



# SAN FRANCISCO PLANNING DEPARTMENT

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## New Planning Code Amendments Miscellaneous Technical Amendments

**Case Number:** Board File No. 11482/ Ord. No. 140-11

**Legislative Sponsor:** Planning Commission

**Effective Date:** August 4, 2011

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**Background:** The amendments to all of these sections are of a technical nature. They correct clerical errors, make nonsubstantive language revisions, and update various sections.

**The Way It Was:** This legislation amends sections of the Planning Code dealing with Sections 121.2, 134, 136.1, 142, 185, 201, 204.1, 204.2, 205, 205.1, 205.3, 207.2, 209.3, 217, 243, 303, 309, 311, 312, 317, 602.25, 602.26, 607.1, and various Sections and Tables in Articles 7 and 8.

**The Way It Is Now:** The following corrections have been made:

1. **SEC. 121.2. USE SIZE LIMITS (NONRESIDENTIAL), NEIGHBORHOOD COMMERCIAL DISTRICTS.** This Section has been amended so that the Polk Street NCD use size limit has been returned to 2500sf.
2. **SEC 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI AND SSO DISTRICTS.** This Section has been amended to exempt specified Octavia parcels from rear-yard requirements in certain circumstances.
3. **SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN *Limited Commercial Uses, Neighborhood Commercial Districts*, EASTERN NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE DISTRICTS.** This Section has been amended to include LCUs and NCDs.
4. **SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICLE USE AREAS.** This Section has been amended to trigger screening and greening requirements in the event that 200sf or more of existing pavement are replaced instead of the previous trigger of 50% of the existing pavement.
5. **SEC. 185. CONTINUANCE OF OTHER NONCONFORMING USES.** This Section has been amended to remove the requirement for the ZA to provide mailed notices related to the expiration of such uses.

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6. **SEC. 201. CLASSES OF USE DISTRICTS.** This Section has been amended to include the Pacific Avenue NCD; the Transbay Downtown Residential District; and to add lists for Neighborhood Commercial Special Use Districts and Restricted Use Districts,
7. **SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN R OR NC DISTRICTS.** This Section has been amended to clarify that Medical Cannabis Dispensaries cannot be accessory uses to dwelling units.
8. **SEC. 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN R DISTRICTS.** This Section has been amended to clarify that Medical Cannabis Dispensaries cannot be accessory uses.
9. **SEC. 205. TEMPORARY USES, GENERAL.** This Section has been amended to allow approval by the ZA and to clarify the hours of operation for such uses.
10. **SEC. 205.1. TEMPORARY USES, 60-DAY LIMIT.** This Section has been amended to apply to NC and Mixed Use Districts.
11. **SEC. 205.3. TEMPORARY USES, TWENTY-FOUR HOUR LIMIT.** This Section has been amended to apply to NC, PDR, C, and M districts and to make other clarifying changes.
12. **SEC. 207.2. SECOND UNITS.** This Section has been amended to make correct references and to be consistent with existing State Law.
13. **SEC. 209. 3. INSTITUTIONAL USES.** This Section has been amended to include outpatient medical care to definition (a); to change the threshold for child-care to 14 or fewer children and 15 and above (consistent with State Law); and to streamline existing MCD controls and processes and making them consistent throughout the Planning Code (Articles 2, 7, and 8 all have MCD definitions).
14. **SEC. 217. INSTITUTIONS.** This Section has been amended to include outpatient medical care to definition and to streamline existing MCD controls and processes.
15. **SEC. 243. VAN NESS SPECIAL USE DISTRICT.** This Section has been amended to note that formula retail controls apply to RC parcels in this SUD.
16. **SEC. 303. CONDITIONAL USES.** This Section has been amended to be the main location for formula retail controls.
17. **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.** This Section has been amended to clarify the role between the Director and the Zoning Administrator when reviewing these applications, as well as when a Planning Commission hearing is required.
18. **SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO DISTRICTS.** This Section has been amended to include “tenants” of

the subject property in the required notice and to provide specification about the contents of said notice.

19. **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.** This Section has been amended to add “self-service specialty food” to the list of uses that require change of use notice and to include “tenants” of the subject property in the required notice.
20. **SEC. 317. Loss of Dwelling Units through Merger, Conversion, and Demolition.** Subsection (e)(1) has been amended to clarify that mergers may be approved in accordance with subsections (e)(3) or (e)(4).
21. **SEC. 602.25. HISTORIC MOVIE THEATER PROJECTING SIGN.** This Section has been amended to clarify that rehab of these signs is subject to Section 188(e).
22. **SEC. 602.26. HISTORIC MOVIE THEATER MARQUEE.** This Section has been amended to clarify that rehabilitation of these signs is subject to Section 188(e).
23. **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.** This Section has been amended to include the Pacific Avenue NCD.
24. **SEC. 702.2. NEIGHBORHOOD COMMERCIAL SPECIAL USE DISTRICTS.** This Section has been amended to include all of the existing NC SUDs.
25. **SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.** This Section has been amended to include all of the existing NC RUDs.
26. **SEC. 702.4 SPECIAL USE DISTRICTS.** This Section has been updated to reference existing SUDs.
27. **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.** This Section has been amended to include tobacco paraphernalia establishments, amusement game arcades, and Philanthropic Administrative Services; to restrict accessory take-out food uses within grocery stores to 1/3 of the total floor area or up to 500 s/f, whichever is less; and to clarify that MCDs cannot be accessory.
28. **Various NC & Mixed Use Zoning Control Charts.** This Section has been amended to reference 261.1 (height sculpting on alleys); and Fringe Financial controls where appropriate; remove obsolete references; to add controls for new uses; and to make other clarifying amendments.
29. Special Use Districts that apply more broadly than just to NC Districts have been moved from Article 7 to Article 2 including:
  - a. **Section 781.8→ now 249.60 MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT**

- b. **Section 781.10→ now 249.61. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT.**
  - c. **Section 782→ now 249.62 THIRD STREET ALCOHOL RESTRICTED USE DISTRICT**
  - d. **Section 781.1→ now 249.63. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT.**
30. **SEC. 784. LOWER HAIGHT STREET ALCOHOL RESTRICTED USE DISTRICT.** This Section has been amended to remove the sunset provision.
  31. **SEC. 790.22. BAR.** This Section has been amended to clarify that if a bar use also includes a full-service restaurant, or a small self-service restaurant, then these uses are considered to be separate and distinct, even though they may occupy the same retail space.
  32. **SEC. 790.44. HOSPITAL OR MEDICAL CENTER.** This Section has been amended to include outpatient medical care.
  33. **SEC. 790.141. MEDICAL CANNABIS DISPENSARY.** This Section has been amended to and to streamline existing MCD controls and processes and making them consistent throughout the Planning Code (Articles 2, 7, and 8).
  34. **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.** This Section has been amended to add appropriate references.
  35. **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND SOUTH OF MARKET USE MIXED USE DISTRICTS.** This Section has been amended to add appropriate references.
  36. **SEC. 803.6. FORMULA RETAIL USES IN THE CHINATOWN MIXED USE DISTRICTS AND IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.** This Section has been amended to add appropriate references.
  37. **SEC. 890.133. MEDICAL CANNABIS DISPENSARY.** This Section has been amended to and to streamline existing MCD controls and processes and making them consistent throughout the Planning Code (Articles 2, 7, and 8 all have MCD definitions).

**The link to signed legislation:**

110482	<a href="#">0140-11</a>	Planning Code - Miscellaneous Technical Amendments <a href="http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0140-11.pdf">http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0140-11.pdf</a>
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