

1 [Requirements for off-street parking and loading.]

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3 **Ordinance amending the San Francisco Planning Code by amending Section 151 to**  
 4 **reduce the required number of parking spaces for housing for seniors and physically**  
 5 **handicapped persons, affordable housing, group housing, SRO units and residential**  
 6 **care facilities; amending Section 154 to revise the minimum dimensions for off-street**  
 7 **parking spaces, to encourage space-efficient parking and to no longer require**  
 8 **independently accessible parking and define independently accessible parking to**  
 9 **include parking accessed by automated garages or car elevators and valet parking;**  
 10 **amending Section 155 to delete a requirement for independently accessible parking**  
 11 **and require parking design to prevent bicycle and transit lane conflicts; amending**  
 12 **Section 157 to provide for a demonstration that car-share parking cannot satisfy the**  
 13 **need for non-accessory parking as a conditional use; amending Section 167 to provide**  
 14 **for optional parking in all new residential buildings or conversions to residential**  
 15 **buildings of 10 units or more; amending Section 303(c)(2)(B) to provide for**  
 16 **consideration of whether a use seeking a conditional use permit is providing car-share**  
 17 **parking; amending Section 790.10 to include a car-share parking space as part of a**  
 18 **community residential parking use; amending Section 890.10 to include a car-share**  
 19 **parking space as part of a community commercial parking garage use; and adopting**  
 20 **findings.**

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

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

25 Section 1. Findings.

1 (1) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
2 ordinance will serve the public necessity convenience and welfare for the reasons set forth in  
3 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by this  
4 reference thereto. A copy of said resolution is on file with the Clerk of the Board of  
5 Supervisors in File No. \_\_\_\_\_.

6 (2) The Board of Supervisors finds that this ordinance is in conformity with the  
7 Priority Policies of Section 101.1 of the Planning Code and with the General Plan, and hereby  
8 adopts the findings set forth in Planning Commission Resolution No. \_\_\_\_\_ and incorporates  
9 such findings by reference as if fully set forth herein. A copy of said resolution is on file with  
10 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

11 Section 2. The San Francisco Planning Code is hereby amended by amending  
12 Sections 151, 154, 155, 157, 167, 303, 790.10 and 890.10 to read as follows:

13 Sec. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

14 Off-street parking spaces shall be provided in the minimum quantities specified in the  
15 following table, except as otherwise provided in Section 151.1 and Section 161 of this Code.  
16 Where the building or lot contains uses in more than one of the categories listed, parking  
17 requirements shall be calculated in the manner provided in Section 153 of this Code. Where  
18 off-street parking is provided which exceeds certain amounts in relation to the quantities  
19 specified in this table, as set forth in Section 204.5 of this Code, such parking shall be  
20 classified not as accessory parking but as either a principal or a conditional use, depending  
21 upon the use provisions applicable to the district in which the parking is located. In  
22 considering an application for a conditional use for any such parking, due to the amount being  
23 provided, the City Planning Commission shall ~~consider~~ apply the criteria set forth in Section  
24 157 of this Code.

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Table 151 OFF-STREET PARKING SPACES REQUIRED	
Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each dwelling unit.
Dwelling, RC-4, RSD except in the Van Ness Special Use District	One for each four dwelling unit.
Dwelling, specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code	<i>None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5 <del>One fifth</del> the number of spaces specified above for the district in which the dwelling is located. In RH-1 and RH-2 Districts, one-fifth the number of spaces specified above for the district in which the dwelling is located.</i>
<i>Dwelling, in an affordable housing project as defined by Section 313.1 or 315.1 of this Code.</i>	<i>None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5, the number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located. The number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located.</i>
Group housing of any kind	<i>None in districts other than RH-2, except for purposes of determining spaces required by this Code in Section 204.5 one for each three bedrooms or for each six beds, whichever results in the greater requirements, plus one for the manager's dwelling unit if any, with a minimum of two spaces required. In RH-2 Districts, <del>One</del> for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any, with a minimum of two spaces required.</i>
SRO units	<i>None, except for purposes of determining spaces required by this Code in Section 204.5 in <del>the</del> the South of Market base area, one for each 20 units, plus one for the manager's dwelling unit, if any, with a minimum of two spaces.</i>
Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.

1	Hotel, inn or hostel in districts other than NC	One for each 16 guest bedrooms where the number of guest bedrooms exceeds 23, plus one for the manager's dwelling unit, if any.
2	Motel	One for each guest unit, plus one for the manager's dwelling unit, if any.
3	Mobile home park	One for each vehicle or structure in such park, plus one for the manager's dwelling unit if any.
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5	Hospital or other inpatient medical institution	One for each 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the greater requirement, provided that these requirements shall not apply if the calculated number of spaces is no more than two.
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8	Residential care facility	<i>None in districts other than RH-1 and RH-2, except for purposes of determining spaces required by this Code in Section 204.5. In RH-1 and RH-2 Districts, one <del>One</del> for each 10</i>
9		<i>residents, where the number of residents exceeds nine</i>
10	Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
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12	Elementary school	One for each six classrooms.
13	Secondary school	One for each two classrooms.
14	Post-secondary educational institution	One for each two classrooms.
15	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
16	Theater or auditorium	One for each eight seats up to 1,000 seats where the number of seats exceeds 50 seats, plus one for each 10 seats in excess of 1,000.
17	Stadium or sports arena	One for each 15 seats.
18	Medical or dental office or outpatient clinic	One for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
19	Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
20	Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet, except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000 square feet.
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23	Restaurant, bar, nightclub, pool hall, dancehall, bowling alley or other similar enterprise	One for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
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1	Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
2	Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
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4	Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet, plus one for each 250 square feet of occupied floor area in excess of 20,000.
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7	Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts.	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
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9	Mortuary	Five
10	Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 10,000 square feet.
11	Arts activities and spaces except theater or auditorium spaces	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
12	Other manufacturing and industrial uses	One for each 1,500 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
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14	Live/work units	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each live/work unit.
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17           Sec. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND  
18 SERVICE VEHICLE SPACES.

19           (a)     Parking Spaces. Parking spaces are not required to be independently accessible,  
20 except as required elsewhere in the Building Code for spaces specifically designated for persons with  
21 physical disabilities. Space-efficient parking is encouraged.

22           (1)     ~~Every required~~ Each independently accessible off-street parking space shall have a  
23 minimum area of ~~160~~ 144 square feet for a standard space and 112.5 square feet for a compact  
24 space, except for the types of parking spaces authorized by Paragraph (a)(4) below and spaces

1 specifically designated for persons with physical disabilities, the requirements for which are set forth in  
2 the Building Code. ~~, except as specified in Paragraph (a)(2) below.~~ Every required space shall be  
3 of usable shape. The area of any such space shall be exclusive of driveways, aisles and  
4 maneuvering areas. The parking space requirements for the Bernal Heights Special Use  
5 District are set forth in Section 242.

6 (2) ~~In the case of any structure or use for which four or more off street parking spaces are~~  
7 ~~required, the fourth such space may be a compact car space, and for each two spaces required in~~  
8 ~~excess of four, the second such space may be a compact car space. For this purpose every compact car~~  
9 ~~space shall have a minimum area of 127.5 square feet and shall be specifically marked and identified~~  
10 ~~as a compact car space. For dwelling units or group housing within RED, SPD, RSD, SLR, SLI or SSO~~  
11 ~~Districts, 100 percent compact sizes shall be permitted. Any ratio of standard spaces to compact spaces~~  
12 ~~may be permitted, so long as compact car spaces are specifically marked and identified as a compact~~  
13 ~~space.~~ Special provisions relating to the Bernal Heights Special Use District are set forth in  
14 Section 242.

15 (3) Off-street parking spaces in DTR and C-3 Districts shall have no minimum area or  
16 dimension requirements, except as required elsewhere in the Building Code for spaces specifically  
17 designated for persons with physical disabilities.

18 (4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed  
19 without having to move another vehicle under its own power shall be deemed to be independently  
20 accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as  
21 may be imposed by the Zoning Administrator to insure the availability of attendant service at the time  
22 the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be  
23 deemed to be independently accessible. Any conditions imposed by the Zoning Administrator pursuant  
24 to this Section shall be recorded as a Notice of Special Restriction.

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1           (5) Space-efficient parking is parking in which vehicles are stored and accessed by valet,  
2           mechanical stackers or lifts, or other space-efficient means. Space-efficient parking is encouraged, and  
3           may be used to satisfy minimum-parking requirements so long as the project sponsor can demonstrate  
4           that all required parking can be accommodated by the means chosen.

5           (36) Ground floor ingress and egress to any off-street parking spaces provided for a  
6 structure or use, and all spaces to be designated as preferential carpool or van pool parking,  
7 and their associated driveways, aisles and maneuvering areas, shall maintain a minimum  
8 vertical clearance of seven feet.

9           ~~(4) In DTR and C-3 Districts, there shall be no minimum area or dimension requirements~~  
10 ~~for off-street parking spaces, except as required elsewhere in this Code for spaces specifically~~  
11 ~~designated for persons with physical disabilities, nor shall they be required to be independently~~  
12 ~~accessible. The use of mechanical parking lifts, valet services and other means to increase the~~  
13 ~~efficiency of space devoted to parking are encouraged.~~

14           (b) Freight Loading and Service Vehicle Spaces. Every required off-street freight  
15 loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a  
16 minimum vertical clearance including entry and exit of 14 feet, except as provided below.

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

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

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

4           Sec. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF  
5 OFF- STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.

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

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

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

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

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

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

13 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-  
14 G, and South of Market Districts shall be completely enclosed and access from a public street  
15 or alley shall be provided by means of a private service driveway, which is totally contained  
16 within the structure. Such a private service driveway shall include adequate space to  
17 maneuver trucks and service vehicles into and out of all provided spaces, and shall be  
18 designed so as to facilitate access to the subject property while minimizing interference with  
19 street and sidewalk circulation. Any such private service driveway shall be of adequate width  
20 to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no  
21 case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is  
22 determined to be primarily used for building service, pursuant to the provisions of Section 309  
23 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market

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1 District, up to four spaces may be allowed to be individually accessible directly from such a  
2 street or alley.

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

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

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

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

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

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

11 (k) Off-street parking and loading facilities shall be arranged, designed and operated  
12 so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and  
13 adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means  
14 of the layout and operation of facilities and by use of bumper or wheel guards or such other  
15 devices as are necessary.

16 (l) Driveways crossing sidewalks shall be no wider than necessary for ingress and  
17 egress, and shall be arranged, to the extent practical, so as to minimize the width and  
18 frequency of curb cuts, to maximize the number and size of on-street parking spaces available  
19 to the public, and to minimize conflicts with pedestrian and transit movements.

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

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

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1 (o) No area credited as all or part of a required off-street parking space shall also be  
2 credited as all or part of a required off-street loading space, or used as all or part of an  
3 unrequited off-street loading space. No area credited as all or part of a required off-street  
4 loading space shall also be credited as all or part of a required off-street parking space, or  
5 used as all or part of an unrequited off-street parking space.

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

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

10 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to  
11 preserve the pedestrian character of certain downtown and neighborhood commercial districts  
12 and to minimize delays to transit service, garage entries, driveways or other vehicular access  
13 to off-street parking or loading shall be regulated as follows on the following street frontages:

14 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as  
15 set forth in Section 827.

16 (2) The entire portion of Market Street in the C-3 Districts, not permitted.

17 (3) The entire portion of California Street, The Embarcadero, Folsom Street, Geary  
18 Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts, and Grant  
19 Avenue from Market Street to Bush Street and Montgomery Street from Market Street to  
20 Columbus Avenue, not permitted except with a conditional use permit.

21 (4) In C-3 Districts, no curb cuts accessing off-street parking or loading shall be  
22 created or utilized on street frontages identified along any Transit Preferential, Citywide  
23 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation  
24 Element of the General Plan or official city bicycle routes or bicycle lanes, where an  
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1 alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the  
2 side or sides of the street where bicycle lanes are located; for one-way bicycle routes or  
3 lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the  
4 officially adopted alignment is along the left side of the street. Where an alternative frontage  
5 is not available, parking or loading access along any Transit Preferential, Citywide Pedestrian  
6 Network or Neighborhood Commercial Streets as designated in the Transportation Element of  
7 the General Plan or official city bicycle lane or bicycle route, may be allowed as an exception  
8 in the manner provided in Section 309 in cases where it can be clearly demonstrated that the  
9 final design of the parking access minimizes negative impacts to transit movement and to the  
10 safety of pedestrians and bicyclists to the fullest extent feasible.

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

15 (1) Ground Floor or Below-Grade Parking and Street Frontages with Active Uses.

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

21 (B) Parking at the ground-level to the full height of the ground-level parking shall be  
22 lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet along all  
23 street frontages, except for space allowed for parking and loading access, building egress,  
24 and access to mechanical systems. So as not to preclude conversion of parking space to  
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1 other uses in the future, parking at the ground-level shall not be sloped and shall have a  
2 minimum clear ceiling height of nine feet.

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

9 (C) Parking allowed above the ground-level in accordance with an exception under  
10 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections  
11 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that  
12 accentuates ground floor retail and other uses, minimizes louvers and other mechanical  
13 features and is in keeping with the overall massing and architectural vocabulary of the  
14 building's lower floors. So as not to preclude conversion of parking space to other uses in the  
15 future, parking allowed above the ground-level shall not be sloped and shall have a minimum  
16 clear ceiling height of nine feet.

17 (2) Residential accessory parking. For residential accessory off-street parking in C-  
18 3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed  
19 by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted  
20 subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

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

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

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

14 (A) As a conditional use in accordance with the criteria set forth in Section 303,  
15 provided it can be clearly demonstrated that transportation easements or contaminated soil  
16 conditions make it practically infeasible to build parking below-ground. The determination of  
17 practical infeasibility shall be made based on an independent, third-party geotechnical  
18 assessment conducted by a licensed professional and funded by the project sponsor. The  
19 Planning Director shall make a determination as to the objectivity of the study prior to the  
20 Planning Commission's consideration of the conditional use permit application.

21 (B) As a conditional use in accordance with the criteria set forth in Section 303,  
22 provided the site contains an existing non-accessory off-street surface parking lot with valid  
23 permits for such parking as of the effective date of the ordinance enacting this subsection and  
24 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9

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1 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,  
2 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through  
3 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block  
4 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,  
5 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,  
6 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block  
7 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67  
8 through 79; Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,  
9 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and  
10 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection  
11 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this  
12 subsection.

13 (4) Parking lots permitted in C-3 Districts as temporary uses according to Section  
14 156(h) and expansions of existing above-grade publicly accessible parking facilities are not  
15 subject to the requirements of subsections 155(s)(1)-(3).

16 (5) Parking and Loading Access.

17 (A) Width of openings. Any single development is limited to a total of two façade  
18 openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for  
19 access to off-street parking and one façade opening of no more than 15 feet wide for access  
20 to off-street loading. Shared openings for parking and loading are encouraged. The maximum  
21 permitted width of a shared parking and loading garage opening is 27 feet.

22 (B) Porte cocheres to accommodate passenger loading and unloading are not  
23 permitted except as part of a hotel, inn or hostel use. For the purpose of this section, a "porte  
24 cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of  
25



1 passenger loading or unloading, situated between the ground floor façade of the building and  
2 the sidewalk.

3 Sec. 157. CONDITIONAL USE APPLICATIONS FOR PARKING EXCEEDING  
4 ACCESSORY AMOUNTS: ADDITIONAL CRITERIA.

5 In considering any application for a conditional use for parking for a specific use or  
6 uses, where the amount of parking provided exceeds the amount classified as accessory  
7 parking in Section 204.5 of this Code, the City Planning Commission shall ~~consider~~ apply the  
8 following criteria in addition to those stated in Section 303(c) and elsewhere in this Code:

9 (a) Demonstration that trips to the use or uses to be served, and the apparent  
10 demand for additional parking, cannot be satisfied by the amount of parking classified by this  
11 Code as accessory, by transit service which exists or is likely to be provided in the  
12 foreseeable future, by car pool arrangements, by more efficient use of existing on-street and  
13 off-street parking available in the area, and by other means;

14 ~~(b)~~ Demonstration that the apparent demand for additional parking cannot be satisfied by  
15 the provision by the applicant of a car-share parking space or spaces as defined in Section 166 of this  
16 Code.

17 ~~(b)(c)~~ The absence of potential detrimental effects of the proposed parking upon the  
18 surrounding area, especially through unnecessary demolition of sound structures, contribution  
19 to traffic congestion, or disruption of or conflict with transit services;

20 ~~(e)(d)~~ In the case of uses other than housing, limitation of the proposed parking to  
21 short-term occupancy by visitors rather than long-term occupancy by employees; and

22 ~~(d)(e)~~ Availability of the proposed parking to the general public at times when such  
23 parking is not needed to serve the use or uses for which it is primarily intended.

1           Sec. 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW  
2 RESIDENTIAL BUILDINGS.

3           (a)     ~~In DTR Districts and C-3 Districts, a~~All off-street parking spaces accessory to  
4 residential uses in new structures of 10 dwelling units or more, or in new conversions of  
5 non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold  
6 separately from the rental or purchase fees for dwelling units for the life of the dwelling units,  
7 such that potential renters or buyers have the option of renting or buying a residential unit at a  
8 price lower than would be the case if there were a single price for both the residential unit and  
9 the parking space. Renters or buyers of on-site inclusionary affordable units provided  
10 pursuant to Section 315 shall have an equal opportunity to rent or buy a parking space.  
11 Renters or buyers of on-site inclusionary affordable units provided pursuant to Section 315  
12 shall have an equal opportunity to rent or buy a parking space on the same terms and  
13 conditions as offered to renters or buyers of other dwelling units.

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

17           Sec. 303. CONDITIONAL USES.

18           (a)     General. The City Planning Commission shall hear and make determinations  
19 regarding applications for the authorization of conditional uses in the specific situations in  
20 which such authorization is provided for elsewhere in this Code. The procedures for  
21 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,  
22 except that Planned Unit Developments shall in addition be subject to Section 304, medical  
23 institutions and post-secondary educational institutions shall in addition be subject to the  
24 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit  
25

1 Development applications filed pursuant to Article 7, or otherwise required by this Code for  
2 uses or features in Neighborhood Commercial Districts, and conditional use applications  
3 within South of Market Districts, shall be subject to the provisions set forth in Sections 316  
4 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this  
5 Code, with respect to scheduling and notice of hearings, and in addition to those provided for  
6 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and  
7 reconsideration.

8 (b) Initiation. A conditional use action may be initiated by application of the owner,  
9 or authorized agent for the owner, of the property for which the conditional use is sought. For  
10 a conditional use application to relocate a general advertising sign under subsection (1)  
11 below, application shall be made by a general advertising sign under subsection (1) below,  
12 application shall be made by a general advertising sign company that has filed a Relocation  
13 Agreement application and all required information with the Planning Department pursuant to  
14 Section 2.21 of the San Francisco Administrative Code.

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

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

22 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a  
23 location in which the square footage exceeds the limitations found in Planning Code §  
24 121.2(a) or 121.2(b), the following shall be considered:  
25

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

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

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

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

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

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

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

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

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

24

25

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

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

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

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

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

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

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

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

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

25

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

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

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

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

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

1 conditional use authorization. Such conditions may include time limits for exercise of the  
2 conditional use authorization; otherwise, any exercise of such authorization must commence  
3 within a reasonable time.

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

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

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

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

11 (3) In considering a conditional use revocation, the Commission shall consider  
12 whether and how the false or misleading information submitted by the applicant could have  
13 reasonably had a substantial effect upon the decision of the Commission, or the Board of  
14 Supervisors on appeal, to authorize the conditional use, substantial evidence of how any  
15 required condition has been violated or not implemented or how the conditional use is in  
16 violation of the law if the violation is within the subject matter jurisdiction of the Planning  
17 Commission or operates in such a manner as to create hazardous, noxious or offensive  
18 conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction  
19 of the Planning Commission. As an alternative to revocation, the Commission may consider  
20 how the use can be required to meet the law or the conditions of approval, how the  
21 hazardous, noxious or offensive conditions can be abated, or how the criteria of Section  
22 303(c) can be met by modifying existing conditions or by adding new conditions which could  
23 remedy a violation.

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

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

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

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

1 (g) Hotels and Motels.

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

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

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

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

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

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

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

19 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the  
20 conversion of residential units to tourist hotel or motel use pursuant to an application filed on  
21 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco  
22 Administrative Code, the Planning Commission shall not consider the criteria contained in  
23 Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the  
24 criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies  
25

1 for a permit for new construction or alteration where the cost of such construction or alteration  
2 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to  
3 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed  
4 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to  
5 Chapter 41 of the San Francisco Administrative Code.

6 (h) Internet Services Exchange.

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

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

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

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

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

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

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

25

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

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

6 (2) As a condition of approval, and so long as the use remains an Internet Services  
7 Exchange, the project sponsor shall submit to the Planning Department on an annual basis  
8 power use statements for the previous twelve-month period as provided by all suppliers of  
9 utilities and shall submit a written annual report to the Department of Environment and the  
10 Planning Department which shall state: (a) the annual energy consumption and fuel  
11 consumption of all tenants and occupants of the Internet Services Exchange; (b) the number  
12 of all diesel generators located at the site and the hours of usage, including usage for testing  
13 purposes; (c) evidence that diesel generators at the site are in compliance with all applicable  
14 local, regional, state and federal permits, regulations and laws; and (d) such other information  
15 as the Planning Commission may require.

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

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

21 (B) Upon the effective date of the requirement of a conditional use permit for an  
22 Internet Services Exchange, the Planning Department shall submit to the Board of  
23 Supervisors and to the Director of the Department of Building Inspection a written report  
24 covering all existing Internet Services Exchanges and those Internet Services Exchanges  
25

1 seeking to obtain a conditional use permit, which report shall state the address, assessor's  
2 block and lot, zoning classification, square footage of the Internet Services Exchange  
3 constructed or to be constructed, a list of permits previously issued by the Planning and/or  
4 Building Inspection Departments concerning the Internet Services Exchange, the date of  
5 issuance of such permits, and the status of any outstanding requests for permits from the  
6 Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

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

15 (i) Formula Retail Uses.

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

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

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

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

25

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

2 (E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail  
3 uses within the neighborhood commercial district.

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

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

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

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

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

15 (k) Movie Theater Uses.

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

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

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

25

1 (B) The change in use or demolition of the movie theater use will not undermine the  
2 economic diversity and vitality of the surrounding neighborhood commercial district; and  
3 (C) The  
4 resulting project will preserve the architectural integrity of important historic features of the  
5 movie theater use affected.

6 Sec. 790.10. AUTOMOBILE PARKING, COMMUNITY RESIDENTIAL.

7 A use which provides parking accommodations, including a garage or lot, for the  
8 storage of private passenger automobiles for residents of the vicinity and meeting the  
9 requirements of Section 159 and other Sections in Article 1.5 of this Code, and for off-street  
10 car-share parking spaces, as defined in Section 166, when permitted by this Code, and excluding  
11 accessory parking, as defined in Section 204.5 of this Code.

12 Sec. 890.10. AUTOMOBILE PARKING GARAGE, COMMUNITY COMMERCIAL.

13 A use which provides temporary parking accommodations in a garage, or combination  
14 garage and lot, for automobiles, vans, trucks, bicycles and/or motorcycles for operators,  
15 employees, clients and/or visitors of a permitted, or approved conditional, nonresidential use  
16 in the vicinity, and for off-street car-share parking spaces, as defined in Section 166 of this Code,  
17 when permitted by this Code, without parking of recreational vehicles, mobile homes, boats or  
18 other vehicles or storage of vehicles, goods or equipment.

19  
20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By: \_\_\_\_\_  
23 Elaine C. Warren  
24 Deputy City Attorney  
25