are typically of such low density that they cannot economically support nearby commercial activity. It would be appropriate to revise the zoning to allow a smaller convenience commercial use in those areas if a market demand develops, as long as the location meets the criteria of Objective 6, Policy 2 of the Residence Element.




### **POLICY 4**

**Discourage the creation of major new commercial areas except in conjunction with new supportive residential development and transportation capacity.**

Economic growth exhibited in any given commercial area, when viewed from a citywide or regional perspective may not represent "real" or absolute growth, but rather a relocation of economic activity from another commercial area, contributing to its decline. "Real" growth of retail activity requires an actual increase in expenditures which is directly linked to increases in disposable personal income. Because there are opportunities for business expansion within existing commercial areas, the creation of major new commercial areas should be discouraged unless a significant new market is being created to support the proposed development.



**RESIDENTIAL SERVICE AREAS OF NEIGHBORHOOD  
COMMERCIAL DISTRICTS AND USES**

-  NEIGHBORHOOD OR GENERAL COMMERCIAL DISTRICT  
Service Radius : 1/2 Mile
-  COMMERCIAL SERVICE AREAS
-  RESIDENTIAL AREAS OUTSIDE SERVICE BOUNDARIES

Map 1



3000 FT

## POLICY 5

Adopt specific zoning districts which conform to a generalized neighborhood commercial land use plan.

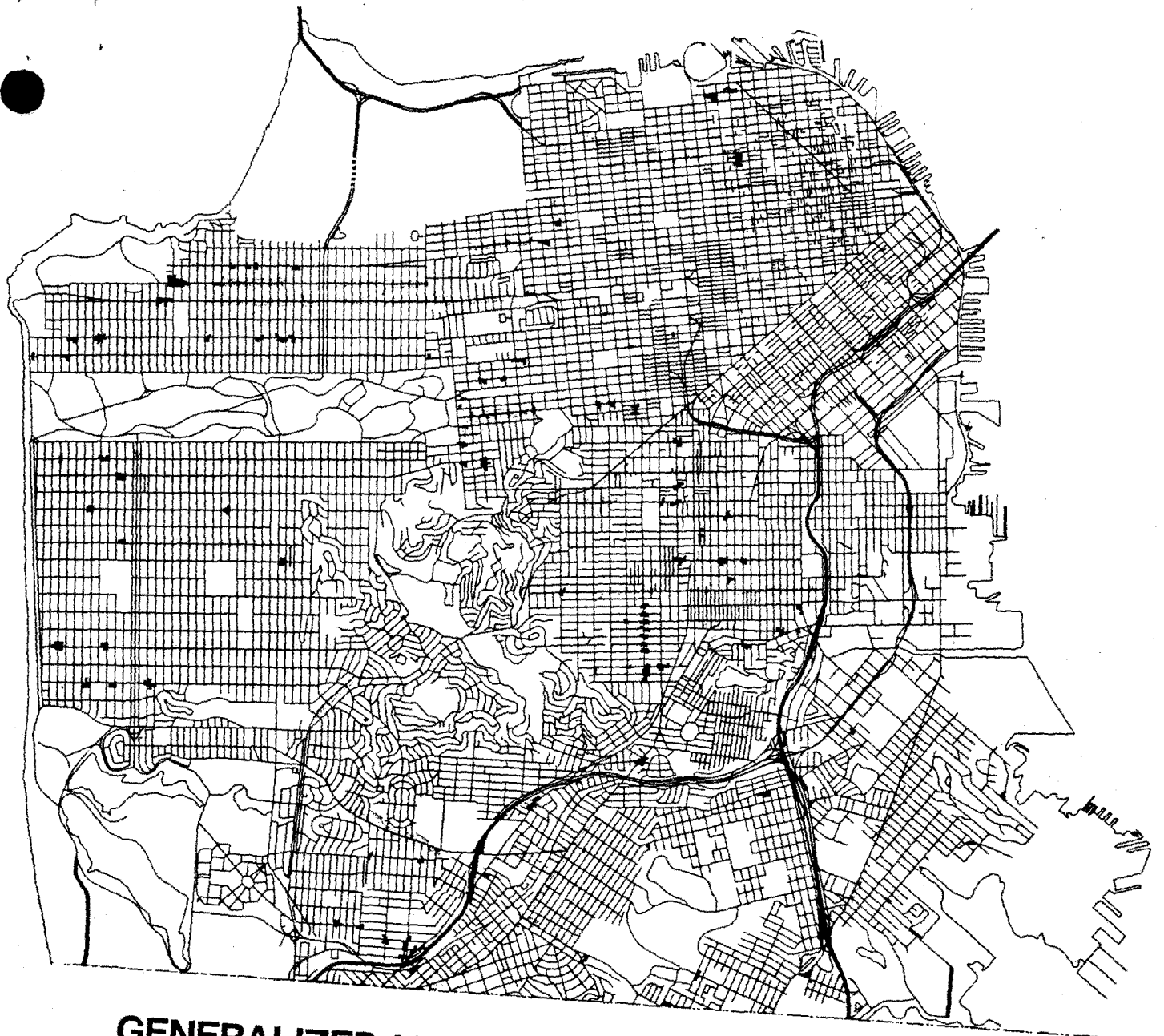
The application of other policies under this "neighborhood commercial" objective results in land use distribution patterns shown on the Generalized Neighborhood Commercial Land Use Plan Maps. Neighborhood Commercial zoning districts should conform to the map, although minor variations consistent with the policies may be appropriate. The Generalized Neighborhood Commercial Land Use Plan provides for the following categories of neighborhood commercial districts:

**Neighborhood Commercial Clusters.** These districts provide a limited range of convenience retail goods and services to residents in the immediate neighborhood typically during daytime hours. In general, these districts should be limited to no more than one or two blocks and commercial uses should be limited to the ground floor. The upper stories should be generally residential. These districts are intended to be located in neighborhoods which do not have the need for or capacity to handle larger-scale commercial activities.

**Small-Scale Neighborhood Commercial Districts.** These districts provide convenience goods and services to the local neighborhood as well as limited comparison shopping to a wider market area. The size of these districts may vary from one to three blocks to several blocks in length. Commercial building intensity should be limited to the first two stories with residential development occasionally interspersed. Upper stories should be reserved for residential use. These districts are typically linear and should be located along collector and arterial streets which have transit routes.

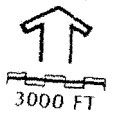
**Moderate-Scale Neighborhood Commercial Districts.** These districts provide a wide range of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to local residents. These districts can be quite large in size and scale and may include up to four stories of commercial development, although most districts have less. They may include residential units on the upper stories. Due to the moderately-large scale and levels of activity, these districts should be located along heavily-trafficked thoroughfares which also serve as major transit routes.






**Neighborhood Shopping Centers.** These districts provide retail goods and services for car-oriented shoppers. Goods and services can range from groceries for local residents to a full range of merchandise for a citywide clientele. Commercial building intensity can approach up to four times the lot area, but is much lower in most cases because a substantial amount of each lot is devoted to automobile parking and building heights generally are limited to prevailing heights in surrounding areas. Residential uses are permitted but are uncommon. Because these districts provide an alternative building format with more parking opportunities than the traditional linear shopping districts, they should be located where their design is compatible with existing neighborhood scale and where they compatibly supplement other traditional commercial districts in serving new or low-density residential areas.



# GENERALIZED NEIGHBORHOOD COMMERCIAL LAND USE PLAN

Map 2



-  NEIGHBORHOOD CLUSTER
-  SMALL SCALE NEIGHBORHOOD DISTRICT
-  MODERATE SCALE NEIGHBORHOOD DISTRICT
-  NEIGHBORHOOD SHOPPING CENTER
-  INDIVIDUAL NEIGHBORHOOD DISTRICT

## COMMERCIAL INTENSITY (Stories)

- 1
- 1 - 2
- 1 - 4
- 1 - 4
- 1 - 4



**Individual Neighborhood Commercial Districts.** These districts are generally small or moderate scale commercial districts generally located in neighborhoods undergoing rapid economic change. Separate zoning controls specific to each district's particular needs and characteristics are needed to deal with the economic growth and land use changes which each area is experiencing. In some districts, eating and drinking uses have proliferated, displacing other types of retail goods and services needed by the neighborhood. Financial institutions, such as banks and savings and loan associations, have multiplied in certain districts, displacing other types of businesses, tending to concentrate and create nodes of congestion, and sometimes detracting from the visual and design character of the district. In many individual districts, special controls are necessary to protect existing housing from conversion to commercial use and encourage the development of new housing.

## **POLICY 6**

**Promote high quality urban design on commercial streets.**

Most of San Francisco's neighborhood commercial districts were developed concurrently with residential development and have physical forms which relate to the needs and tastes prevalent during the first half of this century. During this period, commercial units were built along streetcar lines and at major street intersections, often with residential flats on the upper floors, thus creating the familiar "linear" or "strip" commercial districts.

The small lot pattern prevalent at that time also encouraged the development of small buildings and businesses. The resulting scale has come to characterize San Francisco's attractive and active neighborhood commercial districts. The small-scale character should be maintained through the regulation of the size of new buildings and commercial uses.

Continuous commercial frontage at the street level is especially important. It prevents the fragmentation and isolation of fringe areas, improves pedestrian accessibility, and enhances the physical and aesthetic cohesiveness of the district. The design of new buildings should harmonize with the scale and orientation of existing buildings. Additionally, a correspondence of building setbacks, proportions, and texture helps establish visual coherence between new development and existing structures on a commercial street.

The appeal and vitality of a neighborhood commercial district depends largely on the character, amenities, and visual quality of its streets. The main function of neighborhood commercial streets is to provide retail goods and services in a safe, comfortable, and attractive pedestrian environment.

### **Urban Design Guidelines**

The following guidelines for urban design are intended to preserve and promote positive physical attributes of neighborhood commercial districts and facilitate harmony between business and residential functions. The pleasant appearance of an individual building is critical to maintaining the appeal and economic vitality of the businesses located in it, as

well as of the whole neighborhood commercial district. An individual project's building design and site layout should be compatible with the character of surrounding buildings and the existing pattern of development in neighborhood commercial districts.

The physical characteristics of the property and district which should be considered in the design of new development include:

- Overall district scale;
- Individual street character and form;
- Lot development patterns;
- Adjacent property usage;
- Proposed site development and building design;
- Potential environmental impacts; and
- Feasible mitigation measures.

#### Site Layout

- The site plan of a new building should reflect the arrangement of most other buildings on its block, whether set back from, or built out to its front property lines.
- In cluster and linear districts with continuous street building walls, front set-backs are discouraged, in order to maintain a continuous block facade line. However, outdoor activities such as sidewalk cafes and walk-up windows may be accommodated by recessing the ground story. Front set-back areas of existing buildings may be used for outdoor activities.
- New development should respect open space corridors in the interior of blocks and not significantly impede access of light and air nor block views of adjacent buildings.
- On irregularly shaped lots, through-lots or those adjacent to fully-built lots, open space located elsewhere than at the rear of a property may improve the access of light and air to residential units.
- Outdoor activities associated with an eating and drinking or entertainment establishment which abut residentially-occupied property should be discouraged.

#### Scale, Height and Bulk

- In most cases, small lots with narrow building fronts should be maintained in districts with this traditional pattern.
- When new buildings are constructed on large lots, the facades should be designed in units which are compatible with the existing scale of the district.

- The height of a proposed development should relate to the individual neighborhood character and the height and scale of adjacent buildings to avoid an overwhelming or dominating appearance of new structures. On a street of varied building heights, transitions between high and low buildings should be provided. While three- and four-story buildings are appropriate in most locations, two-story facades with upper stories set back from the street wall may be preferable in some areas with lower-scale development.
- The height and bulk of new development should be designed to maximize sun access to nearby parks, plazas, and major pedestrian corridors.

### Frontage

- Facades of new development should be consistent with design features of adjacent facades that contribute to the visual qualities of the neighborhood commercial district.
- To encourage continuity of "live" retail sales and services, at least one-half of the total width of any new or reconstructed building, parallel to and facing the commercial street, should be devoted to entrances, show windows, or other displays. Where a substantial length of windowless wall is found to be unavoidable, eye-level display, a contrast in wall treatment, offset wall line, outdoor seating and/or landscaping should be used to enhance visual interest and pedestrian vitality.
- Clear, untinted glass should be used at and near the street level to allow maximum visual interaction between sidewalk areas and the interior of buildings. Mirrored, highly reflective glass or densely-tinted glass should not be used except as an architectural or decorative accent.
- Where unsightly walls of adjacent buildings become exposed by new development, they should be cleaned, painted or screened by appropriate landscaping.
- Walk-up facilities should be recessed and provide adequate queuing space to avoid interruption of the pedestrian flow.

### Architectural Design

- The essential character of neighborhood commercial districts should be preserved by discouraging alterations and new development which would be incompatible with buildings which are architecturally significant or which contribute to the scale and character of the district as a whole. Specifically, the facades and building lines of existing buildings should be continued, and the details, material, texture or color of existing architecturally significant or distinctive buildings should be complemented by new development.
- Existing structures in sound or rehabilitable condition and of worthwhile architectural character should be reused where feasible to retain the unique character of a given neighborhood commercial district.

- The design of new buildings, building additions and alterations, and facade renovations should reflect the positive aspects of the existing scale and design features of the area. Building forms should complement and improve the overall neighborhood environment.

### Materials

- The materials, textures and colors of new or remodeled structures should be visually compatible with the predominant materials of nearby structures. In most neighborhood commercial districts, painted wood or masonry are the most appropriate and traditional exterior facade materials.

### Details

- Individual buildings in the city's neighborhood commercial districts are rich in architectural detailing, yet vary considerably from building to building, depending upon the age and style of their construction. Despite their stylistic differences, Victorian, Classical and Art Deco buildings share some design motifs. Vertical lines of columns or piers, and horizontal lines of spandrels or cornices are common to many styles as are mouldings around windows and doors. These elements add richness to a flat facade wall, emphasizing the contrast of shapes and surfaces.
- A new building should relate to the surrounding area by displaying scale and textures derived from existing buildings. Nearby buildings of architectural distinction can serve as primary references. Existing street rhythms should also be continued on the facade of a new building, linking it to the rest of the district. This can be accomplished in part by incorporating prevailing cornice and belt course lines.

### Rooftop Mechanical Equipment

- Rooftop mechanical equipment which may create disturbing noises or odors should be located away from areas of residential use and screened and integrated with the design of the building.

### Signs

- The character of signs and other features attached to or projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. Neighborhood commercial districts are typically mixed-use areas with commercial units on the ground or lower floors and residential uses on upper floors. As much as signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residences within the neighborhood commercial district or in adjacent residential districts. Sign sizes and design should relate and be compatible with the character and scale of the neighborhood commercial district. Unless otherwise allowed in the Planning Code, facades of residentially-occupied stories should not be used for attaching signs nor should the illumination of signs be directed into windows of residential units.

## Landscaping and Street Design

- Street trees should be provided in each new development. If a district tree planting program or streetscape plan exists, new development should be landscaped in conformity with such plans. In places where tree planting is not appropriate due to inadequate sidewalk width, interference with utilities, undesirable shading, or other reasons, other means such as window boxes, planter boxes or trellises may be chosen.
- A permanent underground sprinkler system should be installed in landscaped areas which will provide sufficient water for plant material used. Automatic timing devices may be required. Container plants which cannot adequately be watered by an underground sprinkler system should have adequate hose bibs installed to permit watering.
- Open uses such as parking lots should be visually screened along the street frontage by low walls, earth berms and/or landscaping. However, the safety of the lots should not be reduced through these measures.
- A landscaped buffer of trees and shrubs should be used along those edges of a parking lot bordering residential properties.
- In addition to landscaping at the periphery of the parking lot, planting islands between parked vehicles should be located within the lot, whenever feasible. Trees and other plantings provide shade and variety to the visual monotony of parked automobiles, especially when the lot is viewed from adjacent residences.

## POLICY 7

**Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.**

While most commercial districts have healthy economies, some districts have declined. The latter areas are underused, and are often characterized by vacant lots and boarded up or deteriorating storefronts. As a consequence, there is inadequate provision of convenience goods and services to nearby residents. The City should participate in a variety of efforts to revitalize these districts.

However, the ultimate success of a neighborhood commercial district depends upon factors which are beyond the scope of the public sector. Almost all successful neighborhood commercial revitalization efforts are initiated by local businessmen with a strong desire and commitment to upgrade their businesses, property, and neighborhoods. Because revitalization of an entire commercial district requires diligence and cooperation of all merchants and property owners sustained over a long period of time, a strong merchants' association is essential. The City should provide businessmen who have exhibited a strong commitment to upgrade their areas with assistance in organizing or strengthening their merchants' association and preparing and carrying out their improvements.

For its part the City should provide the physical improvements and public services necessary to ensure confidence in local investors. These include police and fire protection, adequate maintenance of streets, sidewalks and sanitation services, as well as proper enforcement of zoning, health, and building codes to ensure the health and safety of merchants, residents, and shoppers. Capital improvements should be made as required, including lighting, street furnishings, public spaces, and mini-parks. Traffic circulation, transit, and parking availability should be managed to allow maximum accessibility to the retail corridor with a minimum of congestion and disruption to the neighborhood.

Community development corporations can also assist in revitalization efforts by providing employment and community services to local residents through community-owned local business enterprises. Encouragement and assistance should be given to organizations having the potential of successfully carrying out local economic development projects.

Efforts to upgrade neighborhood commercial districts should occur in conjunction with efforts to improve the quality of the surrounding community, with respect to physical condition of the housing stock, recreation and open space, and delivery of services.

## TRANSPORTATION ELEMENT

Objectives and policies of the Transportation Element (as amended by Resolution No. 9434, June 24, 1982, reprinted January 1983) which specifically refer to neighborhood commercial districts are listed below. No amendments are proposed.

	<u>Page</u>
● General Objectives and Policies	
Criteria for Priority for Walking, Bicycling, or Short Distance Transit Vehicles, Number 3	13
● Pedestrian Circulation Plan, Policy 4	32
● Bicycle Plan, Objective 2, Policy 1	36
● Citywide Parking Plan	
Objective 1, Policy 1, Criterion 14	49
Objective 4, Policy 1	52

## RESIDENCE ELEMENT

Objectives and policies of the Residence Element (as amended by Resolution 10045, June 28, 1984) which specifically refer to neighborhood commercial districts are listed below. No amendments to these policies are proposed.

	<u>Page</u>
● Objective 1, Policy 4, 3rd bullet	2.2
● Objective 2, Policy 2, 2nd paragraph	2.4
● Objective 3, Policies 1 and 2	2.8
● Objective 6, Policy 2	2.16
● Objective 8, Policy 1	2.25

In addition, the residential density table and Map B in Objective 2, Policy 4 should be amended as shown below.

- Policy 4

Adopt Specific Zoning Districts Which Conform to a Generalized Residential Land Use Plan.

Applying policies under this Objective 2 results in density patterns shown on the accompanying Generalized Residential Land Use Plan Map. Specific zoning districts should conform generally to this map, although minor variations consistent with the general density policies may be appropriate.

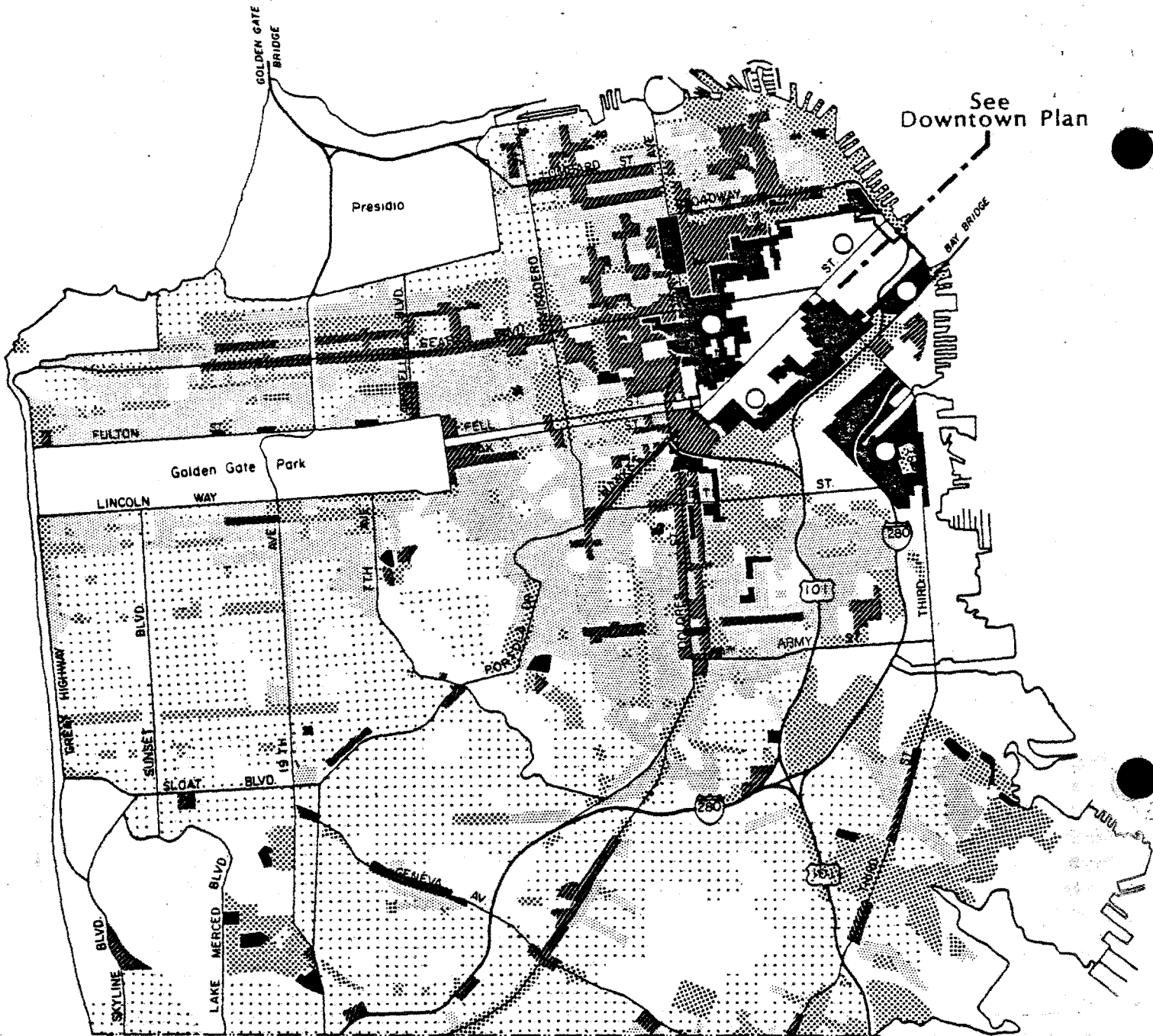
The Generalized Residential Land Use Plan provides for five density categories:

Potential Residential and Population Density  
By Zoning Districts

Classification	Zoning Districts	Average Units Per Acre	Average Persons Per Acre*	General Location
Low Density	RH-1	14	24-31	Appropriate in areas for single families, located predominantly in the southern and western parts of the city.
Moderately-Low Density	RH-2 RH-3	36	64-94	Appropriate in the central hills areas, along Diamond Heights, Twin Peaks, and Potrero Hill, around Golden Gate Park in the Richmond, and northern part of the Sunset districts and in the Marina district.
Medium Density	RM-1, RC-1 C-1, C-2 M-1, M-2, NC-1, NC-2, <u>Sacramento, Street</u>	54	118	Appropriate for <u>some low-intensity neighborhood commercial districts and mixed-use ((non-))residential-commercial and industrial districts,</u> and certain areas adjacent to the commercial zones.
Moderately-High Density	RM-2, RM-3, RC-2, RC-3, NC-3, NC-S, <u>Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Hayes-Gough, Upper Market Street, North Beach NCD, Polk Street NCD, Union Street NCD, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley</u>	91	160-240	Appropriate for the more intensely developed north-eastern part of the city, <u>certain neighborhood commercial districts with moderately high existing residential development and good transit accessibility,</u> for major transit corridors such as Van Ness Avenue, in major redevelopment areas such as the Western Addition and the Golden Gateway areas, and in Nob Hill, Chinatown and North Beach.
High Density	RM-4, RC-4 C-3, C-M	283	475-760	Appropriate for certain areas in the northeastern part of the city, including downtown districts as well as heavy-commercial districts.

\* Based on city-wide average household size of 2.19. See map on following page for average household size by Census Tract.





## RESIDENCE ELEMENT MAP B : RESIDENTIAL DENSITY

↑  
**NCRS  
Map 3**

<p>..... <b>LOW DENSITY</b> Average 12 units per acre</p> <p>..... <b>MODERATELY LOW DENSITY</b> Average 36 units per acre</p> <p>..... <b>MEDIUM DENSITY</b> Average 54 units per acre</p>	<p>▨ <b>MODERATELY HIGH DENSITY</b> Average 91 units per acre</p> <p>■ <b>HIGH DENSITY</b> Average 283 units per acre</p> <p>□ <b>PUBLIC AND HEAVY INDUSTRIAL AREAS</b></p>
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○ **AREAS PROPOSED FOR REZONING**  
See Map A ( Appropriate densities will be determined  
in the rezoning studies )



# PLANNING CODE TEXT AMENDMENTS

## INTRODUCTION

This chapter presents language to establish Article 7, a new part of the City Planning Code, which establishes a comprehensive, flexible system of neighborhood commercial zoning controls. It contains four general area districts and fifteen individual area districts with controls which embrace the full range of land use issues in each district. A description and purpose statement for each district is accompanied by a chart which displays all applicable zoning controls, either directly or by reference to other sections of the Code. Article 7 also includes sections describing standards, permitted uses, definitions, and references to other Code sections.

All other sections of the Code to be modified are also presented in this chapter. These include all amendments to Articles 1, 1.2, 1.5, 1.7, 2, 2.5, 3, and 6, including minor references to neighborhood commercial (NC) districts and amendments which restructure or repeat provisions which already apply to the affected lots. These sections are presented in ordinance form appropriate for legislative action by the Board of Supervisors; code sections are included in their entirety, regardless of the extent of amendment to the section. Additions are indicated by underlined text. Deletions are indicated by ((double parentheses)) and in the case of large portions of text, by lines crossed through the deleted portions. Amendments which are in effect on an interim basis for the Downtown (C-3) districts are also indicated for the sections presented.

ARTICLE 7

NEIGHBORHOOD COMMERCIAL DISTRICTS

SEC. 701	NEIGHBORHOOD COMMERCIAL DISTRICT PROVISIONS
SEC. 702	CLASSES OF NEIGHBORHOOD COMMERCIAL DISTRICTS
SEC. 703	NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS
SEC. 709	GUIDE TO UNDERSTANDING THE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROLS
SEC. 710	NC-1—NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT
SEC. 711	NC-2—SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 712	NC-3—MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 713	NC-S—NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT
SEC. 714	BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 715	CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 716	INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 717	OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 718	UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 719	HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 720	HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 721	UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 722	NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 723	POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 724	SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 725	UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 726	VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 727	24TH STREET-MISSION NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 728	24TH STREET-NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT
SEC. 790	DEFINITIONS FOR NEIGHBORHOOD COMMERCIAL DISTRICTS
SEC. 799	REFERENCES TO OTHER SECTIONS OF THE CITY PLANNING CODE

## ARTICLE 7

### NEIGHBORHOOD COMMERCIAL DISTRICTS

#### SEC. 701 NEIGHBORHOOD COMMERCIAL DISTRICT PROVISIONS.

This Article is adopted specifically for Neighborhood Commercial districts, as shown on the Zoning Map of the City and County of San Francisco. The provisions set forth or referenced in Article 7 shall apply to any use, property, structure, or development which is located in a Neighborhood Commercial district, unless otherwise provided for within this Code. In the event of conflict between provisions of Article 7 and other provisions of this Code, the provisions of Article 7 shall prevail.

#### SEC. 701.1 Purpose of Article 7. This Article is intended to provide a comprehensive and flexible zoning system for Neighborhood Commercial districts which is consistent with the objectives and policies set forth in the San Francisco Master Plan. More specifically, the purposes of this Article are:

- (a) To provide in one article a complete listing of or cross-reference to all of the zoning categories, definitions, control provisions, and review procedures which are applicable to properties or uses in Neighborhood Commercial districts.
- (b) To establish a zoning system which will accommodate all classes of Neighborhood Commercial districts including general districts for citywide area groupings and individual districts which are tailored to the unique characteristics of specific areas.
- (c) To provide zoning control categories which embrace the full range of land use issues in all Neighborhood Commercial districts, in order that controls can be applied individually to each district class to address particular land use concerns in that district.

#### SEC. 702 CLASSES OF NEIGHBORHOOD COMMERCIAL DISTRICTS.

#### SEC. 702.1 Neighborhood Commercial Use Districts. The following districts are established for the purpose of implementing the Commerce and Industry element and other elements of the Master Plan, according to the objective and policies stated therein. Description and Purpose Statements outline the main functions of each Neighborhood Commercial (NC) district in the Zoning Plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

The description and purpose statements and land use controls applicable to each of the general and individual area districts are set forth in Sections 710 through 728 for each district class. The boundaries of the various Neighborhood Commercial districts are shown on the Zoning Map referred to in Section 105, subject to the provisions of Section 105.

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

Individual Area Districts	<u>Section Number</u>
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
Hayes-Gough Neighborhood Commercial District	§ 720
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725
Valencia Street Neighborhood Commercial District	§ 726
24th Street-Mission Neighborhood Commercial District	§ 727
24th Street-Noe Valley Neighborhood Commercial District	§ 728

**SEC. 702.2**

**Special Use Districts.** In addition to the Neighborhood Commercial use districts established by Section 702.1 of this Code, certain special use districts established in Sections 236 through 245 are located within certain Neighborhood Commercial district boundaries. The designations, locations, and boundaries of the special use districts are as provided below.

	<u>Section Number</u>
Garment Shop Special Use District	§ 236
Northern Waterfront Special Use District	§ 240
Ocean Avenue Affordable Housing Special Use District	§ 243
Monterey Boulevard Affordable Housing Special Use District	§ 244

**SEC. 703**

**NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

The Neighborhood Commercial district zoning control categories consist of building standards listed in Section 703.1 and permitted uses listed in Section 703.2. The controls are either stated, or summarized and cross-referenced to the Sections in other Articles of this Code containing the requirements, in Sections 710 through 728, for each of the district classes listed in Section 702.1.

**SEC. 703.1**

**Building Standards.** Building standards are controls which regulate the general size, shape, character, and design of development in Neighborhood Commercial districts. They are set forth or summarized and cross-referenced in the zoning control categories as listed in paragraph (a) below in Sections 710 through 728 for each district class.

- (a) **Building Standard Categories.** The building categories which govern Neighborhood Commercial districts are listed below by zoning control category and number and cross-referenced to the Code Section containing the standard and the definition.

<u>No.</u>	<u>Zoning Control Categories for Building Standards</u>	<u>Section Number of Standard</u>	<u>Section Number of Definition</u>
.10	Height and Bulk	Zoning Map	§ 102.11
.11	Lot Size [Per Development]	§ 121.5	§ 790.56
.12	Rear Yard	§ 134(a)(e)	§ 134
.13	Street Frontage	§ 145.1	
.14	Awning	§ 136.1(a)	§ 790.20
.15	Canopy	§ 136.1(b)	§ 790.26
.16	Marquee	§ 136.1(c)	§ 790.58
.17	Street Trees	§ 143	
.20	Floor Area Ratio	§§ 123-124	§ 102.8-.10
.21	Use Size [Non-Residential]	§ 121.7	§ 790.130
.22	Off-Street Parking, Commercial and Institutional	§ 151	§ 150
.23	Off-Street Freight Loading	§ 152	§ 150
.30	General Advertising Sign	§ 607.1(c)	§ 602.7
.31	Business Sign	§ 607.1(d)	§ 602.3
.91	Residential Density, Dwelling Units	§ 207.2	§ 207
.92	Residential Density, Other	§ 208	§ 208
.93	Usable Open Space	§ 135(d)	§ 135
.94	Off-Street Parking, Residential	§ 151	§ 150

**SEC. 703.2**

**Uses Permitted in Neighborhood Commercial Districts.** A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific district is set forth or summarized and cross-referenced in the zoning control categories as listed in paragraph (a) below in Sections 710 through 728 for each district class.

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

<u>No.</u>	<u>Zoning Control Categories for Uses</u>	<u>Section Number of Use Definition</u>
.24	Outdoor Activity Area	§ 790.70
.25	Drive-Up Facility	§ 790.30
.26	Walk-Up Facility	§ 790.140
.27	Hours of Operation	§ 790.48
.38	Residential Conversion	§ 790.84
.39	Residential Demolition	§ 790.86
.40	Other Retail Sales and Services	§ 790.102
.41	Bar	§ 790.22

.42	Full-Service Restaurant	\$ 790.92
.43	Fast Food Restaurant	\$ 790.90
.44	Take-Out Food	\$ 790.122
.45	Movie Theater	\$ 790.64
.46	Adult Entertainment	\$ 790.36
.47	Other Entertainment	\$ 790.38
.48	Amusement Game Arcade	\$ 790.4
.49	Financial Service	\$ 790.110
.50	Limited Financial Service	\$ 790.112
.51	Medical Service	\$ 790.114
.52	Personal Service	\$ 790.116
.53	Business or Professional Service	\$ 790.108
.54	Massage Establishment	\$ 790.60
.55	Tourist Hotel	\$ 790.46
.56	Automobile Parking	\$ 790.8
.57	Automotive Gas Station	\$ 790.14
.58	Automotive Service Station	\$ 790.17
.59	Automotive Repair	\$ 790.15
.60	Automotive Wash	\$ 790.18
.61	Automobile Sale or Rental	\$ 790.12
.62	Animal Hospital	\$ 790.6
.63	Ambulance Service	\$ 790.2
.64	Mortuary	\$ 790.62
.65	Trade Shop	\$ 790.124
.70	Administrative Service	\$ 790.106
.71	Light Manufacturing or Wholesale Sales	\$ 790.54
.80	Hospital or Medical Center	\$ 790.44
.81	Other Institutions	\$ 790.50
.82	Public Use	\$ 790.80
.90	Residential Use	\$ 790.88
.95	Community Residential Parking	\$ 790.10

(b) **Use Limitations.** The uses set forth in Paragraph (a) above, are permitted in Neighborhood Commercial districts as either principal, conditional, accessory, or temporary uses as stated in this Section, and as set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) below in Sections 710 through 728 for each district class.

1. **Permitted Uses.** All permitted uses shall be conducted within an enclosed building in Neighborhood Commercial districts, unless otherwise specifically allowed in this Code.

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

(A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood Commercial district, when so indicated in Sections 710 through 728 for each district class.

(B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial district when authorized by the City Planning Commission; whether a use is

conditional in a given district is indicated in Sections 710 through 728. Conditional uses are subject to the provisions set forth in Section 315.

- (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Residential Uses) and 204.5 (Parking and Loading as Accessory), a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot.

No use will be considered accessory to a permitted principal or conditional use which involves or requires any of the following:

- (i) Any restaurant, take-out food, other entertainment, or other retail establishment which establishment serves liquor for consumption on-site, as defined in Section 790.22.
- (ii) Any deli counter operating as a fast food restaurant or take-out food service within a retail grocery or specialty food store when such store occupies less than 3500 square feet of gross floor area.
- (iii) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also operate as a retail storefront that is open during normal business hours to the general public.

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

## 2. Not Permitted Uses.

- (A) Uses which are not specifically listed in this Article are not permitted unless determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.
- (B) No use, even though listed as a permitted use, shall be permitted in a Neighborhood Commercial District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.



**GUIDE TO UNDERSTANDING THE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROLS.**

Neighborhood Commercial district controls are set forth in the Zoning Control Tables in Sections 710 through 728 of this Code.

- (a) The first column in the Zoning Control Table, titled "No." provides a category number for each zoning control category.
- (b) The second column in the table, titled "Zoning Control Category," lists each zoning control category which is regulated in Article 7.
- (c) The third column, titled "§ References," contains numbers of other sections in the Planning Code and other City codes, in which additional control provisions, including definitions, are contained.
- (d) In the fourth column, the controls applicable to the various Neighborhood Commercial districts are indicated either directly or by reference to other Code sections which contain the controls.

The following symbols are used in this table:

- P — Permitted as a principal use.
- C — Permitted as a conditional use, subject to the provisions set forth in Section 315.
- A blank space on the table indicates that the use or feature is not permitted. Unless a use or feature is specifically listed as permitted or required, such use or feature is prohibited.
- # — See specific provisions listed by Section and Zoning Category number at the end of the table.
- 1st — 1st story and below
- 2nd — 2nd story
- 3rd — 3rd story and above

SEC. 710.1

NC-1—Neighborhood Commercial Cluster District.

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

These NC-1 districts are characterized by their location in residential neighborhoods, often in outlying areas of the city. These districts have the lowest intensity commercial development in the city, generally consisting of less than one or two blocks and in most cases having less than 600 feet of commercial frontage. The NC-1 districts include small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development.

Building controls for the NC-1 district promote low intensity development which is compatible with the existing scale and character of these neighborhood areas within the predominant 40-foot height district. Commercial development is limited to one story. Rear yard requirements at all levels preserve existing backyard space.

NC-1 commercial use provisions encourage the full range of neighborhood commercial convenience retail sales and services at the first story provided that the use size is limited to 2,500 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts.

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

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

			SEC. 710
			NC-1
No.	Zoning Category	§ References	Controls

**BUILDING STANDARDS**

.10	Height and Bulk	§§ 102.11, 105, 106, 250-252, 260 270, 271	40-X See Zoning Map
.11	Lot Size [Per Development]	§§ 790.56, 121	P up to 5000 sq.ft., C 5001 sq.ft. & above § 121.5
.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a)(e)
.13	Street Frontage		Required § 145.1
.14	Awning	§ 790.20	P § 136.1(a)
.15	Canopy	§ 790.26	
.16	Marquee	§ 790.58	
.17	Street Trees		Required § 143

**COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES**

.20	Floor Area Ratio	§§ 102.8, 102.10, 123	1.8 to 1 § 124(a)(b)
.21	Use Size [Non-Residential]	§ 790.130	P up to 2500 sq.ft., C 2501 sq.ft. & above § 121.7
.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153-157, 159-160, 204.5	Generally, none required if occupied floor area is less than 5000 sq.ft. §§ 151, 161(g)

			SEC. 710
			NC-1
No.	Zoning Category	§ References	Controls
.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)
.24	Outdoor Activity Area	§ 790.70	P in front; C elsewhere
.25	Drive-Up Facility	§ 790.30	
.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft. C otherwise
.27	Hours of Operation	§ 790.48	P: 6 a.m. - 11 p.m. C: 11 p.m. - 2 a.m.
.30	General Advertising Sign	§§ 602-604,608.1 608.2,608.5-.8	
.31	Business Sign	§§ 602-604,608.1 608.2,608.5-.8	P § 607.1(d)

			Controls by Story		
			1st	2nd	3rd +
		§ 790.118			
.38	Residential Conversion	§ 790.84	P		
.39	Residential Demolition	§ 790.86	C	C	C

#### Retail Sales and Services

.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P		
.41	Bar	§ 790.22	P#		
.42	Full-Service Restaurant	§ 790.92	P#		
.43	Fast Food Restaurant	§ 790.90	C#		
.44	Take-Out Food	§ 790.122	C#		

SEC. 710

NC-1

Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd +
.45	Movie Theater	§ 790.64			
.46	Adult Entertainment	§ 790.36			
.47	Other Entertainment	§ 790.38	C		
.48	Amusement Game Arcade	§ 790.4 § 1036 Police Code			
.49	Financial Service	§ 790.110			
.50	Limited Financial Service	§ 790.112	P		
.51	Medical Service	§ 790.114	P		
.52	Personal Service	§ 790.116	P		
.53	Business or Professional Service	§ 790.108	P		
.54	Massage Establishment	§ 790.60 § 2700 Police Code			
.55	Tourist Hotel	§ 790.46			
.56	Automobile Parking	§§ 790.8,156,160	C		
.57	Automotive Gas Station	§ 790.14			
.58	Automotive Service Station	§ 790.17			
.59	Automotive Repair	§ 790.15			
.60	Automotive Wash	§ 790.18			
.61	Automobile Sale or Rental	§ 790.12			
.62	Animal Hospital	§ 790.6			
.63	Ambulance Service	§ 790.2			
.64	Mortuary	§ 790.62			

SEC. 710
NC-1
Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd +
.65	Trade Shop	§ 790.124	P		

**Non-Retail Sales and Services**

.70	Administrative Service	§ 790.106			
.71	Light Manufacturing or Wholesale Sales	§ 790.54			

**Institutions**

.80	Hospital or Medical Center	§ 790.44			
.81	Other Institutions	§ 790.50	C	C	
.82	Public Use	§ 790.80	C	C	C

**RESIDENTIAL STANDARDS AND USES**

.90	Residential Use	§ 790.88	P	P	P
.91	Residential Density, Dwelling Units	§§ 207,207.1, 790.88(a)	Generally, 1 unit per 800 sq.ft. lot area § 207.2		
.92	Residential Density, Group Housing	§§ 207.1,208, 790.88(b)	Generally, 1 bedroom per 275 sq.ft. lot area § 208		
.93	Usable Open Space [Per Residential Unit]	§§ 135,136	Generally, either 100 sq.ft. if private, or 133 sq.ft. if common § 135(d)		
.94	Off-Street Parking, Residential	§§ 150,153-157, 159-160,204.5	Generally, 1 space per unit §§ 151,161(a)(g)		
.95	Community Residential Parking	§ 790.10	C	C	C

## SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

<u>Section</u>	<u>Zoning Controls</u>
710.41 710.42	P if located more than one-quarter mile from any district with more restrictive controls; otherwise, same as more restrictive control
710.43 710.44	C if located more than one-quarter mile from any district with more restrictive controls; otherwise, same as more restrictive control

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. Eating and drinking, entertainment, and financial service 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 the first and second 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. 711  
SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT  
NC-2 ZONING CONTROL TABLE**

			SEC. 711
			NC-2
No.	Zoning Category	§ References	Controls

**BUILDING STANDARDS**

.10	Height and Bulk	§§ 102.11, 105, 106, 250-252, 260 270, 271	Generally, 40-X See Zoning Map
.11	Lot Size [Per Development]	§§ 790.56, 121	P up to 10,000 sq.ft., C 10,001 sq.ft. & above § 121.5
.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
.13	Street Frontage		Required § 145.1
.14	Awning	§ 790.20	P § 136.1(a)
.15	Canopy	§ 790.26	P § 136.1(b)
.16	Marquee	§ 790.58	P § 136.1(c)
.17	Street Trees		Required § 143

**COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES**

.20	Floor Area Ratio	§§ 102.8, 102.10, 123	3.6 to 1 § 124(a)(b)
.21	Use Size [Non-Residential]	§ 790.130	P up to 3500 sq.ft., C 3501 sq.ft. & above § 121.7
.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153-157, 159-160, 204.5	Generally, none required if occupied floor area is less than 5000 sq.ft. §§ 151, 161(g)

			SEC. 711
			NC-2
No.	Zoning Category	§ References	Controls
.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)
.24	Outdoor Activity Area	§ 790.70	P in front; C elsewhere
.25	Drive-Up Facility	§ 790.30	
.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft. C otherwise
.27	Hours of Operation	§ 790.48	P: 6 a.m. - 2 a.m. C: 2 a.m. - 6 a.m.
.30	General Advertising Sign	§§ 602-604,608.1 608.2,608.5-.7	P § 607.1(c)
.31	Business Sign	§§ 602-604,608.1 608.2,608.5-.7	P § 607.1(d)

			Controls by Story		
			1st	2nd	3rd +
		§ 790.118			
.38	Residential Conversion	§ 790.84	P	C	
.39	Residential Demolition	§ 790.86	C	C	C

#### Retail Sales and Services

.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
.41	Bar	§ 790.22	P		
.42	Full-Service Restaurant	§ 790.92	P		
.43	Fast Food Restaurant	§ 790.90	C		
.44	Take-Out Food	§ 790.122	C		

SEC. 711

NC-2

Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd +
.45	Movie Theater	§ 790.64	P		
.46	Adult Entertainment	§ 790.36			
.47	Other Entertainment	§ 790.38	P		
.48	Amusement Game Arcade	§ 790.4 § 1036 Police Code			
.49	Financial Service	§ 790.110	P		
.50	Limited Financial Service	§ 790.112	P		
.51	Medical Service	§ 790.114	P	P	
.52	Personal Service	§ 790.116	P	P	
.53	Business or Professional Service	§ 790.108	P	P	
.54	Massage Establishment	§ 790.60 § 2700 Police Code	P	P	
.55	Tourist Hotel	§ 790.46	C	C	
.56	Automobile Parking	§§ 790.8,156,160	C	C	
.57	Automotive Gas Station	§ 790.14			
.58	Automotive Service Station	§ 790.17			
.59	Automotive Repair	§ 790.15			
.60	Automotive Wash	§ 790.18			
.61	Automobile Sale or Rental	§ 790.12			
.62	Animal Hospital	§ 790.6	C		
.63	Ambulance Service	§ 790.2			
.64	Mortuary	§ 790.62			

SEC. 711
NC-2
Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd +
.65	Trade Shop	§ 790.124	P	C	

**Non-Retail Sales and Services**

.70	Administrative Service	§ 790.106	C	C	
.71	Light Manufacturing or Wholesale Sales	§ 790.54	C#	#	

**Institutions**

.80	Hospital or Medical Center	§ 790.44			
.81	Other Institutions	§ 790.50	C	C	
.82	Public Use	§ 790.80	C	C	C

**RESIDENTIAL STANDARDS AND USES**

.90	Residential Use	§ 790.88	P	P	P
.91	Residential Density, Dwelling Units	§§ 207,207.1, 790.88(a)	Generally, 1 unit per 800 sq.ft. lot area # § 207.2		
.92	Residential Density, Group Housing	§§ 207.1,208, 790.88(b)	Generally, 1 bedroom per 275 sq.ft. lot area § 208		
.93	Usable Open Space [Per Residential Unit]	§§ 135,136	Generally, either 100 sq.ft. if private, or 133 sq.ft. if common § 135(d)		
.94	Off-Street Parking, Residential	§§ 150,153-157, 159-160,204.5	Generally, 1 space per unit §§ 151,161(a)(g)		
.95	Community Residential Parking	§ 790.10	C	C	C

## SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Section	Zoning Controls
§ 711.71	§ 236 - Garment Shop Special Use District Applicable only for portions of the Pacific Avenue NC-2 District as mapped on Sectional Map No. 1 SUa P for garment shops on the 1st and 2nd story
§ 711.91	§ 244 - Monterey Boulevard Affordable Housing Special Use District Applicable only for portions of the Monterey Boulevard NC-2 District as mapped on Sectional Map 12 SU 1 unit per 600 sq.ft. lot area by Conditional Use

**SEC. 790**      **DEFINITIONS FOR NEIGHBORHOOD COMMERCIAL DISTRICTS.**

This Section provides the definitions for Neighborhood Commercial districts. In case of conflict between the following definitions and those set forth in Section 102, the following definitions shall prevail for Neighborhood Commercial districts.

- SEC. 790.2**      **Ambulance Service.** A retail use which provides medically-related transportation services.
- SEC. 790.4**      **Amusement Game Arcade. (Mechanical Amusement Devices)** A retail use which provides amusement games such as video games, pinball machines, pool tables, or other such similar mechanical and electronic amusement devices, as regulated in Section 1036 of the Police Code.
- SEC. 790.6**      **Animal Hospital.** A retail use which provides medical care and accessory boarding services for animals, not including a commercial kennel as specified in Section 224(c) of this Code.
- SEC. 790.8**      **Automobile Parking.** A use which provides temporary parking accommodations for private vehicles whether conducted within a garage or on an open lot, excluding community residential parking, as defined in Section 790.10. Provisions regulating automobile parking are set forth in Sections 155, 156, 157 and other provisions of Article 1.5 of this Code.
- SEC. 790.10**     **Automobile Parking, Community Residential.** A use which provides parking accommodations, including a garage or lot for the overnight storage of private passenger automobiles for residents of the vicinity or meeting the requirements of Section 159 and other sections in Article 1.5 of this Code.
- SEC. 790.12**     **Automobile Sale or Rental.** A retail use which provides vehicle sales or rentals whether conducted within a building or on an open lot.
- SEC. 790.14**     **Automotive Gas Station.** A retail automotive service use which provides motor fuels, lubricating oils, air, and water directly into motor vehicles and without providing automotive repair services, including self-service operations which sell motor fuel only.
- SEC. 790.15**     **Automotive Repair.** A retail automotive service use which provides any of the following automotive repair services when conducted within an enclosed building having no openings, other than fixed windows or exits required by law, located within 50 feet of any R district: minor auto repair, engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying.

- SEC. 790.16** **Automotive Service.** A retail use which provides services for motor vehicles including automotive gas station, automotive service station, automotive repair, and automotive wash.
- SEC. 790.17** **Automotive Service Station.** A retail automotive service use which provides motor fuels and lubricating oils directly into motor vehicles and minor auto repairs (excluding engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying) which remain accessory to the principal sale of motor fuel. Repairs shall be conducted within no more than three enclosed service bays in buildings having no openings, other than fixed windows or exits required by law, located within 50 feet of any R district .
- SEC. 790.18** **Automotive Wash.** A retail automotive service use which provides cleaning and polishing of motor vehicles, including self-service operations, when such cleaning and polishing are conducted within an enclosed building having no openings, other than fixed windows or exits required by law, and which has an off-street waiting and storage area outside the building which accommodates at least one-fourth the hourly capacity in vehicles of the enclosed operations.
- SEC. 790.20** **Awning.** A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or moveable frame covered with cloth, plastic or metal; extending over doors, windows, and show windows; with the purpose of providing protection from sun and rain and/or embellishment of the facade; as further regulated in Sections 4506 and 5211 of the Building Code.
- SEC. 790.22** **Bar.** A retail use which provides on-site alcoholic beverage sales for drinking on the premises, serving beer, wine and/or liquor to the customer, including bars where no person under 21 years is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or 61) and drinking establishments (with ABC licenses 47 or 60) in conjunction with other uses which admit minors, such as restaurants, movie theaters, and other entertainment.
- SEC. 790.26** **Canopy.** A light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or moveable frame covered with approved cloth, plastic or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and embellishment of the facade, as further regulated in Sections 4505, 4506, 4508, and 5213 of the Building Code.
- SEC. 790.30** **Drive-Up Facility.** A structure designed primarily for drive-to or drive-through trade which provides service to patrons while in private motor vehicles; excluding gas stations, service stations, and auto repair garages, as defined in Sections 790.14, 790.15, and 790.17.

- SEC. 790.34** **Eating and Drinking Use.** A retail use which provides food and spirits for either on- or off-site food consumption including bars, full-service restaurants, fast food restaurants, and take out food.
- SEC. 790.36** **Entertainment, Adult.** A retail use which includes the following: adult bookstore, as defined by Section 791 of the Police Code; adult theater, as defined by Section 791 of the Police Code; and encounter studio, as defined by Section 1072.1 of the Police Code. Such use shall be located no less than 1,000 feet from another adult entertainment use.
- SEC. 790.38** **Entertainment, Other.** A retail use which provides live entertainment, including dramatic and musical performances, and dance halls which provide amplified taped music for dancing on the premises, including but not limited to those defined in Section 1060 of the Police Code.
- SEC. 790.44** **Hospital or Medical Center.** A public or private institutional use which provides medical facilities for in-patient care, including medical offices, clinics, and laboratories. It shall also include employee or student dormitories adjacent to medical facilities when the dormitories are operated by and affiliated with a medical institution.
- SEC. 790.46** **Hotel, Tourist.** A retail use which provides tourist services including guest rooms or suites. A tourist guest room is intended or designed to be used, rented, or hired out to guests (transient visitors) intending to occupy the room for less than 32 consecutive days. A hotel does not include a tourist motel, which provides tourist services, including guest rooms or suites which are independently accessible from the outside, with garage or parking space located on the lot, and designed for, or occupied by, automobile-traveling transient visitors. Hotels are further regulated by the Residential Hotel Conversion and Demolition Ordinance, Chapter 41 of the San Francisco Administrative Code.
- SEC. 790.48** **Hours of Operation.** The permitted hours during which any commercial establishment, not including automated teller machines, may be open for business. Other restrictions on the hours of operation of movie theaters, adult entertainment, and other entertainment uses, as defined in Sections 790.64, 790.36., and 790.38, respectively, shall apply pursuant to provisions in Section 303(c)4, when such uses are permitted as conditional uses.
- SEC. 790.50** **Institutions, Other.** A public or private, commercial or non-commercial use which provides services to the community excluding hospitals and medical centers and including but not limited to the following:
- (a) **Assembly and Social Service.** A use which provides social, fraternal, counseling or recreational gathering services to the community. It includes a private non-commercial club house, lodge, meeting hall,



recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area or non-commercial horticulture area not publicly owned.

- (b) **Child Care.** A use which provides less than 24-hour care for children by licensed personnel and which meets the requirements of the State of California and other authorities.
- (c) **Educational Service.** A use certified by the State Educational Agency which provides educational services. It may include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution.
- (d) **Religious Facility.** A use which provides religious services to the community. It may include on the same lot, the housing of persons who engage in supportive activity for the institution.
- (e) **Residential Care.** A medical use which provides lodging, board, and care 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California and which provides no outpatient services; including but not limited to, a board and care home, rest home, or home for the treatment of the addictive, contagious, or other diseases or physiological disorders.

**SEC. 790.54**

**Light Manufacturing, Wholesale Sales.** Non-retail sales and services use, including light manufacturing or wholesale sales, as defined in subsections (a) and (b) below.

- (a) **Light Manufacturing.** A non-retail use which provides for the fabrication or production of goods, by hand or machinery, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials, when conducted in an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R district. Light manufacturing uses include production and custom activities where items are made to order, usually involving individual or special design, or handiwork, such as the following fabrication or production activities defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

1. Food processing
2. Apparel and other garment products
3. Furniture and fixtures
4. Printing
5. Leather products
6. Pottery
7. Glass blowing
8. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.

(b) **Wholesale Sales.** A non-retail use which provides merchant middleman services, providing goods or commodities for resale or business use, not including a non-accessory storage warehouse.

**SEC. 790.56** **Lot Size [Per development].** The permitted gross lot area for new construction or expansion of existing development. Lot is defined in Section 102.12.

**SEC. 790.58** **Marquee.** A permanent roofed structure attached to and supported entirely by a building; including any object or decoration attached to or part of said marquee; no part of which shall be used for occupancy or storage; with the purpose of providing protection from sun and rain or embellishment of the facade; as further regulated in Sections 414 and 4506 of the Building Code.

**SEC. 790.60** **Massage Establishment.** A retail use as defined in Section 2700 of the Police Code provided that the use is located no less than 1000 feet from the premises of any other massage establishment; except that this requirement shall not apply where massage services are incidental to the institutional uses permitted in Sections 217(a)-(c) or to the use by an individual member of the facilities of a health club, gymnasium, or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing, or other similar physical activities.

**SEC. 790.62** **Mortuary.** A retail use which provides funeral services, funeral preparation, or burial arrangements.

**SEC. 790.64** **Movie Theater.** A retail use which displays motion pictures, slides, or closed circuit television pictures.

**SEC. 790.70** **Outdoor Activity Area.** An area, not including primary circulation space or any public street, located outside of a building or in a courtyard which is provided for the use or convenience of patrons of a commercial establishment including, but not limited to, sitting, eating, drinking, dancing, and food service activities.

**SEC. 790.80** **Public Use.** A publicly- or privately-owned use which provides public services to the community and which has operating requirements which necessitate location within the district, including civic structures, public libraries, police stations, transportation facilities, utility installations (excluding service yards, machine shops, garages, and incinerators), and wireless transmission facilities.

**SEC. 790.84** **Residential Conversion.** The change in occupancy (as defined and regulated by the Building Code) of any residential use to a non-residential use.

**SEC. 790.86 Residential Demolition.** The demolition (as defined by the Building Code) of any building or structure or portion thereof containing a residential use.

**SEC. 790.88 Residential Use.** A use which provides housing for San Francisco residents, rather than visitors, including a dwelling unit, group housing, or residential hotel as defined in Subsections (a) and (b) below.

- (a) **Dwelling Unit.** A residential use which consists of a suite of two or more rooms and includes sleeping, bathing, cooking, and eating facilities, but has only one kitchen.
- (b) **Group Housing.** A residential use which provides lodging or both meals and lodging without individual cooking facilities for a week or more at a time in a space not defined as a dwelling unit. Group housing includes, but is not limited to, a rooming house, boarding house, guest house, lodging house, residence club, commune, fraternity and sorority house, monastery, nunnery, convent, and ashram. It also includes group housing operated by a medical or educational institution when not located on the same lot as such institution.

**SEC. 790.90 Restaurant, Fast Food.** A retail eating or eating and drinking use with tables and chairs which provides ready-to-eat cooked foods generally served in disposable wrappers or containers, for consumption on or off the premises.

This use provides a public service area, including counter and queuing areas designed specifically for the sale and distribution of foods and beverages.

This definition is applicable to most franchise fast food restaurants and to independent businesses such as delis, taquerias, and bagelries.

This use may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If the use serves liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61), or does not admit minors, then the use shall also be considered a bar, as defined in Section 790.20.

**SEC. 790.92 Restaurant, Full Service.** A retail eating or eating and drinking use with tables and chairs which provides customers with table service for the consumption of prepared, ready-to-eat cooked foods on the premises.

This use provides suitable kitchen facilities necessary for the preparing, cooking and serving of meals to restaurant guests.

This use may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If the use serves liquor for

drinking on the premises (with ABC licenses 42, 47, 48, or 61), or does not admit minors, then the use shall also be considered a bar, as defined in Section 790.20.

- SEC. 790.100 Sales and Services, Non-Retail.** A commercial use which provides sales or services to the business community rather than to the general public, including light manufacturing, wholesale sales, and administrative services, as defined in Sections 790.54 and 790.106, respectively.
- SEC. 790.102 Sales and Services, Other Retail.** A retail use which provides goods and services but is not listed as a separate zoning category in subsections .41 through .63 of Sections 710 through 728, including but not limited to sale or provision of the following goods and services:
- General groceries;
  - Specialty groceries such as cheese, coffee, meat, produce;
  - Pharmaceutical drugs and personal toiletries;
  - Personal items such as tobacco and magazines;
  - Self-service laundromats and dry cleaning;
  - Household goods and services (including hardware); and
  - Variety merchandise.
- SEC. 790.104 Sales and Services, Retail.** A commercial use which sells goods or provides services directly to the consumer and is accessible to the general public during business hours.
- SEC. 790.106 Service, Administrative.** A non-retail use, as defined in Section 790.100, which provides organizational services to the business community and is not available to the general public.
- SEC. 790.108 Service, Business or Professional.** A retail use which provides general business or professional services including, but not limited to, architects, accountants, attorneys, consultants, realtors, and travel agents.
- SEC. 790.110 Service, Financial.** A retail use which provides banking services and products to the public, such as banks, savings and loans, and credit unions, when occupying less than 15 feet of linear frontage or 200 square feet of gross floor area.
- SEC. 790.112 Service, Limited Financial.** A retail use which provides banking services, when not occupying more than 15 feet of linear frontage or 200 square feet of floor area. Automated teller machines, if installed within such a facility or on an exterior wall as a walk-up facility, are included in this category; however, these machines are not subject to the hours of operation, as defined in Section 790.48 and set forth in zoning category number .27 of Sections 710 through 728 for each district.

**SEC. 790.114 Service, Medical.** A retail use which provides health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, or any other health-care professionals when licensed by a State-sanctioned Board overseeing the provision of medically-oriented services.

**SEC. 790.116 Service, Personal.** A retail use which provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, or instructional services not certified by the State Educational Agency, such as art, dance, exercise, martial arts, and music classes.

**SEC. 790.118 Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

For purposes of this definition, grade is the point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. Provisions in Section 102.11 of this Code shall apply in defining the point of measurement at grade.

(a) **Story, First.** For structures existing at the effective date of Ordinance No. (this ordinance), the lowest story of a building which qualifies as a story, as defined herein, except that a story in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade for more than 50 percent of the total perimeter, or more than 8 feet below grade at any point. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

For new structures or alterations which involve changing the elevation of any story, the floor level of the first story shall be within 1 foot of grade at the primary retail frontage.

(b) **Story, Second.** The story above the first story.

(c) **Story, Third and Above.** The story or stories of a building above the second story and below the ceiling of the topmost story of a building.

**SEC. 790.122 Take-Out Food.** A retail use which without tables and chairs primarily sells prepared, ready-to-eat foods in disposable wrappers for immediate consumption on or off the premises.

This use may provide off-site beer, wine, and/or liquor sales for consumption off the premises (with ABC licenses 20, 21, or 40).

This definition is applicable to bakeries, cookie and candy stores, as well as carry out sandwich and deli counters without seating on the premises. This definition is not applicable to general grocery stores or specialty grocery stores, subject to accessory use provisions in Section 703.2(b)1.(C)ii.

- SEC. 790.124 Trade Shop.** A retail use which provides custom crafted goods and services for sale directly to the consumer, reserving some storefront space for display and retail service; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R district. A trade shop includes, but is not limited to, repair and upholstery services, carpentry, printing, blueprinting, tailoring and other artisan craft uses.
- SEC. 790.130 Use Size [Non-Residential].** The permitted gross floor area allowed each individual non-residential use. Gross floor area is defined in Section 102.8 of this Code.
- SEC. 790.140 Walk-Up Facility.** A structure designed for provision of pedestrian-oriented services when located on an exterior building wall, including window service, self-service operations, and automated bank teller machines (ATMs).

**OTHER APPLICABLE SECTIONS OF THE CITY PLANNING CODE.**

Reference should be made to other sections which also apply to neighborhood commercial districts. These sections and their titles are listed below.

**General Provisions**

- Section 101 Purposes
- Section 109 Severability

**Definitions**

- Section 102 Definitions

**Zoning Map**

- Section 104 Zoning Map
- Section 106 Zoning Map Incorporated Herein

**Building Standards**

- Section 122 Height and Bulk
- Section 250 Height and Bulk Districts Established
- Section 251 Height and Bulk Districts - Purpose
- Section 252 Classes of Height and Bulk Districts
- Section 260 Height Limits - Method of Measurement
- Section 262 Additional Height Limits - Applicable to Signs
- Section 270 Bulk limits - Measurement
- Section 271 Bulk Limits - Special Exceptions
- Section 121 Minimum Lot Width
- Section 130 Yard and Setback Requirements
- Section 131 Legislated Setback Line
- Section 136 Obstructions over Street and Alleys
- Section 140 All Dwelling Units to Face and Open Area
- Section 141 Screening of Rooftop Features
- Section 142 Screening of Parking Areas

**Parking**

- Section 153 Rules for Calculation of Required Spaces
- Section 154 Minimum Dimensions for Required Off-Street Parking & Loading Spaces
- Section 155 General Standards as to Location & Arrangement of Off-Street Parking and Loading Spaces
- Section 156 Parking Lots
- Section 157 Conditional Use Applications for Parking Exceeding Accessory Amounts

**Signs**

- Section 602 Definitions
- Section 603 Exemption
- Section 604 Permits and Conformity
- Section 607 Commercial and Industrial Districts
- Section 608 Special Sign Districts
- Section 609 Amortization Period

## Uses

Section 203	Effect on Certain Public Services
Section 204	Accessory Uses General
Section 204.4	Dwelling Units Accessory to Other Uses
Section 204.5	Parking and Loading as Accessory Uses
Section 205	Temporary Uses
Section 236	Garment Shop Special Use District
Section 240	Northern Waterfront Special Use Districts
Section 243	Ocean Avenue Affordable Housing Special Use District
Section 244	Monterey Boulevard Affordable Housing Special Use District

## Landmarks

Article 10	Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive)
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## Procedures

Section 301	General Description
Section 302	Amendments
Section 303	Conditional Uses
Section 304.5	Institutional Master Plans
Section 305	Variances

## Compliance

Section 170	Applicability of Requirements
Section 171	Compliance of Uses Required
Section 172	Compliance of Structures, Open Spaces, and Off-Street Parking and Loading
Section 173	Compliance of Lots Required
Section 174	Compliance of Conditions
Section 175	Approval of Permits
Section 176	Enforcement Against Violations
Section 179	Automatic Conditional Uses
Section 180	Nonconforming Uses, Noncomplying Structures, and Substandard Lots
Section 181	Nonconforming Uses: Enlargements, Alterations, or Reconstruction
Section 182	Nonconforming Uses: Changes of Use
Section 183	Nonconforming Uses: Discontinuance and Abandonment
Section 184	Short-Term Continuance of Certain Nonconforming Uses
Section 186	Exemption of Limited Commercial Nonconforming Uses
Section 187	Garment Shops and Garment Factories as Nonconforming Uses
Section 188	Noncomplying Structures: Enlargements, Alterations and Reconstruction



## ARTICLE 1

### GENERAL ZONING PROVISIONS

[Section 101 is unchanged.]

#### SEC. 102 DEFINITIONS.

For the purposes of this Code, certain words and terms used herein are defined as set forth in this and the following sections. Additional definitions applicable only to Article 7, Neighborhood Commercial Districts, are set forth in Section 790. All words used in the present tense shall include the future. All words in the plural number shall include the singular number and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. Whenever any of the following terms is used it shall mean the corresponding officer, department, board or commission of the City and County of San Francisco, State of California herein referred to as the City: Assessor, Board of Supervisors, Department of City Planning, Department of Public Works, Director of Planning, City Planning Commission, Zoning Administrator. In each case the term shall be deemed to include an employee of any such officer or department of the City who is lawfully authorized to perform any duty or exercise any power as a representative or agent of that officer or department.

[Sections 102.1 through 102.3 are unchanged.]

#### SEC. 102.4

**District.** A portion of the territory of the city, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The term "R district" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RC-1, RC-2, RC-3, or RC-4 district. The term "C district" shall mean any C-1, C-2, C-3, or C-M district. The term "M district" shall mean any M-1 or M-2 district. The term "RH district" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 district. The term "RM district" shall mean any RM-1, RM-2, RM-3, or RM-4 district. The term "RC district" shall mean any RC-1, RC-2, RC-3, or RC-4 district. The term "C-3 district" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S district. The term "NC district" shall mean any NC-1, NC-2, NC-3, NC-S, and any neighborhood commercial district identified by street name in Section 702.1.

[Sections 102.5 through 109 are unchanged.]

ARTICLE 1.2

DIMENSIONS, AREAS AND OPEN SPACES

[Section 121 is unchanged.]

SEC. 121.5 Development on Large Lots, Neighborhood Commercial Districts.

In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 315.

<u>District</u>	<u>Lot Size Limits</u>
<u>NC-1, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, North Beach, Sacramento Street, Union Street, 24th Street-Mission, 24th Street-Noe Valley</u>	<u>5000 sq.ft.</u>
<u>NC-2, NC-3, Hayes-Gough, Upper Market Street, Polk Street, Valencia Street</u>	<u>10,000 sq.ft.</u>
<u>NC-S</u>	<u>Not Applicable</u>

In addition to the criteria of Section 303(c) the City Planning Commission shall find that the following criteria are met:

1. The mass and facade of the proposed structure are compatible with the existing scale of the district.
2. The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.
3. The site plan of the proposed structure reflects the arrangement of most other buildings on its block. In cluster and linear districts with continuous street building walls, the proposed structure maintains a continuous block facade line.

SEC. 121.7

Use Size Limits (Non-Residential), Neighborhood Commercial Districts.

In order to protect and maintain a scale of development appropriate to each district, non-residential uses which exceed the square footage stated in the table below may be permitted only as conditional uses subject to the provisions set forth in Section 315. The use area shall be measured as the gross floor area for each individual non-residential use.

<u>District</u>	<u>Use Size Limits</u>
<u>NC-1, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, North Beach, Sacramento Street, Union Street, 24th Street-Mission, 24th Street-Noe Valley</u>	<u>2500 sq.ft.</u>
<u>Broadway, Hayes-Gough, Upper Market Street, Polk Street, Valencia Street</u>	<u>3000 sq.ft.</u>
<u>NC-2</u>	<u>3500 sq.ft.</u>
<u>NC-3, NC-S</u>	<u>5000 sq.ft.</u>

In addition to the criteria of Section 303(c), the Commission shall find that the following criteria are met:

1. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.
2. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.
3. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

[Sections 122 and 123 are unchanged.]

BASIC FLOOR AREA RATIO.

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

TABLE 1

Basic Floor Area Ratio Limits

District	Basic Floor Area Ratio Limits
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2,	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
<u>NC-1</u>	<u>1.8 to 1</u>
<u>NC-2, NC-3, NC-S, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Hayes-Gough, Upper Market Street, North Beach, Polk Street, Sacramento Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley</u>	<u>3.6 to 1</u>
C-1, C-2	3.6 to 1

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

C-3-O	10.0 to 1
C-3-R, C-3-G, C-3-O (SD)	6.0 to 1
C-3-S	5.0 to 1

C-M	9.0 to 1
M-1, M-2	5.0 to 1

- (b) In R and NC districts, the above floor area ratio limits shall not apply to dwellings.
- (c) In a C-2 district, the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 district than to any other R district, and 10.0 to 1 for a lot which is nearer to a C-3 district than to any R district. The distance to the nearest R district or C-3 district shall be measured from the midpoint of the front line, or from a point directly across the street therefrom, whichever gives the greatest ratio.
- (d) In the Automotive Special Use District, as described in Section 237 of this Code, the basic floor area ratio limit shall be 10.0 to 1.
- (e) In the Northern Waterfront Special Use Districts, as described in Sections 240 through 240.3 of this Code, the basic floor area ratio limit in any C district shall be 5.0 to 1.

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

- (f) In C-3-G and C-3-S districts, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for dwellings, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code.
- (g) In the mid-South of Market Special Use District, as described in Section 249.1 of this Code, the basic floor area ratio limit for office uses shall be 2.0 to 1.
- (h) The allowable gross floor area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the gross floor area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section 1114 of this Code, but not to exceed the basic floor area permitted by this Section.

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently not effective as an interim control.

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

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

SEC. 125

FLOOR AREA PREMIUMS, DISTRICTS OTHER THAN C-3 AND NC.

In any district other than a C-3 or NC district in which a floor area ratio limit applies, the following premiums, where applicable, may be added to the basic floor area ratio limit to determine the maximum floor area ratio for a building or development.

- (a) **Corner Lot.** For a lot or portion thereof which is defined by this Code as a corner lot, a floor area premium may be added by increasing the area of the lot or portion, for purposes of floor area computation, by 25 percent.
- (b) **Interior Lot.** For a lot or portion thereof which is defined by this Code as an interior lot, and which abuts along its rear lot line upon a street or alley, a floor area premium may be added by increasing the depth of the lot or portion along such street or alley, for purposes of floor area ratio computation, by one-half the width of such street or alley or 10 feet, whichever is the lesser.

[Sections 126 through 133 are unchanged.]

SEC. 134

REAR YARDS, R, NC, C AND M DISTRICTS.

The following requirements for rear yards shall apply to every building in an R, NC-1, or NC-2 district and to every dwelling in a(n) NC-2, NC-3, Individual Neighborhood Commercial District where noted in Subsection (a), C or M district. Rear yards shall not be required in NC-S districts. These requirements are intended to assure the protection and continuation of established mid-block, landscape open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

- (a) **Basic requirements.** The basic rear yard requirements shall be as follows for the districts indicated. ((Such rear yards shall be provided at grade level and at each succeeding level or story of the building; except that in RC-2, RC-3, RC-4, C and M districts such rear yards shall be provided at the lowest story occupied as a dwelling at the rear of the building, and at each succeeding story of the building.))

1. RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C and M districts. The minimum rear yard depth shall be equal to 25 per cent of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

- (A) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, Outer Clement Street, Haight Street, Sacramento Street, 24th Street-Noe Valley districts. Rear yards shall be provided at grade level and at each succeeding level or story of the building.
- (B) NC-2, Castro Street, Inner Clement Street, Upper Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission districts. Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit.
- (C) RC-2, RC-3, RC-4, NC-3, Broadway, Hayes-Gough, Upper Market Street, Polk Street, C and M districts. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding story of the building.

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

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

(c) **Reduction of requirements in RH-2, RH-3, RM-1 and RM-2 districts.** The rear yard requirement in RH-2, RH-3, RM-1 and RM-2 districts, as stated in Paragraph (a)2 above, shall be reduced in specific situations as described in this Subsection (c), based upon conditions on adjacent lots. Under no circumstances, however, shall the minimum rear yard be thus reduced to less than a depth equal to 25 per cent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

1. **General rule.** In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Provided, that in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

2. **Alternative method of averaging.** If, under the rule stated in Paragraph (c)1 above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)1 above times the reduction in depth of rear yard permitted by Paragraph (c)1; and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.
3. **Method of measurement.** For purposes of this Subsection (c), an adjacent building shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least 1/2 the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less; excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, NC, C, M or P district, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.
4. **Applicability to special lot situations.** In the following special lot situations, the general rule stated in Paragraph (c)1 above shall be applied as provided in this Paragraph (c)4, and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.
  - (A) **Corner lots and lots at alley intersections.** On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.
  - (B) **Lots abutting properties with buildings that front on another street or alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line



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

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

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

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

- (e) **Reduction of Requirements in NC districts.** The rear yard requirement may be modified or waived by the Zoning Administrator if all of the following criteria are met:

1. Dwelling units are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents; and
2. The proposed new or expanding structure will not significantly impede the access of light and air to and views from abutting properties; and
3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of abutting properties.

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

SEC. 135

USABLE OPEN SPACE, R, NC, C AND M DISTRICTS.

Except as provided in Section 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C and M districts according to the standards set forth in this section.

- (a) **Character of space provided.** Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing).
- (b) **Access.** Usable open space shall be as close as is practical to the dwelling unit (or bedroom in group housing) for which it is required, and shall be accessible from such dwelling unit or bedroom as follows:
  1. Private usable open space shall be directly and immediately accessible from such dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or bedroom, with no more than one story above or below such floor level with convenient private access.
  2. Common usable open space shall be easily and independently accessible from such dwelling unit or bedroom, or from another common area of the building or lot.

- (c) **Permitted obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Section 136 of this Code for usable open space shall be permitted.
- (d) **Amount required.** Usable open space shall be provided for each building in the amounts specified herein and in the following table for the district in which the building is located.
1. For dwellings, except as provided in Paragraph (d)3 below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of the table if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of the table. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.
  2. For group housing structures, the minimum amount of usable open space provided for use by each bedroom shall be  $1/3$  the amount required for a dwelling unit as specified in Paragraph (d)1 above. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.
  3. For dwellings specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be  $1/2$  the amount required for each dwelling unit as specified in Paragraph (d)1 above.
- (e) **Slope.** The slope of any area credited as either private or common usable open space shall not exceed five percent.
- (f) **Private usable open space: additional standards.**
1. **Minimum dimensions and minimum area.** Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.
  2. **Exposure.** In order to be credited as private usable open space, an area must be kept open in the following manner:

**Table 3  
Minimum Usable Open Space**

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1	100	1.33
RM-2, RC-2	80	1.33
RM-3, RC-3	60	1.33
RM-4, RC-4	36	1.33
<u>Sacramento</u>	<u>100</u>	<u>1.33</u>
<u>Castro Street,</u> <u>Inner Clement Street,</u> <u>Outer Clement Street,</u> <u>Upper Fillmore Street,</u> <u>Haight Street,</u> <u>Union Street,</u> <u>Valencia Street,</u> <u>24th Street-Mission,</u> <u>24th Street-Noe Valley,</u>	<u>80</u>	<u>1.33</u>
<u>Broadway, Hayes-Gough,</u> <u>Upper Market Street,</u> <u>North Beach,</u> <u>Polk Street</u>	<u>60</u>	<u>1.33</u>
C-3, C-M, M-1, M-2	36	1.33
<u>NC-1, NC-2, NC-3,</u> <u>NC-S, C-1, C-2</u>	Same as for the R district establishing the dwelling unit density ratio for the <u>NC-1, NC-2, NC-3,</u> <u>NC-S, C-1 or C-2</u> district property	

- (A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.
- (B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)1 below.
- (C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)2(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

- 3. **Fire escapes as usable open space.** Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

**NOTE:** To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

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

**(g) Common usable open space: additional standards.**

- 1. **Minimum dimensions and minimum area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

2. **Use of inner courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.
3. **Use of solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

**SEC. 136**

**OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.**

- (a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:
  1. Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7-1/2 feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license.
  2. Obstructions within legislated set-back lines and front set-back areas, as required by Sections 131 and 132 of this Code.
  3. Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code.
  4. Obstructions within usable open space, as required by Section 135 of this Code.
- (b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this section.

Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X	X	X
X	X	X	X

(c) The permitted obstructions shall be as follows:

1. Overhead horizontal projections (leaving at least 7-1/2 feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:

- (A) At roof level, three feet over streets and alleys and into set-backs, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection;
- (B) At every other level, one foot over streets and alleys and into set-backs; and
- (C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less.

2. Bay (Projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)3 below shall be permitted as an alternative to those specified in this Paragraph (c)2.

- (A) The minimum headroom shall be 7-1/2 feet.
- (B) Projection into the required open area shall be limited to three feet; provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the center line of any alley.
- (C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 per cent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

Streets and Alleys	Setbacks	Yards	Usable Open Space
		X	X

(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)2(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)2(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135 degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

(G) Each bay window or balcony over a street or alley, set-back or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135 degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

3. Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and



Streets and Alleys	Setbacks	Yards	Usable Open Space
X	X	X	X
			X
		X	

usable open space, the bay windows and balconies specified in Paragraph (c)2 above shall be permitted as an alternative to those specified in this Paragraph (c)3.

- (A) The minimum headroom shall be 7-1/2 feet.
  - (B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.
  - (C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.
  - (D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.
4. Fire escapes, leaving at least 7-1/2 feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line.
  5. Overhead horizontal projections other than those listed in Paragraphs (c)1, 2, 3 and 4 above, leaving at least 7-1/2 feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width.
  6. Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line.

Streets and Alleys	Setbacks	Yards	Usable Open Space
X			
X			
X	X		
X	X		
X	X		
X	X		
	X	X	X
	X	X	X
X	X	X	X
	X	X	X
	X	X	X
		X	X

7. Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code.
8. Space below grade, as regulated by the Building Code and other portions of the Municipal Code.
9. Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area.
10. Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein.
11. Flag poles for projecting flags permitted by Article 6 of this Code.
12. Marquees, awnings and canopies in P, NC, C, and M districts, as regulated by the Building Code and as further limited by this Code.
13. Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)24 and (c)25 below).
14. Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line.
15. Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
16. Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade.
17. Fences no more than three feet in height above grade.
18. Fences and wind screens no more than six feet in height above grade.

Streets and Alleys	Setbacks	Yards	Usable Open Space
		X	
		X	X
	X	X	X
		X	X
		X	
		X	

19. Fences and wind screens no more than 10 feet in height above grade.
20. Normal outdoor recreational and household features such as play equipment and drying lines.
21. Landscaping and garden furniture.
22. Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land.
23. Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land.
24. Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:
  - (A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area.
  - (B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area.
  - (C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:

Streets and Alleys	Setbacks	Yards	Usable Open Space
		X	
		X	
X			

- (i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.
- (ii) The deck shall be at least two feet inside all side lot lines.
- (iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear and the deck shall be kept at least 10 feet inside the rear lot line.

25. Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein.

- (A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater.
- (B) Within all parts of the required open area, the structure shall be limited in height to either:
  - (i) 10 feet above grade; or
  - (ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line.
- (C) Any fence or wind screen extending above the height specified in Subparagraph (C)25(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials.

26. Garages which are under ground, or under decks conforming to the requirements of Paragraph (c)24 or (c)25 above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot.

27. Garages, where the average slope of the required open area ascends from the street lot line to the line of the set-back and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less.

Streets and Alleys	Setbacks	Yards	Usable Open Space
	X		
		X	
	X	X	

28. Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required set-back line or front set-back area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required set-back.
29. Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard.
30. Driveways, for use only to provide necessary access to required or permitted parking that is located on the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access.

**NOTE:** To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

- (d) Notwithstanding the limitations of subsection (c) of this section, the following provisions shall apply in C-3 districts.
  1. **Decorative Architectural Features.** Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:
    - (A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than 6 feet.
    - (B) At all levels above the area of minimum vertical clearance required in subsection (a)1 above, decorative features, such as belt courses, entablatures, and bosses, may project 2 feet with a maximum vertical dimension of 4 feet.
    - (C) At all levels above the area of minimum vertical clearance required by subsection (a)1 above, vertical

decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than 3 square feet at midpoint, may project 1 foot horizontally.

2. **Bay Windows.** Notwithstanding the provisions of subsections (c)2, (D) and (F) of this section, bay windows on non-residential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed one-half of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.

SEC. 136.1

Obstructions over Streets and Alleys and in Required Set-Backs, Yards, and Usable Open Space in NC Districts.

In addition to the limitations of Section 136, especially Paragraph 136(c)12, the following provisions shall apply in NC districts.

- (a) **Awnings.** All portions of any permitted awning shall be not less than 8 feet above the finished grade, excluding any valance which shall not be less than 7 feet above the finished grade. No portion of any awning shall be higher than the window-sill level of the lowest story (if any) that has a window or windows on the building facade to which the awning is attached, exclusive of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.

1. **NC-1 districts.** The horizontal projection of any awning shall not exceed 4 feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed 4 feet, including any valance.
2. **All other NC districts.** When the width of all awnings is less than 10 feet along the direction of the street, the horizontal projection of such awnings shall not exceed 6 feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed 6 feet, including any valance. When the width of all awnings exceeds 10 feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed 4 feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed 4 feet, including any valance.

(b) Canopies.

1. **NC-1 Districts.** No canopy shall be permitted in any NC-1 district.

2. All other NC districts. The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point 2 feet from the curb. The outer column support shall be located in the outer one-third of the sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed 2 feet, including any valance. All portions of any canopy, excluding the column supports and excluding any valance which may be not less than 7 feet above the finished grade, shall be not less than 8 feet above the finished grade. Canopies shall not be spaced closer than 20 feet from each other, measured from center line to center line.

(c) Marquees.

1. NC-1 Districts. No marquee shall be permitted in any NC-1 district.
2. All other NC districts. The vertical distance from the top to the bottom of any marquee shall not exceed 3 feet and the horizontal projection shall not extend beyond a point 2 feet from the curb.
  - A. A marquee projecting more than two-thirds of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building, along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the window-sill level or windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.
  - B. A marquee projecting less than two-thirds of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the window-sill level or windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

SEC. 140

ALL DWELLING UNITS TO FACE ON OPEN AREA, R, C, NC, AND M DISTRICTS.

- (a) In each dwelling unit in an R, C, NC, or M district, the required windows (as defined by Section 501.4 of the San Francisco Housing Code) of at least one room that meets the 120-square foot minimum superficial floor area requirement of Section 501.1 of the Housing Code shall face directly on an open area of one of the following types:

1. A public street, public alley at least 25 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided that if such windows are on an outer court whose width is less than 25 feet the depth of such court shall be no greater than its width; or
2. An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than 4 feet 6 inches, chimneys, and those obstructions permitted in Sections 136(c)14, 15, 16, 19, 20 and 29 of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

SEC. 141

SCREENING OF ROOFTOP FEATURES R, C, NC, AND M DISTRICTS.

- (a) In R, C, NC, and M districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation.

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

- (b) In C-3 districts, whenever the enclosure of mechanical equipment and appurtenances will become a prominent feature on the skyline, modifications may, in accordance with provisions of Section 309, be required in order to insure that:
1. The enclosure is designed as a logical extension of the building form and an integral part of the overall building design;
  2. Its cladding and detailing is comparable in quality to that of the rest of the building;
  3. If screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and



4. The additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

SEC. 142

SCREENING OF PARKING AREAS, R DISTRICTS AND ALL NC DISTRICTS EXCEPT NC-3 AND NC-S DISTRICTS.

Off-street parking areas in R districts, and all NC except NC-3 and NC-S districts, shall be screened as provided in this section.

- (a) Every off-street parking space within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means.
- (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas within buildings shall be screened from view and confined by solid building walls.
- (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

SEC. 143

STREET TREES, R, NC, AND C-3 DISTRICTS.

- (a) In any R, NC, or C-3 District, street trees shall be

installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of floor area equal to 20 per cent or more of an existing building.

- (b) The street trees installed shall be a minimum of one tree of 15 gallon size for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located within a set-back area on the lot or within the public right-of-way along such lot.
- (c) The species of trees selected shall be suitable for the site, and in the case of trees installed in the public right-of-way, the species and locations shall be subject to approval by the Department of Public Works. Procedures and other requirements for the installation, maintenance, and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

- (d) In any case in which the Department of Public Works cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities, or other reasons regarding the public welfare, and where installation of such tree on a lot itself is also impractical, the requirements of this Section 143 may be modified or waived by the Zoning Administrator to the extent necessary.

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

- (e) In C-3 districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is determined to be more desirable in order to make the landscaping compatible with the character of the surrounding area, or may waive the requirement where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, a component of the Master Plan, such as the policy favoring unobstructed pedestrian passage.

[Sections 144 and 145 are unchanged.]

SEC. 145.1

Street Frontages, Neighborhood Commercial Districts.

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

- (a) In all NC districts other than NC-S districts, the width of such new or altered structure, parallel to and facing such street, shall abut the front property line or legislated set-back, as regulated in Section 131, except for entrance doors, outdoor activity areas as defined in Section 790.70, or walk-up facilities as defined in Section 790.140, which may be indented.
- (b) In all NC districts other than NC-S districts, no more than one-third the width of such new or altered structure, parallel to and facing such street, shall be devoted to ingresses to parking.
- (c) The floor level of the ground story shall be within one foot of grade, as defined in Section 790.118, for a horizontal distance of 10 feet from the front building wall at the retail frontage .

- (d) If such structures contain at the ground story any of the permitted uses in the Sections listed below, at least one-half the total width of such new or altered structures, parallel to and facing such street, shall be devoted to the ground story to entrances, windows or display space at the pedestrian eye-level. Such windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall be at least 75 per cent open to perpendicular view and no more than six feet in height above grade.

<u>§ 703.40</u>	<u>Other Retail Sales and Services</u>
<u>§ 703.41</u>	<u>Bar</u>
<u>§ 703.42</u>	<u>Full-Service Restaurant</u>
<u>§ 703.43</u>	<u>Fast-Food Restaurant</u>
<u>§ 703.44</u>	<u>Take Out Food</u>
<u>§ 703.45</u>	<u>Movie Theater</u>
<u>§ 703.48</u>	<u>Amusement Game Arcade</u>
<u>§ 703.49</u>	<u>Financial Service</u>
<u>§ 703.50</u>	<u>Limited Financial Service</u>
<u>§ 703.51</u>	<u>Medical Service</u>
<u>§ 703.52</u>	<u>Personal Service</u>
<u>§ 703.53</u>	<u>Business or Professional Service</u>
<u>§ 703.55</u>	<u>Tourist Hotel</u>
<u>§ 703.61</u>	<u>Automobile Sale or Rental</u>
<u>§ 703.62</u>	<u>Animal Hospital</u>
<u>§ 703.65</u>	<u>Trade Shop</u>
<u>§ 703.70</u>	<u>Administrative Service</u>

## ARTICLE 1.5

### OFF-STREET PARKING AND LOADING

[Sections 150 through 155 are unchanged.]

#### SEC. 156

#### PARKING LOTS.

- (a) A parking lot is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.
- (b) Where parking lots are specified in Article 2 of this Code as a use for which conditional use approval is required in a certain district, such conditional use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to all parking lots whether classified as accessory, principal or conditional uses.
- (c) In considering any application for a conditional use for a parking lot for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the City Planning Commission shall consider the criteria set forth in Section 157.
- (d) Any parking lot for the parking of two or more automobiles which adjoins a lot in any R district, or which faces a lot in any R district across a street or alley, shall be screened from view therefrom, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.
- (e) Any parking lot for the parking of 10 or more automobiles within the C-3-0, C-3-R, C-3-S, or C-3-G district shall be screened from view from every street, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.
- (f) All artificial lighting used to illuminate a parking lot for any number of automobiles in any R ((district)), NC, or C district shall be so arranged that all direct rays from such lighting fall entirely within such parking lot.

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

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

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

[Sections 157 through 161 are unchanged.]

## ARTICLE 1.7

### COMPLIANCE

[Sections 170 through 176 are unchanged.]

#### SEC. 178

#### CONDITIONAL USES.

The following provisions shall apply to conditional uses:

- (a) Definition. For the purposes of this Section, a permitted conditional use shall refer to:
1. Any use or feature authorized as a conditional use pursuant to Article 3 of this Code, provided that such use or feature was established within a reasonable time from the date or authorization; or
  2. Any use or feature which is classified as a conditional use in the district in which it is located and which lawfully existed either on the effective date of this Code, or on the effective date of any amendment imposing new conditional use requirements upon such use or feature; or
  3. Any use deemed to be a permitted conditional use pursuant to Section 179 of this Code.
- (b) Continuation. Except as provided for temporary uses in Section 205 of this Code, and except where time limits are otherwise specified as a condition of authorization, any permitted conditional use may continue in the form in which it was authorized, or in the form in which it lawfully existed either on the effective date of this Code or the effective date of any amendment imposing new conditional use requirements upon such use or feature, unless otherwise provided in this Section or in Article 2 of this Code.
- (c) Enlargements or Alteration. A permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.
- (d) Abandonment. A permitted conditional use which is discontinued for a period of three years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.
- (e) Changes in Use. A permitted conditional use shall not be changed to another use or feature that is classified as a conditional use in the district in which it is located, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

USES LOCATED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

The following provisions shall govern with respect to uses and features located in Neighborhood Commercial districts to the extent that there is a conflict between the provisions of this section and other sections contained in this Article 1.7.

- (a) Any use or feature which lawfully existed on the effective date of Ordinance No. (this ordinance) which is classified as a conditional use by the enactment of Ordinance No. (this ordinance), shall be subject to the provisions of Section 178 of this Code.
- (b) Any use or feature which lawfully existed on the effective date of Ordinance No. (this ordinance) which use or feature is not permitted by the enactment of Ordinance No. (this ordinance) is hereby deemed to be a permitted conditional use subject to the provisions of Section 178. In addition, a conditional use authorization may be sought, pursuant to the provisions of Article 3, for any change in use described below:
1. Any use described in zoning categories .41, .42, .43, or .44, as defined in Sections 790.22, 790.92, 790.90, and 790.122, respectively, may change to another use described in zoning categories .41, .42, .43, or .44 even though such other use is not permitted in that Neighborhood Commercial district,
  2. Any use described in zoning categories .51, .52, or .53, as defined in Sections 790.114, 790.116, and 790.108, respectively, may change to another use described in zoning categories .51, .52, or .53, even though such other use is not permitted in that Neighborhood Commercial district,
  3. Any use described in zoning categories .57, .58, and .59, as defined in Sections 790.114, 790.117, and 790.115, respectively, may change to another use described in zoning categories .57, .58, and .59, even though such other use is not permitted in that Neighborhood Commercial district.
- (c) Any use located on the second story or above, in a structure located within a Neighborhood Commercial district, which use existed on the effective date of Ordinance No. (this ordinance) and was permitted as a conditional use prior to the adoption of Ordinance No. (this ordinance), but for which the required permits and conditional use authorization had not been obtained, and which use is not permitted by operation of Ordinance No. (this ordinance), will be deemed to be a permitted conditional use if:
1. Within two years of the effective date of Ordinance No. (this ordinance) an application for conditional use authorization is filed pursuant to the provisions of Article 3 of this Code, and if an application is filed for all other permits necessary to bring the use into compliance with applicable Codes; and

2. The conditional use is authorized and all other necessary permits are granted; and
3. Within one year of final administrative action on the granting of the necessary permits, or within such alternate period which the City Planning Commission deems reasonable and necessary, all work which is required for code compliance under all applicable codes is substantially completed.

(d) Any use located on the second story or above, in a structure located within a Neighborhood Commercial District, which use existed on the effective date of Ordinance No. (this ordinance) and was permitted as a principal use prior to the adoption of Ordinance No. (this ordinance), but for which the required permits had not been obtained, and which use is either not permitted or permitted only with conditional use authorization by operation of Ordinance No. (this ordinance) will be deemed to be a permitted conditional use if:

1. Within two years of the effective date of Ordinance No. (this ordinance) an application is filed for all other permits necessary to bring the use into compliance with applicable Codes; and
2. Within one year of final administrative action on the granting of the necessary permits, all work which is required for code compliance under all applicable codes is substantially completed.

[Sections 180 through 183 are unchanged.]

**SEC. 184**

**SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.**

The period of time during which the following nonconforming uses may continue or remain shall be limited to five years from the effective date of this Code (May 2, 1960), or of the amendment thereto which caused the use to be nonconforming. Every such nonconforming use shall be completely eliminated within 90 days after the expiration of such period.

- (a) Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use

**NOTE:** To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

, except for permanent off-street parking lots in the C-3-O, C-3-R and C-3-G districts existing on the effective date of Ordinance No. \_\_, provided that such lots are screened in the manner required by Section 156(e).



- (b) Any use of a type first permitted as a principal or conditional use in an NC, C or M district or in a Residential Commercial Combined district, when occupying a building in an R district other than a Residential Commercial Combined district that has an assessed valuation not in excess of \$500 on the effective date of this Code or such later date as the use becomes nonconforming, with the following exceptions:
1. Any lawful use in this category in a building having an assessed valuation of \$250 or more on the effective date of this Code, or such later date as the use becomes nonconforming, shall have a period of permitted continuance of 10 years from the date at which the property was placed in a Residential zoning classification, if such a period of continuance produces an expiration date which is later than the expiration date stated above; or
  2. Any lawful use in this category which is of a type first permitted in a C-1 district; or of a type first permitted in any other district and supplying commodities at retail, or offering personal services, primarily to residents of the immediate vicinity; shall have a period of permitted continuance of 10 years from the effective date of this Code, or of the amendment thereto which caused the use to be nonconforming. After five years of such period have elapsed, any use as described in this Paragraph (b)2 shall, upon application, be qualified for consideration by the City Planning Commission as a conditional use as regulated in Section 303 of this Code.

## SEC. 185

### CONTINUANCE OF OTHER NONCONFORMING USES.

The purpose of this section is to provide for the gradual elimination or conversion, after a reasonable allowance of time for the amortization of investments therein, of certain classes of nonconforming uses in buildings, in order to encourage and promote the orderly and beneficial development of the land and buildings with conforming uses. The section is intended to apply to obsolescent buildings whose use is widely at variance with the regulations of this Code, and is safeguarded against unnecessary hardship in application by provision for a minimum period of continuance of 20 years, by procedures for extension and exceptions, and by the requirement of repeated notice as the buildings approach an age indicative of obsolescence. It is further declared that the requirement of eventual removal, or conversion to conforming use of such buildings, subject to the exceptions set forth, is in the public interest and is intended to promote the general welfare.

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

- (b) Every such building to which this section applies may be continued in such use for at least 20 years from the effective date of this Code (May 2, 1960), or of the amendment thereto which causes it to be nonconforming, and may be continued for a longer period if it has not yet reached the age hereinafter specified, computed from the date the building was erected. For buildings of Type 1 or Type 2, as defined in the Building Code of the City, the specified age shall be 50 years; for Type 3 buildings it shall be 40 years; and for Type 4 and Type 5 buildings it shall be 30 years.
- (c) Upon the expiration of the period specified for each such building, it shall be completely removed or altered and converted to a conforming use, except as hereinafter provided.
- (d) Where special circumstances apply to any such building and use, which do not apply generally to others affected hereby, extension of time may be granted under the variance procedure as regulated in Section 305, but no such extension shall be for a period in excess of one year. Successive extensions, subject to the same limitations, may be granted upon new application.
- (e) Any unconforming use affected by this section shall be qualified for consideration by the City Planning Commission as a conditional use as regulated in Section 303, upon application filed at any time during the period of permitted continuance specified above. In the event that a conditional use is authorized by the City Planning Commission for any such use, the provisions of Sections 180 through 183 shall continue to apply to such use except as specifically provided in the action of the Commission, and no enlargement, intensification or extension of the nonconforming use shall be permitted by the Commission.
- (f) The Zoning Administrator shall give notice by mail of the date of expiration of the periods of permitted continuance specified herein to each owner of record within four years of the effective date of this Code, or of the date of the amendment which caused the use to become nonconforming, and shall repeat such notice at approximate intervals of four years thereafter. A final notice shall be given one year before said date of expiration in each instance. The notices shall set forth all pertinent provisions of this section, including the declared purposes thereof. Failure to send notice by mail to any such owner where the address of such owner is not a matter of public record, or where no Permit of Occupancy for a nonconforming use covered by this section has been issued as provided in Section 171 of this Code, shall not invalidate any proceedings under this section.

## SEC. 186

### EXEMPTION OF LIMITED COMMERCIAL NON-CONFORMING USES.

The purposes of this section is to provide for the further continuance in R districts of nonconforming uses of a limited commercial character, as herein described, which are beneficial to, or can be accommodated within, the residential areas in which they are located. It is hereby found and

declared that, despite the general incompatibility of non-conforming uses with the purposes of this Code, and with other nearby uses, these limited commercial uses may be tolerated in residential areas, and tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes. These uses tend to be small in scale, to serve primarily a walk-in trade, and to cause a minimum of interference with nearby streets and properties. Accordingly, this section recognizes the public advantages of these uses and establishes conditions for their continued operation.

(a) The following nonconforming uses in R districts shall be exempt from the termination provisions of Section 185, provided such uses comply with all the conditions specified in Subsection (b) below:

1. ((In all RH districts and RM-1 districts, any use that would be permitted as a principal or conditional use in an RC-1 district.))

Basic Requirement. Nonconforming uses located in Residential districts are subject to the NC-1 District provisions, as set forth in Section 710. These NC-1 provisions are intended to provide for retail sales and services of a limited commercial character which will benefit the immediate community and will be compatible with the Residential district in which the nonconforming use is located.

2. ((In all other RM districts: any use that would be permitted as a principal or conditional use in an RC-2 district.))

Additional Requirements. Any nonconforming use which is not more than one-quarter mile from an Individual Area Neighborhood Commercial district, set forth in Sections 714 through 728, shall be regulated by the controls applicable in that Individual Area Neighborhood Commercial district if those controls are more restrictive than the NC-1 district controls.

(b) The limited commercial nonconforming uses described above shall meet the following conditions:

1. The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
2. Any signs on the property shall be made to comply with the requirements of Article 6 of this Code applying to nonconforming uses;
3. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
4. No public sidewalk space shall be occupied in connection with the use;

5. Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;
  6. Noise, odors and other nuisance factors shall be adequately controlled; and
  7. All other applicable provisions of this Code shall be complied with.
- (c) Any use affected by this section which does not comply with all of the conditions herein specified shall be subject to termination in accordance with Section 185 at the expiration of the period specified in that section, but shall be qualified for consideration as a conditional use under Section 185(e). Any such use which is in compliance with such conditions at the expiration of such period but fails to comply therewith at any later date shall be subject to termination when it ceases to comply with any of such conditions.
- (d) The provisions for nonconforming uses contained in Section 180 through 183 shall continue to apply to all uses affected by this Section 186, except that the cost limit for structural alterations contained in Section 181(b)4 shall not be applicable thereto.

#### SEC. 187

#### GARMENT SHOPS AND GARMENT FACTORIES AS NONCONFORMING USES.

- (a) A garment shop or a garment factory (as defined in the Building Code), existing on January 1, 1960, and located either in a commercial district or in a building having legal nonconforming commercial status under provisions of the City Planning Code in force on that date, shall be regarded as a legal nonconforming use under provisions of the City Planning Code becoming effective on May 2, 1960, if such shop or factory was brought into compliance with all applicable codes and ordinances prior to January 1, 1961. Permits of Occupancy must have been obtained prior to January 1961, by such shop or factory, and any shop or factory which failed to comply with all applicable codes and ordinances prior to that date shall have closed and discontinued all operations.
- (b) Garment shops and garment factories located in an R district, except those having legal nonconforming status, shall have closed and ceased all operations by January 1, 1961.
- (c) Garment shops and garment factories having legal nonconforming status in R districts, NC, and C districts shall be subject to the provisions of Sections 180 through 185 of this Code as nonconforming uses. No such use shall be intensified by installation of additional machines.

[Sections 188 and 189 are unchanged.]

ARTICLE 2  
USE DISTRICTS

NC Districts are located in Article 7 of this Code.

SEC. 201 CLASSES OF USE DISTRICTS. In order to carry out the purposes and provisions of this Code, the city is hereby divided into the following classes of use districts:

- P Public Use Districts
- RH-1(D) Residential, House Districts, One-Family (Detached Dwellings)
- RH-1 Residential, House Districts, One-Family
- RH-1(S) Residential, House Districts, One-Family with Minor Second Unit
- RH-2 Residential, House Districts, Two-Family
- RH-3 Residential, House Districts, Three-Family
- RM-1 Residential Mixed Districts, Low Density
- RM-2 Residential Mixed Districts, Moderate Density
- RM-3 Residential, Mixed Districts, Medium Density
- RM-4 Residential, Mixed Districts, High Density
- RC-1 Residential-Commercial Combined Districts, Low Density
- RC-2 Residential-Commercial Combined Districts, Moderate Density
- RC-3 Residential-Commercial Combined Districts, Medium Density
- RC-4 Residential-Commercial Combined Districts, High Density

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-5 Neighborhood Commercial Shopping Center District

Individual Area Districts

- Broadway Neighborhood Commercial District
- Castro Street Neighborhood Commercial District
- Inner Clement Street Neighborhood Commercial District
- Outer Clement Street Neighborhood Commercial District
- Upper Fillmore Street Neighborhood Commercial District
- Haight Street Neighborhood Commercial District
- Hayes-Gough Neighborhood Commercial District
- Upper Market Street Neighborhood Commercial District
- North Beach Neighborhood Commercial District
- Polk Street Neighborhood Commercial District
- Sacramento Street Neighborhood Commercial District
- Union Street Neighborhood Commercial District
- Valencia Street Neighborhood Commercial District
- 24th Street-Mission Neighborhood Commercial District
- 24th Street-Noe Valley Neighborhood Commercial District

- C-1 Neighborhood Shopping Districts
- C-2 Community Business Districts
- C-M Heavy Commercial Districts

C-3-0	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts

SEC. 202

USES PERMITTED BY THIS CODE.

- (a) The use limitations of this Code shall be set forth in this Article 2 for the use districts of the city, as established by Section 201 of this Code and as shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of Section 105. The uses permitted under this Code shall consist of the following:
1. Principal uses, permitted as of right in each established district where listed for that class of districts in this Article 2, as regulated herein and elsewhere in this Code.
  2. Conditional uses, permitted in each established district when authorized by the City Planning Commission under Section 303 of this Code, where listed for that class of districts in this Article 2 and as regulated herein and elsewhere in this Code.
  3. Accessory uses for such permitted principal and conditional uses, as defined and regulated in Sections 204 through 204.5 of this Code. Any use not qualified under such sections as an accessory use shall be classified as a principal or conditional use.
  - ((4. Special uses, permitted in Neighborhood Commercial Special Use Districts, when authorized by the Zoning Administrator or the City Planning Commission, where listed for that class of districts in this Article 2 and as regulated herein and elsewhere in this Code.))
- (b) Permitted uses shall include in each established district such uses not specifically listed in this Article 2 as are from time to time determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.
- (c) No use shall be permitted in any R district, C district or M-1 district which by reason of its nature or manner of operation creates conditions that are hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.
- (d) Except as specifically provided herein to the contrary, the provisions of this Article 2 shall apply to all uses, properties and developments, both public and private, including those of the City and County of San Francisco.

[Sections 203 through 207.1 are unchanged.]

SEC. 207.2

DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

The density of dwelling units in Neighborhood Commercial districts shall be as stated in the following Subsections. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in Neighborhood Commercial districts, except that any remaining fraction of one-half or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.

(a) Dwelling Unit Density, General Area Districts.

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

<u>General Area District</u>	<u>Residential Density Limits</u>
<u>NC-1, NC-2</u>	<u>One dwelling unit for each 800 sq.ft. of lot area.</u>
<u>NC-3, NC-5</u>	<u>One dwelling unit for each 600 sq.ft. of lot area.</u>

(b) Dwelling Unit Density, Individual Area Districts.

The dwelling unit density in Individual Area Neighborhood Commercial districts shall be at a density ratio not exceeding the amounts set forth in the following table.

<u>Individual Area District</u>	<u>Residential Density Limits</u>
<u>Sacramento Street</u>	<u>One dwelling unit for each 800 sq.ft. of lot area.</u>
<u>Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley</u>	<u>One dwelling unit for each 600 sq.ft. of lot area.</u>
<u>Broadway, Hayes-Gough Upper Market Street North Beach, Polk Street</u>	<u>One dwelling unit for each 400 sq.ft. of lot area.</u>

DENSITY LIMITATIONS FOR GROUP HOUSING.

The density limitations for group housing as described in Sections 209.2(a), (b), and (c) of this Code shall be as follows:

- (a) The maximum number of bedrooms on each lot shall be as specified in the following table for the district in which the lot is located.

TABLE 5A

Maximum Density for Group Housing

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70
<u>NC-1, NC-2, Sacramento Street</u>	<u>275</u>
<u>NC-3, NC-S, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission 24th Street-Noe Valley</u>	<u>210</u>
<u>Broadway, Hayes-Gough Upper Market Street, North Beach Polk Street</u>	<u>140</u>

- (b) For purposes of calculating the maximum density for group housing as set forth herein, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.
- (c) The rules for calculation of dwelling unit densities as set forth in Section 207.1 shall also apply in calculation of the density limitations for group housing, except that in NC districts, any remaining fraction of one-half or more of the maximum amount of lot area per bedroom shall be adjusted upward to the next higher whole number of bedrooms.



ARTICLE 3  
PROCEDURES

[Sections 301 through 302 are unchanged.]

SEC. 303      **CONDITIONAL USES.**

- (a) **General.** The City Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this section and in Sections 306 through 306.~~(5)~~6, except that Planned Unit Developments shall in addition be subject to Section 304, ~~((and))~~ medical institutions and post-secondary educational institutions shall in addition be subject to the institutional master plan requirements of Section 304.5, and conditional use applications filed pursuant to Article 7, or otherwise required by this Code for uses in Neighborhood Commercial districts shall be subject to the provisions set forth in Section 315, in lieu of those provided for in Sections 306.2 and 306.3, with respect to scheduling and notice of hearings.
- (b) **Initiation.** A conditional use action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the conditional use is sought.
- (c) **Determination.** After its hearing on the application, or upon the recommendation of the Zoning Administrator if the application is filed pursuant to Section 315 and no hearing is required, the City Planning Commission ~~((may))~~ shall approve the application and authorize a conditional use if the facts presented are such to establish:
1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
  2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
    - (A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

- (B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
  - (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - (D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use of feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan; and
4. With respect to applications filed pursuant to Article 7 of this Code; that such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial district, as set forth in Sections 710.1 through 728.1, and
5. (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), use categories .45, .46, and .47, in lieu of the criteria set forth above in Section 303(c)1-4, that such use or feature will:
- (i) Not be located within 1000 feet of another such use, if the proposed use or feature is included in use category .46 as defined by Section 790.36; and/or
  - (ii) Not be open between 12 midnight and 6 a.m. except in the Broadway Neighborhood Commercial District, as regulated in Section 714, where such uses shall not be open between 2 and 6 a.m.; and
  - (iii) Not use electronic amplification between 10 p.m. and 6 a.m.; and
  - (iv) Be sufficiently insulated for noise and operated so that fixed source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
- (B) Notwithstanding the above, the City Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in 5(A)ii and/or 5(A)iii above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

(d) **Conditions.** When authorizing a conditional use as provided herein the City Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.

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

(f) **(Continuation.)**

1. Except as provided for temporary uses in Section 205 of this Code, and except where time limits are otherwise specified as a condition of authorization, any conditional use that has been established as authorized by the City Planning Commission may continue as authorized so long as it is not changed to another use or feature, or discontinued for a continuous period of three years, or otherwise abandoned.
2. A conditional use shall not be restored when so abandoned, or changed to another use or feature that is classified as a conditional use in the district in which it is located, or significantly altered or intensified, except upon approval of a new conditional use application by the City Planning Commission.
3. Where a use or feature classified as a conditional use in the district in which it is located lawfully exists at the effective date of this Code, or at the effective date of any amendment imposing new conditional use requirements upon such use or feature in such district, such use or feature shall be deemed to be a permitted conditional use in the form in which it exists on such date, without further authorization except as provided in this subsection or in Section 205 of Article 2 of this Code.

(( (g) )) **Delegation of Hearing.** The City Planning Commission may delegate to a committee of one or more of its members, or to the Zoning Administrator, the holding of the hearing required by this Code for a conditional use action. The delegate or delegates shall submit to the City Planning Commission a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the Commission in reaching its decision in the case.

## PLANNED UNIT DEVELOPMENTS.

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is currently effective as an interim control.

In districts other than NC and C-3,

the City Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this section. After review of any proposed development, the City Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

- (a) **Objectives.** The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the city as a whole. In cases of outstanding over-all design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.
- (b) **Nature of site.** The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.
- (c) **Application and plans.** The application must describe the proposed development in detail, and must be accompanied by an over-all development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.
- (d) **Criteria and limitations.** The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:
  1. Affirmatively promote applicable objectives and policies of the Master Plan;

2. Provide off-street parking adequate for the occupancy proposed;
3. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
4. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;
5. In R districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for RC districts under this Code; and
6. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

[Sections 304.5 through 306.1 are unchanged.]

**SEC. 306.2 Scheduling of Hearings.**

When an action for an amendment, conditional use or variance has been initiated by application or otherwise, the Zoning Administrator shall set a time and place for a hearing thereon within a reasonable period. In the case of an application for a variance, such period shall not exceed 30 days from the date upon which the application is accepted for filing. The procedures for scheduling of hearings on conditional use applications where such authorization is required pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 728 for each Neighborhood Commercial district, are set forth in Section 315.

**SEC. 306.3 Notice of Hearings.**

- (a) Except as indicated in Subsection (b) below, and except as provided in Section 315 for conditional use applications where such authorization is required pursuant to Zoning Categories .10, .11, .21, .24 through .27, .38 through .90 and .95 of Sections 710 through 728 for each Neighborhood Commercial district, notice of the time, place and purpose of the hearing on an action for an amendment, conditional use or variance shall be given by the Zoning Administrator as follows:

1. By mail to the applicant or other person or agency initiating the action.
2. By mail, except in the case of proposed amendments to change the text of the Code, not less than 10 days prior to the date of the hearing to the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of such area, using for this purpose the names and addresses of the owners as shown on the latest city-wide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action.
3. By publication, except in variance cases, at least once in a newspaper of general circulation in the city not less than 20 days prior to the date of the hearing.
4. Such other notice as the Zoning Administrator shall deem appropriate.

(b) In the following situations, notice of hearings shall be given as indicated:

1. In the case of variance applications involving a less than 10 per cent deviation as described in Section 305(c), the Zoning Administrator need give only such notice as the Zoning Administrator deems appropriate in cases in which a hearing is actually held.
2. In the case of amendments to reclassify land on the basis of general zoning studies for one or more zoning districts, which studies either are city-wide in scope or cover a major sub-area of the city as determined by the City Planning Commission, and where the total area of land so proposed for reclassification, excluding the area of public streets and alleys, is 30 acres or more, the notice given shall be as described in Subsection (a) above, except that:
  - A. The newspaper notice shall be published as an advertisement in all editions of such newspaper, and need contain only the time and place of the hearing and a description of the general nature of the proposed amendment together with a map of the area proposed for reclassification.
  - B. The notice by mail need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification.

[Section 306.4 is unchanged.]

## Reconsideration.

- (a) Whenever any application for an amendment, ((conditional use)) or variance, or any part thereof, has been disapproved by the City Planning Commission or Zoning Administrator, or by the Board of Supervisors or the Board of Permit Appeals on appeal as described in Section 308, no application proposing an amendment, ((conditional use)) or variance, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the City Planning Commission or Zoning Administrator within a period of one year from the effective date of final action upon the earlier application.
- (b) Whenever any application for a conditional use, or any part thereof, has been disapproved by the City Planning Commission, or by the Board of Supervisors on appeal as described in Section 308, no application proposing a conditional use, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the City Planning Commission within a period of eighteen months from the effective date of final action upon the earlier application.

[Sections 306.6 through 310 are unchanged.]

(( SEC. 312

## SPECIAL USES.

- (a) **General.** The Zoning Administrator and the City Planning Commission shall make determinations regarding applications for authorization of special uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for special uses shall be as specified in this section.
- (b) **Purpose.** The special use authorization procedure is intended to facilitate the orderly processing of applications for alteration and enlargement of existing uses and for establishment of uses in Neighborhood Commercial Special Use Districts through a procedure which allows for efficient and thorough review of applications using criteria and requirements as set forth in this Code and guidelines as adopted from time to time by the City Planning Commission so as to insure fairness to each applicant and adequate and reasonable regulation of commercial development. Except as provided in Subdivision (d), no special use authorization may be approved pursuant to this Chapter which is not consistent with the policies and objectives of the Comprehensive Plan of San Francisco, the purposes of this Code, the general purposes of Neighborhood Commercial Special Use Districts (Section 242(a)), and the purposes of the particular special use district. In considering such authorizations, the Zoning Administrator and the Planning Commission shall also consider the needs of the owners of property, operators of businesses, residents of surrounding areas, users of the area, and the community in general. ))

SEC. 315

PROCEDURES FOR CONDITIONAL USE AUTHORIZATION IN  
NEIGHBORHOOD COMMERCIAL DISTRICTS.

In addition to the provisions of Section 306.1 and 306.4, the following procedures shall govern applications for conditional use authorization where this authorization is required pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 728 for each Neighborhood Commercial district. The criteria for determinations on such applications are set forth in Section 303(c). Additional criteria for determinations on applications pursuant to zoning categories .10, .11, and .21 are set forth in the Section containing the control.

SEC. 315.1

Applications and Filing Fees.

The provisions set forth in Section 306.1 shall govern with respect to applications and filing fees.

SEC. 315.2

Zoning Administrator Review, Scheduling of Hearing, and Recommendation.

The Zoning Administrator will review and schedule applications for conditional use authorization for City Planning Commission determination; either on Consent Calendar, with a recommendation regarding action on the application; or at a public hearing, without a recommendation.

- (a) Scheduling of Determination. After an application for conditional use is filed at the Department, the Zoning Administrator will review the application, make a recommendation for determination, and set a time and place for determination of that application within a reasonable period.
- (b) Consent Calendar with Recommendation. After reviewing an application, the Zoning Administrator shall determine if the facts presented establish that the proposed use or feature is in conformity with the criteria set forth in Section 303(c), as applicable, and in Sections 253.1, 121.5, and 121.7 for zoning categories .10, .11, and .21, respectively, and may recommend approval or approval with conditions, placing that recommendation on Consent Calendar.
- (c) Public Hearing. After reviewing an application, the Zoning Administrator may determine that the public interest would best be served by a City Planning Commission review of the application and shall in that event schedule the application for a public hearing.
- (d) Report and Recommendation. In all actions involving a Consent Calendar or public hearing, the Zoning Administrator will make necessary investigations and studies and submit proposed findings to the Director of the Department of City Planning. The report and any recommendation will be submitted at the Consent Calendar or public hearing.



SEC. 315.3

Notice of Recommendation and Determination.

After review of an application subject to these procedures and scheduling of the matter for Planning Commission determination the Zoning Administrator shall provide notice of any recommendation to be placed on the Consent Calendar and of the date and time that the matter will be considered by the Commission; or, in the event of a public hearing, shall provide notice of the time, place, and purpose of the hearing, as follows:

- (a) By mail to the applicant or other person or agency initiating the action; and
- (b) By posting on the subject property; and
- (c) By publication at least once in a newspaper of general circulation in the city not less than 20 days prior to the scheduled date of the appearance of the item on the City Planning Commission Consent Calendar or of the public hearing; and
- (d) By mail at least 20 days prior to the date that the matter is scheduled for determination by the City Planning Commission to property owners within 300 feet of the property that is the subject of the action as well as groups or individuals requesting such notice in writing; and
- (e) Such other notice as the Zoning Administrator shall deem appropriate.

SEC. 315.4

Request for Reconsideration of Consent Calendar Items at a Public Hearing.

- (a) Requests. Any application which is the subject of a consent calendar recommendation will be scheduled for a full public hearing if a request is made in writing prior to the date that the matter is scheduled for determination by the City Planning Commission or at the Commission meeting by any of of the following:
  - 1. The applicant; or
  - 2. Ten or more property owners or tenants of the residential or commercial property within 300 feet of the exterior boundaries of the subject property; or
  - 3. Any City Planning Commissioner.
- (b) Rescheduling. An item for which a request for public hearing has been made pursuant to subsection (a), above, will be rescheduled for City Planning Commission review and determination at a public hearing. Notice of the time, place and purpose of the public hearing shall be provided as follows:

1. By mail to the applicant or other person or agency initiating the action; and
2. By posting on the subject property; and
3. By publication at least once in a newspaper of general circulation in the city not less than 10 days prior to the scheduled date of the public hearing; and
4. By mail at least 10 days prior to the scheduled date of the public hearing to all persons requesting such notice in writing; and
5. Such other notice as the Zoning Administrator shall deem appropriate.

SEC. 315.5

Conduct of Consent Calendar and Determination.

On applications placed on the Consent Calendar, the City Planning Commission will make determinations regarding the authorization of conditional uses, as follows.

The City Planning Commission will consider the Zoning Administrator's recommendation, as shown on Consent Calendar, and make a determination regarding authorization of the conditional use.

- (a) Determination. After considering the Zoning Administrator's recommendation regarding the application, the City Planning Commission may concur with that recommendation, as shown on consent calendar, without public testimony unless there is request for public hearing or the item is called off calendar as provided for in Section 315.4.
- (b) Decision. Such action taken by the City Planning Commission to approve or approve with conditions, as shown on the Consent Calendar, shall be final except upon filing of an appeal as provided for in Section 315.8.

SEC. 315.6

Conduct of Public Hearings and Determination.

The provisions set forth in Section 306.4 with respect to conduct of hearings shall govern whenever a full public hearing is required pursuant to Section 315.2 or 315.4.

SEC. 315.7

Reconsideration.

Whenever an application for a conditional use is authorized by the City Planning Commission, or by the Board of Supervisors pursuant to Section 308.1, no application which proposes a further intensification of that use or feature, or change to another related use, will be considered by the City Planning Commission within a period of eighteen months from the effective date of final action on the earlier application, if such intensification or change in use was specifically restricted in the action on the earlier application.

Whenever an application for a conditional use is denied by the City Planning Commission or by the Board of Supervisors pursuant to Section 308.1, no application which proposes a conditional use which is the same authorization or essentially the same as that which was denied will be considered by the City Planning Commission within a period of eighteen months from the effective date of final action on the earlier application.

SEC. 315.8

Appeal.

A final determination by the City Planning Commission on an application for conditional use authorization may be appealed to the Board of Supervisors pursuant to the provisions of Section 308.1.

ARTICLE 3.5

FEEES

SEC. 350 FEES, GENERAL.

In order to compensate the Department of City Planning for a part of the cost of processing permit applications for the establishment, abolition or modification of a set-back line, for reclassification of property, for conditional use authorization, for a variance, ((or for a special use authorization,)) and in order to compensate the Department of City Planning for a part of the cost of reviewing permit applications filed in and issued by other City departments, fees shall be charged and collected as indicated for each class of application or permit listed in Sections 351 through 353 below.

SEC. 351 FEES FOR APPLICATIONS TO ESTABLISH, ABOLISH OR MODIFY A SETBACK LINE, TO RECLASSIFY PROPERTY, TO AUTHORIZE A CONDITIONAL USE, TO CONSIDER A VARIANCE ((OR TO AUTHORIZE A SPECIAL USE)).

Before accepting any application for filing, the Department of City Planning shall charge and collect a fee as follows:

- (a) For each application to establish, abolish or modify a set-back line, the fee shall be \$300 for each block frontage, or portion thereof, affected by the proposed application.
- (b) For each application to reclassify property, the fee shall be:

Assessor's Block or Portion Thereof	Fee	Assessor's Block or Portion Thereof	Fee
1	\$ 500	21	\$3600
2	750	22	3650
3	1000	23	3700
4	1250	24	3750
5	1400	25	3800
6	1550	26	3850
7	1700	27	3900
8	1850	28	3950
9	2000	29	4000
10	2150	30	4050
11	2300	31	4100
12	2450	32	4150
13	2600	33	4200
14	2750	34	4250
15	2900	35	4300
16	3050	36	4350
17	3200	37	4400
18	3350	38	4450
19	3500	39	4500
20	3550	40	4550

Assessor's Block or Portion Thereof	Fee	Assessor's Block or Portion Thereof	Fee
41	\$3600	47	\$4900
42	3650	48	4950
43	3700	49	5000
44	3750	50	5020
45	3800	51	— add \$20 per block or portion thereof
46	3850		

- (c) For each application to authorize a conditional use, including planned unit development, the fee shall be,
1. Where the total estimated construction cost as defined by the San Francisco Building Code is less than \$50,000, \$200;
  2. Where said total estimated construction cost is \$50,000 or more, but less than \$200,000, \$300;
  3. Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000, \$300 plus one tenth of one percent of the cost over \$200,000;
  4. Where said total estimated construction cost is \$1,000,000 or more, but less than \$10,000,000, \$2,200 plus one hundred seventy-five thousandths of one per cent of the cost over \$1,000,000;
  5. Where said total estimated construction cost is \$10,000,000 or more, but less than \$20,000,000, \$17,950 plus one tenth of one per cent of the cost over \$10,000,000;
  6. Where said total estimated construction cost is \$20,000,000 or more, but less than \$30,000,000, \$27,950 plus five hundredths of one per cent of the cost over \$20,000,000;
  7. Where said total estimated construction cost is \$30,000,000 or more, but less than \$100,000,000, \$32,950 plus twenty-five thousandths of one per cent of the cost over \$30,000,000;
  8. Where said total estimated construction cost is \$100,000,000 or more, \$50,250.
- (d) For each application to consider a variance, the fee shall be:
1. Where the total estimated construction cost as defined by the San Francisco Building Code is less than \$10,000, \$100;
  2. Where said total estimated construction cost is \$10,000 or more, but less than \$50,000, \$200 plus one tenth of one per cent of the cost over \$10,000;

3. Where said total estimated construction cost is \$50,000 or more, but less than \$200,000, \$250 plus one-tenth of one per cent of the cost over \$50,000;
4. Where said total estimated construction cost is \$200,000 or more, but less than \$1,000,000, \$500 plus one-tenth of one per cent of the cost over \$200,000;
5. Where said total estimated construction cost is \$1,000,000 or more, but less than \$10,000,000, \$2,180 plus two-tenths of one per cent of the cost over \$1,000,000;
6. Where said total estimated construction cost is \$10,000,000 or more, but less than \$30,000,000, \$20,180 plus one-tenth of one percent of the cost over \$10,000,000;
7. Where said total estimated construction cost is more than \$30,000,000, \$40,180 plus five-hundredths of one per cent of the cost over \$30,000,000;

(( (e) For each application for authorization of a special use pursuant to Sections 242 et seq. of this Code, the fee shall be \$200 for those applications which can be approved by the Zoning Administrator and \$350 for those applications which require review by the Planning Commission. ))

- (f) **Exemption.** Any fraternal, charitable, benevolent or any other non-profit organization having a regular membership associated primarily for civic welfare, with revenue accruing therefrom to be used exclusively for the non-profit purposes of said organization, and which organization is exempt from taxation under the Internal Revenue laws of the United States as a bonafide fraternal, charitable, benevolent or other non-profit organization, shall be exempt from paying the fees specified in paragraphs (a) through (e) inclusive of this section.

[Sections 352 and 353 are unchanged.]

## ARTICLE 6

### SIGNS

[Sections 601 and 602 are unchanged.]

#### SEC. 602.1 Area (Of a Sign).

- (a) The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
- (b) On windows. The area of any sign painted directly on a window shall be the area within a rectangular perimeter formed by extending lines around the extreme limits of writing, representation, or any figure of similar character depicted on the surface of the window. The area of any sign placed on or behind the window glass shall be as described above in paragraph (a).
- (c) On awnings, canopies or marquees. The area of any sign on an awning, canopy or marquee shall be the total of all signage on all faces of the structure. All sign copy on each face shall be computed within one rectangular perimeter formed by extending lines around the extreme limits of writing, representation, or any figure of similar character depicted on the surface of the face of the awning, canopy or marquee.

[Sections 602.2 through 602.8 are unchanged.]

- SEC. 602.9 **Identifying Sign.** A sign for a use listed in Article 2 of this Code as either a principal or a conditional use permitted in an R district, regardless of the district in which the use itself may be located, which sign serves to tell only the name, address and lawful use of the premises upon which the sign is located, or to which it is affixed. A bulletin board of a public, charitable or religious institution, used to display announcements relative to meetings to be held on the premises, shall be deemed an identifying sign.

With respect to shopping malls containing five or more stores or establishments in NC districts, and shopping centers containing five or more stores or establishments in NC-S districts, identifying signs shall include signs which tell the name of and/or describe aspects of the operation of the mall or center. Shopping malls, as that term is used in this section, are characterized by a common pedestrian passageway which provides access to the businesses located therein.

[Sections 602.10 through 602.20 are unchanged.]

SEC. 602.21 Wall Sign. A sign placed flat against a building wall with its copy parallel to the wall to which it is attached and not protruding more than the thickness of the sign cabinet.

SEC. ((602.21))

SEC. 602.22 Wind Sign. Any sign composed of two or more banners, flags, or other objects, mounted serially and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

SEC. 602.23 Window Sign. A sign painted directly on the surface of a window glass or placed behind the surface of the glass inside the building.

[Section 603 is unchanged.]

SEC. 604 PERMITS AND CONFORMITY REQUIRED.

- (a) Any application for a permit for a sign that conforms to the provisions of this Code shall be approved by the Department of City Planning without modification or disapproval by the Department of City Planning or the City Planning Commission, pursuant to the authority vested in them by Section 26, Part III, of the San Francisco Municipal Code or any other provision of said Municipal Code

NOTE: To implement the Downtown Plan, the following amendment is proposed. It is not currently effective as an interim control.

; provided, however, that signs subject to the regulations set forth in ((with the exception of)) Article 10 of the City Planning Code, Preservation of Historical, Architectural and Aesthetic Landmarks and Article 11, Preservation of Buildings and Districts of Architectural, Historical and Aesthetic Importance in the C-3 Districts shall be governed by the relevant provisions thereof.



No sign, other than those signs exempted by Section 603 of this Code, shall be erected, placed, replaced, reconstructed or relocated on any property, intensified in illumination or other aspect, or expanded in area or in any dimension except in conformity with the provisions of this Code. No such erection, placement, replacement, reconstruction, relocation, intensification, or expansion shall be undertaken without a permit having been duly issued therefor, except as specifically provided otherwise in this Section 604.

- (b) The provisions of this Section 604 shall apply to work of the above types on all signs unless specifically exempted by this Code, whether or not a permit for such sign is required under the San Francisco Building Code. In cases in which permits are not required under the Building Code, applications for permits shall be filed with the Central Permit Bureau of the Department of Public Works on forms prescribed by the Department of City Planning, together with a permit fee of \$5 for each sign, and the permit number shall appear on the completed sign in the same manner as required by the Building Code.
- (c) No permit shall be required under this Code for a sign

NOTE: To implement the Downtown Plan, the following amendments are proposed. It is currently effective as an interim control.

- (i) painted or repainted directly on a door or window in a C or M district, or
- (ii) painted or repainted directly on a wall of a building or structure in a C

district (except for Significant and Contributory buildings and buildings in conservation districts subject to the provisions of Article 11)

or M district and not exceeding 100 square feet in area. Permits shall be required for all other painted signs in C and M districts, and for all painted signs in P and R districts. Repainting of any painted sign shall be deemed to be a replacement of the sign, except as provided in Subsection (f) below.

- (d) Except as provided in Subsection (c) above, no permit shall be required under this Code for ordinary maintenance and minor repairs which do not involve replacement, alteration, reconstruction, relocation, intensification or expansion of the sign.
- (e) No permit shall be required under this Code for temporary sale or lease signs, temporary signs of persons and firms connected with work on buildings under actual construction or alteration, and temporary business signs, to the extent that such signs are permitted by this Code.

- (f) A mere change of copy on a sign the customary use of which involves frequent and periodic changes of copy shall not be subject to the provisions of this Section 604, except that a change from general advertising to non-general advertising sign copy or from non-general advertising to general advertising sign copy shall in itself constitute a new sign subject to the provisions of this Section 604. In the case of signs the customary use of which does not involve frequent and periodic changes of copy, a change of copy shall in itself constitute a new sign subject to the provisions of this Section 604 if the new copy concerns a different person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.
- (g) Each application for a permit for a sign shall be accompanied by a scaled drawing of the sign, including the location of the sign on the building or other structure or on the lot, and including (except in the case of a sign the customary use of which involves frequent and periodic changes of copy) such designation of the copy as is needed to determine that the location, area and other provisions of this Code are met.
- (h) Unless otherwise provided in this Code or in other Codes or regulations, a lawfully existing sign which fails to conform to the provisions of this Article 6 may remain until the end of its normal life. Such sign may not, however, be replaced, altered, reconstructed, relocated, intensified or expanded in area or in any dimension except in conformity with the provisions of this Code. Ordinary maintenance and minor repairs shall be permitted, but such maintenance and repairs shall not include replacement, alteration, reconstruction, relocation, intensification or expansion of the sign. A sign which is damaged or destroyed by fire or other calamity shall be governed by the provisions of Sections 181(c) and 188(b) of this Code. A sign which is voluntarily destroyed or removed by its owner or which is required by law to be removed may be restored only in fully conformity with the provisions of this Code.
- (i) Nothing in this Article 6 shall be deemed to permit any use of property that is otherwise prohibited by this Code, or to permit any sign that is prohibited by the regulations of any special sign district or the standards or procedures of any Redevelopment Plan or any other Code or legal restriction.

[Sections 605 through 606 are unchanged.]

## SEC. 607

### COMMERCIAL AND INDUSTRIAL DISTRICTS.

Signs in C and M districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

- (a) **General advertising signs.** No general advertising sign shall be permitted in any C-1 district.

- (b) **Roof signs.** No roof sign shall be permitted in any C-1 district. In all other C and M districts no roof sign shall be permitted; except that a roof sign may be erected in such other C and M districts if:
1. The sign does not extend more than 25 feet above the roof line of the building on or over which the sign is placed; and
  2. All parts of the sign are within 25 feet of, and the sign is mounted at not more than a 45 degree angle from, a wall of a building the roof line of which is at least as high as the top of the sign; and
  3. Such wall forms a complete backdrop for the sign, as the sign is viewed from all points from which the sign is legible from a public street or alley.

The limitations upon roof signs in this Subsection 607(b) shall not apply to signs located within 200 feet of the park known as Union Square and facing said park.

- (c) **Wind signs.** No wind sign shall be permitted in any C or M district.
- (d) **Moving parts.** No sign shall have or consist of any moving, rotating, or otherwise physically animated part (as distinguished from lights that give the appearance of animation by flashing, blinking or fluctuating), except as follows:
1. Moving or rotating or otherwise physically animated parts may be used for the rotation of barber poles and the indication of time of day and temperature.
  2. In the case of a general advertising sign in C-2, C-3, C-M, M-1 and M-2 districts, except signs located so as to be primarily viewed by persons traveling on any portion of a freeway, moving or rotating or otherwise physically animated parts may be used if such parts do not exceed a velocity of one complete cycle in a four-second period where such parts constitute less than 30 percent of the area of the sign or if, where such parts constitute a greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second period and are stationary at least half of each eight-second period.
- (e) **Illumination.** Any sign may be non-illuminated or indirectly or directly illuminated. Signs in C-3, C-M, M-1 and M-2 districts shall not be limited in any manner as to type of illumination, but no sign in a C-1 or C-2 district shall have or consist of any flashing, blinking, fluctuating or otherwise animated light except in each of the following special districts, all as specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, described in Section 608 of this Code:

- (( 1. Along the main commercial frontage in the C-2 areas on Mission Street from Seventeenth Street to Randall Street, Geary Boulevard from Masonic Avenue to Twenty-eighth Avenue, and Lombard Street from Van Ness Avenue to Broderick Street. ))
- (( 2.))
  - 1. In the C-2 area consisting of five blocks in the vicinity of Fisherman's Wharf.
- (( 3.))
  - 2. In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate Avenue and Eddy Street to Sacramento Street, and Polk Street from Eddy Street to Geary Street, also known as the Automotive Special Use District.
- (( 4.))
  - 3. In the C-2 area in the vicinity of Stockton, Washington and Kearny Streets and Broadway, also known as Washington-Broadway Special Use District Number 1.
- (f) **Projection.** No sign shall project more than 75 percent of the horizontal distance from the street property line to the curb line and in no case shall a sign project more than 10 feet beyond the street property line or building set-back line in C-1 districts, or 12 feet beyond the street property line or building set-back line in any other C or M district.
- (g) **Height and extension above roof line.**
  - 1. **Signs attached to buildings.** No sign attached to a building shall extend or be located above the roof line of the building to which it is attached; except that up to one-half the area of a business sign attached to the street wall of a building may extend above the roof line, up to the maximum height permitted for free standing signs in the same district or 10 feet above the roof line, whichever is the lesser. In addition, no sign attached to a building shall under any circumstances exceed the following maximum heights:
    - in C-1: 40 feet;
    - in C-3: 100 feet;In all other C and M districts: 60 feet.

The 100-foot height limitation stated herein shall not apply to signs located within 200 feet of the park known as Union Square and facing said park.

2. Free standing signs. The maximum height for free standing signs shall be as follows:

In C-1: 24 feet;

In C-2: 36 feet;

In all other C and M districts: 40 feet.

- (h) **Special standards for automobile service stations.** For automobile service stations, only the following signs are permitted, subject to the standards in this Subsection (h) and to all other standards in this Section 607.

1. A maximum of two oil company signs, which shall not extend more than 10 feet above the roof line if attached to a building, or exceed the maximum height permitted for free standing signs in the same district if free standing. The area of any such sign shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line or building set-back line. The areas of other permanent and temporary signs as covered in Paragraph 607(h)2 below shall not be included in the calculation of the areas specified in this paragraph.
2. Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roof line if attached to a building, or in any case project beyond any street property line or building set-back line.
3. General advertising signs meeting the provisions of this Section 607.

SEC. 607.1

Neighborhood Commercial Districts.

Signs located in Neighborhood Commercial districts shall be regulated as provided herein, except for those signs which are exempted by Section 603. Signs not specifically regulated in this Section 607.1 shall be prohibited. In the event of conflict between the provisions of Section 607.1 and other provisions of Article 6, the provisions of Section 607.1 shall prevail in Neighborhood Commercial districts, provided that with respect to properties also located in the Upper Market Special Sign District the provisions of Section 608.10 shall prevail.

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

1. As Neighborhood Commercial districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.
2. The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Neighborhood Commercial districts.
3. Neighborhood Commercial districts are typically mixed-use areas with commercial units on the ground or lower stories and residential uses on upper stories. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Neighborhood Commercial district or in adjacent residential districts.
4. The scale of most Neighborhood Commercial districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) Identifying Signs. Identifying signs, as defined in Section 602.9, shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

1. One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting

sign shall be mounted on the first story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be non-illuminated, indirectly illuminated, or directly illuminated.

2. One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph 1, but shall not exceed 30 square feet in area. Any sign identifying a permitted use listed in Sections 603.40 through 703.71 in an NC district shall be considered a business sign and subject to Section 607.1(d) of this Code. Such signs may be non-illuminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(c) General Advertising Signs. General advertising signs, as defined in Section 602.7, shall be permitted in Neighborhood Commercial districts as provided for below. In NC districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within 3 feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible.

1. NC-2 Districts. No more than one general advertising sign shall be permitted per lot. Such sign shall not exceed 50 square feet in area nor exceed 12 feet in height. Such sign may be either non-illuminated or indirectly illuminated.

2. NC-3, NC-S and Broadway Districts. No more than two general advertising signs shall be permitted per lot, or in NC-S districts, per district. The area of any such sign shall not exceed 100 square feet, and the total area of all such signs on the lot shall not exceed 200 square feet. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sills on the wall to which it is attached if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding sign, whichever is lower.

(A) NC-3 and NC-S Districts. Signs may be either non-illuminated or indirectly illuminated.

(B) Broadway Neighborhood Commercial District. Signs may be either non-illuminated, indirectly or directly illuminated.

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

1. NC-1 Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(a), shall not exceed one-third the area of the window on or in which the signs are located.

Such signs may be non-illuminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed 2 square feet per foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 100 square feet, whichever is less. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be non-illuminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 20 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curb line, or 6 feet, whichever is less. The sign may be non-illuminated or indirectly illuminated, or during business hours, may be directly illuminated.

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

3. NC-2, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Hayes-Gough, Upper Market Street, North Beach, Polk Street, Sacramento Street, Union Street, Valencia Street, 24th Street-Mission, and 24th Street-Noe Valley Neighborhood Commercial Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(a), shall not exceed one-third the area of the window on or in which the signs are located. Such signs may be non-illuminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed 2 square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. Such signs may be non-illuminated, indirectly, or directly illuminated.



(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 20 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curb line, or 6 feet, whichever is less. Such signs may be non-illuminated or indirectly illuminated; or during business hours, may be directly illuminated.

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

(E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curb line, or 6 feet, whichever is less. Such signs may be non-illuminated or indirectly illuminated; or during business hours, may be directly illuminated.

4. NC-3, NC-S, Broadway Neighborhood Commercial Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(a), shall not exceed one-third the area of the window on or in which the signs are located. Such signs may be non-illuminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed 3 square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. Such signs may be non-illuminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 30 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential window sill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curb line, or 6 feet, whichever is less. Such signs may be non-illuminated, indirectly, or directly illuminated.

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

(E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curb line, or 6 feet, whichever is less. Such signs may be non-illuminated or indirectly illuminated, or during business hours, may be directly illuminated.

5. Special Standards for Automotive Gas and Service Stations.

For automotive gas service stations in Neighborhood Commercial districts, only the following signs are permitted, subject to the standards in this Paragraph (d)(5) and to all other standards in this Section 607.1.

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

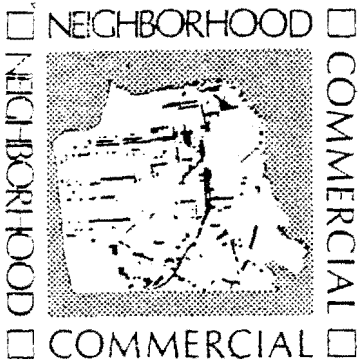
- (B) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roof line if attached to a building, or in any case project beyond any street property line or building set-back line.
- (e) Special Sign Districts. Additional controls apply to certain Neighborhood Commercial districts that are designated as Special Sign Districts. The designations, locations, and boundaries of these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and are described within Sections 608.1 through 608.10. of this Code.
- (f) Special Districts for Sign Illumination. Signs in Neighborhood Commercial districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and described in Section 607(e) of this Code.
1. Broadway Neighborhood Commercial District. Along the main commercial frontage of Broadway between Wayne and Osgood.
  2. NC-3. NC-3 district along Lombard Street from Van Ness Avenue to Broderick Street.
- (g) Other Sign Requirements. Within Neighborhood Commercial districts, the following additional requirements shall apply:
1. Public Areas. No sign shall be placed upon any public street, alley, or public plaza, or in any portion of a transit system, except such signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.
  2. Temporary Signs. Temporary signs such as sale or lease signs as defined in Section 602.17 and regulated in Sections 606(b)3 and 608.8(f)2, and construction signs as regulated in Section 606(b)4 are permitted in Neighborhood Commercial districts.
  3. Maintenance. Every sign pertaining to an active establishment shall be adequately maintained in its appearance, or else removed or obscured. When the space occupied by any establishment has been vacated, all signs pertaining to such establishment shall be removed within 180 days following the date of vacation.

[Section 608 is unchanged.]

SEC. 608.1

Near R Districts. No general advertising sign, and no other sign exceeding 100 square feet in area, shall be located in an NC, C or M district within 100 feet of any R district in such a manner as to be primarily viewed from residentially-zoned property or from any street or alley within an R district; any sign of which the face is located parallel to a street property line and lies for its entire width opposite an NC, C or M district shall be deemed prima facie not to be primarily so viewed. No sign of any size within 100 feet of any R district shall project beyond the street property line or building set-back line of any street or alley leading off the main commercial frontage into the R district.

[Sections 608.2 through 609.12 are unchanged.]



# PLANNING CODE MAP AMENDMENTS

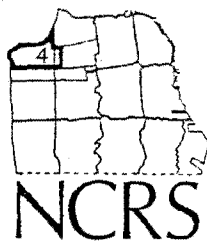
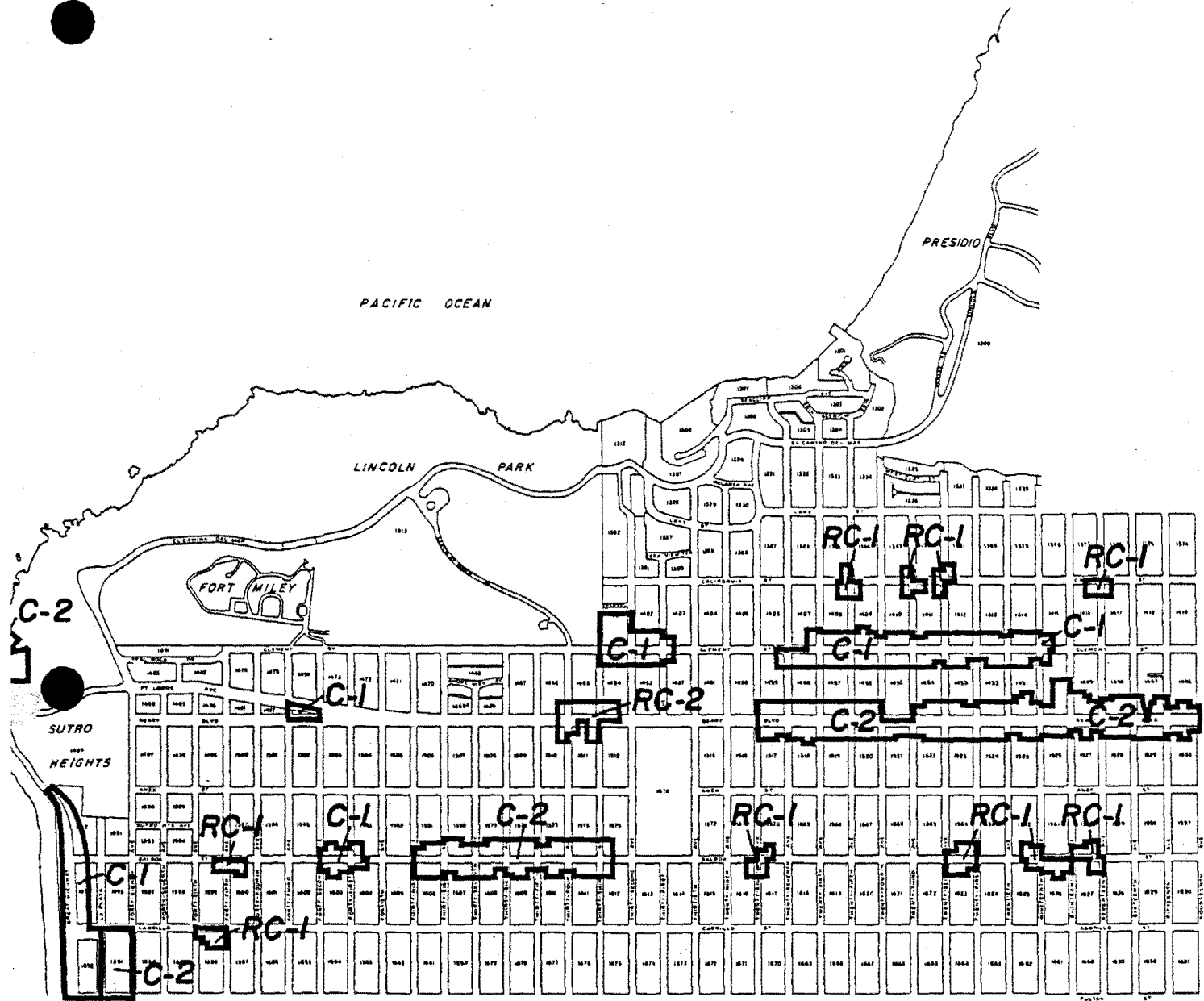
## INTRODUCTION

This chapter presents zoning map amendments proposed to establish four new general area neighborhood commercial use districts, fifteen new individual area neighborhood commercial use districts, including minor amendments to abutting residential use districts, to amend or delete certain Special Use and Special Sign District boundaries, and to establish a new 65-A-1 height and bulk district in the North Beach and Broadway Neighborhood Commercial districts.

Detailed maps showing block and lot changes are included for the fifteen individual area use districts and the North Beach and Broadway 65-A-1 height and bulk district. Similarly detailed maps for all affected districts are on file at the Department of City Planning, 450 McAllister Street, Room 405, 558-2104.

Existing zoning use district boundaries are also presented for all areas to be maintained as C-2, RC-2, RC-3, RC-4, and CM.

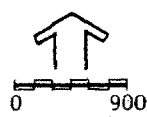
An index of all proposed district changes presented alphabetically by street name follows this chapter.

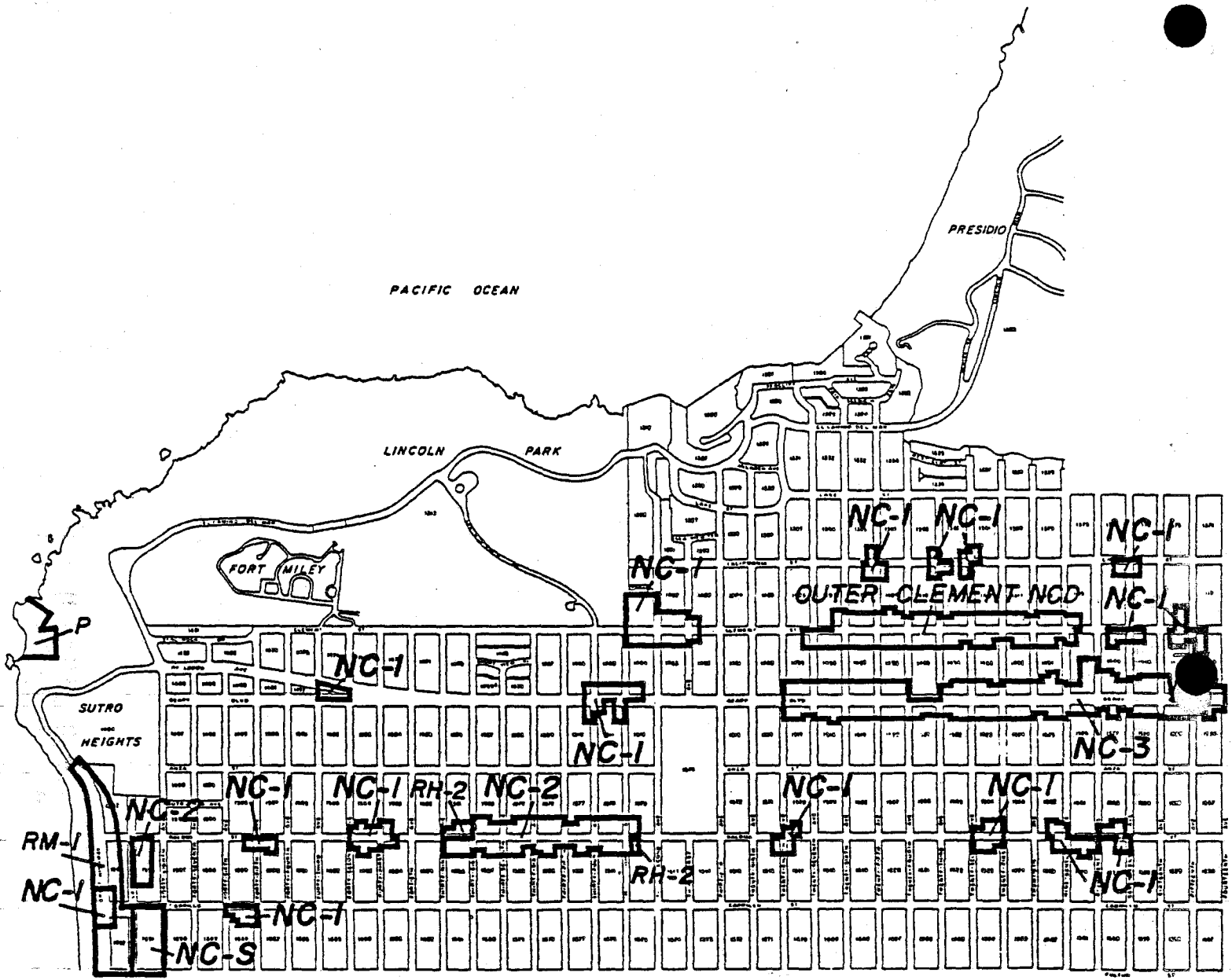


**EXISTING ZONING**  
(Schematic Boundary Only)

- C-1 C-2 C-M  
Commercial Districts
- RC-1 RC-2 RC-3 RC-4  
Residential-Commercial Combined Districts

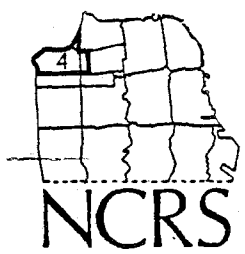
Map 10





**PROPOSED ZONING**  
(Schematic Boundary Only)

- NC-1 NC-2 NC-3 NC-S NCD  
Neighborhood Commercial Districts
- C-2 C-M  
Commercial Districts
- RC-3 RC-4  
Residential-Commercial Districts
- RH-1 RH-2 RH-3 RM-1 RM-2 RM-3 P  
Residential And Public Districts



Map 11

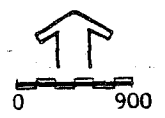
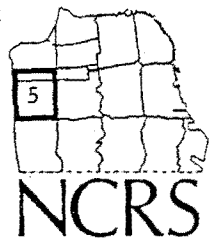
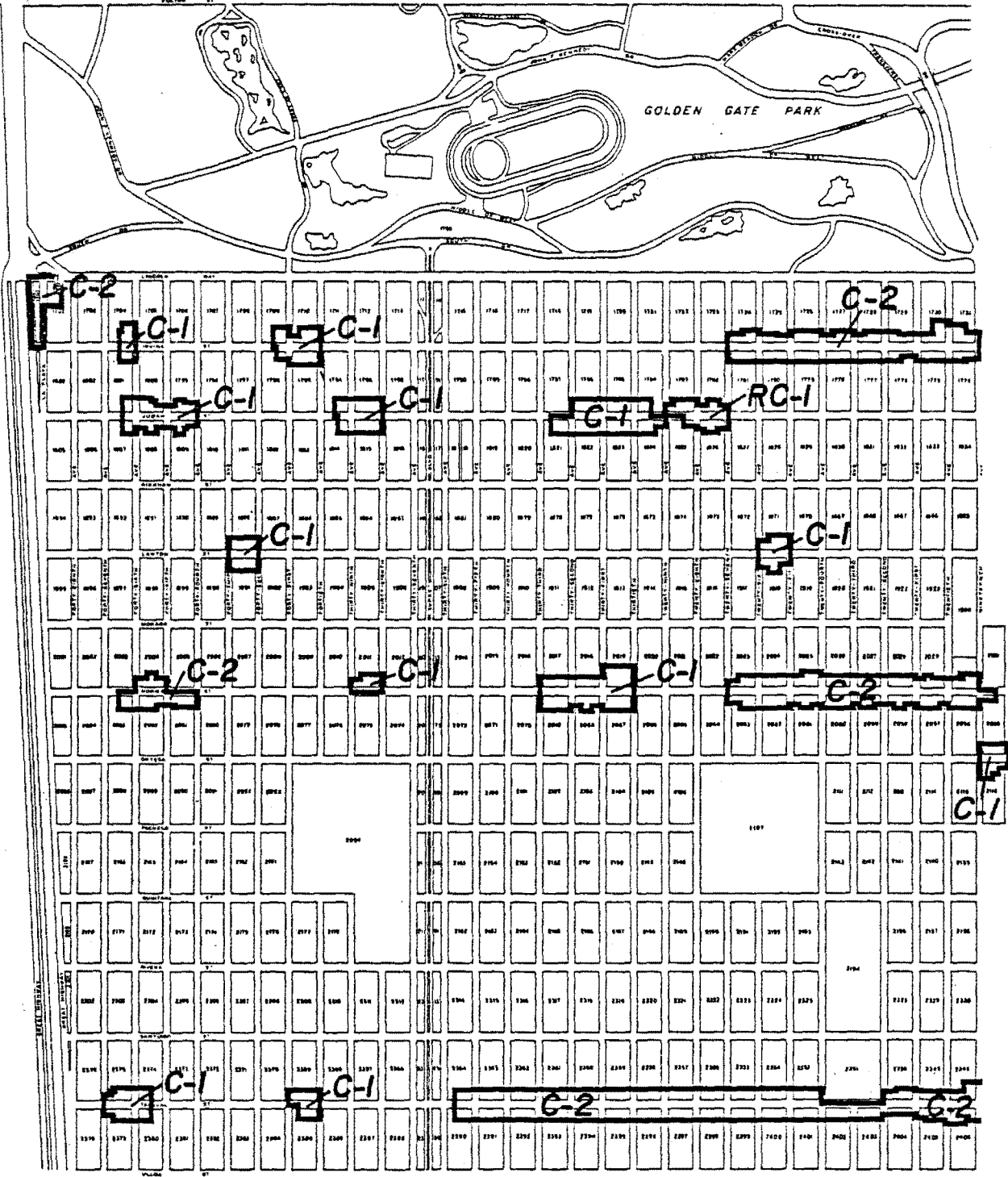


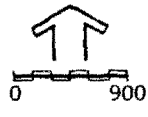
Exhibit 4



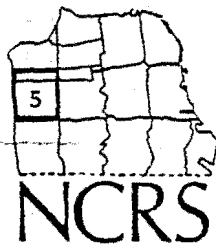
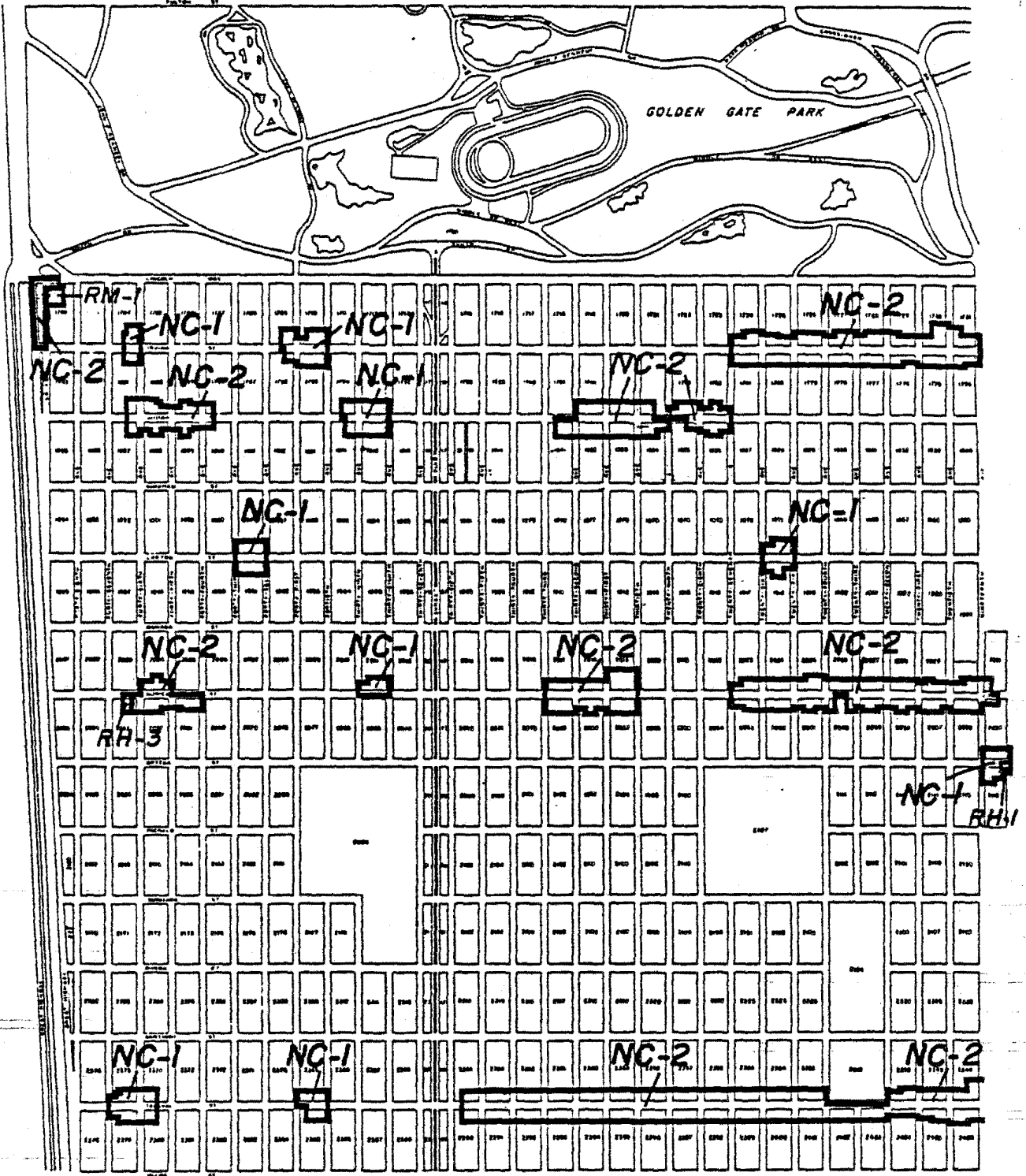
**EXISTING ZONING**  
(Schematic Boundary Only)

C-1 C-2 C-M  
Commercial Districts  
RC-1 RC-2 RC-3 RC-4  
Residential-Commercial Combined Districts

Map 12







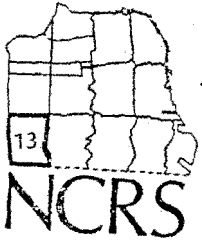
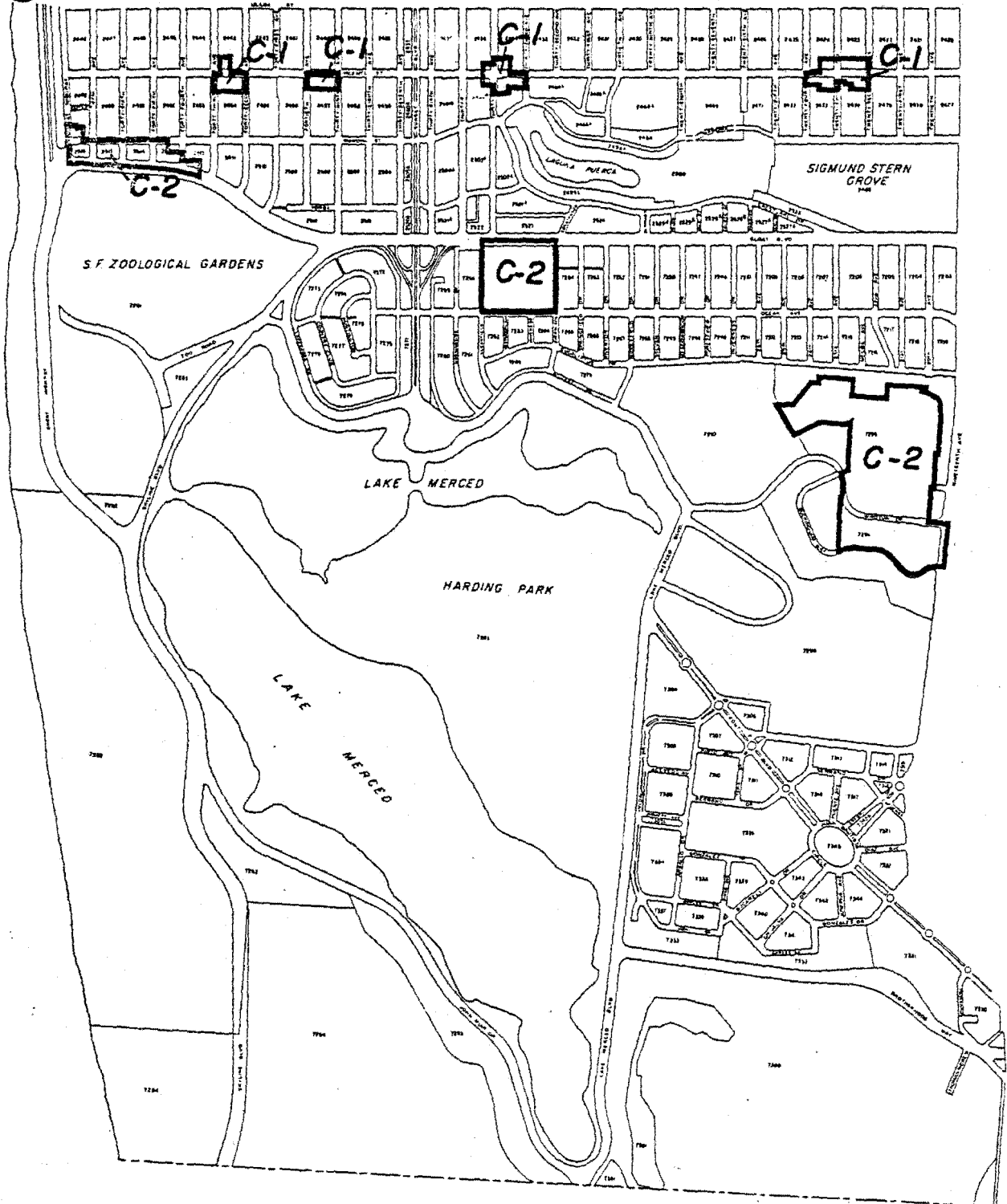
**PROPOSED ZONING**  
(Schematic Boundary Only)

- NC-1 NC-2 NC-3 NC-S NCD  
Neighborhood Commercial Districts
- C-2 C-M  
Commercial Districts
- RC-3 RC-4  
Residential-Commercial Districts
- RH-1 RH-2 RH-3 RM-1 RM-2 RM-3  
Residential Districts

Map 13



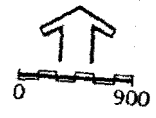
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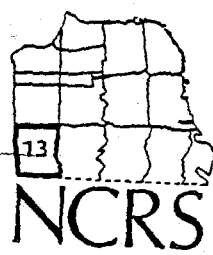
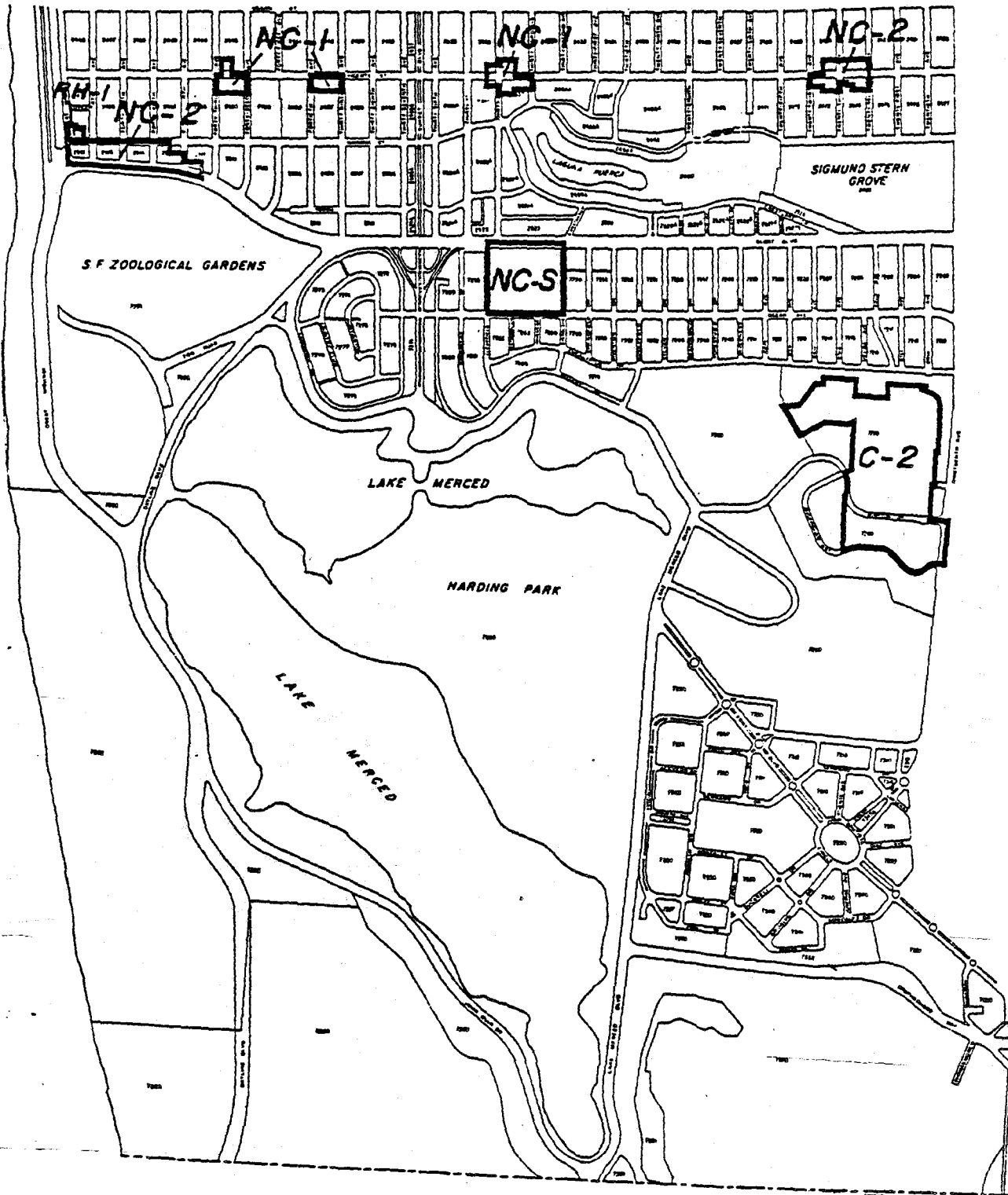


**EXISTING ZONING**  
(Schematic Boundary Only)

- C-1 C-2 C-M  
Commercial Districts
- RC-1 RC-2 RC-3 RC-4  
Residential-Commercial Combined Districts

Map 26





**PROPOSED ZONING**  
 (Schematic Boundary Only)

NC-1 NC-2 NC-3 NC-S NCD  
 Neighborhood Commercial Districts

C-2 C-M  
 Commercial Districts

RC-3 RC-4  
 Residential-Commercial Districts

RH-1 RH-2 RH-3 RM-1 RM-2 RM-3  
 Residential Districts

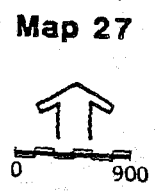


Exhibit 12

INDEX OF RECOMMENDED ZONING MAP CHANGES BY STREET NAME

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Alemany Blvd.	U.S. 101 to Putnam St.	C-M	NC-S
	Putnam to Banks Sts.	C-2	NC-S
	Banks to Ellsworth Sts.	C-2	RM-1
	at Ocean Ave.	C-2	NC-3
	Whipple to Lawrence Aves.	C-2	NC-S
	Lawrence to Sickles Aves.	C-2	RH-2
	at Sickles Ave.	C-2	NC-1
	at Sickles Ave.	C-1	NC-1
	at San Jose Ave.	C-1	NC-1
Worcester to St. Charles Aves.	C-2	NC-S	
Alemany Plaza	Shopping Center	C-2	NC-S
Arguello Blvd.	at McAllister St.	C-1	NC-1
Army St.	at Hampshire St.	C-2	NC-1
	at Bryant St.	C-1	NC-1
	Shotwell to Valencia Sts.	C-2	NC-3
	Bartlett to Guerrero Sts.	C-2	Valencia
Balboa St.	3rd to 7th Aves.	C-1	NC-2
	17th to 20th Aves.	RC-1	NC-1
	21st to 22nd Aves.	RC-1	NC-1
	at 28th Ave.	RC-1	NC-1
	33rd to 39th Aves.	C-2	NC-2
	41st to 42nd Aves.	C-1	NC-1
	at 45th Ave.	RC-1	NC-1
Banks St.	Crescent Ave. to Alemany Blvd.	C-2	RH-1
Bayshore Blvd.	at Silver Ave.	C-1	NC-1
	at Thornton Ave.	C-1	NC-1
	at Hester Ave.	C-1	C-2
	at Blanken Ave.	C-1	NC-1
	Arleta to Visitacion Aves.	C-2	NC-2
	Visitacion Ave. to County Line	C-2	NC-3
Brazil Ave.	at Paris St.	RC-1	NC-1
	Paris to Edinburgh Sts.	RC-1	RM-1
Broadway	Sansome to Powell Sts.	C-2	Broadway
Buchanan St.	Post to Bush Sts.	C-2	NC-2
	Bay to Beach Sts.	C-2	NC-2
	North Point St. to Marina Blvd.	C-2	NC-S

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Bush St.	Larkin to Polk Sts.	C-2	Polk
	Fillmore to Steiner Sts. [south side]	C-2	NC-2
	Scott to Broderick Sts. [south side]	C-2	NC-3
Cabrillo St.	at 7th Ave.	C-1	NC-1
	at 10th Ave.	RC-1	NC-1
	45th to 46th Aves.	RC-1	NC-1
California St.	Hyde to Polk Sts.	RC-3	Polk
	Fillmore to Steiner Sts.	C-2	Upper Fillmore
	Divisadero to Broderick Sts.	C-2	NC-2
	Lyon St. to Presidio Ave.	C-2	NC-2
	at Presidio Ave.	RM-1	NC-2
	Laurel St. to Parker Ave.	C-2	NC-5
	4th to 6th Aves.	C-1	NC-2
	6th to 7th Aves.	RC-1	NC-2
	at 17th Ave.	RC-1	NC-1
	at 22nd Ave.	RC-1	NC-1
at 23rd Ave.	RC-1	NC-1	
at 25th Ave.	RC-1	NC-1	
Cambon Dr.	at Castelo Ave.	C-1	NC-5
Capitol Ave.	at Broad St.	RC-1	NC-1
Carroll Ave.	Thornton Ave. to Quint St.	C-1	NC-1
Castro St.	17th to 19th Sts.	C-2	Castro
	24th to 25th Sts.	RC-1	24th-Noe Valley
Chestnut St.	Powell to Mason Sts.	RC-3	North Beach
	Mason to Jones Sts.	C-2	North Beach
	Fillmore to Divisadero Sts.	C-2	NC-2
	Divisadero to Broderick Sts.	C-2	RH-3
Church St.	Hermann to Market Sts.	C-2	NC-3
	Duboce Ave. to 15th Sts.	C-2	Upper Market
	at 25th St.	RC-1	NC-1
	at Clipper St.	RC-1	NC-1
	at 26th St.	RC-1	NC-1
	at Army St.	RC-1	NC-1
	at 27th St.	RC-1	NC-1
	at Duncan St.	RC-1	NC-1
at 28th St.	RC-1	NC-1	
Valley to 30th Sts.	C-1	NC-1	
Clement St.	Arguello Blvd. to Funston Ave.	C-2	Inner Clement
	14th to 16th Aves.	RM-1	NC-1
	17th to 18th Aves.	RH-3	NC-1
	19th to 27th Aves.	C-1	Outer Clement
	31st to 33rd Aves.	C-1	NC-1

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Cole St.	Carl St. to Parnassus Ave.	RC-1	NC-1
Columbus Ave.	Pacific Ave. to Broadway Broadway to Francisco St.	C-2 C-2	Broadway North Beach
Cortland St.	Bonview to Folsom Sts.	C-2	NC-2
Dewey Blvd.	at Laguna Honda Blvd.	C-1	NC-1
Diamond St.	Chenery to Bosworth Sts.	C-2	NC-2
Diamond Heights	Shopping Center	C-1	NC-5
Diamond Heights Blvd.	Duncan St. to Gold Mine Dr.	C-1	NC-5
Divisadero St.	Haight St. to Golden Gate Ave. Golden Gate Ave. to Turk St. Turk to Eddy Sts. Eddy to O'Farrell Sts. O'Farrell to Bush Sts. Bush to Sacramento Sts.	C-2 C-2 C-2 C-2 C-2 C-2	NC-2 RM-1 RM-3 NC-2 NC-3 NC-2
Duboce Ave.	Guerrero to Church Sts.	C-2	NC-3
Eddy St.	Gough to Laguna Sts. at Buchanan St. at Pierce St.	C-1 C-1 RC-2	NC-5 NC-5 NC-1
Farmer's Market	Area	C-M/C-2	NC-5
Fillmore St.	Germania to Haight Sts. McAllister to Bush Sts. Bush to Jackson Sts. Union to Moulton Sts.	RC-1 C-2 C-2 C-2	NC-1 NC-3 Upper Fillmore Union
Fitzgerald Ave.	at Ingalls St.	C-1	NC-1
Francisco St.	Powell to Mason Sts. [north side] Powell to Mason Sts. [south side] Mason to Jones Sts.	RC-4 RC-3 C-2	North Beach North Beach North Beach
Franklin St.	Market to Oak Sts. Hickory to Ivy Sts. Ivy to Turk Sts. Myrtle to California Sts.	C-M C-2 C-2 C-2	NC-3 Hayes-Gough NC-3 NC-3
Frederick St.	at Stanyan St. [NW corner] at Stanyan St. [NE,SW,SE corners]	C-2 RC-1	NC-1 NC-1

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Fulton St.	Franklin to Gough Sts.	C-2	NC-3
	Gough to Octavia Sts.	C-M	NC-3
	Octavia to Laguna Sts.	C-M	RM-2
	at Fillmore St.	RC-4	NC-1
	Central to Masonic Aves. [south side]	C-1	NC-1
	Central to Masonic Aves. [north side]	C-1	NC-S
	at Masonic Ave. [SW corner] at 8th Ave.	RH-3 C-1	NC-1 RM-3
Geary Blvd.	Franklin to Gough Sts.	C-2	NC-3
	Laguna to Fillmore Sts.	C-2	NC-S
	Fillmore to Steiner Sts.	C-2	NC-3
	Scott St. to Funston Ave.	C-2	NC-3
	Lyon St. to Presidio Ave.	RC-3	NC-3
	14nd to 28th Aves.	C-2	NC-3
	33rd to 34th Aves.	RC-2	NC-1
Geneva Ave.	at San Jose Ave.	RC-1	NC-1
	Alemanly Blvd. to Paris St.	C-2	NC-3
	Paris to Edinburgh Sts.	RC-1	RH-1
	Edinburgh to Vienna Sts.	C-2	NC-2
	at Prague St.	C-1	NC-1
	at Walbridge Ave. Carrizal to Pasadena Sts.	C-2 C-1	NC-S NC-1
G.E.T.	Shopping Center	C-2	NC-S
Gilman Ave.	Griffith to Fitch Sts.	C-1	NC-1
Glen Park	Area	C-2	NC-2
Gough St.	Market to Lily Sts.	C-M	NC-3
	Lily to Grove Sts.	C-2	Hayes-Gough
	Ivy to Turk Sts.	C-2	NC-3
	Geary to Fern Sts.	C-2	NC-3
Grant Ave.	Broadway to Filbert St.	C-2	North Beach
Great Hwy.	Balboa to Fulton Sts.	C-1	RM-1
	at Cabrillo St.	C-1	NC-1
	Lincoln Wy. to Irving St.	C-2	NC-2
Green St.	Grant Ave. to Powell St.	C-2	North Beach
Grove St.	Franklin to Octavia Sts.	C-2	NC-3
Guerrero St.	Market St. to Duboce Ave.	C-2	NC-3
	at 14th St.	RC-1	NC-1
	at 17th St.	RC-1	NC-1
	at 18th St.	RC-1	NC-1
	at 22nd St.	RC-1	NC-1

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Haight St.	Webster to Steiner Sts. at Pierce St. at Scott St. Central Ave. to Stanyan St.	C-2 RC-1 RC-1 C-2	NC-2 NC-1 NC-1 Haight
Hayes-Gough	Area	C-2/C-M	Hayes-Gough
Hayes St.	Frankin to Laguna Sts. at Ashbury St. at Cole St.	C-2 C-1 RC-1	Hayes-Gough NC-1 NC-1
Holloway Ave.	at Brighton Ave. at Ashton Ave.	RC-1 RC-1	NC-1 NC-1
Hunters Point Blvd.	Hudson to Innes Aves.	C-1	C-M
Hyde St.	Jackson St. to Pacific Ave. Green to Union Sts. at Union St.	RC-2 RM-1 C-1	NC-2 NC-1 NC-1
Irving St.	5th to 6th Aves. 6th to 27th Aves. 40th to 41st Aves. at 46th Ave.	RH-2 C-2 C-1 C-1	NC-2 NC-2 NC-1 NC-1
Japan Center	Shopping Center	C-2	NC-S
Judah St.	8th to 10th Aves. 27th to 29th Aves. 29th to 33rd Aves. 38th to 39th Aves. 44th to 46th Aves.	C-2 RC-1 C-1 C-1 C-1	NC-2 NC-2 NC-2 NC-1 NC-2
La Playa	Balboa to Cabrillo Sts. Cabrillo to Fulton Sts. Lincoln Wy. to Irving St.	RM-1 C-2 C-2	NC-2 NC-S NC-2
Laurel Village	Shopping Center	C-2	NC-S
Lawton St.	25th to 26th Aves. 42nd to 43rd Aves.	C-1 C-1	NC-1 NC-1
Leland Ave.	Bayshore Blvd. to Cora St.	C-2	NC-2
Lombard St.	Van Ness to Richardson Aves. Richardson Ave. to Baker St. Baker to Lyon Sts.	C-2 C-2 C-2	NC-3 RH-3 NC-2
Lyon St.	Greenwich to Lombard Sts.	RC-1	NC-2



Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Mansfield Ave.	Avalon Ave. to Ina Ct.	C-1	NC-1
Marina Blvd.	Laguna to Buchanan Sts.	C-2	NC-S
Market St.	Franklin to Octavia Sts. Octavia to Church Sts. Church to Castro Sts.	C-M C-2 C-2	NC-3 NC-3 Upper Market
Mason St.	Washington St. to Pacific Ave. Chestnut to Pacific Aves.	RC-3 RC-3	NC-2 North Beach
Masonic Ave.	Wood to O'Farrell Sts. at Fulton St.	C-2 C-1	NC-3 NC-S
McAllister St.	Gough and Laguna Sts. at Buchanan St.	RC-2 RC-2	RM-2 NC-1
Mendell St.	Fairfax to Hudson Aves.	C-M	P
Miraloma Park	Shopping Center	C-1	NC-S
Mission St.	14th to 17th Sts. 17th to 24th Sts. at 24th St. 24th St. to Precita Ave. Precita Ave. to Randall St. Highland to College Aves. at Bosworth St. Alemany Blvd. to Silver Ave. Silver to Niagara Aves. Niagara Ave. to County Line	C-M C-2 C-2 C-2 C-2 C-2 C-2 C-2 C-2 C-2 C-2	NC-3 NC-3 24th-Mission NC-3 NC-2 NC-2 NC-1 NC-2 NC-3 NC-2
Monterey Blvd.	at Joost Ave. Edna St. to Ridgewood Ave.	C-1 C-1.	NC-2 NC-2
Naples St.	Geneva Ave. to Rolph St.	C-2	NC-2
Nihonmachi	Shopping Center	C-2	NC-2
Noriega St.	19th to 27th Aves. 30th to 33rd Aves. 38th to 39th Aves. 44th to 46th Aves.	C-2 C-1 C-1 C-2	NC-2 NC-2 NC-1 NC-2
North Beach	Area	C-2	North Beach
North Point St.	Leavenworth to Hyde Sts. at Hyde St. Larkin to Polk Sts.	C-2 RC-1 RC-1	RH-3 NC-1 NC-1

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Ocean Ave.	Mission St. to Cayuga Ave.	C-2	NC-3
	Otsego to San Jose Aves.	C-2	NC-2
	Phelan Ave. to Manor Dr.	C-2	NC-3
	Paloma Ave. to Junipero Serra Blvd.	C-2	NC-2
	Junipero Serra Blvd. to 19th Ave.	C-2	NC-3
	Everglade to Clearfield Drs.	C-2	NC-S
Ogden Ave.	Putnam to Bradford Sts.	C-M	NC-S
Ortega St.	18th to 19th Aves.	C-1	NC-1
Pacific Ave.	Powell to Taylor Sts.	RC-3	NC-2
	Taylor to Polk Sts.	RC-2	NC-2
Page St.	Franklin to Gough Sts.	C-M	NC-3
Palou Ave.	at Crisp Rd.	C-1	NC-1
Parkmerced	Shopping Center	C-1	NC-S
Parkside	Shopping Center	C-2	NC-S
Peralta Ave.	Jarboe to Tompkins Aves.	C-2	NC-S
Petrini Plaza	Shopping Center	C-1	NC-S
Pierce St.	at Post St.	C-2	RH-3
Pine St.	Larkin to Polk Sts.	C-2	Polk
	Fillmore to Steiner Sts.	C-2	Upper Fillmore
Plymouth Ave.	San Jose Ave. to Farallones St.	C-1	NC-1
	Sagamore to Broad Sts. [east side]	C-1	RH-2
Point Lobos Ave.	42nd to 43rd Ave.	C-1	NC-1
	at El Camino del Mar	C-2	P
Polk St.	Post to Filbert Sts.	C-2	Polk
Portola Dr.	O'Shaughnessy Blvd to Evelyn Wy.	C-1	NC-S
Post St.	Larkin to Polk Sts. [north side]	C-2	Polk
	Van Ness Ave. to Gough St.	C-2	NC-3
	Laguna to Webster Sts. [north side]	C-2	NC-2
	Laguna to Fillmore Sts. [south side]	C-2	NC-S
	Fillmore to Pierce Sts.	C-2	RM-3
	Scott to Broderick Sts.	C-2	NC-3
Potrero Ave.	at 25th St.	C-2	NC-1

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Powell St.	Broadway to Greenwich St. Chestnut to Francisco Sts.	C-2 C-2	North Beach North Beach
Precita Ave.	Folsom to Treat Sts. at Hampshire St.	C-1 C-2	NC-1 NC-1
Randolph St.	at Orizaba St. Victoria to Ramsell Sts.	RC-1 C-1	NC-1 NC-1
Sacramento St.	at Baker St. Lyon to Spruce Sts.	RC-1 C-2	NC-1 Sacramento
San Bruno Ave.	Hale to Woolsey Sts. Dwight to Olmstead Sts. at Wilde Ave.	C-2 C-2 C-1	NC-2 NC-2 NC-1
San Jose Ave.	Standish to Nantucket Aves.	C-1	NC-1
Sanchez St.	at 26th St.	RC-1	NC-1
Scott St.	Geary Blvd. to Bush St.	C-2	NC-3
Silver Ave.	Holyoke to Goettingen Sts.	C-1	NC-1
Sloat Blvd.	Everglade to Clearfield Drs. 44th Ave. to Great Hwy.	C-2 C-2	NC-5 NC-2
South Van Ness Ave.	at 19th St. 23rd to 24th Sts.	C-2 C-2	NC-1 NC-1
Stanyan St.	at Page St. Page to Waller Sts. Waller to Beulah Sts. at Frederick St. at Parnassus Ave.	RC-2 C-2 RC-1 RC-1 C-1	NC-1 Haight Haight NC-1 NC-1
Steiner St.	Golden Gate Ave. to O'Farrell St. Geary Blvd. to Bush St.	C-2 C-2	RM-3 RM-3
Stockton St.	Broadway to Greenwich St.	C-2	North Beach
Sunnydale Ave.	at Hahn St.	C-1	NC-1
Sutter St.	Larkin to Polk Sts. Van Ness Ave. to Gough St. Steiner to Pierce Sts. Scott to Broderick Sts.	C-2 C-2 C-2 C-2	Polk NC-3 NC-2 NC-3
Taraval St.	12th to 36th Aves. 40th to 41st Aves. 46th to 47th Aves.	C-2 C-1 C-1	NC-2 NC-1 NC-1

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
Thornton Ave.	at Bridgeview Dr.	C-1	NC-1
Tunnel Ave.	Bayshore Blvd. to Blanken Ave.	C-1	NC-1
Union St.	Van Ness Ave. to Steiner St.	C-2	Union
Valencia St.	14th to 20th Sts. 20th to Army Sts.	C-M C-2	Valencia Valencia
Vallejo St.	Grant Ave. to Powell St. Polk St. to Van Ness Ave.	C-2 C-2	North Beach RH-3
Vandewater St.	Powell to Mason Sts. [south side]	RC-4	North Beach
Vicente St.	22nd to 24th Aves. 34th to 35th Aves. 39th to 40th Aves. 42nd to 43rd Aves.	C-1 C-1 C-1 C-1	NC-2 NC-1 NC-1 NC-1
Waller St.	Octavia to Laguna Sts.	C-2	NC-3
Washington St.	at Broderick St.	RC-1	NC-1
Webster St.	Ellis to Post Sts.	C-2	NC-S
West Portal Ave.	Ulloa St. to 15th Ave.	C-2	NC-3
Williams Ave.	Newhall to Phelps Sts.	C-2	NC-S
3rd St.	22nd to 23rd Sts. Innes to La Salle Aves. La Salle to Yosemite Aves. Gilman to Key Aves. Key to Meade Aves.	RC-2 C-M C-2 C-2 C-2	NC-2 NC-3 NC-3 NC-3 RH-1
7th Ave.	Cabrillo to Fulton Sts.	C-1	NC-1
9th Ave.	Lincoln Wy. to Judah St.	C-2	NC-2
14th St.	Dolores to Church Sts. Church to Belcher Sts.	C-2 C-2	NC-3 Upper Market
15th St.	Natoma to Julian Sts. Church to Sanchez Sts.	C-M C-2	NC-3 Upper Market
16th St.	Capp to Valencia Sts. Valencia to Dolores Sts. Sanchez to Noe Sts.	C-M C-2 C-2	NC-3 Valencia Upper Market

Street or Area	Generalized District Boundaries	Existing Zoning	Proposed Zoning
17th St.	Capp to Valencia Sts.	C-M	NC-3
	Hartford to Castro Sts. [north side]	C-2	Upper Market
	Hartford to Castro Sts. [south side]	C-2	Castro
18th St.	Texas to Connecticut Sts.	C-2	NC-2
	Capp to San Carlos Sts.	C-2	NC-3
	Guerrero to Oakwood Sts. at Dolores St.	RC-1 RC-1	NC-1 NC-1
	Noe to Hartford Sts.	RC-1	Castro
	Hartford to Diamond Sts.	C-2	Castro
19th Ave.	Junipero Serra Blvd. to Randolph St.	C-2	NC-2
19th St.	Capp to San Carlos Sts.	C-2	NC-3
20th St.	Missouri to Arkansas Sts.	C-2	NC-2
	Treat St. to South Van Ness Ave.	C-2	NC-2
	Capp to San Carlos Sts.	C-2	NC-3
	San Carlos to Lexington Sts.	RC-1	NC-1
21st St.	Capp to Valencia Sts.	C-2	NC-3
22nd St.	3rd to Minnesota Sts. at Folsom St.	RC-2 RC-1	NC-2 NC-1
	South Van Ness Ave. to Capp St.	RC-1	NC-1
	Capp to Bartlett Sts.	C-2	NC-3
23rd St.	Arkansas to Wisconsin Sts.	RC-1	NC-1
	Capp to Bartlett Sts.	C-2	NC-3
24th St.	Vermont St. to San Bruno Ave.	C-2	RH-2
	San Bruno Ave. to Bartlett St.	C-2	24th-Mission
	Chattanooga to Diamond Sts. at Douglass St.	RC-1 RC-1	24th-Noe Valley NC-1.
26th St.	Shotwell to Bartlett Sts.	C-2	NC-3
29th St.	Mission St. to San Jose Ave. at Dolores St.	C-2 RC-1	NC-2 NC-1
	at Sanchez St.	RC-1	NC-1

**Wawona Street and 45th Avenue Cultural Center Special Use District**

**&**

**Amendments to Planning Code Sections 330.9 and 330.10 relating to Principal Permitted Uses**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
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**July 16, 2024**


Daniel A. Sider  
Chief of Staff  
San Francisco Planning Department  
49 South Van Ness Ave. (Suite #1400)  
San Francisco, CA 94103

**Subject: City & County of San Francisco Local Coastal Program (LCP) Amendment  
Number LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD / PPU)**

Dear Mr. Sider:

At the July 11, 2024 California Coastal Commission hearing, the Commission approved the City & County of San Francisco LCP Amendment Number LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD / PPU) as submitted by the City. A copy of the adopted staff report is attached here. The amendment is now fully certified and in effect. We appreciate the efforts of City staff in working with Coastal Commission staff to complete the amendment process.

Sincerely,

DocuSigned by:  
  
035096250A8E49E...

Stephanie Rexing  
District Manager  
North Central Coast District Office

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
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**ADOPTED****Th11a****Prepared June 28, 2024 for July 11, 2024 Hearing****To:** Commissioners and Interested Persons**From:** Stephanie Rexing, North Central Coast District Manager  
Luke Henningsen, North Central Coast Coastal Planner**Subject:** **City and County of San Francisco LCP Amendment Number LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD/PPUs)****SUMMARY OF STAFF RECOMMENDATION**

The City and County of San Francisco (e.g. “the City”) proposes to amend their certified Local Coastal Program (LCP) Implementation Plan (IP) in two parts. First, the City proposes to establish a Special Use District (SUD, specifically the Wawona and 45th Street Cultural Center SUD) for the Irish Cultural Center site (located at 2700 45th Avenue, between Sloat Boulevard and Wawona Street) in order to facilitate a future project to renovate and redevelop the existing Irish Cultural Center. Second, the City proposes to establish principal permitted uses (PPU) for each LCP zoning district in the coastal zone (including the proposed SUD) for purposes of potential appeal of City decisions to the Coastal Commission.

The LCP’s Land Use Plan (LUP) provides the standard of review for the proposed IP amendment, and it includes provisions designed to ensure compatible development, as well as direction to maintain a community business district along Sloat Boulevard. The proposed SUD would allow for a larger project than the existing LCP, up to 100 feet tall with reduced rear setbacks and increased bulk above 40 feet. The SUD would also accommodate a series of commercial uses (here understood to mean a community center that includes related educational, cultural, social, entertainment, recreational, and retail activities) designed to help energize this part of the City’s coastal zone, including for coastal visitors. Staff believes that the latter is true, and that the increased allowed scale should not lead to any significant adverse coastal resource impacts, including as the site is located about four blocks inland of Ocean Beach in a fairly developed urban infill area where a development of this sort would not block any significant views and is unlikely to significantly adversely affect the character of the area.

Regarding PPUs, the Coastal Act includes an appealability criterion specific only to coastal counties, like San Francisco, that makes San Francisco’s CDP decisions outside of geographic appeal boundaries appealable to the Commission if they involve a use other than the single PPU in the affected zoning designation. In San Francisco’s case, the existing LCP does not identify a single such PPU for each such designation



## **LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD/PPUs)**

and, as a result, the Coastal Act requires that all San Francisco CDP decisions in such affected zones are appealable to the Commission. This is contrary to Coastal Act intent, and fortunately is easily remedied by designating such PPU, as San Francisco did here, where each designated single PPU for applicable zones essentially simply recognizes the underlying designation (e.g., residential in residential areas, commercial in commercial areas, etc.). These proposed changes clarify what City CDP decisions are and are not appealable to the Commission for the PPU criterion, which is consistent with the intent of the Coastal Act, and it would mean that such PPU-related development would not be appealable to the Commission on that basis.

Therefore, staff recommends that the Commission approve the LCP amendment as submitted, and the motion to do so is found below on page 4.

### **Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on June 28, 2024. The proposed amendment affects the LCP's IP only, and the 60 working day deadline for the Commission to take action on it is September 24, 2024. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until September 24, 2024 to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case at this Commission meeting (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

*Alternate Time Extension Motion: I move that the Commission extend the time limit to act on City and County of San Francisco Local Coastal Program Amendment Number LCP-2-SNF-24-0024-1 to September 24, 2025 and I recommend a yes vote.*

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    C. California Environmental Quality Act (CEQA)..... 7  
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**EXHIBITS**

- Exhibit 1: Proposed LCP Amendment
- Exhibit 2: Pre-LCP Certification Height Materials
- Exhibit 3: Proposed Irish Cultural Center Redevelopment Project Renderings

## **1. MOTION AND RESOLUTION**

Staff recommends that the Commission, after public hearing, approve the proposed LCP IP amendment as submitted. Thus, Staff recommends a **no** vote on the motion below. Failure of this motion will result in certification of the IP amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission reject Implementation Amendment Number LCP-2-SNF-24-0024-1 as submitted by the City and County of San Francisco, and I recommend a no vote.*

***Resolution to Certify:** The Commission hereby certifies Implementation Amendment Number LCP-2-SNF-24-0024-1 as submitted by the City and County of San Francisco, and adopts the findings set forth below on grounds that the amendment conforms with the provisions of the certified City and County of San Francisco Land Use Plan. Certification of the amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the amendment.*

## **2. FINDINGS AND DECLARATIONS**

### **A. Proposed LCP Amendment**

The City and County of San Francisco (e.g. “the City”) proposes to amend their certified Local Coastal Program (LCP) Implementation Plan (IP) in two parts. First, the City proposes to establish a Special Use District (SUD, specifically the Wawona and 45th Street Cultural Center SUD) for the Irish Cultural Center site (located at 2700 45th Avenue, between Sloat Boulevard and Wawona Street) in order to facilitate a future project to renovate and redevelop the existing Irish Cultural Center. Second, the City proposes to establish principal permitted uses (PPU) for each LCP zoning district in the coastal zone (including the proposed SUD) for purposes of potential appeal of City decisions to the Coastal Commission.

Regarding the proposed Wawona and 45th Street Cultural Center SUD, the proposed SUD is located at 2700 45th Avenue (about 4 blocks east/inland of South Ocean Beach) and is currently occupied by the existing Irish Cultural Center, which has been present on the site since the early 1970s. The Irish Cultural Center (ICC) currently serves as a community center and event space for education, arts, social events, and recreation. The ICC property owners intend to redevelop and modernize the ICC to better serve the needs and cultural expression of the Irish community, with a new design that includes a library, theatre, gym, museum, food/drink offerings, and multi-use event spaces. Because the existing LCP does not allow for a project at the scale envisioned, the City proposes to amend the IP to accommodate the proposed project. Specifically, the SUD

## **LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD/PPUs)**

would increase the maximum height from 40 feet to 100 feet,<sup>1</sup> increase the floor area ratio (FAR) from 3.6:1 to 7.0:1, eliminate rear-yard setback requirements, and allow for greater bulk above 40 feet. In addition, the proposed amendment would establish the principal permitted use for the SUD as “Commercial”, which for this SUD would be understood to mean, “a community center with related educational, cultural, social, office, entertainment, recreational, wireless telecommunication services, and retail uses.”

Regarding PPUs, the proposed amendment would identify single PPUs for each zoning district in the coastal zone for purposes of potential appeal of City decisions to the Coastal Commission, where the following such PPUs are proposed for the following IP zoning districts:

- Residential Districts: Residential Uses.
- Parkmerced Residential District: Residential Uses.
- Neighborhood Commercial Districts: Commercial Uses.
- Public Districts: Public Uses (understood to mean Public Facility, Open Recreation Area, or Passive Outdoor Recreation).
- Wawona Street and 45th Avenue Cultural Center SUD: Commercial Uses (understood to mean a community center with related educational, cultural, social, office, entertainment, recreational, wireless telecommunications services, and retail uses).

Such proposed changes clarify what City CDP decisions are and are not appealable to the Commission for the PPU criterion, and as a result, such PPU-related development would not be appealable to the Commission on this basis.

Please see **Exhibit 1** for the full text of the proposed IP amendment.

### **B. LUP Consistency Determination**

#### ***Standard of Review***

The proposed amendment affects only the IP component of the certified LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out LCP LUP provisions.

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<sup>1</sup> The City argues that the maximum height limit should already be understood to be 100 feet here, suggesting that the area has been designated for 100-foot heights since before the Coastal Act, and since before the LCP was certified. In support of this argument, the City points to its background position papers that were part of the LCP’s supporting documentation, and maps from the City’s non-LCP code showing this area to allow up to 100-foot heights (see Exhibit 2), suggesting that it was an oversight that the LCP itself does not include the 100-foot maximum height. However, despite such background materials, it is clear that the maximum height actually certified into the LCP for this site is 40 feet. Thus, in order for the ICC to make use of a 100-foot height limit, the LCP must be amended.

## **LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD/PPUs)**

### ***Applicable LUP Provisions***

The LUP includes provisions designed to ensure compatible development, as well as direction to maintain a community business district along Sloat Boulevard, including as follows:

***LUP Policy 11.1:*** *Preserve the scale and character of existing residential neighborhoods by setting allowable densities at the density generally prevailing in the area and regulating new development so its appearance is compatible with adjacent buildings.*

***LUP Policy 11.7:*** *Maintain a community business district along Sloat Boulevard within the Coastal Zone to provide goods and services to residents of the outer Sunset and visitors to the Zoo and Ocean Beach.*

### ***Consistency Analysis - Proposed SUD***

The proposed SUD would allow for a larger project than would the existing LCP, with rear setbacks eliminated and increased bulk allowed above 40 feet. The SUD would also accommodate a series of commercial uses (here understood to mean a community center that includes related educational, cultural, social, entertainment, recreational, and retail activities) designed to help energize this part of the City's coastal zone, including for coastal visitors. Although the tallest nearby structure is five stories and about 60 feet tall (i.e., a residential apartment complex located about two blocks seaward of the SUD site), the proposed SUD is in a fairly urban, infill stretch of Sloat Boulevard nearly a quarter-mile inland of the beach where the increased allowed scale should not lead to any significant adverse coastal resource impacts. In fact, development under the proposed SUD would not block any significant public views, would include bulk parameters to ensure that it would include variation and less bulk above 40 feet than below, and is overall unlikely to significantly adversely affect the character of the area. Although not before the Commission in this proposed amendment, the property owner for the site has already proposed a project that gives a good indication of what the new SUD would accommodate, and that can provide a sense of potential outcomes from the amendment (see Exhibit 3).<sup>2</sup>

Further, the LUP speaks to maintaining a community business district along Sloat Boulevard, which forms the southern boundary of the proposed SUD site. The proposed amendment would facilitate a multi-use community-oriented commercial facility, which would increase cultural and related opportunities for visitors to the coast and residents of the Outer Sunset neighborhood, helping to maintain the community-oriented business district of the type prioritized in the LCP. It appears clear that the SUD would help lead to revitalization at the site and would energize the corridors surrounding it, including the LCP-identified community business district along Sloat Boulevard.

In short, the proposed SUD provisions would allow for some increased scale at the proposed SUD site, but that additional scale should not lead to any significant adverse coastal resource impacts, including as the site is located about four blocks inland of

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<sup>2</sup> The CDP application for the proposed ICC project is currently pending before the City's Board of Appeals, awaiting the outcome of this LCP amendment proceeding.

## **LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD/PPUs)**

Ocean Beach in a fairly developed area where a proposal of this sort would not block any substantive views and is unlikely to significantly adversely affect the character of the area. Thus, the Commission concludes that the proposed SUD portion of the amendment conforms with and is adequate to carry out the provisions of the LUP.

### ***Consistency Analysis - Proposed PPUs***

The Coastal Act includes an appealability criterion specific only to coastal counties, like San Francisco, that makes San Francisco's CDP decisions outside of geographic appeal boundaries appealable to the Commission if they propose a use other than the single PPU in the affected zoning designation. In San Francisco's case, the existing LCP does not identify a single such PPU for each such designation and, as a result, the Coastal Act requires that all San Francisco CDP decisions in all affected zones are appealable to the Commission. This is contrary to Coastal Act intent, and fortunately is easily remedied by designating such PPUs, as is proposed in this case.

As proposed here, all such proposed PPUs for these zoning districts essentially simply recognize the underlying designation (e.g., residential in residential areas, commercial in commercial areas, etc.). These proposed changes clarify what City CDP decisions are and are not appealable to the Commission for the PPU criterion, which is consistent with the intent of the Coastal Act, and as a result, such PPU-related development would not be appealable to the Commission on this basis.

### **C. California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City determined that the proposed amendment complies with CEQA, including specifically finding that the proposed SUD would facilitate infill development consistent with CEQA Guidelines (citing to Section 15183.3).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, has addressed all significant comments received, and has concluded that the proposed LCP amendment is not expected to result in significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental

## **LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD/PPUs)**

effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **3. APPENDICES**

#### **A. Substantive File Documents**

- LCP Amendment File for LCP-2-SNF-24-0024-1

#### **B. Staff Contact with Agencies and Groups**

- City and County of San Francisco Planning Department
- Sunset-Parkside Education and Action Committee (SPEAK)

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
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# Th11a

## **LCP-2-SNF-24-0024-1 (Irish Cultural Center SUD/PPUs) JULY 11, 2024**

### **EXHIBITS**

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#### **EXHIBITS**

**Exhibit 1 – Proposed LCP Amendment**

**Exhibit 2 – Pre-LCP Certification Height Materials**

**Exhibit 3 – Proposed Irish Cultural Center Redevelopment Project Renderings**



1 [Planning Code, Local Coastal Program Amendment - Wawona Street and 45th Avenue  
2 Cultural Center Special Use District]

3 **Ordinance amending the Planning Code to clarify the Wawona Street and 45th Avenue**  
4 **Special Use District's height limit and principal permitted use for purposes of the Local**  
5 **Coastal Program; amending the Local Coastal Program to add the Wawona Street**  
6 **and 45th Avenue Cultural Center Special Use District; amending the Local Coastal**  
7 **Program to designate the principal permitted use within the City's Coastal Zone for**  
8 **purposes of appeal to the California Coastal Commission; affirming the Planning**  
9 **Department's determination under the California Environmental Quality Act; and**  
10 **making findings of consistency with the General Plan, and the eight priority policies of**  
11 **Planning Code, Section 101.1, and findings of public necessity, convenience, and**  
12 **welfare under Planning Code, Section 302.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
16 **Board amendment additions** are in double-underlined Arial font.  
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
19 subsections or parts of tables.

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

21 Section 1. CEQA and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
25 Supervisors in File No. 240228 and is incorporated herein by reference. The Board affirms  
this determination.

1 (b) On May 2, 2024, the Planning Commission, in Resolution No. 21554, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. 240228, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
7 amendments will serve the public necessity, convenience, and welfare for the reasons set  
8 forth in Planning Commission Resolution No. 21554, and the Board adopts such reasons as  
9 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File  
10 No. 240228 and is incorporated herein by reference.

11  
12 Section 2. Background and Findings.

13 (a) On December 12, 2023, the Board of Supervisors passed the Wawona Street and  
14 45th Avenue Cultural Center Special Use District ("SUD") (Ordinance No. 241-23, on file with  
15 the Clerk of the Board in File No. 230505) to facilitate the redevelopment of the Irish Cultural  
16 Center, subject to certification by the California Coastal Commission ("Coastal Commission").  
17 That ordinance, which amended the Planning Code, Zoning Map, and Local Coastal Program  
18 ("LCP"), having been signed by the Mayor on December 13, 2023, is now effective, but is not  
19 operative because it has not been certified by the Coastal Commission. See Section 5 of  
20 Ordinance No. 241-23.

21 (b) On December 12, 2023, the Board of Supervisors also adopted Resolution  
22 No. 571-23, on file with the Clerk of the Board in File No. 231137. That resolution, which was  
23 signed by the Mayor on December 13, 2023, authorized the Director of the Planning  
24 Department to transmit Ordinance No. 241-23 to the Coastal Commission for certification.  
25

1 (c) Coastal Commission staff have recommended that the City define the principal  
2 permitted use ("PPU") under the City's LCP for both the SUD and all other zoning districts  
3 within the City's Coastal Zone to specify whether certain coastal development permitting  
4 decisions are appealable to the California Coastal Commission. The City will continue to  
5 evaluate the PPU's identified in this ordinance within the City's Coastal Zone, and may seek to  
6 amend those PPU's in the future.

7 (d) The existing 100-foot height limit for the SUD (Assessor's Parcel Block No. 2513,  
8 Lot No. 026) has been in effect since 1970 (see Ordinance No. 177-70, on file with the Clerk  
9 of the Board in File No. 240228), 16 years before the Coastal Commission's certification of the  
10 City's LCP in 1986. That height limit is depicted on the Zoning Map in Sectional Map No.  
11 HT13. The City's Coastal Zone Issue Papers (on file with the Clerk of the Board in File  
12 No. 240228) discussed the 100-foot height limit in the years leading up to the certification of  
13 the LCP. However, neither the City nor the Coastal Commission can locate a certified copy of  
14 Sectional Map No. HT13. As such, out of an abundance of caution, the controls of this SUD  
15 also reaffirm the 100-foot height limit for the purposes of this LCP amendment. This  
16 amendment does not modify height limits in the SUD, but instead clarifies the height limit for  
17 the purposes of the LCP.

18 (e) Because Ordinance No. 241-23 is now effective, although not yet operative and  
19 thus not published in the Planning Code, the ordinance in this Board File No. 240228 shows in  
20 "existing text" font (plain Arial) Planning Code Section 249.96, which established the SUD in  
21 Ordinance No. 241-23. The ordinance shows the amendments clarifying the maximum height  
22 in the SUD and principal permitted use in "addition to Code" font (single-underline italics  
23 Times New Roman) or "deletion to Code" font (strikethrough italics Times New Roman), as  
24 applicable.  
25

1 (f) The Board of Supervisors finds that the Planning Code amendments in this  
2 ordinance will fulfill a public purpose and serve the public convenience and general welfare by  
3 facilitating the continued operation and expansion of the Cultural Center, a longstanding San  
4 Francisco community center. The continuation of this use is important to retain existing  
5 neighborhood character and will benefit area residents, visitors, and the broader community  
6 for years to come. The Board of Supervisors also finds that specifying PPU's for purposes of  
7 potential appeal to the Coastal Commission is consistent with the Coastal Act's intent, and will  
8 help to ensure that only the types of coastal development permitting decisions that are  
9 specified in the Coastal Act are appealable to the Coastal Commission.

10 (g) The Board of Supervisors finds that the Wawona Street and 45th Avenue Cultural  
11 Center Special Use District and its controls, as shown in Section 3 of this ordinance,  
12 constitute an amendment to the City's LCP. The Board of Supervisors finds that the LCP  
13 amendment conforms with the applicable provisions of the Coastal Act of 1976, and that the  
14 amendment is consistent with and adequate to carry out the provisions of the City's certified  
15 LCP Land Use Plan – the Western Shoreline Area Plan. The Board further finds that the  
16 amendment will be implemented in full conformance with the Coastal Act's provisions.

17  
18 Section 3. The Local Coastal Program and Articles 2 and 3 of the Planning Code are  
19 hereby amended by revising Sections 249.96, 330.9, and 330.10 to read as follows:

20  
21 **SEC. 249.96. WAWONA STREET AND 45TH AVENUE CULTURAL CENTER**  
22 **SPECIAL USE DISTRICT.**

23 (a) **General.** A special use district entitled the "Wawona Street and 45th Avenue  
24 Cultural Center Special Use District" consisting of Assessor's Parcel Block No. 2513, Lot No.  
25 026, is hereby established for the purposes set forth below. The boundaries of the Wawona

1 Street and 45th Avenue Cultural Center Special Use District are designated on Sectional Map  
2 No. SU13 of the Zoning Map.

3 (b) **Purpose.** The purpose of this special use district is to provide for the development  
4 of a community center with related educational, cultural, social, entertainment, recreational,  
5 and retail uses to serve both the immediate neighborhood and the larger San Francisco  
6 community.

7 (c) **Development Controls.** Applicable provisions of the Planning Code shall control  
8 except as otherwise provided in this Section 249.96. If there is a conflict between other  
9 provisions of the Planning Code and this Section 249.96, this Section 249.96 shall prevail.

10 (1) The following uses and use categories shall be permitted as principal uses  
11 on all floors: General Office, Institutional, Retail Sales and Service, Wireless  
12 Telecommunications Facility, and Nighttime Entertainment.

13 (2) The provisions of Planning Code Sections 121.1 (Development of Large  
14 Lots, Neighborhood Commercial Districts) and 121.2 (Non-Residential Use Size Limits in  
15 Neighborhood Commercial and Neighborhood Commercial Transit Districts) shall not apply.

16 (3) For the purposes of compliance with Planning Code Section 169  
17 (Transportation Demand Management Program), development projects shall be subject to  
18 30% of the applicable target. All other provisions of Section 169 shall apply.

19 (4) The applicable height limit shall be 100 feet.

20 (d) ~~Conditional Use Authorization~~ **Additional Exceptions.** ~~The following e~~Exceptions from  
21 otherwise applicable requirements of ~~the~~ is Planning Code may be appropriate to further the  
22 purpose of the Wawona Street and 45th Avenue Cultural Center Special Use District. The  
23 Planning Commission may authorize the following exceptions from ~~the following~~ Planning Code  
24 requirements through a Conditional Use Authorization:

25 (1) **Floor Area Ratio.** The maximum Floor Area Ratio shall be 7.0:1.

1 (2) **Rear Yard Setbacks.** The provisions of Section 134 do not apply, *and thus*  
2 *there shall be no required rear yard.*

3 (3) **Bulk.** The applicable Bulk limits shall be a maximum length of 130 feet and  
4 a maximum diagonal of 176 feet, applying at a height of 40 feet and above.

5 (e) Principal Permitted Use Under the Local Coastal Program. Notwithstanding any other  
6 provisions of this Code or the City and County's Local Coastal Program Implementation Plan that  
7 identify principal permitted, conditional, and other types of uses, within the Wawona Street and 45th  
8 Avenue Cultural Center Special Use District, the principal permitted use for the purposes of California  
9 Public Resources Code Section 30603(a)(4) shall be Commercial, where, solely for the purposes of this  
10 Special Use District, that shall be understood to mean a community center with related educational,  
11 cultural, social, office, entertainment, recreational, wireless telecommunications services, and retail  
12 uses. The designation of the principal permitted use for the purpose of the Local Coastal Program  
13 does not alter the uses permitted on the site under the Planning Code or applicable requirements under  
14 the Planning Code to establish such uses.

15  
16 **SEC. 330.9. APPEAL PROCEDURES.**

17 (a) All Coastal Zone Permit Applications may be appealed to the Board of Appeals as  
18 described in Section 308.2 of this Code. Local appeal of a Coastal Zone Permit is not subject  
19 to the aggrieved party provisions in Section 330.2(a) of this Code, but must comply with the  
20 appeal review procedures of Section 330.5.1(b) and Section 330.5.2 of this Code.

21 (b) Appeal to the California Coastal Commission is available only for approved projects  
22 in the appealable area of the Coastal Zone, as designated in Sectional Maps CZ4, CZ5 and  
23 CZ13 of the Zoning Map; under California Public Resources Code Section 30603(a)(4), for  
24 approved projects that involve a use that is not the principal permitted use designated in Planning  
25 Code Section 330.9(c); and under California Public Resources Code Section 30603(a)(5), for approved

1 ~~or. Disapproved projects that involve a major public works project or a major energy facility, all as~~  
2 ~~further described in Section 330.10 Coastal Zone Permit Applications are not appealable to the~~  
3 ~~California Coastal Commission.~~

4 (c) Principal Permitted Use Under the Local Coastal Program. Notwithstanding any other  
5 provisions of this Code or the City and County's Local Coastal Program Implementation Plan that  
6 identify principal permitted, conditional, and other types of uses, the principal permitted use for the  
7 purposes of California Public Resources Code Section 30603(a)(4) shall be as described in this  
8 subsection (c). The designation of the principal permitted use for the purpose of the Local Coastal  
9 Program does not alter the uses permitted on any site under the Planning Code or applicable  
10 requirements under the Planning Code.

11 (A) Residential Districts: Residential Uses.

12 (B) Parkmerced Residential District: Residential Uses.

13 (C) Neighborhood Commercial Districts: Commercial Uses.

14 (D) Public Districts: Public Uses, where that shall be understood to mean a  
15 Public Facility, Open Recreation Area, or Passive Outdoor Recreation.

16 (E) Wawona Street and 45th Avenue Cultural Center Special Use District:  
17 Commercial Uses, as defined in Section 249.96(e).

18 (ed) A Coastal Zone Permit decision which may be appealed to the California Coastal  
19 Commission can be appealed by filing with the California Coastal Commission within 10  
20 working days after the California Coastal Commission receives notice of final action from the  
21 Planning Department. Appeals to the California Coastal Commission are subject to the  
22 aggrieved party provisions in Section 330.2(a).

23 (de) An applicant is required to exhaust local appeals before appealing to the  
24 California Coastal Commission.

1 (e) Major public works and energy facilities within the Coastal Zone may be appealed  
2 to the California Coastal Commission whether approved or not by the local government.  
3

4 **SEC. 330.10. APPEALABLE PROJECTS**

5 The following projects may be appealed to the California Coastal Commission:

6 (a) Projects approved between the sea and the first public road paralleling the sea or  
7 within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where  
8 there is no beach, or as otherwise indicated in Sectional Maps CZ4, CZS, and CZ13 of the  
9 Zoning Map.

10 (b) Projects approved and located on tidelands, submerged lands, public trust lands,  
11 within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward  
12 face of any coastal bluff.

13 (c) Any project which constitutes a major public works project or a major energy  
14 facility, including the following:

15 (1) All production, storage, transmission, and recovery facilities for water,  
16 sewerage, telephone, and other similar utilities owned or operated by any public agency or by  
17 any utility subject to the jurisdiction of the Public Utilities Commission, except for energy  
18 facilities.

19 (2) All public transportation facilities, including streets, roads, highways, public  
20 parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and  
21 stations, bridges, trolley wires, and other related facilities. A railroad whose primary business  
22 is the transportation of passengers shall not be considered public works nor a development if  
23 at least 90 percent of its routes located within the coastal zone utilize existing rail or highway  
24 rights-of-way.  
25



1 (3) All publicly financed recreational facilities, all projects of the State Coastal  
2 Conservancy, and any development by a special district.

3 (4) All community college facilities.

4 (5) Major public works or energy facility with an estimated cost of \$100,000 or  
5 more.

6 (6) Energy facilities is any public or private processing, producing, generating,  
7 storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other  
8 source of energy.

9 (d) Projects proposing a use that is not designated as the principal permitted use in the  
10 applicable Zoning District in subsection 330.9(c).

11 Section 4. Ordinance No. 241-23 included, pursuant to Sections 106 and 302(c) of the  
12 Planning Code, an amendment of Sheet SU 13 of the Zoning Map of the City and County of  
13 San Francisco. The Zoning Map amendment is hereby reprinted:

14

Assessor's Parcel (Block/Lot Numbers)	Special Use District Hereby Approved
2513/026	Wawona Street and 45th Avenue Cultural Center Special Use District

15  
16  
17  
18  
19 Section 5. Local Coastal Program. The Local Coastal Program is hereby amended to  
20 add Planning Code Section 249.96 and to modify Planning Code Sections 330.9 and 330.10,  
21 as set forth above in Section 3, including the Zoning Map amendment as reprinted above in  
22 Section 4.

23  
24 Section 6. Effective Date; Operative Date.

1 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs  
2 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
3 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
4 Mayor's veto of the ordinance.

5 (b) Upon enactment pursuant to this Section 6, the Director of the Planning  
6 Department shall submit this ordinance to the California Coastal Commission for certification  
7 as a Local Coastal Program Amendment. This ordinance, which constitutes both the  
8 unamended and amended text of Planning Code Section 249.96 in Section 3 and the  
9 reprinted Zoning Map amendment in Section 4, shall be operative upon final certification by  
10 the California Coastal Commission. If the California Coastal Commission certifies this  
11 ordinance subject to modifications, this ordinance, as so modified, shall become operative 30  
12 days after enactment of the modifications.

13  
14 Section 6. Transmittal of Ordinance. Upon certification by the California Coastal  
15 Commission, the Director of the Planning Department shall transmit a copy of the certified  
16 Local Coastal Program Amendment to the Clerk of the Board for inclusion in File No. 240228.  
17 The Planning Department shall also retain a copy of the certified Local Coastal Program  
18 Amendment in its Local Coastal Program files.

19  
20 APPROVED AS TO FORM:  
21 DAVID CHIU, City Attorney

22 By: /s/ Peter R. Miljanich  
23 PETER R. MILJANICH  
24 Deputy City Attorney

25 n:\egana\as2024\2400320\01743120.docx



City and County of San Francisco  
Tails  
Ordinance

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

File Number: 240228

Date Passed: June 11, 2024

Ordinance amending the Planning Code to clarify the Wawona Street and 45th Avenue Special Use District's height limit and principal permitted use for purposes of the Local Coastal Program; amending the Local Coastal Program to add the Wawona Street and 45th Avenue Cultural Center Special Use District; amending the Local Coastal Program to designate the principal permitted use within the City's Coastal Zone for purposes of appeal to the California Coastal Commission; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

June 03, 2024 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

June 04, 2024 Board of Supervisors - PASSED ON FIRST READING


Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 11, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Stefani and Walton  
Excused: 1 - Safai

File No. 240228

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/11/2024 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board



London N. Breed  
Mayor

6/13/24

Date Approved

/// SAN FRANCISCO  
LOCAL COASTAL PROGRAM

/// PRIVATE LANDS

INCLUDING

HOUSING ELEMENT  
(Issue No. 4)

COMMERCIAL PROPERTY

AND

ACCESS COMPONENT

DOCUMENTS DEPT.

AUG 19 1980

SAN FRANCISCO  
PUBLIC LIBRARY

PREPARED BY

DEPARTMENT OF CITY PLANNING  
100 LARKIN STREET  
SAN FRANCISCO, CA 94102

AUGUST 1980

This publication was prepared with financial assistance from the U. S. Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972, as amended, and from the California Coastal Commission under the provisions of the Coastal Act of 1976.

D  
REF  
333.917  
S352p

Exhibit 2  
LCP-2-SNF-24-0024-1  
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owned property in area commonly known as Cliff House/Sutro Baths. Develop as an 11-acre nature-oriented shoreline park. Limited commercial-recreation uses may be permitted if public ownership is retained and if development is carefully controlled to preserve natural characteristics of the site.

#### Safeway

The other C-2-zoned property in the Richmond is the site occupied by the Safeway Store. Although the site could accommodate expansion of its present use or inclusion of additional housing units, there has been no proposal to do so. Although the City would welcome additional housing units on the site, and in fact proposed such to Safeway originally, any additional development should take the Ocean Beach Park Estates project into consideration and may receive Commission consideration.

#### Sunset District

Commercially-zoned property in the Sunset is all C-2, and represents all or a part of seven blocks. To the north, just south of Lincoln Way, on the most westerly block between the Great Highway and La Playa is the Hotel Pacifica with 43 units and a restaurant. The northwest corner of the block east has a gas station and the 24-unit apartment building (1220 La Playa) which was the subject of permit consideration by the North Central Coast Regional Commission and the California Coastal Commission.

There is a 24-unit apartment building on the northeast corner at the Great Highway and Mawona. And on Sloat Boulevard, the remaining four blocks of C-2 contain four restaurants, three gas stations, a motel, a garden center, and the United Irish Cultural Center.

Almost all of the property in the Sunset has a 40-foot height limit. This includes the commercial south of Lincoln Way. The interesting exception to this is the 100-foot height limit on all of the four blocks on Sloat Boulevard just east of the Great Highway and a small portion of the fifth block. This variation in height limit was the result of studies done during the formation of the Urban Design Plan, which resulted in recommendations which

would provide for a visual interest and were in locations which would not jeopardize the views of nearby residents.

Since these blocks are zoned C-2 (Community Business), a number of retail businesses are allowed, but this could also be considered an opportunity for housing units of an increased density. Depending on the type of proposal and whether the planned unit development concept were used, somewhere between 200 and 300 or more units could be allowed with commercial on the ground floor.

## B. Existing Local Policies

The Commerce and Industry Element of San Francisco's Comprehensive Plan was adopted by Resolution No. 8001 by the City Planning Commission on June 29, 1978. In it there are two policy areas which specifically relate to the commercially-zoned properties in the Coastal Zone: Neighborhood Commercial and Visitor Trade.

### Neighborhood Commercial

Objective B: Maintain and strengthen viable neighborhood commercial districts readily accessible to City residents.

The following policies apply to commercial areas within the Coastal Zone.

#### Policy 1

Promote the multiple use of neighborhood commercial areas with priority given to neighborhood-serving retail and service activity.

#### Policy 2

Promote neighborhood commercial revitalization.

#### Policy 3

Protect environmental quality in neighborhood commercial areas.

#### Policy 4

Maintain a presumption against the establishment of major new commercial development except in conjunction with adequately supportive residential development and public/private transportation capacity.

PACIFIC OCEAN



SEE SHEET 12H

# HEIGHT AND BULK DISTRICTS

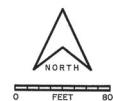
OS OPEN SPACE DISTRICT

NUMBERS ARE HEIGHT LIMITS IN FEET

LETTER SYMBOLS REFER TO BULK LIMITS IN CITY PLANNING CODE SEC. 270.

OO-Z

APPROVED BY CITY PLANNING COMMISSION, JUNE 29, 1972



# SHEET 13H

Exhibit 2



PACIFIC OCEAN

SEE SHEET 12H



# HEIGHT AND BULK DISTRICTS

OS OPEN SPACE DISTRICT

NUMBERS ARE HEIGHT LIMITS IN FEET

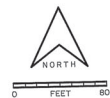
LETTER SYMBOLS REFER TO BULK LIMITS IN CITY PLANNING CODE SEC. 270.

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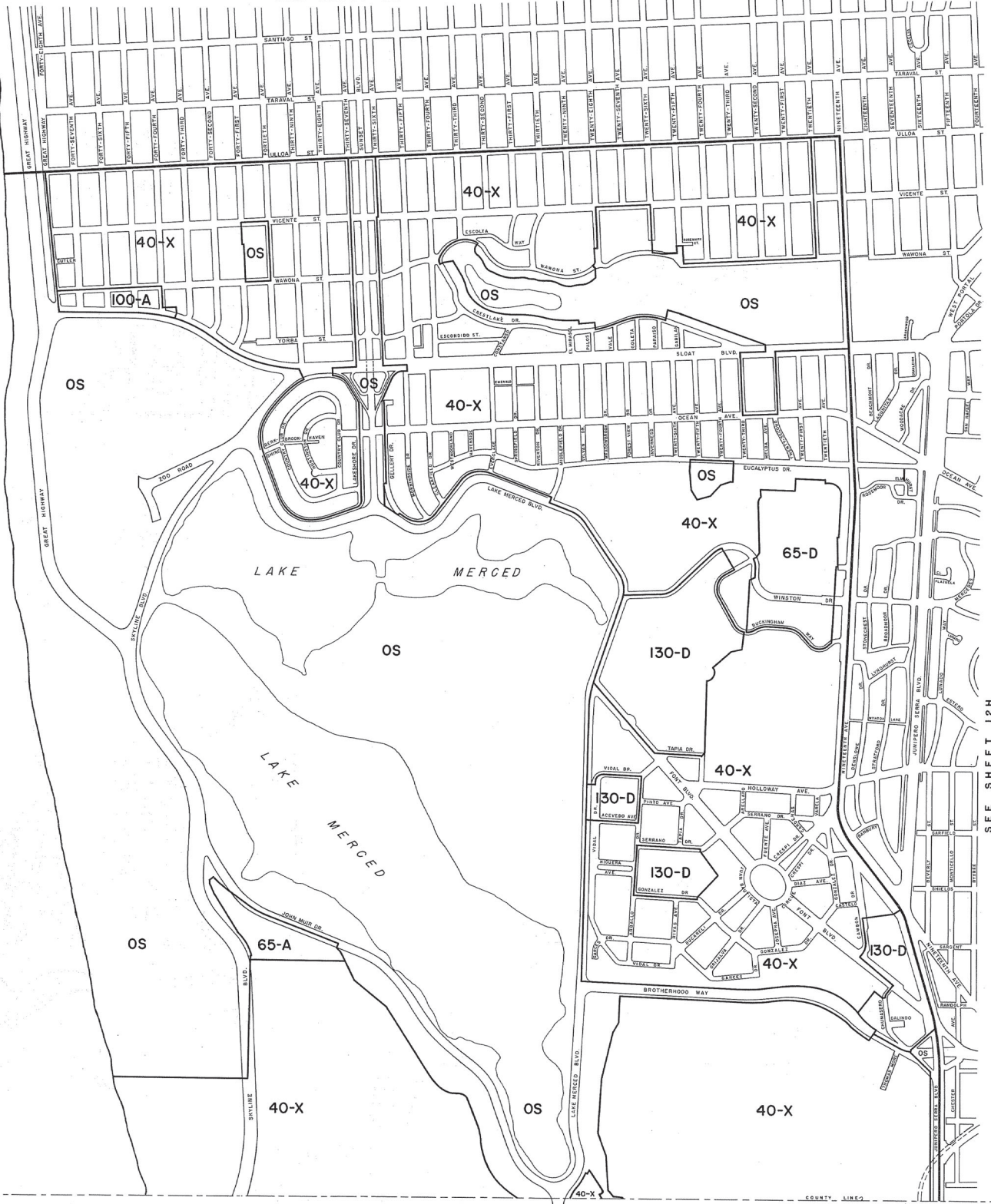
SAN FRANCISCO MUNICIPAL CODE  
PART II, CHAPTER II, ARTICLE 2.5  
WITH AMENDMENTS TO AND INCLUDING  
FEBRUARY 2, 1975

SHEET

# 13H



SEE SHEET 5H



SEE SHEET 12H

# HEIGHT AND BULK DISTRICTS

**OS** OPEN SPACE DISTRICT

NUMBERS ARE HEIGHT LIMITS IN FEET

LETTER SYMBOLS REFER TO BULK LIMITS  
IN CITY PLANNING CODE SEC. 270.

**OO-Z**

SAN FRANCISCO MUNICIPAL CODE  
PART II, CHAPTER II, ARTICLE 2.5  
WITH AMENDMENTS TO AND INCLUDING  
NOVEMBER 6, 1978

SHEET

# 13H

Exhibit 2

LCP 2-SNF-24-00241

0 FEET 800

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