

[Ordinance to classify and regulate Internet Services Exchange.]

**Ordinance amending the San Francisco Planning Code by amending Sections 209.6, 790.80 and 890.80 to define Internet Services Exchange as a new use within the utility installation use category; by amending Sections 178, 227, 234.2, 303, 817, 818, 907, 908, 912, and 913 to establish a requirement for a conditional use authorization for Internet Services Exchanges; by amending Section 204 to include certain Internet Service Exchanges as an accessory use; and adopting findings.**

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

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

Section 1. General Findings

(1) Several Internet Services Exchanges, large buildings used for the purpose of housing, operating and/or co-locating computer equipment that provides electronic data storage, switching or transmission functions have been constructed within the same geographic area of San Francisco during the past few years.

(2) Some of these Internet Services Exchanges are six-story buildings with large floor plates located near or adjacent to single-family residences which have resulted in a negative impact on the land use relationship between industrial and residential uses.

(3) Internet Services Exchanges impact the viability of the neighborhood by the security precautions that typically surround the building, low employee occupancy and dependence on back-up diesel generators.

(4) Some Internet Services Exchanges require large quantities of uninterrupted power, up to ten times the amount of standard office space.

1 (5) San Francisco's existing energy load exceeds the capacity of existing transmission  
2 lines.

3 (6) Given the current energy crisis in California, San Francisco must assess the energy  
4 needs of all large energy users including but not limited to Internet Services Exchanges and  
5 must determine how those needs can be met and ultimately reduced.

6 (7) Given that the California Air Resources Board has classified diesel emissions as a  
7 toxic air contaminant, San Francisco is concerned about the potential health hazard posed by  
8 diesel emissions polluting the air in the form of nitrogen oxides and particulate matter, and  
9 must impose measures on large users of diesel fuel to reduce the generation of diesel fuel  
10 emissions.

11 (8) The imposition of conditions concerning energy usage and diesel emissions on  
12 Internet Services Exchange may be a first step toward imposing regulations across the board  
13 on all heavy users of energy and diesel fuels.

14 (9) The imposition of conditions on the development of Internet Services Exchanges is  
15 useful to encourage the appropriate location and scale of Internet Services Exchanges and to  
16 enhance development that will be compatible with surrounding neighborhoods, expand  
17 employment opportunities and increase the vitality of commercial and residential districts.

18 (10) It is not the intent of the Board of Supervisors by imposing conditions on Internet  
19 Services Exchanges to prohibit or have the effect of prohibiting the provision of  
20 telecommunication services.

21 (11) The conditions imposed on development of internet services exchanges advance  
22 and are consistent with numbers 1, 2 and 5 of the priority policies of the Planning Code  
23 Section 101.1 in that they attempt to conserve a diverse economic base, existing  
24 neighborhood-serving retail and neighborhood character, and assure enhanced employment  
25 opportunities for residents. With respect to priority policies numbered 3, 4, 6, 7 and 8, the

1 Board finds that the conditions on development of internet services exchanges will have no  
2 effect upon these policies, and thus, will not conflict with said policies.

3 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
4 178, to read as follows:

5 **SEC. 178. CONDITIONAL USES.**

6 The following provisions shall apply to conditional uses:

7 (a) Definition. For the purposes of this Section, a permitted conditional use  
8 shall refer to:

9 (1) Any use or feature authorized as a conditional use pursuant to Article 3 of  
10 this Code, provided that such use or feature was established within the time limits specified as  
11 a condition of authorization or, if no time limit was specified, within a reasonable time from the  
12 date of authorization; or

13 (2) Any use or feature which is classified as a conditional use in the district in  
14 which it is located and which lawfully existed either on the effective date of this Code, or on  
15 the effective date of any amendment imposing new conditional use requirements upon such  
16 use or feature; or

17 (3) Any use deemed to be a permitted conditional use pursuant to Section  
18 179 of this Code.

19 (b) Continuation. Except as provided for temporary uses in Section 205 of  
20 this Code, and except where time limits are otherwise specified as a condition of  
21 authorization, any permitted conditional use may continue in the form in which it was  
22 authorized, or in the form in which it lawfully existed either on the effective date of this Code or  
23 the effective date of any amendment imposing new conditional use requirements upon such  
24 use or feature, unless otherwise provided in this Section or in Article 2 of this Code.  
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1 (c) Enlargements or Alteration. A permitted conditional use may not be  
2 significantly altered, enlarged, or intensified, except upon approval of a new conditional use  
3 application pursuant to the provisions of Article 3 of this Code. With regard to an Internet  
4 Services Exchange as defined in Section 209.6(c), any physical alteration which will enlarge or expand  
5 the building for the purpose of intensifying the use shall be deemed to be significant under this section,  
6 and any increase in the size of electrical service to the building which will require a permit from the  
7 Department of Building Inspection shall be deemed to be significant under this section.

8 (d) Abandonment. A permitted conditional use which is discontinued for a  
9 period of three years, or otherwise abandoned, shall not be restored, except upon approval of  
10 a new conditional use application pursuant to the provisions of Article 3 of this Code. For  
11 purposes of this Subsection, the period of nonuse for a permitted conditional use to be  
12 deemed discontinued in the North Beach Neighborhood Commercial District shall be eighteen  
13 (18) months.

14 (e) Changes in Use. The following provisions shall apply to permitted  
15 conditional uses with respect to changes in use:

16 (1) A permitted conditional use may be changed to another use listed in  
17 Articles 2, 7 or 8 of this Code as a principal use for the district in which it is located and the  
18 new use may thereafter be continued as a permitted principal use.

19 (2) A permitted conditional use may be changed to another use listed in  
20 Articles 2, 7 or 8 of this Code as a conditional use for the district in which the property is  
21 located, subject to the other applicable provisions of this Code, only upon approval of a new  
22 conditional use application, pursuant to the provisions of Article 3 of this Code.

23 (3) A permitted conditional use may not be changed to another use not  
24 permitted or prohibited by Articles 2, 7 or 8 of this Code. If a permitted conditional use has  
25 been wrongfully changed to another use in violation of the foregoing provisions and the

1 violation is not immediately corrected when required by the Zoning Administrator, the wrongful  
2 change shall be deemed to be a discontinuance or abandonment of the permitted conditional  
3 use.

4 (4) Once a permitted conditional use has been changed to a principal use  
5 permitted in the district in which the property is located, or brought closer in any other manner  
6 to conformity with the use limitations of this Code, the use of the property may not thereafter  
7 be returned to its former permitted conditional use status, except upon approval of a new  
8 conditional use application pursuant to the provisions of Article 3 of this Code.

9 (5) In the North Beach Neighborhood Commercial District, any use that  
10 exceeds the use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use  
11 only upon approval of a new conditional use application. The Commission's approval of such  
12 conditional use application shall explicitly address the use size findings of Section 303(c).

13 (6) In the Castro Street Neighborhood Commercial District, any use that  
14 exceeds the use size provisions of Section 121.2(a), but is smaller than the maximum use  
15 size limit of Section 121.2(b), may be changed to a new use only upon approval of a new  
16 conditional use application. The Commission's approval of such conditional use application  
17 shall explicitly address the use size findings of Section 303(c).

18 (f) Notwithstanding the foregoing provisions of this Section 178, a structure  
19 occupied by a permitted conditional use that is damaged or destroyed by fire, or other  
20 calamity, or by Act of God, or by the public enemy, may be restored to its former condition and  
21 use without the approval of a new conditional use application, provided that such restoration is  
22 permitted by the Building Code, and is started within one year and diligently pursued to  
23 completion. Except as provided in Subsection (g) below, no structure occupied by a permitted  
24 conditional use that is voluntarily razed or required by law to be razed by the owner thereof  
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1 may thereafter be restored except upon approval of a new conditional use application  
2 pursuant to the provisions of Article 3 of this Code.

3 (g) None of the provisions of this Section 178 shall be construed to prevent  
4 any measures of construction, alteration or demolition necessary to correct the unsafe or  
5 dangerous condition of any structure, other feature, or part thereof, where such condition has  
6 been declared unsafe or dangerous by the Superintendent of the Bureau of Building  
7 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the  
8 proposed measures have been declared necessary, by such official, to correct the said  
9 condition; provided, however, that only such work as is absolutely necessary to correct the  
10 unsafe or dangerous condition may be performed pursuant to this Section. (Added by Ord.  
11 69-87, App. 3/13/87; amended by Ord. 131-87, App. 4/24/87; Ord. 115-90, App. 4/6/90; Ord.  
12 312-99, File No. 991586, App. 12/3/99; Ord. 198-00, File No. 993231, App. 8/18/2000)

13 Section 3. The San Francisco Planning Code is hereby amended by amending Section  
14 204, to read as follows:

15 **SEC. 204. ACCESSORY USES, GENERAL.**

16 Subject to the limitations set forth in this Code, and especially as specified in Sections  
17 204.1 through 204.5, a related minor use which is either (a) necessary to the operation or  
18 enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and  
19 subordinate to any such use, and (c) in the case of Internet Services Exchange as defined in Section  
20 209.6(c) which use does not exceed 25,000 gross square feet of floor area or use more than two  
21 megawatts of back-up power generators, shall be permitted as an accessory use when located on  
22 the same lot; provided, however, that in the Outer Clement Neighborhood Commercial District  
23 the storage of materials for a commercial use shall be permitted as an accessory use if the  
24 storage occurred prior to 1985, if it is within 200 feet of the use to which it is accessory, if it is  
25 accessible to the principal permitted use without the use of a public sidewalk or other public

right-of-way, and if the provision of storage would not conflict with the provisions of Section 145.1 relating to street frontage in N-C Districts. (Amended by Ord. 443-78, App. 10/6/78; Ord. 463-87, App. 11/19/87)

Section 4. The San Francisco Planning Code is hereby amended by amending Section 209.6, to read as follows:

**SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.**

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RC-1	RC-2	RC-3	RC-4	
P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
C	C	C	C	C	C	C	C	C	C	C	C	C	(b) Utility installation, including but not necessarily limited to water, gas, electric, transportation or communications utilities, or public service facility, <i>except as stated in Section 209.6(c)</i> , provided that operating requirements necessitate placement at this location. (Added by Ord. 443-78, App. 10/6/78)
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	(c) <u>Utility Installation that is an Internet Services Exchange defined as a location that contains any of the following uses (excluding any commercial wireless transmitting, receiving or relay facility described in Sections 227(h) and 227(i)): switching equipment (whether wireline or wireless) that joins or connects occupants, customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.</u>

Section 5. The San Francisco Planning Code is hereby amended by amending Section 227, to read as follows:

SEC. 227. OTHER USES.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	
P*	P*				P	P	P	P	(a) Greenhouse or plant nursery.
P*	P*					P	P	P	(b) Truck gardening, horticulture.
	C			C	C	P	P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	P	P	P	P	P	P	P	P	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
P*	P*	C	C	P	P	P	P	P	(e) Utility installation, <i>excluding Internet Services Exchange, (see Section 227(t))</i> ; public service facility, excluding service yard provided that operating requirements necessitate location within the district.
C*	C*	C	C	C	C	C	C	C	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes: (1) Off-street passenger terminal facilities for mass transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system; and (2) Landing field for aircraft.
C*	C*	C	C	C	C	C	P	P	(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.



P	P	P	P	P	P	P	P	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals where: (1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; and (2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)
C	C	C	C	C	C	C	C	C	(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where: (1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; or (2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or combination of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)
P*	P*	P	P	P	P	P	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
	P*	P	P	P	P	P	P	P	(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P*	P*	P	P	P	P	P	P	P	(l) Access driveway to property in any C or M District.

C	C					C	C	C	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
								P	(n) Any use that is permitted as a principal use in any other C or M District without limitation as to enclosure within a building, wall or fence.
SEE SECTIONS 205 THROUGH 205.2									(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)
P	P	P	P	P	P	P	P	P	(p) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the unit and that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.
P	P	P	P	P	P	P	P	P	(q) Subject to Section 233(a), live/work units not included above but satisfying the conditions of Section 233(b) of this Code.
P	P	P	P	P	P	P	P	P	(r) Arts activities.
	P						P	P	(s) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust. (Amended Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 15-98, App. 1/16/98; Ord. 112-98, App. 4/2/98)
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	(t) <u>Internet Services Exchange as defined in Section 209.6(c)</u>

Section 6. The San Francisco Planning Code is hereby amended by amending Section 234.2, to read as follows:

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

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

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

3 (b) With respect to any lot in a P District, which lot is within ¼ mile of the nearest  
4 NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this  
5 Code, no accessory nonpublic use shall be permitted, unless such use or feature complies  
6 with the controls which are applicable in any NC-1 or Individual Area Neighborhood  
7 Commercial District or Restricted Use Subdistrict located within ¼ mile of the lot, excluding  
8 the provisions of zoning category .82, as defined in Section 790.80 of Article 7.

9 (c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code  
10 when located within any P district within the South of Market Base District and within the right-  
11 of-way of any state or federal highway.

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

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

- 16 (A) The space is on the ground floor of a publicly-accessible parking garage;  
17 (B) The total gross floor area per establishment does not exceed 2,500 square feet;  
18 (C) The space fronts on a major thoroughfare; and  
19 (D) The building facade incorporates sufficient fenestration and lighting to create an  
20 attractive urban design and pedestrian-oriented scale.

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

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

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

3 (C) The site and vicinity are maintained free of trash and debris. (Amended by Ord.  
4 443.78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 445-87, App. 11/12/87; Ord. 115-90,  
5 App. 4/6/90)

6 Section 7. The San Francisco Planning Code is hereby amended by amending Section  
7 303, to read as follows:

8 **SEC. 303. CONDITIONAL USES.**

9 (a) General. The City Planning Commission shall hear and make determinations  
10 regarding applications for the authorization of conditional uses in the specific situations in  
11 which such authorization is provided for elsewhere in this Code. The procedures for  
12 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,  
13 except that Planned Unit Developments shall in addition be subject to Section 304, medical  
14 institutions and post-secondary educational institutions shall in addition be subject to the  
15 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit  
16 Development applications filed pursuant to Article 7, or otherwise required by this Code for  
17 uses or features in Neighborhood Commercial Districts, and conditional use applications  
18 within South of Market Districts, shall be subject to the provisions set forth in Sections 316  
19 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this  
20 Code, with respect to scheduling and notice of hearings, and in addition to those provided for  
21 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and  
22 reconsideration.

23 (b) Initiation. A conditional use action may be initiated by application of the owner,  
24 or authorized agent for the owner, of the property for which the conditional use is sought.  
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1 (c) Determination. After its hearing on the application, or upon the recommendation  
2 of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of  
3 this Code and no hearing is required, the City Planning Commission shall approve the  
4 application and authorize a conditional use if the facts presented are such to establish:

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

8 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a  
9 location in which the square footage exceeds the limitations found in Planning Code §  
10 121.2(a) or 121.2(b), the following shall be considered:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (6) With respect to applications for live/work units in RH and RM Districts filed  
4 pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

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

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

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

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

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

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

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

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

23 (1) The Director of Planning or the Planning Commission may seek a public hearing  
24 on conditional use abatement when the Director or Commission has substantial evidence of a  
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1 violation of conditions of approval, a violation of law, or operation which creates hazardous,  
2 noxious or offensive conditions enumerated in Section 202(c).

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

7 (3) In considering a conditional use revocation, the Commission shall consider  
8 substantial evidence of how any required condition has been violated or not implemented or  
9 how the conditional use is in violation of the law if the violation is within the subject matter  
10 jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,  
11 noxious or offensive conditions enumerated in Section 202(c) if the violation is within the  
12 subject matter jurisdiction of the Planning Commission. As an alternative to revocation, the  
13 Commission may consider how the use can be required to meet the law or the conditions of  
14 approval, how the hazardous, noxious or offensive conditions can be abated, or how the  
15 criteria of Section 303(c) can be met by modifying existing conditions or by adding new  
16 conditions which could remedy a violation.

17 (4) Appeals. A decision by the Planning Commission to revoke a conditional use, to  
18 modify conditions or to place additional conditions on a conditional use or a decision by the  
19 Planning Commission refusing to revoke or amend a conditional use, may be appealed to the  
20 Board of Supervisors within 30 days after the date of action by the Planning Commission  
21 pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the  
22 action of the Planning Commission in an abatement matter by the same vote necessary to  
23 overturn the Commission's approval or denial of a conditional use. The Planning  
24 Commission's action on a conditional use abatement issue shall take effect when the appeal  
25 period is over or, upon appeal, when there is final action on the appeal.

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

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

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

16 (g) Hotels and Motels.

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

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

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

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

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

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

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

9 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the  
10 conversion of residential units to tourist hotel or motel use pursuant to an application filed on  
11 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco  
12 Administrative Code, the Planning Commission shall not consider the criteria contained in  
13 Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the  
14 criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies  
15 for a permit for new construction or alteration where the cost of such construction or alteration  
16 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to  
17 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed  
18 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to  
19 Chapter 41 of the San Francisco Administrative Code. (Amended by Ord. 443-78, App.  
20 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord.  
21 47-92, App. 2/14/92; Ord. 304-99, File No. 990495, App. 12/3/99; Ord. 311-99, File No.  
22 991585, App. 12/3/99; Ord. 169-00, File No. 991953, App. 7/7/2000; Ord. 259-00, File No.  
23 001422, App. 11/17/2000)

24 (h) Internet Services Exchange

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (C) Within three years from the effective date of the requirement of a conditional use permit  
22 for an Internet Services Exchange, the Planning Department, in consultation with the Department of  
23 Environment, shall submit to the Board of Supervisors a written report, which report shall contain the  
24 Planning Commission's evaluation of the effectiveness of the conditions imposed on Internet Services  
25 Exchanges, and whether it recommends additional or modified conditions to reduce energy and fuel

1 consumption, limit air pollutant emissions, and enhance the compatibility of industrial uses, such as  
2 Internet Services Exchanges, located near or in residential or commercial districts.

3 Section 8. The San Francisco Planning Code is hereby amended by amending Section  
4 790.80, to read as follows:

5 **SEC. 790.80. PUBLIC USE.**

6 A publicly or privately owned use which provides public services to the community,  
7 whether conducted within a building or on an open lot, and which has operating requirements  
8 which necessitate location within the district, including civic structures (such as museums,  
9 post offices, administrative offices of government agencies), public libraries, police stations,  
10 transportation facilities, utility installations, including Internet Services Exchange, and wire-less  
11 transmission facilities. Such use shall not include service yards, machine shops, garages,  
12 incinerators and publicly operated parking in a garage or lot. "Publicly operated parking" is  
13 defined in Sections 790.8 and 790.10 of this Code. Public uses shall also include a community  
14 recycling collection center, as defined in Subsection (a) below.

15 (a) Community Recycling Collection Center. A public use, which collects, stores or  
16 handles recyclable materials, including glass and glass bottles, newspaper, aluminum, paper  
17 and paper products, plastic and other materials which may be processed and recovered, if  
18 within a completely enclosed container or building, having no openings other than fixed  
19 windows or exits required by law, provided that: (1) flammable materials are collected and  
20 stored in metal containers and (2) collection hours are limited to 9:00 a.m. to 7:00 p.m. daily. It  
21 does not include the storage, exchange, packing, disassembling or handling of junk, waste,  
22 used furniture and household equipment, used cars in operable condition, used or salvaged  
23 machinery, or salvaged house-wrecking and structural steel materials and equipment. (Added  
24 by Ord. 69-87, App. 3/13/87)

Section 9. The San Francisco Planning Code is hereby amended by amending Section 817, to read as follows:

**SEC. 817. SLI—SERVICE/LIGHT INDUSTRIAL DISTRICT.**

The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted. (Added by Ord. 115-90, App. 4/6/90)

**Table 817**  
**SLI — SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

			Service/Light Industrial District
No.	Zoning Category	§ References	Controls
817.01	Height		As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65 feet; See Zoning Sectional Maps 1 and 7
817.02	Bulk	§270	See Zoning Sectional Maps 1 and 7
817.03	Residential Density Limit	§208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
817.04	Non-Residential Density Limit	§§102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
817.05	Usable Open Space for Dwelling Units and Group Housing	§135	36 sq. ft. per unit
817.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§135.2	36 sq. ft. per unit

1	817.07	Usable Open Space for Other Uses	\$135.3	Varies by use
2	817.09	Outdoor Activity Area	\$890.70	P
3	817.10	Walk-up Facility, including Automated Bank Teller Machine	§§890.140, 803.5(d)	P
4	817.12	Residential Conversion	\$803.5(b)	C
5	817.13	Residential Demolition	\$803.5(b)	C
6	Residential Use			
7	817.14	Dwelling Units	§§102.7, 803.5(f)	C, if low-income pursuant to §803.5(f); otherwise NP
8	817.15	Group Housing	\$890.88(b)	C
9	817.16	SRO Units	\$890.88(c)	C
10	Institutions			
11	817.17	Hospital, Medical Centers	\$890.44	NP
12	817.18	Residential Care	\$890.50(e)	C
13	817.19	Educational Services	\$890.50(c)	P
14	817.20	Religious Facility	\$890.50(d)	P
15	817.21	Assembly and Social Service, except Open Recreation and Horticulture	\$890.50(a)	C
16	817.22	Child Care	\$890.50(b)	P
17	Vehicle Parking			
18	817.25	Automobile Parking Lot, Community Residential	\$890.7	P
19	817.26	Automobile Parking Garage, Community Residential	\$890.8	P
20	817.27	Automobile Parking Lot, Community Commercial	\$890.9	P
21	817.28	Automobile Parking Garage, Community Commercial	\$890.10	P
22	817.29	Automobile Parking Lot, Public	\$890.11	P
23	817.30	Automobile Parking Garage, Public	\$890.12	C
24	Retail Sales and Services			
25	817.31	All Retail Sales and Services which are not Office Uses or prohibited by §803.4, including bars, full service and fast food restaurants, take out food services, and personal services	\$890.104	P
	Assembly, Recreation, Arts and Entertainment			



1	817.37	Nighttime Entertainment	\$102.17	NP
	817.38	Meeting Hall	§221(c)	C
2	817.39	Recreation Building	§221(e)	C
3	817.40	Pool Hall, Card Club, not falling within Category 817.21	§§221(f), 803.4	P
4	817.41	Theater, falling within §221(d), except Movie Theater	§§221(d), 890.64	P
5	Home and Business Service			
6	817.42	Trade Shop	\$890.124	P
7	817.43	Catering Service	\$890.25	P
8	817.45	Business Goods and Equipment Repair Service	\$890.23	P
9	817.46	Arts Activities, other than Theaters	\$102.2	P
	817.47	Business Services	\$890.111	P
10	Office			
11	817.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	\$803.5(c)	C
12	817.49	Work Space of Design Professionals	§§890.28, 803.5(k)	P, subject to §803.5(k)
13	817.50	Office Uses Related to the Hall of Justice	§§803.5(j), 822	P in Special Use District, pursuant to §803.5(j)
14	817.51	All Other Office Uses	\$890.70	NP
15	Live/Work Units			
16	817.51	Live/Work Units where the work activity is an Arts Activity	§§102.2, 102.13, 209.9(f) and (g), 233	P
17	817.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§102.13, 233	P
18	817.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	\$233	C
19	817.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	\$803.5(c)	C
20	817.55	All Other Live/Work Units		NP
21	Automotive Services			
22	817.57	Vehicle Storage—Open Lot	\$890.131	P

1	817.58	Vehicle Storage—Enclosed Lot or Structure	\$890.132	P
2	817.59	Motor Vehicle Service Station, Automotive Wash	\$\$890.18, 890.20	P
3	817.60	Motor Vehicle Repair	\$890.15	P
4	817.61	Motor Vehicle Tow Service	\$890.19	C
5	817.62	Non-Auto Vehicle Sale or Rental	\$890.69	P
6	817.63	Public Transportation Facilities	\$890.80	P
7	<b>Industrial</b>			
8	817.64	Wholesale Sales	\$890.54(b)	P
9	817.65	Light Manufacturing	\$890.54(a)	P
10	817.66	Storage	\$890.54(c)	P
11	817.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	\$255	P
12	<b>Other Uses</b>			
13	817.68	Animal Services	\$224	P
14	817.69	Open Air Sales	\$\$803.5(e), 890.38	P
15	817.70	Ambulance Service	\$890.2	P
16	817.71	Open Recreation and Horticulture	\$209.5	P
17	817.72	Public Use, except Public Transportation Facility <i>and Internet Services Exchange, (see Section 817.77)</i>	\$890.80	P
18	817.73	Commercial Wireless Transmitting, Receiving or Relay Facility	\$227(h)	C
19	817.74	Greenhouse or Plant Nursery	\$227(a)	P
20	817.75	Mortuary Establishment	\$227(c)	NP
21	817.76	General Advertising Sign	\$607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP
22	817.77	<i>Internet Services Exchange</i>	<i>\$209.6(c)</i>	<i>C</i>

(Added by Ord. 115-90, App. 4/6/90; amended by Ord. 368-94, App. 11/4/94)

Section 10. The San Francisco Planning Code is hereby amended by amending  
Section 818, to read as follows:

**SEC. 818. SSO — SERVICE/SECONDARY OFFICE DISTRICT.**

The Service/Secondary Office District (SSO) is designed to accommodate small-scale light industrial, home and business services, arts activities, live/work units, and small-scale, professional office space and large-floor-plate “back office” space for sales and clerical work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted as conditional uses. Demolition or conversion of existing group housing or dwelling units requires conditional use authorization.

Office, general commercial, most retail, service and light industrial uses are principal permitted uses. Hotel, movie theater, adult entertainment and heavy industrial uses are not permitted. (Added by Ord. 115-90, App. 4/6/90)

**Table 818**  
**SSO — SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE**

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
818.01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet
818.02	Bulk Limit Designation	See Zoning Map, §270	As shown on Sectional Maps 1 and 7 of the Zoning Map
818.03	Residential Density	§§124(b), 207.5, 208	1:200 for dwellings; 1 bedroom for each 70 sq. ft. of lot area for group housing

1	818.04	Non-Residential Density Limit	§§102.9, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts
2	818.05	Usable Open Space for Dwelling Units and Group Housing	§135	36 sq. ft. per unit
3	818.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§135.2	36 sq. ft. per unit
4	818.07	Usable Open Space for Other Uses	§135.3	Varies by use
5	818.09	Outdoor Activity Area	§890.70	P
6	818.10	Walk-up Facility, including Automated Bank Teller Machine	§§890.140, 803.5(d)	P
7	818.11	Residential Conversion	§803.5(b)	C
8	818.12	Residential Demolition	§803.5(b)	C
9	Residential Use			
10	818.14	Dwelling Units	§102.7	C
11	818.15	Group Housing	§890.88(b)	C
12	818.16	SRO Units	§890.88(c)	P
13	Institutions			
14	818.17	Hospital, Medical Centers	§890.44	P
15	818.18	Residential Care	§890.50(c)	C
16	818.19	Educational Services	§890.50(c)	P
17	818.20	Religious Facility	§890.50(d)	P
18	818.21	Assembly and Social Service, except Open Recreation and Horticulture	§890.50(a)	C
19	818.22	Child Care	§890.50(b)	P
20	Vehicle Parking			
21	818.25	Automobile Parking Lot, Community Residential	§890.7	P
22	818.26	Automobile Parking Garage, Community Residential	§890.8	P
23	818.27	Automobile Parking Lot, Community Commercial	§890.9	P
24	818.28	Automobile Parking Garage, Community Commercial	§890.10	P
25				

1	818.29	Automobile Parking Lot, Public	\$890.11	P
2	818.30	Automobile Parking Garage, Public	\$890.12	C
3	<b>Retail Sales and Services</b>			
4	818.31	All Retail Sales and Services which are not Office Uses or prohibited by §803.4, including bars, full service and fast food restaurants, take out food services, and personal services	\$890.104	P
5	<b>Assembly, Recreation, Arts and Entertainment</b>			
6	818.37	Nighttime Entertainment	§§102.17, 803.5(a)	C
7	818.38	Meeting Hall, not falling within Category 818.21	§221(c)	P
8	818.39	Recreation Building, not falling within Category 818.21	§221(e)	P
9	818.40	Pool Hall, Card Club, not falling within Category 818.21	§§221(f), 803.4	P
10	818.41	Theater, falling within §221(d), except Movie Theater	§§221(d), 890.64	P
11	<b>Home and Business Service</b>			
12	818.42	Trade Shop	\$890.124	P
13	818.43	Catering Service	\$890.25	P
14	818.45	Business Goods and Equipment Repair Service	\$890.23	P
15	818.46	Arts Activities, other than Theaters	\$102.2	P
16	818.47	Business Services	\$890.111	P
17	<b>Office</b>			
18	818.48	All Office Uses including Work Space of Design Professionals	\$890.70	P
19	<b>Live/Work Units</b>			
20	818.54	Live/Work Units where the work activity is an Arts Activity	§§102.2, 102.13, 209.9(f), (g), 233	P

1	818.55	Live/Work Units where all the work activity is otherwise permitted	§§102.13, 233	P
2	Automobile Services			
3	818.57	Vehicle Storage—Open Lot	\$890.131	NP
4	818.58	Vehicle Storage—Enclosed Lot or Structure	\$890.132	P
5	818.59	Motor Vehicle Service Station, Automotive Wash	§§890.18, 890.20	P
6	818.60	Motor Vehicle Repair	\$890.15	P
7	818.61	Motor Vehicle Tow Service	\$890.19	C
8	818.62	Non-Auto Vehicle Sale or Rental	\$890.69	P
9	818.63	Public Transportation Facilities	\$890.80	P
10	Industrial			
11	818.64	Wholesale Sales	\$890.54(b)	P
12	818.65	Light Manufacturing	\$890.54(a)	P
13	818.66	Storage	\$890.54(c)	P
14	818.67	All Other Wholesaling, Storage Distribution and Open Air Handling of Materials and Equipment	\$255	P
15	Other Uses			
16	818.68	Animal Services	\$224	P
17	818.69	Open Air Sales	§§803.5(e), 890.38	P
18	818.70	Ambulance Service	\$890.2	P
19	818.71	Open Recreation and Horticulture	\$209.5	P
20	818.72	Public Use, except Public Transportation Facility <i>and Internet Services Exchange, (see Section 818.77)</i>	\$890.80	P
21	818.73	Commercial Wireless Transmitting, Receiving or Relay Facility	\$227(h)	C
22	818.74	Greenhouse or Plant Nursery	\$227(a)	P
23	818.75	Mortuary Establishment	\$227(c)	NP
24	818.76	General Advertising Sign	§607.2(b) & (e)	NP
25	818.77	Internet Services Exchange	\$209.6(c)	C

(Added by Ord. 115-90, App. 4/6/90; amended by Ord. 368-94, App. 11/4/94)

1 Section 11. The San Francisco Planning Code is hereby amended by amending  
2 Section 890.80, to read as follows:

3 **SEC. 890.80. PUBLIC USE.**

4 A publicly or privately owned use which provides public services to the community,  
5 whether conducted within a building or on an open lot, and which has operating requirements  
6 which necessitate location within the district, including civic structures such as museums, post  
7 offices, administrative offices of government agencies, public libraries, police stations,  
8 transportation facilities, utility installations, including Internet Services Exchange, and wireless  
9 transmission facilities. Such use shall not include service yards, machine shops, garages,  
10 incinerators and publicly operated parking in a garage or lot. Public uses shall also include a  
11 community recycling collection center, as defined in Subsection (a) below.

12 (a) Community Recycling Collection Center. A public use, which collects, stores or  
13 handles recyclable materials, including glass and glass bottles, newspaper, aluminum, paper  
14 and paper products, plastic and other materials which may be processed and recovered, if  
15 within a completely enclosed container or building, having no openings other than fixed  
16 windows or exits required by law. This use shall not include the storage, exchange, packing,  
17 disassembling or handling of waste, used furniture and household equipment, used cars in  
18 operable condition, used or salvaged machinery, or salvaged house-wrecking and structural  
19 steel materials and equipment. (Added by Ord. 131-87, App. 4/24/87)

20 Section 12. The San Francisco Planning Code is hereby amended by amending  
21 Sections 907 and 908, to read as follows:

22 **SEC. 907. MISSION BAY MODERATE DENSITY RESIDENTIAL DISTRICT (MB-R-2).**

23 The MB-R-2 Districts are generally located toward the middle and southern portions of  
24 the residential area. These districts are to be developed with three and four story flats and  
25 apartments, some with at-grade back yards, some with open space on top of one level of

aggregated parking, and some with upper level balconies. (Added by Ord. 63-91, App. 2/27/91)

### SEC. 908. MISSION BAY HIGH DENSITY RESIDENTIAL DISTRICT (MB-R-3).

The MB-R-3 Districts are on the periphery of the residential section of Mission Bay and provide a buffer between the lower and moderate density housing and the office and commercial-industrial development. These districts are to be developed with apartment complexes up to eight and ten stories in height with perimeter housing units with street level entries screening two levels of parking. Common open space is expected to be located on the parking podium.

**TABLES 906, 907, 908  
MISSION BAY RESIDENTIAL DISTRICTS (MB-R-1, MB-R-2 and MB-R-3) CONTROL  
TABLES**

			§906 MB-R-1	§907 MB-R-2	§908 MB-R-3
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
.10	Height	§§930-933, 940	max. 45 See text	max. 45 See text	Varies from 95 to 110. See Height Map & Text
.11	Bulk	§940	See text		
.12	Density	§920	Varies. See Table 920		
.13	Lot Coverage	§950	75% at most residential levels		
.14	Separation of Buildings	§950	Varies. See Table 950		
.15	Setbacks at Building Bases	§941	R	R	R
.16	Modulation of Building Fronts	§940	R	R	R
.17	Projections	§942	P	P	P
.18	Rooftop Features	§943	R	R	R
.19	Orientation of Units to Open Area	§952	R	R	R
.20	Usable Open Space [Per dwelling unit]	§951	Varies according to bldg. type. See Table 951		
.21	Off-Street Parking	§960(a)	Generally 1 space d.u.		
.22	Street Tree	§956	R	R	R
USES					
.30	Dwelling Unit	§102.7	P	P	P



.31	Group Housing	§209.2(a)(b)(c)	P	P	P
.32	Family Day Care	§996.1a	P	P	P
.33	Residential Care Facility small	§209.3(b)	P	P	P
.34	large	§209.3(c)	C	C	C
.35	Child Care Facility small	§209.3(e)	P	P	P
.36	large	§209.3(f)	C	C	C
.37	Religious Institutions	§209.3(j)	C	C	C
.38	Community Facilities*	§209.4		P	P
.39	Open Recreation and Horticultural	§209.5(b)		P	P
.40	Public Facilities and Utilities* <i>except Internet Services Exchange as defined in Section 209.6(c) (see No. .44)</i>	§209.6		P	P
.41	Vehicle Storage and Access	§209.7		C	C
.42	Small Scale Convenience Retail	§§996(b)(9), 921, 960(a), 972(a)5	P	P	P
.43	Public Transportation Facility**	§996(b)(12)	P	P	P
.44	<i>Internet Services Exchange</i>	<i>§209.6(c)</i>		<u>C</u>	<u>C</u>

\*As more particularly identified and described in the Mission Bay Plan.

\*\*Permitted only along and in the vicinity of Sixteenth Street and China Basin Street if the freight tracks providing rail service to Piers 48, 50 and 80 are relocated as more particularly described in Chapter 4 of the Mission Bay Plan.

(Added by Ord. 63-91, App. 2/27/91)

Section 13. The San Francisco Planning Code is hereby amended by amending Sections 912 and 913 to read as follows:

**SEC. 912. MISSION BAY OFFICE DISTRICT (MB-O).**

The MB-O District is located on either side of King Street. This district is to be developed with large floor plate and smaller structures for office uses. The buildings are expected to occupy most of the development parcel and will vary in height from four to eight stories. Permitted parking will be located beneath the office buildings and in above grade parking structures. Some convenience retail and other uses will be located at the base of

office buildings and parking structures. Usable open space will be provided in a variety of forms, including at grade plazas and courtyards. (Added by Ord. 63-91, App. 2/27/91)

### **SEC. 913. MISSION BAY COMMERCIAL-INDUSTRIAL DISTRICT (MB-CI).**

The MB-CI District is located on Owens Street. This district is expected to house firms which provide business services, manufacture, warehouse or distribute products or conduct research and development activities. Institutional, office and large-scale retail uses are also permitted. Live/work units are permitted. Buildings will vary from three to six stories in height. (Added by Ord. 63-91, App. 2/27/91; amended by Ord. 248-97, App. 6/18/97)

### **TABLES 912, 913, 914**

### **MISSION BAY OFFICE, COMMERCIAL-INDUSTRIAL AND HOTEL DISTRICTS (MB-O, MB-CI and MB-H) CONTROL TABLES**

			§912 MB-O	§913 MB-CI	§914 MB-H
No.	Zoning Category	§ References	Controls		
BUILDING STANDARDS					
.10	Height	§§930-933, 940	Max. 110'*	Max. 85'* except for property east of Owens St. which will be Max. 95'	Max. 45'*
.11	Bulk	§940	See §940 text		
.12	Lot Coverage	§953	See §953 text		
.13	Density	§§923, 924	§923	§923	§924
.14	Off-Street Parking	§§962, 963, 966	1 space/1,000 s.f. or 2.5 spaces/1,000 s.f. on property zoned MB-CI east of Owens St.		R
.15	Off-Street Freight Loading	§968	See Table 968		
.16	Tour Bus Loading	§969	NA	NA	See Table
.17	Open Space	§954	1 s.f./40 s.f.	1 s.f./40 s.f.	
.18	Projections	§942	P	P	P

.19	Rooftop Features	\$943	R	R	R
.20	Awning, Canopy, Marquee	\$944	P	P	P
.21	Street Trees	\$956	R	R	R
.22	Artworks	\$957	R	R for Office Use	R
.23	Signs	\$973	P	P	P
.50	Professional and Business Office	\$219	P	P	
.51	Home and Business Service	\$222	P	P	P
.52	Institution	\$217	P	P	
.53	Retail Sales and Personal Service	\$218	P	P	P
.54	Wholesale Establishment	\$225(a)-(c), (f)	P	P	
.55	Light Manufacturing	\$226(a)-(d)		P	
.56	Research or Testing Laboratory	\$226(e)		P	
.57	Experimental Laboratory	\$226(f)		C	
.58	Greenhouse or Plant Nursery	\$227(a)		P	
.59	Public Structure*	\$227(d)	P	P	
.60	Utility Installation* <i>except Internet Services Exchange as defined in Section 209.6(c) (see No. .65)</i>	\$227(e)	P	P	
.61	Public Transp. Facility*	\$227(f)(1), (g)	P	P	
.62	Live/Work Unit (Any Permitted Work Activity)	\$996(3)		P	
.63	Arts Activity and Space	\$102.2	P	P	
.64	Hotel	\$216(b)(i), (ii)			P
.65	<i>Internet Services Exchange</i>	\$227(t)	C	C	

\*As more particularly identified and described in the Mission Bay Plan.

(Added by Ord. 63-91, App. 2/27/91; amended by Ord. 249-97, App. 6/18/97)

APPROVED AS TO FORM:  
LOUISE H. RENNE, City Attorney

By:   
ELAINE C. WARREN  
Deputy City Attorney



# City and County of San Francisco

## Tails

## Ordinance

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City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 011448

**Date Passed:**

Ordinance amending the San Francisco Planning Code by amending Sections 209.6, 790.80 and 890.80 to define Internet Services Exchange as a new use within the utility installation use category; by amending Sections 178, 227, 234.2, 303, 817, 818, 907, 908, 912, and 913 to establish a requirement for a conditional use authorization for Internet Services Exchanges; by amending Section 204 to include certain Internet Service Exchanges as an accessory use; and adopting findings.

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April 29, 2002 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

May 6, 2002 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

May 13, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin,  
Sandoval, Yee  
Absent: 1 - Newsom

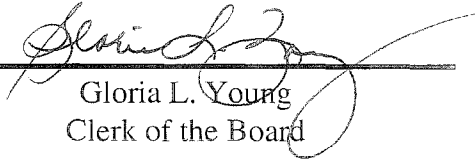
File No. 011448


I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on May 13, 2002 by  
the Board of Supervisors of the City and  
County of San Francisco.

MAY 24 2002

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Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Willie L. Brown Jr.