

1 [Planning Code - Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use
Districts]

2 **Ordinance amending the Planning Code, by repealing Section 158 and amending**
3 **various other Code Sections, to modify controls for uses and accessory uses in**
4 **Commercial and Residential Commercial (RC) Districts; eliminate minimum parking**
5 **requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and**
6 **North Beach Neighborhood Commercial Districts (NCDs), and the Washington-**
7 **Broadway Special Use District (SUD); make maximum residential parking permitted in**
8 **Downtown Commercial and RC Districts consistent with Neighborhood Commercial**
9 **Transit (NCT) Districts; make maximum non-residential parking in RC Districts,**
10 **Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with**
11 **NCT Districts; make surface parking lots a non-conforming use in Downtown**
12 **Commercial Districts; modify conformity requirements in various use districts; modify**
13 **streetscape requirements, public open space requirements, floor-area ratio**
14 **calculations, and transportation management requirements for various uses in certain**
15 **districts; permit certain exceptions from exposure and open space requirements for**
16 **historic buildings; remove references to deleted sections of the Code; amend Zoning**
17 **Map Sheet SU01 to consolidate the two Washington-Broadway SUDs and revise the**
18 **boundaries; and making environmental findings, Section 302, findings, and findings of**
19 **consistency with the General Plan, and the priority policies of Planning Code, Section**
20 **101.1.**

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22 NOTE: **Unchanged Code text and uncodified text** are in plain Ariel font.
23 **Additions to Codes** are in *single-underline italics Times New Roman font.*
24 **Deletions to Codes** are in *strike-through italics Times New Roman font.*
25 **Board amendment additions** are in double-underlined Ariel font.
Board amendment deletions are in ~~strikothrough Ariel font.~~
Asterisks (* * *) indicate the omission of unchanged Code
subsections or parts of tables.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). The Board of Supervisors hereby affirms this determination. Said determination is on file with the Clerk of the Board of Supervisors in File No. 120881 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution Nos. 18554, 18626, 18615, and 18616, and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution Nos. 18554, 18626, 18615, and 18616 are on file with the Clerk of the Board of Supervisors in File No. 120881.

(c) This Board finds that these Planning Code amendments are consistent with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in the above-referenced Planning Commission Resolution Nos., and the Board hereby incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by deleting ~~deleting~~ repealing Section 158 (~~Major Parking Garages in C-3 Districts~~) in its entirety, as follows:

~~SEC. 158. MAJOR PARKING GARAGES IN C-3 DISTRICTS.~~

(a) ~~Statement of Purpose.~~ It is the purpose of this Section to establish a procedure by which major parking garages proposed for downtown San Francisco may be reviewed as

1 to the appropriateness of their location and arrangement, recognizing the need for continuing
2 development of a unified transportation system conveniently serving the downtown area.

3 (b) ~~Definition of Major Parking Garage.~~ A "major parking garage" shall be any
4 garage for the parking of passenger automobiles, for short or long term periods and for any
5 use, which is not classified as an accessory parking facility under Section 204.5 of this Code.

6 (c) ~~Review by City Planning Commission.~~ Review of the location and design of any
7 major parking garage in a C-3 District by the City Planning Commission, either as a
8 conditional use under Section 303 of this Code or upon referral by the Board of Supervisors or
9 any other agency, shall be in accordance with the criteria set forth below.

10 (d) ~~Criteria for Review.~~ The following criteria shall be considered, in addition to those
11 stated in Section 303(c) of this Code, and those stated in Section 157 of this Code when
12 applicable:

13 (1) ~~Accessibility to the area of the proposed site and to the proposed parking~~
14 ~~garage itself, from freeway ramps or from major thoroughfares;~~

15 (2) ~~Convenient service to areas of concentrated development, particularly~~
16 ~~those within the C-3-O and C-3-R Districts, by location of the proposed parking garage near or~~
17 ~~adjacent to but not inside such concentrated areas;~~

18 (3) ~~Minimization of conflict of the proposed parking garage with pedestrian~~
19 ~~movements and amenities, resulting from the placement of driveways and ramps, the~~
20 ~~breaking of continuity of shopping facilities along sidewalks, and the drawing of traffic through~~
21 ~~areas of heavy pedestrian concentration;~~

22 (4) ~~The service patterns of other forms of transportation;~~

23 (5) ~~Establishment of a parking rate structure or fee favorable to short term~~
24 ~~parking (four hours or less) and designed to discourage long term parking, as set forth in~~
25 ~~Section 155(g) of this Code;~~

1 ~~(6) Minimization of conflict of the proposed parking garage with transit~~
2 ~~operations and loading points, resulting from the location of driveways, ramps and vehicle~~
3 ~~queuing areas;~~

4 ~~(7) The objectives and policies of the Downtown Plan, a component of the~~
5 ~~Master Plan; and~~

6 ~~(8) Such other criteria as may be deemed appropriate in the circumstances of~~
7 ~~the particular case.~~

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9 Section 3. The Planning Code is hereby amended by revising Sections 102.9, 135,
10 138, 138.1, 140, 141, 151, 151.1, 155, 156, 157.1, 158.1, 161, 163, 182, 184, 204.3, 204.2,
11 204.5, 206.3, 223, 239, 243, 249.25, 307, 309, 714, 722, 810, 811 and 812, to read as
12 follows:

13 **SEC. 102.9. FLOOR AREA, GROSS.**

14 In districts other than C-3, the sum of the gross areas of the several floors of a building
15 or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls
16 separating two buildings. Where columns are outside and separated from an exterior wall
17 (curtain wall) which encloses the building space or are otherwise so arranged that the curtain
18 wall is clearly separate from the structural members, the exterior face of the curtain wall shall
19 be the line of measurement, and the area of the columns themselves at each floor shall also
20 be counted.

21 In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of
22 the several floors of a building or buildings, measured along the glass line at windows at a
23 height of four feet above the finished floor and along a projected straight line parallel to the
24 overall building wall plane connecting the ends of individual windows; provided, however, that
25 such line shall not be inward of the interior face of the wall.

1 (a) Except as specifically excluded in this definition, "gross floor area" shall include,
2 although not be limited to, the following:

3 (1) Basement and cellar space, including tenants' storage areas and all other
4 space except that used only for storage or services necessary to the operation or
5 maintenance of the building itself;

6 (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at
7 each floor;

8 (3) Floor space in penthouses except as specifically excluded in this definition;

9 (4) Attic space (whether or not a floor has been laid) capable of being made
10 into habitable space;

11 (5) Floor space in balconies or mezzanines in the interior of the building;

12 (6) Floor space in open or roofed porches, arcades or exterior balconies, if
13 such porch, arcade or balcony is located above the ground floor or first floor of occupancy
14 above basement or garage and is used as the primary access to the interior space it serves;

15 (7) In districts other than C-3 Districts, Floor floor space in accessory buildings,
16 except for floor spaces used for accessory off-street parking or loading spaces as described in
17 Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and

18 (8) In C-3 Districts, any floor area dedicated to accessory or non-accessory parking,
19 except for bicycle parking, required off-street loading, and accessory parking as specified in subsection
20 (b)(7); and

21 (9) Any other floor space not specifically excluded in this definition.

22 (b) "Gross floor area" shall not include the following:

23 (1) Basement and cellar space used only for storage or services necessary to
24 the operation or maintenance of the building itself;

25 (2) Attic space not capable of being made into habitable space;

1 (3) Elevator or stair penthouses, accessory water tanks or cooling towers, and
2 other mechanical equipment, appurtenances and areas necessary to the operation or
3 maintenance of the building itself, if located at the top of the building or separated therefrom
4 only by other space not included in the gross floor area;

5 (4) Mechanical equipment, appurtenances and areas, necessary to the
6 operation or maintenance of the building itself (i) (A) if located at an intermediate story of the
7 building and forming a complete floor level; or (ii) (B) in C-3 Districts, if located on a number of
8 intermediate stories occupying less than a full floor level, provided that the mechanical
9 equipment, appurtenances and areas are permanently separated from occupied floor areas
10 and in aggregate area do not exceed the area of an average floor as determined by the
11 Zoning Administrator;

12 (5) Outside stairs to the first floor of occupancy at the face of the building which
13 the stairs serve, or fire escapes;

14 (6) In districts other than C-3 Districts, Floor floor space used for accessory off-
15 street parking and loading spaces as described in Section 204.5 of this Code and up to a
16 maximum of one hundred fifty percent (150%) of the off-street accessory parking permitted by
17 right in Sections 151 and 151.1 of this Code ~~for C-3 Districts~~, and driveways and maneuvering
18 areas incidental thereto;

19 (7) In C-3 Districts, floor space dedicated to parking which does not exceed the
20 amount principally permitted as accessory, and is located underground;

21 (8) ~~(7)~~ Bicycle parking which meets the standards of Sections 155.1 through
22 155.5 of this Code;

23 (9) ~~(8)~~ Arcades, plazas, walkways, porches, breezeways, porticos and similar
24 features (whether roofed or not), at or near street level, accessible to the general public and
25 not substantially enclosed by exterior walls; and accessways to public transit lines, if open for

1 use by the general public; all exclusive of areas devoted to sales, service, display, and other
2 activities other than movement of persons;

3 ~~(10)~~ ~~(9)~~ Balconies, porches, roof decks, terraces, courts and similar features,
4 except those used for primary access as described in Paragraph (a)(6) above, provided that:

5 (A) If more than 70 percent of the perimeter of such an area is enclosed,
6 either by building walls (exclusive of a railing or parapet not more than three feet eight inches
7 high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either
8 dimension, the area shall not be excluded from gross floor area unless it is fully open to the
9 sky (except for roof eaves, cornices or belt courses which project not more than two feet from
10 the face of the building wall).

11 (B) If more than 70 percent of the perimeter of such an area is enclosed,
12 either by building walls (exclusive of a railing or parapet not more than three feet eight inches
13 high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both
14 dimensions, ~~(4)~~ (i) the area shall be excluded from gross floor area if it is fully open to the sky
15 (except for roof eaves, cornices or belt courses which project no more than two feet from the
16 face of the building wall), and ~~(2)~~ (ii) the area may have roofed areas along its perimeter which
17 are also excluded from gross floor area if the minimum clear open space between any such
18 roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above
19 exceptions) and the roofed area does not exceed 10 feet in depth; ~~(3)~~ (iii) in addition, when
20 the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure
21 without walls may cover up to 10 percent of such open space without being counted as gross
22 floor area.

23 (C) If, however, 70 percent or less of the perimeter of such an area is
24 enclosed by building walls (exclusive of a railing or parapet not more than three feet eight
25 inches high) or by such walls and interior lot lines, and the open side or sides face on a yard,

1 street or court whose dimensions satisfy the requirements of this Code and all other
2 applicable codes for instances in which required windows face upon such yard, street or court,
3 the area may be roofed to the extent permitted by such codes in instances in which required
4 windows are involved;

5 (11) ~~(10)~~ On lower, nonresidential floors, elevator shafts and other life-support
6 systems serving exclusively the residential uses on the upper floors of a building;

7 (12) ~~(11)~~ One-third of that portion of a window bay conforming to the
8 requirements of Section 136(d)(2) which extends beyond the plane formed by the face of the
9 facade on either side of the bay but not to exceed seven square feet per bay window as
10 measured at each floor;

11 (13) ~~(12)~~ Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-
12 G Districts devoted to building or pedestrian circulation and building service;

13 (14) ~~(13)~~ In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space
14 devoted to personal services, restaurants, and retail sales of goods intended to meet the
15 convenience shopping and service needs of downtown workers and residents, not to exceed
16 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the
17 ground floor of the building plus the ground level, on-site open space. Said uses shall be
18 located on the ground floor, except that, in order to facilitate the creation of more spacious
19 ground floor interior spaces, a portion of the said uses, in an amount to be determined
20 pursuant to the provisions of Section 309, may be located on a mezzanine level;

21 (15) ~~(14)~~ An interior space provided as an open space feature in accordance
22 with the requirements of Section 138;

23 (16) ~~(15)~~ Floor area in C-3, South of Market Mixed Use Districts, and Eastern
24 Neighborhoods Mixed Use Districts devoted to child care facilities provided that:

1 (A) Allowable indoor space is no less than 3,000 square feet and no
2 more than 6,000 square feet, and

3 (B) The facilities are made available rent free, and

4 (C) Adequate outdoor space is provided adjacent, or easily accessible, to
5 the facility. Spaces such as atriums, rooftops or public parks may be used if they meet
6 licensing requirements for child care facilities, and

7 (D) The space is used for child care for the life of the building as long as
8 there is a demonstrated need. No change in use shall occur without a finding by the City
9 Planning Commission that there is a lack of need for child care and that the space will be
10 used for a facility described in Subsection 45 18 below dealing with cultural, educational,
11 recreational, religious, or social service facilities;

12 ~~(17)~~ ~~(16)~~ Floor area in C-3, South of Market Mixed Use Districts, and Eastern
13 Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational,
14 religious or social service facilities available to the general public at no cost or at a fee
15 covering actual operating expenses, provided that such facilities are:

16 (A) Owned and operated by a nonprofit corporation or institution, or

17 (B) Are made available rent free for occupancy only by nonprofit
18 corporations or institutions for such functions. Building area subject to this subsection shall be
19 counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of
20 this Code, for the purpose of calculating the off-street parking and freight loading
21 requirements for the project.;

22 ~~(17) Floor space in mezzanine areas within live/work units where the mezzanine~~
23 ~~satisfies all applicable requirements of the San Francisco Building Code;~~

1 ~~(18) Floor space suitable primarily for and devoted exclusively to exhibitions or~~
2 ~~performances by live/work tenants within the structure or lot, provided that such facilities will be~~
3 ~~available rent free to live/work tenants within the property for the life of the structure; and~~

4 ~~(19) In South of Market Mixed Use Districts, live/work units and any occupied floor~~
5 ~~area devoted to mechanical equipment or appurtenances or other floor area accessory to live/work use~~
6 ~~provided that:~~

7 ~~(A) The nonresidential use within each live/work unit shall be limited to uses~~
8 ~~which are principal permitted uses in the district or otherwise are conditional uses in the district and~~
9 ~~are approved as a conditional use;~~

10 ~~(B) The density, enforcement, open space, parking and freight loading and other~~
11 ~~standards specified in Sections 124(j), 135.2, 151 and 152.1 shall be satisfied, along with all other~~
12 ~~applicable provisions of this Code, and~~

13 ~~(C) For the purpose of calculating the off-street parking and freight loading~~
14 ~~requirement for the project, building area subject to this subsection shall be counted as occupied floor~~
15 ~~area, except as provided in Subsections 102.10(a) through (f) of this Code.~~

16 (18) ~~(20)~~ In the C-3-0(SD) District, space devoted to personal services, eating
17 and drinking uses, or retail sales of goods and that is located on the same level as the rooftop
18 park on the Transbay Transit Center and directly accessible thereto by a direct publicly-
19 accessible pedestrian connection meeting the standards of Section 138(j)(1); and.

20 (19) ~~(24)~~ In the C-3-0(SD) District, publicly-accessible space on any story above
21 a height of 600 feet devoted to public accommodation that offers extensive views, including
22 observation decks, sky lobbies, restaurants, bars, or other retail uses, as well as any elevators
23 or other vertical circulation dedicated exclusively to accessing or servicing such space. The
24 space must be open to the general public during normal business hours throughout the year,
25 and may charge a nominal fee for access.

1 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R,**
2 **NC, MIXED USE, C, AND M DISTRICTS.**

3 ***

4 (d) **Amount Required.** Usable open space shall be provided for each building in the
5 amounts specified herein and in Tables 135A and B for the district in which the building is
6 located; provided, however, that in the Downtown Residential (DTR) Districts, open space
7 shall be provided in the amounts specified in Section 825 of this Code.

8 In Neighborhood Commercial Districts, the amount of usable open space to be
9 provided shall be the amount required in the nearest Residential District, but the minimum
10 amount of open space required shall be in no case greater than the amount set forth in Table
11 135A for the district in which the building is located. The distance to each Residential District
12 shall be measured from the midpoint of the front lot line or from a point directly across the
13 street there from, whichever requires less open space.

14 (1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5)
15 below, the minimum amount of usable open space to be provided for use by each dwelling
16 unit shall be as specified in the second column of Table 135A if such usable open space is all
17 private. Where common usable open space is used to satisfy all or part of the requirement for
18 a dwelling unit, such common usable open space shall be provided in an amount equal to
19 1.33 square feet for each one square foot of private usable open space specified in the
20 second column of Table 135A. In such cases, the balance of the required usable open space
21 may be provided as private usable open space, with full credit for each square foot of private
22 usable open space so provided.

23 (2) For group housing structures, SRO units, and dwelling units that measure
24 less than 350 square feet plus a bathroom, the minimum amount of usable open space
25 provided for use by each bedroom or SRO unit shall be ~~4/3~~ one-third the amount required for

1 a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For
2 purposes of these calculations, the number of bedrooms on a lot shall in no case be
3 considered to be less than one bedroom for each two beds. Where the actual number of beds
4 exceeds an average of two beds for each bedroom, each two beds shall be considered
5 equivalent to one bedroom.

6 (3) For dwellings specifically designed for and occupied by senior citizens, as
7 defined and regulated by Section 102.6.1 ~~209.1(m)~~ of this Code, the minimum amount of
8 usable open space to be provided for use by each dwelling unit shall be $\frac{1}{2}$ one-half the amount
9 required for each dwelling unit as specified in Paragraph (d)(1) above.

10 (4) **DTR Districts.** For all residential uses, 75 square feet of open space is
11 required per dwelling unit. All residential open space must meet the provisions described in
12 this Section unless otherwise established in this subsection or in Section 825 or a Section
13 governing an individual DTR District. Open space requirements may be met with the following
14 types of open space: "private usable open space" as defined in Section 135(a) of this Code,
15 "common usable open space" as defined in Section 135(a) of this Code, and "publicly
16 accessible open space" as defined in subsection (h) below. At least 40 percent of the
17 residential open space is required to be common to all residential units. Common usable open
18 space is not required to be publicly-accessible. Publicly-accessible open space, including off-
19 site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the
20 standards of subsection (h) may be considered as common usable open space. For
21 residential units with direct access from the street, building setback areas that meet the
22 standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be
23 counted toward the open space requirement as private non-common open space.

24 (5) **Eastern Neighborhoods Mixed Use Districts.** The minimum amount of
25 usable open space to be provided for use by each dwelling unit shall be as specified in Table

1 135B. For group housing structures and SRO units, the minimum amount of usable open
 2 space provided for use by each bedroom shall be ~~4/3~~ one-third the amount required for a
 3 dwelling unit as specified in Table 135B. Usable open space requirements in these areas may
 4 be fulfilled by providing privately-owned public open space as specified in Table 135B.

5 (6) **Efficiency Dwelling Units With Reduced Square Footage.** Common usable
 6 open space shall be the preferred method of meeting the open space requirement for
 7 Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code.
 8 Private open space shall not be credited toward satisfaction of the open space requirement for
 9 such units unless the Zoning Administrator determines that the provision of common open
 10 space is infeasible or undesirable, in whole or in part, due to

- 11 (A) site constraints,
- 12 (B) the special needs of anticipated residents, or
- 13 (C) conflicts with other applicable policies and regulations, including but
 14 not limited to standards for the treatment of historic properties, the Americans with Disabilities
 15 Act, or the Building Code.

16

17 **TABLE 135A**

18 **MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING**

19 **OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT**

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33

1	RH-2	125	1.33
2	RH-3	100	1.33
3	RM-1, RC-1, RTO, RTO-M	100	1.33
4	RM-2, RC-2, SPD	80	1.33
5	RM-3, RC-3, RED	60	1.33
6	RM-4, RC-4, RSD	36	1.33
7	C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
8	C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
9	NC Districts NC-1, NC-2, NCT-1, NCT-2, NC-3, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park	400 <u>As specified in the Zoning Control Table for the district</u>	1.33
10	NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street Mission, 24th Street Noe Valley, NCT-3, SoMa, Mission Street, Folsom Street, RCD.	80	1.33
11	Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
12	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
13	DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

TABLE 135B MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site
80 square feet	54 square feet	50%

(g) **Common Usable Open Space: Additional Standards.**

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

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

Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.

[NOTE TO EDITOR: Diagram not shown but not to be deleted.]

(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun

1 through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent
2 of its overhead area.

3 (h) **Publicly-Accessible Usable Open Space Standards:** In DTR Districts and the
4 Eastern Neighborhoods Mixed Use Districts, any space credited as publicly-accessible usable
5 open space, where permitted or required by this Code, shall meet the following standards:

6 (1) **Types of Open Space.** Open space shall be of one or more of the
7 following types:

8 (A) An unenclosed park or garden at street grade or following the natural
9 topography, including improvements to hillsides or other unimproved public areas;

10 (B) An unenclosed plaza at street grade, with seating areas and
11 landscaping and no more than 10 percent of the total floor area devoted to facilities for food or
12 beverage service, exclusive of seating areas as regulated in Subsection (2)(d), below;

13 (C) An unenclosed pedestrian pathway which complies with the
14 standards of Section 270.2 and which is consistent with applicable design guidelines.

15 (D) Streetscape improvements with landscaping and pedestrian
16 amenities that result in additional pedestrian space beyond the pre-existing sidewalk width
17 and conform to the Better Streets Plan and any other applicable neighborhood streetscape
18 plans per Section 138.1 or other related policies such as those associated with sidewalk
19 widenings or building setbacks, other than those intended by design for the use of individual
20 ground floor residential units; and

21 (2) **Standards of Open Space.** Open space shall meet the standards
22 described in Section 138(d)(1) through (11) of this Code.

23 (3) **Maintenance.** Maintenance requirements for open space in these areas
24 are subject to Section 138(h) of this Code.

1 (4) **Informational Plaque.** Signage requirements for open space in these
2 areas are subject to Section 138(i) of this Code.

3 (5) **Open Space Provider.** Requirements regarding how to provide and
4 maintain open space are subject to Section 138(f) of this Code.

5 (6) **Approval of Open Space Type and Features.** Approval of open space in
6 these areas is subject to requirements of Section 138(d) of this Code.

7 (i) **Off-Site Provision of Required Usable Open Space.**

8 (1) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern
9 Neighborhoods Mixed Use Districts, the provision of off-site publicly accessible open space
10 may be credited toward the residential usable open space requirement, subject to Section 329
11 for projects to which that Section applies and Section 307(h) for other projects. Any such
12 space shall meet the publicly accessible open space standards set forth in Section 135(h) and
13 be provided within 800 feet of the project. No more than 50 percent of a project's required
14 usable open space shall be off-site. The publicly accessible off-site usable open space shall
15 be constructed, completed, and ready for use no later than the project itself, and shall receive
16 its Certificate of Final Completion from the Department of Building Inspection prior to the
17 issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the
18 project itself.

19 (2) **DTR Districts.** In DTR Districts the provision of off-site publicly accessible
20 open space may be counted toward the requirements of residential open space per the
21 procedures of Section 309.1 provided it is within the individual DTR district of the project or
22 within 500 feet of any boundary of the individual DTR district of the project, and meets the
23 standards of subsection (h).

24 (A) **On Site.** At least 36 square feet per residential unit of required open
25 space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning

1 Commission may reduce the minimum on-site provision of required residential open space to
2 not less than 18 square feet per unit in order to both create additional publicly-accessible
3 open space serving the district and to foster superior architectural design on constrained sites.

4 (B) **Open Space Provider.** The open space required by this Section
5 may be provided individually by the project sponsor or jointly by the project sponsor and other
6 project sponsors, provided that each square foot of jointly developed open space may count
7 toward only one sponsor's requirement. With the approval of the Planning Commission, a
8 public or private agency may develop and maintain the open space, provided that (i) the
9 project sponsor or sponsors pay for the cost of development of the number of square feet the
10 project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for
11 the continued maintenance of the open space for the actual lifetime of the building giving rise
12 to the open space requirement, and (iii) the Commission finds that there is reasonable
13 assurance that the open space to be developed by such agency will be developed and open
14 for use by the time the building, the open space requirement of which is being met by the
15 payment, is ready for occupancy.

16 (3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of
17 off-site publicly accessible open space may be credited toward the residential usable open
18 space requirement subject to the procedures of Section 303. Any such open space shall meet
19 the publicly accessible open space standards set forth in Section 135(h) and be provided
20 within 800 feet of the project. No more than 50 percent of a project's usable open space
21 requirement may be satisfied off-site. The publicly accessible off-site usable open space shall
22 be constructed, completed, and ready for use no later than the project itself, and shall receive
23 its certificate of final completion from the Department of Building Inspection prior to the
24 issuance of any certificate of final completion or temporary certificate of occupancy for the
25 project itself.

(4) Historic Buildings. For a landmark building designated per Article 10 of this Code, a contributing building located within a designated historic district per Article 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement subject to the procedures of Section 307(h) of this Code.

SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

(b) **Amount Required.** Except in the C-3-O(SD) District, open space shall be provided in the amounts specified below for all uses except (i) residential uses, which shall be governed by Section 135 of this Code; and (ii) institutional uses; and (iii) uses in a predominantly retail building. For the purposes of this section, a "predominantly retail building" is one in which 2/3 or more of the occupied floor area is in retail use.

Minimum Amount of Open Space Required	
Use District	Ratio of Square Feet of Open Space to Gross Square Feet of Uses with Open Space Requirement
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50

1 (d) **Types and Standards of Open Space.** Except as otherwise provided in
2 Subsection (e), the project applicant may satisfy the requirements of this Section by providing
3 one or more of the following types of open space: A plaza, an urban park, an urban garden, a
4 view terrace, a sun terrace, a greenhouse, a small sitting area (a snippet), an atrium, an
5 indoor park, or a public sitting area in a galleria, in an arcade, *in a public street or alley*, or in a
6 pedestrian mall or walkway, as more particularly defined in the table entitled "Guidelines for
7 Open Space" in the Open Space Section of the Downtown Plan, or any amendments thereto,
8 provided that the open space meets the following minimum standards. The open space shall:

9 (1) Be of adequate size;

10 (2) Be situated in such locations and provide such ingress and egress as will
11 make the area easily accessible to the general public;

12 (3) Be well-designed, and where appropriate, be landscaped;

13 (4) Be protected from uncomfortable wind;

14 (5) Incorporate various features, including ample seating and, if appropriate,
15 access to food service, which will enhance public use of the area;

16 (6) Have adequate access to sunlight if sunlight access is appropriate to the
17 type of area;

18 (7) Be well-lighted if the area is of the type requiring artificial illumination;

19 (8) Be open to the public at times when it is reasonable to expect substantial
20 public use;

21 (9) Be designed to enhance user safety and security;

22 (10) If the open space is on private property, provide toilet facilities open to the
23 public;

24 (11) Have at least 75 percent of the total open space approved be open to the
25 public during all daylight hours.

1 (e) **Approval of Open Space Type and Features.** The type, size, location, physical
2 access, seating and table requirements, landscaping, availability of commercial services,
3 sunlight and wind conditions and hours of public access shall be reviewed and approved in
4 accordance with the provisions of Section 309, and shall generally conform to the "Guidelines
5 for Open Space."

6 The Commission may, by resolution, declare certain types of open space ineligible
7 throughout C-3 Districts, or in certain defined areas, if it determines that a disproportionate
8 number of certain types of open space, or that an insufficient number of parks and plazas, is
9 being provided in order to meet the public need for open space and recreational uses. Such
10 resolution may exempt from its application projects whose permit applications are on file with
11 the ~~Department of City~~ Planning Department. Over time, no more than 20 percent of the space
12 provided under this Section shall be indoor space and at least 80 percent shall be outdoor
13 space. Once an indoor space has been approved, another such feature may not be approved
14 until the total square footage of outdoor open space features approved under this Section
15 exceeds 80 percent of the total square footage of all open spaces approved under this
16 Section.

17 * * * *

18 **SEC. 138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.**

19 * * * *

20 (c) **Required streetscape and pedestrian improvements.** Development projects
21 shall include streetscape and pedestrian improvements on all publicly accessible rights-of-way
22 directly fronting the property as follows:

23 (1) **Street trees.**

24 (A) ~~(i)~~ **Application.** In any District, street trees shall be required under
25 the following conditions: construction of a new building; relocation of a building; the addition of

1 gross floor area equal to 20 percent or more of the gross floor area of an existing building; the
2 addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more
3 than 200 square feet of the front setback.

4 (B) ~~(ii)~~ **Standards.**

5 (i) ~~(A)~~ **All districts.** In any district, street trees shall:

6 (aa) Comply with Public Works Code Article 16 and any
7 other applicable ordinances;

8 (bb) Be suitable for the site;

9 (cc) Be a minimum of one tree of 24-inch box size for
10 each 20 feet of frontage of the property along each street or alley, with any remaining fraction
11 of 10 feet or more of frontage requiring an additional tree. Such trees shall be located ~~either~~
12 ~~within a setback area on the lot or~~ within the public right-of-way along such lot, and shall
13 comply with all applicable codes and standards.

14 (dd) Provide a below-grade environment with nutrient-rich
15 soils, free from overly-compacted soils, and generally conducive to tree root development;

16 (ee) Be watered, maintained and replaced if necessary by
17 the property owner, in accordance with Sec. 174 and Article 16 of the Public Works Code and
18 compliant with applicable water use requirements of Chapter 63 of the Administrative Code.

19 (ii) ~~(B)~~ **DTR, RC, C, NC and Mixed-Use Districts, and Planned**
20 **Unit Developments.** In DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit
21 Developments, in addition to the requirements of subsections (aa) — (ee) above, all street
22 trees shall:

23 (aa) Have a minimum 2 inch caliper, measured at breast
24 height;

1 (bb) Branch a minimum of 80 inches above sidewalk
2 grade;

3 (cc) Be planted in a sidewalk opening at least 16 square
4 feet, and have a minimum soil depth of 3 feet 6 inches;

5 (dd) Include street tree basins edged with decorative
6 treatment, such as pavers or cobbles. Edging features may be counted toward the minimum
7 sidewalk opening per (cc) if they are permeable surfaces per Section 102.33.

8 (iii) ~~(C)~~ **Continuous soil-filled trench.** Street trees shall be
9 planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree
10 is connected, if all the following conditions are present: (1) ~~the subject lot is in one of the~~
11 ~~Districts specified in Subsection 138.1(c)(1)(ii)(B);~~ (2) the project is on a lot that (a) is greater
12 than 1/2-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-
13 accessible rights-of-way, or (c) the frontage encompasses the entire block face between the
14 nearest two intersections with any other publicly-accessible rights-of-way, and (2) ~~(3)~~ the
15 project includes (a) new construction; or (b) addition of 20% or more of gross floor area to an
16 existing ~~existing~~ building; ~~or (c) alteration to greater than 50% of the existing square footage of~~
17 ~~a building.~~

18 ~~(aa)~~ The trench may be covered by allowable permeable
19 surfaces as defined in Section 102.33, except at required tree basins, where the soil must
20 remain uncovered.

21 ~~(bb)~~ ~~The Zoning Administrator may modify or waive the~~
22 ~~continuous trench requirement where a continuous trench is not possible due to the location~~
23 ~~of existing utilities, driveways, sub-sidewalk basements, or other pre-existing surface or sub-~~
24 ~~surface features.~~

25 (C) ~~(iii)~~ **Approvals, and waivers, and modifications.**

1 (i) (A) Trees installed in the public right-of-way shall be subject to
2 Department of Public Works approval. Procedures and other requirements for the installation,
3 maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16
4 of the Public Works Code.

5 (ii) (B) **Determination of infeasibility or undesirability.** Required
6 street trees may be found to be infeasible or undesirable under the following circumstances:

7 (aa) **Technical infeasibility.** The ~~In any case in which the~~
8 Department of Public Works may determine that one or more ~~cannot grant approval for~~
9 installation of a trees in the public right-of-way cannot be planted or cannot meet all the
10 requirements of subsections (ii)(A) – (C), on the basis of inadequate sidewalk width,
11 interference with utilities or other reasons regarding the public welfare, ~~and where installation~~
12 ~~of such tree on the lot itself is impractical, the tree planting requirements of this Section~~
13 ~~438.1(c)(1) may be modified or waived by the Zoning Administrator as described herein:~~

14 (bb) **Incompatibility with existing policy.** The Zoning
15 Administrator may determine that the planting of street trees conflicts with policies in the
16 General Plan such as the Downtown Plan policy favoring unobstructed pedestrian passage or
17 the Commerce and Industry Element policies to facilitate industry.

18 (iii) **Waiver or modification.** In any case in which a street tree is
19 determined to be infeasible or undesirable under subsections (aa) or (bb), the Zoning
20 Administrator may waive or modify the street tree requirement as follows:

21 (aa) For each required tree that the Zoning Administrator
22 waives, the permittee shall pay an "in-lieu" street tree fee pursuant to Section 428.

23 (bb) ~~When a pre-existing site constraint prevents the~~
24 ~~installation of a street tree, as~~ As an alternative to payment of any portion of the in-lieu fee,
25 the Zoning Administrator may modify the requirements of this section to allow the installation

1 of alternative landscaping, including: sidewalk landscaping that is compliant with applicable
2 water use requirements of Chapter 63 of the Administrative Code, to satisfy the requirements
3 of Section 138.1(c)(1), subject to permit approval from the Department of Public Works in
4 accordance with Public Works Code Section 810B, planter boxes, tubs, or similar above-
5 ground landscaping, street trees that do not meet all of the requirements of subsections (ii)(A)
6 – (C), or street trees planted in a required front setback area on the subject property.

7 (cc) — ~~In C-3, industrial, and South of Market Mixed Use~~
8 ~~Districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar~~
9 ~~landscaping in place of trees when that is determined to be more desirable in order to make~~
10 ~~the landscaping compatible with the character of the surrounding area, or may waive the~~
11 ~~requirement in C-3, industrial, and mixed use districts, districts where landscaping is~~
12 ~~considered to be inappropriate because it conflicts with policies of the Downtown Plan, a~~
13 ~~component of the General Plan, such as the Downtown Plan Policy favoring unobstructed~~
14 ~~pedestrian passage or the Commerce and Industry Element policies to facilitate industry.~~

15 (D) Credit for existing street trees. Where there is an existing,
16 established street tree fronting the subject property, as determined by the Department of
17 Public Works, the street tree requirement shall be waived and no in-lieu fee shall be applied
18 for that particular tree.

19 (2) **Other streetscape and pedestrian elements for large projects.**

20 (A) (†) Application.

21 (i) (A) In any district, streetscape and pedestrian elements in
22 conformance with the Better Streets Plan shall be required, if all the following conditions are
23 present: (1) the project is on a lot that (a) is greater than $\frac{1}{2}$ one-half acre in total area, (b)
24 contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c)
25 the frontage encompasses the entire block face between the nearest two intersections with

1 any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction;
2 or (b) addition of 20% or more of gross floor area to an ~~existing~~ existing building; ~~or (c)~~
3 ~~alteration to greater than 50% of the existing square footage of a building.~~

4 (ii) ~~(B)~~ Project sponsors that meet the thresholds of this Subsection
5 shall submit a streetscape plan to the Planning Department showing the location, design, and
6 dimensions of all existing and proposed streetscape elements in the public right-of-way
7 directly adjacent to the fronting property, including street trees, sidewalk landscaping, street
8 lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements
9 to proposed new construction and site work on the subject property.

10 (B) ~~(ii)~~ **Standards.** Notwithstanding the requirements of Section
11 138.1(c)(2)(i), the Department shall consider, but need not require, the streetscape and
12 pedestrian elements listed below when analyzing a streetscape plan:

13 (i) ~~(A)~~ **Standard streetscape elements.** All standard streetscape
14 elements for the appropriate street type per Table 1 and the Better Streets Plan, including
15 benches, bicycle racks, curb ramps, corner curb extensions, stormwater facilities, lighting,
16 sidewalk landscaping, special sidewalk paving, and other site furnishings, excepting
17 crosswalks and pedestrian signals.

18 (aa) Streetscape elements shall be selected from a City-
19 approved palette of materials and furnishings, where applicable, and shall be subject to
20 approval by all applicable City agencies.

21 (bb) Streetscape elements shall be consistent with the
22 overall character and materials of the district, and shall have a logical transition or termination
23 to the sidewalk and/or roadway adjacent to the fronting property.

24 (ii) ~~(B)~~ **Sidewalk widening.** The Planning Department in
25 consultation with other agencies shall evaluate whether sufficient roadway space is available

1 for sidewalk widening for the entirety or a portion of the fronting public right-of-way in order to
 2 meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2
 3 and the Better Streets Plan and/or to provide additional space for pedestrian and streetscape
 4 amenities. If it is found that sidewalk widening is feasible and desirable, the Planning
 5 Department shall require the owner or developer to install such sidewalk widening as a
 6 condition of approval, including all associated utility re-location, drainage, and street and
 7 sidewalk paving.

8 (iii) ~~(C)~~ **Minimum sidewalk width.** New publicly-accessible rights-
 9 of-way proposed as part of development projects shall meet or exceed the recommended
 10 sidewalk widths for the appropriate street type per Table 2. Where a consistent front building
 11 setback of 3 feet or greater extending for at least an entire block face is provided, the
 12 recommended sidewalk width may be reduced by up to 2 feet.

13 **Table 2. Recommended Sidewalk Widths by Street Type**

	Street Type (per Better Streets Plan)	Recommended Sidewalk Width (Minimum required for new streets)
14	Commercial	Downtown commercial
15		See Downtown Streetscape Plan
16		Commercial throughway
17		15'
18		Neighborhood commercial
19		15'
20	Residential	Downtown residential
21		15'
22		Residential throughway
23		15'
24		Neighborhood residential
25		12'
	Industrial/Mixed-Use	Industrial
		10'
		Mixed-use
		15'

1	Special	Parkway	17'
2		Park edge (multi-use path)	25'
3		Multi-way boulevard	15'
4		Ceremonial	varies
5	Small	Alley	9'
6		Shared public way	n/a
7		Paseo	varies
8			
9			

10 **(C) ~~(iii)~~ Review and approvals.**

11 (i) ~~(A)~~ The streetscape plan required by this section shall be
12 submitted to the Planning Department no later than 60 days prior to any Department or
13 Planning Commission approval action, and shall be considered for approval at the time of
14 other project approval actions. The Planning Department may require any or all standard
15 streetscape elements for the appropriate street type per Table 1 and the Better Streets Plan, if
16 it finds that these improvements are necessary to meet the goals and objectives of the
17 General Plan of the City and County of San Francisco. In making its determination about
18 required streetscape and pedestrian elements, the Planning Department shall consult with
19 other City agencies tasked with the design, permitting, use, and maintenance of the public
20 right-of-way.

21 (ii) ~~(B)~~ Final approval by the affected agencies and construction of
22 such streetscape improvements shall be completed prior to the issuance of the first Certificate
23 of Occupancy or temporary Certificate of Occupancy for the project, unless otherwise
24 extended by the Zoning Administrator. Should conditions, policies, or determinations by other
25 City agencies require a change to the streetscape plan after approval of the streetscape plan

1 but prior to commencement of construction of the streetscape improvements, the Planning
2 Department shall have the authority to require revision to such streetscape plan. In such case,
3 the Zoning Administrator shall extend the timeframe for completion of such improvements by
4 an appropriate duration as necessary.

5 (iii) ~~(C)~~ **Waiver.** Any City agency tasked with the design,
6 permitting, use, and maintenance of the public right-of-way, may waive any or all Department
7 required improvements of the streetscape plan as described in this Subsection under that
8 agency's jurisdiction if said agency determines that such improvement or improvements is
9 inappropriate, interferes with utilities to an extent that makes installation financially infeasible,
10 or would negatively affect the public welfare. Any such waiver shall be from the Director or
11 General Manager of the affected agency, shall be in writing to the applicant and the
12 Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior
13 to commencement of construction of the streetscape improvements unless extenuating
14 circumstances arise during the construction of said improvements. If such a waiver is granted,
15 the Department reserves the right to impose alternative requirements that are the same as or
16 similar to the elements in the adopted streetscape plan after consultation with the affected
17 agency. This Subsection shall not apply to the waiver of the street tree requirement set forth in
18 Section 138.1(c)(1).

19 (d) **Neighborhood Streetscape Plans.** In addition to the requirements listed in
20 Subsection 138.1(c), the Planning Department in coordination with other city agencies, and
21 after a public hearing, may adopt streetscape plans for particular streets, neighborhoods, and
22 districts, containing standards and guidelines to supplement the Better Streets Plan.
23 Development projects in areas listed in this subsection that propose or are required through
24 this section to make pedestrian and streetscape improvements to the public right-of-way shall
25

1 conform with the standards and guidelines in the applicable neighborhood streetscape plan in
2 addition to those found in the Better Streets Plan.

3 (1) **Downtown Streetscape Plan.**

4 (A) (ii) In any C-3 District sidewalk paving as set forth in the Downtown
5 Streetscape Plan shall be installed by the applicant under the following conditions:

6 (i) (A) Any new construction;

7 (ii) (B) The addition of floor area equal to 20 percent or more of an
8 existing building; or

9 (C) Alteration to greater than 50% of the existing square
10 footage of a building.

11 (B) (iii) In accordance with the provisions of Section 309 of the Planning
12 Code governing C-3 Districts, when a permit is granted for any project abutting a public
13 sidewalk in a C-3 District, the Planning Commission may impose additional requirements that
14 the applicant install sidewalk improvements such as benches, bicycle racks, lighting, special
15 paving, seating, landscaping, and sidewalk widening in accordance with the guidelines of the
16 Downtown Streetscape Plan if it finds that these improvements are necessary to meet the
17 goals and objectives of the General Plan of the City and County of San Francisco. In making
18 this determination, the Planning Commission shall consider the level of street as defined in
19 the Downtown Streetscape Plan.

20 (C) (iv) If a sidewalk widening or a pedestrian street improvement is used
21 to meet the open space requirement, it shall conform to the guidelines of Section 138.

22 (D) (v) The Planning Commission shall determine whether the
23 streetscape improvements required by this Section may be on the same site as the building
24 for which the permit is being sought, or within 900 feet, provided that all streetscape
25 improvements are located entirely within the C-3 District.

1 (2) **Rincon Hill Streetscape Plan.**

2 (A) ~~(i)~~ In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and
3 Folsom and Main Residential/Commercial Special Use Districts, the boundaries of which are
4 shown in Section Map No. 1 of the Zoning Map, for all frontages abutting a public sidewalk,
5 the project sponsor is required to install sidewalk widening, street trees, lighting, decorative
6 paving, seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill
7 Area Plan, developed by the Planning Department and approved by the Board of Supervisors
8 for: (A) any new construction; or (B) the addition of floor area equal to 20 percent or more of
9 an existing building; ~~or (C) alteration to greater than 50% of the existing square footage of a~~
10 ~~building.~~

11 (B) ~~(ii)~~ Prior to approval by the Board of Supervisors of a Streetscape
12 Plan for Rincon Hill, the Planning Commission, through the procedures of Section 309.1, shall
13 require an applicant to install sidewalk widening, street trees, lighting, decorative paving,
14 seating, and landscaping in keeping with the intent of the Rincon Hill Area Plan of the General
15 Plan and in accordance with this section of the Planning Code.

16 ****

17 (f) **Removal and modification of private encroachments on public rights-of-way.**

18 (1) **Applicability.** *This section shall apply to developments which:*

19 (A) *construct new buildings;*

20 (B) *include building alterations which increase the gross square footage of a*
21 *structure by 20 percent or more;*

22 (C) ~~change uses involving half or more of the building floor area, or more~~
23 ~~than 10,000 square feet;~~

24 (D) *add off-street parking or loading; or*

25 (D) ~~(E)~~ *remove off-street parking or loading.*

1 (2) **Requirements.** As a condition of approval for the applicable developments in
2 subsection (b), the Planning Department may require the project sponsor to:

3 (A) reduce the number or width of driveway entrances to a lot, to comply with
4 the streetscape requirements of this Code and the protected street frontages of Section 155(r);

5 (B) remove encroachments onto or over sidewalks and streets that reduce the
6 pedestrian path of travel, or reduce the sidewalk area available for streetscape amenities such as
7 landscaping, street trees and outdoor seating;

8 (C) remove or reduce in size basements which extend under public rights-of-
9 way.

10 (3) **Standards.** In instances where such encroachments are removed, the Planning
11 Department shall require that the replacement curbs, sidewalks, street trees, and landscaping shall
12 meet the standards of the Better Streets Plan and of any applicable neighborhood streetscape plans.

13 **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN**
14 **AREA.**

15 (a) **Requirements.** With the exception of dwelling units in single room occupancy
16 buildings in the South of Market Mixed Use Districts, in each dwelling unit in any use district,
17 the required windows (as defined by Section 504 of the San Francisco Housing Code) of at
18 least one room that meets the 120-square-foot minimum superficial floor area requirement of
19 Section 503 of the Housing Code shall face directly on an open area of one of the following
20 types:

21 (1) A public street, public alley at least ~~25~~ 20 feet in width, side yard at least 25
22 feet in width, or rear yard meeting the requirements of this Code; provided, that if such
23 windows are on an outer court whose width is less than 25 feet, the depth of such court shall
24 be no greater than its width; or

1 (2) An open area (whether an inner court or a space between separate
2 buildings on the same lot) which is unobstructed (except for fire escapes not projecting more
3 than necessary for safety and in no case more than four feet six inches, chimneys, and those
4 obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and
5 is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in
6 question is located and the floor immediately above it, with an increase of five feet in every
7 horizontal dimension at each subsequent floor, except for single room occupancy buildings in
8 the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in
9 every horizontal dimension until the fifth floor of the building.

10 (b) **Exceptions.** For historic buildings identified in Section 307(h)(1) ~~which are located~~
11 ~~within the Eastern Neighborhoods Mixed Use Districts, and for the conversion of a nonconforming use~~
12 ~~in an existing building to a residential use in a district where the residential use is principally~~
13 ~~permitted,~~ the requirements of this Section 140 may be modified or waived pursuant to the
14 procedures and criteria set forth in Sections 307(h) and 329. This administrative exception does
15 not apply to new additions to historic buildings.

16 **SEC. 141. SCREENING OF ROOFTOP FEATURES IN R, NC, C, M, ~~MUG, MUO, MUR,~~**
17 **~~UMU, DTR, SPD, RSD, SLR, SLI~~ AND MIXED USE SSO DISTRICTS.**

18 (a) In R, ~~SPD, RSD,~~ NC, C, M, ~~MUG, MUO, MUR, UMU, SLR, SLI~~ and Mixed Use SSO
19 Districts, rooftop mechanical equipment and appurtenances to be used in the operation or
20 maintenance of a building shall be arranged so as not to be visible from any point at or below
21 the roof level of the subject building. This requirement shall apply in construction of new
22 buildings, and in any alteration of mechanical systems of existing buildings that results in
23 significant changes in such rooftop equipment and appurtenances. The features so regulated
24 shall in all cases be either enclosed by outer building walls or parapets, or grouped and
25 screened in a suitable manner, or designed in themselves so that they are balanced and

1 integrated with respect to the design of the building. Minor features not exceeding one foot in
2 height shall be exempted from this regulation.

3 (b) In C-3 Districts, whenever the enclosure or screening of the features listed in
4 Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with
5 provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is
6 designed as a logical extension of the building form and an integral part of the overall building
7 design; (2) its cladding and detailing is comparable in quality to that of the rest of the building;
8 (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop
9 form is appropriate to the nature and proportions of the building, and is designed to obscure
10 the rooftop equipment and appurtenances and to provide a more balanced and graceful
11 silhouette for the top of the building or structure; and (4) the additional building volume is not
12 distributed in a manner which simply extends vertically the walls of the building.

13 (c) In ~~Downtown Residential Districts, the Eastern Neighborhoods Mixed Use Districts, and~~
14 ~~South of Market~~ Mixed Use Districts, mechanical equipment and appurtenances shall be
15 enclosed in such a manner that: (1) the enclosure is designed as a logical extension of the
16 building form and an integral part of the overall building design; (2) its cladding and detailing is
17 comparable in quality to that of the rest of the building; (3) if screened by additional volume,
18 as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions
19 of the building, and is designed to obscure the rooftop equipment and appurtenances and to
20 provide a more balanced and graceful silhouette for the top of the building or structure; and
21 (4) the additional building volume is not distributed in a manner which simply extends
22 vertically the walls of the building.

23 (d) Off-street parking or freight loading spaces shall only be permitted on unenclosed
24 rooftops when the parking area is screened with fencing, trellises and/or landscaped
25

1 screening features such that parked vehicles cannot be easily viewed from adjacent buildings,
 2 elevated freeways or public vista points.

3 **SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.**

4 (a) **Applicability.** Off-street parking spaces shall be provided in the minimum
 5 quantities specified in Table 151, except as otherwise provided in Section 151.1 and Section
 6 161 of this Code. Where the building or lot contains uses in more than one of the categories
 7 listed, parking requirements shall be calculated in the manner provided in Section 153 of this
 8 Code. Where off-street parking is provided which exceeds certain amounts in relation to the
 9 quantities specified in Table 151, as set forth in subsection (c) Section 204.5 of this Code, such
 10 parking shall be classified not as accessory parking but as either a principal or a conditional
 11 use, depending upon the use provisions applicable to the district in which the parking is
 12 located. In considering an application for a conditional use for any such parking, due to the
 13 amount being provided, the City Planning Commission shall consider the criteria set forth in
 14 Section 157 of this Code.

15 (b) **Minimum parking required.**

16 **Table 151**
 17 **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, in the Broadway and North Beach Neighborhood Commercial Districts and the Chinatown Mixed Use Districts	P up to one car for each two dwelling units; C up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP

1		<i>above 0.75 cars for each dwelling unit.</i>
2	Dwelling, in the Telegraph Hill – North Beach	<u>None required.</u> P up to three cars for each
3	Residential Special Use District	
4		
5		
6		four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.
7	Dwelling, RC-4, except in the Van Ness	One for each four dwelling units.
8	Special Use District	
9	Dwelling, specifically designed for and	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 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.
10	occupied by senior citizens as defined in	
11	Section 102.6.1 of this Code, or persons with	
12	physical disabilities	
13		
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16		
17	Dwelling, in an affordable housing project as	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.
18	defined by Section 401 of this Code.	
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23	Group housing of any kind	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
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	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, 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.
Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
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.
Motel	One for each guest unit, plus one for the manager's dwelling unit, if any.
Mobile home park	One for each vehicle or structure in such park, plus one for the manager's dwelling unit if any.
Hospital or other inpatient medical institution	One for each 8 beds 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.

1	Residential care facility	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 for each 10 residents, where the number of residents exceeds nine.
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7	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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10	Elementary school	One for each six classrooms.
11	Secondary school	One for each two classrooms.
12	Post-secondary educational institution	One for each two classrooms.
13	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
14		
15	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.
16		
17		
18	Stadium or sports arena	One for each 15 seats.
19	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.
20		
21		
22	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.
23		
24		
25	Other business office	One for each 500 square feet of occupied

1		floor area, where the occupied floor area exceeds 5,000 square feet.
2		
3	Restaurant, bar, nightclub, pool hall,	One for each 200 square feet of occupied
4	dancehall, bowling alley or other similar	floor area, where the occupied floor area
5	enterprise	exceeds 5,000 square feet.
6		
7	Retail space devoted to the handling of bulky	One for each 1,000 square feet of occupied
8	merchandise such as motor vehicles,	floor area, where the occupied floor area
9	machinery or furniture	exceeds 5,000 square feet.
10	Greenhouse or plant nursery	One for each 4,000 square feet of occupied
11		floor area, where the occupied floor area
12		exceeds 5,000 square feet.
13	Other retail space	One for each 500 square feet of occupied
14		floor area up to 20,000 where the occupied
15		floor area exceeds 5,000 square feet, plus
16		one for each 250 square feet of occupied
17		floor area in excess of 20,000.
18	Service, repair or wholesale sales	One for each 1,000 square feet of occupied
19		floor space, including personal, home or area,
20		where the occupied floor area exceeds 5,000
21		square feet.
22	Mortuary	Five
23	Storage or warehouse space, and space	One for each 2,000 square feet of occupied
24	devoted to any use first permitted in an M-2	floor area, where the occupied floor area
25	District	exceeds 10,000 square feet.

<p>1 Arts activities and spaces except theater or 2 auditorium spaces</p>	<p>One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.</p>
<p>4 Other manufacturing and industrial uses</p>	<p>One for each 1,500 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.</p>
<p>7 Live/work units</p>	<p>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.</p>

12 (c) Maximum parking permitted as accessory. Except as specified in subsection (b)
13 above, accessory Accessory parking principally permitted under this Section shall include only
14 those facilities which do not exceed the following amounts for a structure, lot, or development:

15 (1) Three spaces where one space is required by this Section.

16 (2) Four spaces where two spaces are required by this Section.

17 (3) 150 percent of the required number of spaces where three or more spaces are
18 required by this Section.

19 (4) In all districts other than NC, 15 spaces or seven percent of the total gross floor
20 area of the structure or development, whichever is greater.

21 (5) In NC districts, three spaces where no off-street parking spaces are required by this
22 Section.

23 ~~(6) For projects with two or more dwelling units in RC districts, one space for~~
24 ~~each two dwelling units, and up to three for every four units with Conditional Use~~
25 ~~authorization.~~

1 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
 2 **SPECIFIED DISTRICTS.**

3 (a) **Applicability.** This subsection shall apply only to ~~DTR~~, NCT, RC, Upper Market
 4 ~~NGD~~, RTO, ~~Eastern Neighborhood~~ Mixed Use, ~~South of Market Mixed Use~~, M-1, PDR-1-D, and
 5 PDR-1-G, C-M, or C-3 Districts, and to the Broadway, North Beach, and Upper Market
 6 Neighborhood Commercial Districts.

7 ***

8 **Table 151.1**

9 **OFF-STREET PARKING PERMITTED AS ACCESSORY**

Use or Activity	Space Devoted to Off-Street Car Parking or Number of Off-Street Car Parking Spaces Permitted
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling units in C-3 and SB-DTR, Districts except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 and SB-DTR, Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling

1		unit.
2	<u>Dwelling Units in C-3 Districts</u>	<u>P up to one car for each two dwelling units; C up</u>
3		<u>to three cars for each four dwelling units, subject</u>
4		<u>to the criteria and procedures of Section 151.1(f).</u>
5		<u>NP above three cars for each four dwelling units.</u>
6	Dwelling units in C-3 Districts and in the Van	P up to one car for each four dwelling units; C
7	Ness and Market Downtown Residential	up to .5 cars for each dwelling unit, subject to
8	Special Use District	the criteria and procedures of Section
9		151.1(f); NP above two cars for each four
10		dwelling units.
11	Dwelling units and SRO units in SLI, SSO,	P up to one car for each four dwelling units;
12	MUG, MUR, MUO, SPD Districts, except as	up to 0.75 cars for each dwelling unit, subject
13	specified below	to the criteria and conditions and procedures
14		of Section 151.1(g); NP above 0.75 cars for
15		each dwelling unit.
16	Dwelling units in SLI, SSO, MUG, MUR,	P up to one car for each four dwelling units;
17	MUO, SPD Districts with at least 2 bedrooms	up to one car for each dwelling unit, subject to
18	and at least 1,000 square feet of occupied	the criteria and conditions and procedures of
19	floor area	Section 151.1(g); NP above one car for each
20		dwelling unit.
21	Dwelling units and SRO units in NCT, <u>RC</u> , C-	P up to one car for each two dwelling units; C
22	M, RSD, and SLR Districts, <u>Chinatown Mixed</u>	up to 0.75 cars for each dwelling unit, subject
23	<u>Use, Broadway NCD, North Beach NCD</u> , and the	Section 151.1(g); NP above 0.75 cars for
24	Upper Market NCD <u>Districts</u> , except as	each dwelling unit.
25	specified below	

1	Dwelling units in the Ocean Avenue NCT	P up to one car for each unit; NP above.
2	Districts and Glen Park NCT District.	
3	Dwelling units and SRO units in RTO and	P up to three cars for each four dwelling units;
4	RED Districts, except as specified below.	C up to one car for each dwelling unit, subject
5		to the criteria and procedures of Section
6		151.1(g); NP above one car for each dwelling
7		unit.
8	Dwelling units and SRO units in UMU	P up to 0.75 cars for each dwelling unit; NP
9	Districts, except as specified below	above.
10		
11	Dwelling units in UMU District with at least 2	P up to 1 car for each dwelling unit and
12	bedrooms and at least 1,000 square feet of	subject to the conditions of 151.1(g); NP
13	occupied floor area	above.
14	Group housing of any kind	P up to one car for each three bedrooms or
15		for each six beds, whichever results in the
16		greater requirement, plus one for the
17		manager's dwelling unit if any. NP above.
18	All non-residential uses in C-3 and C-M	Not to exceed 7% of gross floor area of such
19	Districts	uses, except not to exceed 3.5% of gross
20		floor area in the C-3-0(SD) District. See
21		requirements in Section 204.5.
22	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus
23		one for the manager's dwelling unit, if any.
24	Motel	P up to one for each guest unit, plus one for
25		the manager's dwelling unit, if any.

1	Hospital or other inpatient medical institution	P up to one for each 8 guest beds excluding
2		bassinets or for each 2,400 square feet of
3		gross floor area devoted to sleeping rooms,
4		whichever results in the lesser requirement.
5	Residential care facility	P up to one for each 10 residents.
6	Child care facility	P up to one for each 25 children to be
7		accommodated at any one time.
8	Elementary school	P up to one for each six classrooms.
9	Secondary school	P up to one for each two classrooms.
10	Post-secondary educational institution	P up to one for each two classrooms.
11	Church or other religious institutions	P up to one for each 20 seats.
12	Theater or auditorium	P up to one for each eight seats up to 1,000
13		seats, plus one for each 10 seats in excess of
14		1,000.
15	Stadium or sports arena	P up to one for each 15 seats.
16	Medical or dental office or outpatient clinic	P up to one for each 300 square feet of
17		occupied floor area.
18	All office uses in C-3, DTR, C-M, SLR SSO,	P up to seven percent of the gross floor area
19	SPD, MUG, MUR, and MUO Districts	of such uses and subject to the pricing
20		conditions of Section 155 (g); NP above.
21		
22	<i>All office uses in Chinatown Mixed Use Districts</i>	<i>P up to seven percent of the gross floor area of</i>
23		<i>such uses; NP above.</i>
24	Office uses in M-1, UMU, PDR-1-D, and	P up to one car per 1,000 square feet of
25	PDR-1-G Districts, except as specified below	gross floor area and subject to the pricing

1		conditions of Section 155 (g); NP above.
2	Office uses in M-1, UMU, PDR-1-D, and	P up to one car per 500 square feet of gross floor area; NP above.
3	PDR-1-G Districts where the entire parcel is	
4	greater than ¼-mile from Market, Mission, 3rd	
5	and 4th Street north of Berry Street	
6	<u>Limited Corner Commercial Uses</u> Non-	None permitted.
7	residential uses in RTO and RM districts	
8	permitted under Section 231.	
9	All non-residential uses in NCT, RSD, and	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(g). NP above.
10	SLR districts <u>and the Broadway, North Beach,</u>	
11	<u>and</u> Upper Market NCD _s , except for retail	
12	grocery stores with over 20,000 gross square	
13	feet as specified below	
14		
15		
16	Retail grocery store uses in NCT, RSD, and	P up <u>to</u> 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.
17	SLR districts and the <u>Broadway, North Beach,</u>	
18	<u>and</u> Upper Market NCD _s with over 20,000	
19	square feet of occupied floor area	
20		
21		
22		
23	All retail in the Eastern Neighborhoods Mixed	P up to one for each 1,500 square feet of gross floor area.
24	Use Districts where any portion of the parcel	
25	is less than ¼ mile from Market, Mission, 3rd	

1	and 4th Streets north of Berry Street, except	
2	grocery stores of over 20,000 gross square	
3	feet.	
4	With the exception of Eastern Neighborhoods	P up to one for each 200 square feet of
5	Mixed Use Districts as set forth above, all	occupied floor area. In South of Market Mixed
6	other restaurant, bar, nightclub, pool hall,	Use Districts, participation in transportation
7	dance hall, bowling alley or other similar	programs may be required per Section
8	enterprise	151.1(i).
9	With the exception of Eastern Neighborhoods	P up to one for each 1,000 square feet of
10	Mixed Use Districts as set forth above, all	occupied floor area.
11	other retail space devoted to the handling of	
12	bulky merchandise such as motor vehicles,	
13	machinery or furniture	
14	With the exception of Eastern Neighborhoods	P up to one for each 4,000 square feet of
15	Mixed Use Districts as set forth above, all	occupied floor area.
16	other greenhouse or plant nursery	
17	With the exception of Eastern Neighborhoods	P up to one for each 500 square feet of gross
18	Mixed Use Districts as set forth above, all	floor area up to 20,000 square feet, plus one
19	other retail space	for each 250 square feet of gross floor area in
20		excess of 20,000.
21	Service, repair or wholesale sales space,	P up to one for each 1,000 square feet of
22	including personal, home or business service	occupied floor area.
23	space in South of Market <u>Mixed Use</u> Districts	
24	Mortuary	P up to five.
25	Storage or warehouse space, and space	P up to one for each 2,000 square feet of

1 2	devoted to any use first permitted in an M-2 District	occupied floor area.
3 4 5 6 7	Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area. In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).
8 9	Laboratory	P up to one for each 1,500 square feet of occupied floor area.
10 11	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
12 13	Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.
14 15	Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.

16 (e) **DTR Districts.** In DTR ~~d~~Districts, any request for accessory parking in excess of
17 what is permitted by right shall be reviewed on a case-by-case basis by the Planning
18 Commission, subject to the procedures set forth in Section 309.1 of this Code.

19 (1) In granting approval for parking accessory to residential uses above that
20 permitted by right in Table 151.1, the Commission shall make the following affirmative
21 findings:

22 (A) All parking in excess of that allowed by right is stored and accessed
23 by mechanical means, valet, or non-independently accessible method that maximizes space
24 efficiency and discourages use of vehicles for commuting or daily errands;
25

1 (B) Vehicle movement on or around the project site associated with the
2 excess accessory parking does not unduly impact pedestrian spaces or movement, transit
3 service, bicycle movement, or the overall traffic movement in the district;

4 (C) Accommodating excess accessory parking does not degrade the
5 overall urban design quality of the project proposal;

6 (D) All parking in the project is set back from facades facing streets and
7 alleys and lined with active uses, and that the project sponsor is not requesting any
8 exceptions or variances requiring such treatments elsewhere in this Code; and

9 (E) Excess accessory parking does not diminish the quality and viability
10 of existing or planned streetscape enhancements.

11 (2) Additionally, in granting approval for such accessory parking above that
12 permitted by right, the Commission may require the property owner to pay the annual
13 membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any
14 resident of the project who so requests and who otherwise qualifies for such membership,
15 provided that such requirement shall be limited to one membership per dwelling unit, when the
16 following findings are made by the Commission:

17 (A) that the project encourages additional private automobile use,
18 thereby creating localized transportation impacts for the neighborhood; and

19 (B) that these localized transportation impacts may be lessened for the
20 neighborhood by the provision of car-share memberships to residents.

21 (f) C-3 Districts. In C-3 Districts, any request for accessory parking in excess of what is
22 permitted by right in Table 151.1, shall be reviewed ~~on a case-by-case basis~~ by the Planning
23 Commission as a Conditional Use, ~~subject to the procedures set forth in Section 309 of this Code.~~
24
25

1 (1) In granting approval for parking accessory to residential uses above that
2 permitted by right in Table 151.1, the Planning Commission shall make the following
3 affirmative findings:

4 (A) For projects with 50 units or more, all residential accessory parking in
5 excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by
6 mechanical stackers or lifts, valet, or other space-efficient means that allows more space
7 above-ground for housing, maximizes space efficiency and discourages use of vehicles for
8 commuting or daily errands. The Planning Commission may authorize the request for
9 additional parking notwithstanding that the project sponsor cannot fully satisfy this
10 requirement provided that the project sponsor demonstrates hardship or practical infeasibility
11 (such as for retrofit of existing buildings) in the use of space-efficient parking given the
12 configuration of the parking floors within the building and the number of independently
13 accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or
14 other form of parking space management could not significantly increase the capacity of the
15 parking space above the maximums in Table 151.1;

16 ~~(B) For any project with residential accessory parking in excess of 0.375~~
17 ~~parking spaces for each dwelling unit, the project complies with the housing requirements of~~
18 ~~Sections 415 through 415.9 of this Code except as follows: the inclusionary housing~~
19 ~~requirements that apply to projects seeking conditional use authorization as designated in~~
20 ~~Section 415.3(a)(2) shall apply to the project.~~

21 ~~(C)~~ The findings of Section 151.1(e)(1)(B), (e)(1)(C), and (e)(1)(E) are
22 satisfied;

23 ~~(D)~~ (C) All parking meets the active use and architectural screening
24 requirements in Sections 145.1 ~~155(s)(1)(B) and 155(s)(1)(C)~~ and the project sponsor is not
25 requesting any exceptions or variances requiring such treatments elsewhere in this Code.

1 (2) Additionally, in granting such approval for accessory parking above that
2 permitted by right, the Commission may require the property owner to pay the annual
3 membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any
4 resident of the project who so requests and who otherwise qualifies for such membership,
5 provided that such requirement shall be limited to one membership per dwelling unit, when the
6 findings set forth in Section 151.1(e)(2) are made.

7 (g) RTO, RC, NCT, C-M, and Mixed Use Districts, and the Broadway, North Beach, and
8 Upper Market Neighborhood Commercial Districts, and the Van Ness Special Use District. In
9 RTO, RC, and NCT, C-M and ~~South of Market~~ Mixed Use Districts, and the Broadway, North
10 Beach, and Upper Market NCDs, any request for accessory parking in excess of what is
11 principally permitted in Table 151.1, but which does not exceed the maximum amount stated
12 in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In MUG,
13 MUR, MUO, and SPD Districts, any project subject to Section 329 and that requests
14 residential accessory parking in excess of that which is principally permitted in Table 151.1,
15 but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by
16 the Planning Commission according to the procedures of Section 329. Projects that are not
17 subject to Section 329 shall be reviewed under the procedures detailed in subsection (h),
18 below.

19 (1) In granting such Conditional Use or exception per Section 329 for parking in
20 excess of that principally permitted in Table 151.1, the Planning Commission shall make the
21 following affirmative findings according to the uses to which the proposed parking is
22 accessory:

23 (A) **Parking for all uses**
24
25

1 (i) Vehicle movement on or around the project does not unduly
2 impact pedestrian spaces or movement, transit service, bicycle movement, or the overall
3 traffic movement in the district;

4 (ii) Accommodating excess accessory parking does not degrade
5 the overall urban design quality of the project proposal;

6 (iii) All above-grade parking is architecturally screened and lined
7 with active uses according to the standards of Section 145.1, and the project sponsor is not
8 requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

9 (iv) Excess accessory parking does not diminish the quality and
10 viability of existing or planned streetscape enhancements.

11 (B) **Parking for Residential Uses**

12 (i) For projects with 50 dwelling units or more, all residential
13 accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by
14 mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for
15 parking and maneuvering, and maximizes other uses.

16 (C) **Parking for Non-Residential Uses**

17 (i) Projects that provide more than 10 spaces for non-residential
18 uses must dedicate 5% of these spaces, rounded down to the nearest whole number, to
19 short-term, transient use by vehicles from certified car sharing organizations per Section 166,
20 vanpool, rideshare, taxis, or other co-operative auto programs. These spaces shall not be
21 used for long-term storage nor satisfy the requirement of Section 166, but rather to park them
22 during trips to commercial uses. These spaces may be used by shuttle or delivery vehicles
23 used to satisfy subsection (B).

24 (ii) Retail uses larger than 20,000 square feet, including but not
25 limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and

1 appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public
2 transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service
3 and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000
4 square feet.

5 (iii) Parking shall be limited to short-term use only.

6 (iv) Parking shall be available to the general public at times when
7 such parking is not needed to serve the use or uses to which it is accessory.

8 (2) Additionally, in granting such approval for accessory parking above that
9 permitted by right, the Commission may require the property owner to pay the annual
10 membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any
11 resident of the project who so requests and who otherwise qualifies for such membership,
12 provided that such requirement shall be limited to one membership per dwelling unit, when the
13 findings set forth in Section 151.1(e)(2) are made.

14 (h) **Small residential projects in MUG, MUR, MUO, and SPD Districts.** Any project
15 that is not subject to the requirements of Section 329 and that requests residential accessory
16 parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the
17 Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking
18 in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount
19 stated in Table 151.1, only if the Zoning Administrator determines that all of the following
20 conditions are met:

21 (1) all the conditions of subsection (g)(1)(A) above have been met.

22 (2) parking is not accessed from any protected Transit or Pedestrian Street
23 described in Section 155(r), and

24 (3) where more than ten spaces are proposed at least half of them, rounded
25 down to the nearest whole number, are stored and accessed by mechanical stackers or lifts,

1 valet, or other space-efficient means that reduces space used for parking and maneuvering,
2 and maximizes other uses.

3 (i) **Transportation programs in South of Market Mixed Use Districts.** Within the
4 South of Market Mixed Use Districts, upon approval by the Zoning Administrator pursuant to
5 Section 307(g), bars, restaurants, arts, nighttime entertainment, and pool halls greater than
6 10,000 square feet may be required to participate in a Transportation Management Program
7 approved by the Zoning Administrator which may include, but need not be limited to,
8 participation in a coordinated off-site satellite parking facilities program, shuttle service,
9 bicycle parking, projects and programs to improve parking management, specified signage,
10 and designated advertising procedures.

11 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-**
12 **STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.**

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

22 ****

23 (d) All off-street freight loading and service vehicle spaces in the C-3, C-M, DTR,
24 MUO, WMUO, MUG, WMUG, MUR, and South of Market Mixed Use Districts shall be
25 completely enclosed and access from a public street or alley shall be provided by means of a

1 private service driveway, which is totally contained within the structure. Such a private service
2 driveway shall include adequate space to maneuver trucks and service vehicles into and out
3 of all provided spaces, and shall be designed so as to facilitate access to the subject property
4 while minimizing interference with street and sidewalk circulation. Any such private service
5 driveway shall be of adequate width to accommodate drive-in movement from the adjacent
6 curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if
7 an adjacent street or alley is determined by the Zoning Administrator to be primarily used for
8 building service, up to four off-street freight or loading spaces may be allowed to be
9 individually accessible directly from such a street or alley, pursuant to the provisions of
10 Section 309 in a C-3 District, the provisions of Section 307(g) in a South of Market Mixed Use
11 District, the provisions of Section 309.1 in a DTR District, the provisions of Section 329 for
12 projects subject to Section 329 in a MUO, WMUO, MUG, WMUG, or MUR District, or by
13 administrative decision of the Zoning Administrator for projects that are not subject to Section
14 329 in a MUO, WMUO, MUG, WMUG, or MUR District.

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

19 * * * *

20 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
21 order to preserve the pedestrian character of certain downtown and neighborhood commercial
22 districts and to minimize delays to transit service, garage entries, driveways or other vehicular
23 access to off-street parking or loading (except for the creation of new publicly-accessible
24 streets and alleys) shall be regulated on development lots as follows on the following street
25 frontages:

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

3 (2) Not permitted:

4 (A) The entire portion of Market Street from The Embarcadero to Castro
5 Street,

6 (B) Hayes Street from Franklin Street to Laguna Street, Church Street in
7 the NCT-3 and Upper Market NCT Districts,

8 (C) Van Ness Avenue from Hayes Street to Mission Street,

9 (D) Mission Street from The Embarcadero to Annie Street and from 10th
10 Street to Division Street,

11 (E) Octavia Street from Hayes Street to Fell Street,

12 (F) Embarcadero in the DTR Districts,

13 (G) 22nd Street between 3rd Street and Minnesota Streets within the
14 NCT-2 District,

15 (H) Valencia Street between 15th and 23rd Streets in the Valencia
16 Street NCT District,

17 (I) Mission Street for the entirety of the Mission Street NCT District,

18 (J) 24th Street for the entirety of the 24th Street-Mission NCT,

19 (K) 16th Street between Guerrero and Capp Streets within the Valencia
20 Street NCT and Mission Street NCT Districts,

21 (L) 16th Street between Kansas and Mississippi Streets in the UMU and
22 PDR-1-D Districts,

23 (M) 6th Street for its entirety within the SoMa NCT District,
24
25

1 (N) 3rd Street, in the UMU districts for 100 feet north and south of
2 Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant and
3 Townsend in the SLI and MUO District,

4 (O) Ocean Avenue within the Ocean Avenue NCT District,

5 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2
6 District,

7 (Q) Columbus Avenue between Washington and North Point Streets,

8 (R) Broadway from the Embarcadero on the east to Polk Street on the
9 west, and

10 (S) All alleyways in the Chinatown Mixed Use Districts,

11 (T) Diamond Street within the Glen Park NCT District,

12 (U) Chenery Street within the Glen Park NCT District,

13 (V) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,

14 (W) Ecker Alley in its entirety,

15 (X) Shaw Alley in its entirety,

16 (Y) 2nd Street from Market to Folsom Streets,

17 (Z) Destination Alleyways, as designated in the Downtown Streetscape Plan.

18 (AA) The western (inland) side of the Embarcadero between Townsend and
19 Jefferson Streets.

20 (3) Not permitted except with a Conditional Use authorization, except that in
21 the C-3-O(SD) District, the Planning Commission may grant such permission as an exception
22 pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of
23 parking proposed does not exceed the amounts permitted as accessory according to Section
24 151.1.

25 (A) The entire portion of California Street,

1 (B) ~~The Embarcadero~~, Folsom Street, Geary Street, Mission Street, Powell
2 Street and Stockton Street in the C-3 Districts,
3 (C) ~~(B)~~ Grant Avenue from Market Street to Bush Street,
4 (D) ~~(C)~~ Montgomery Street from Market Street to Columbus Avenue,
5 (E) ~~(D)~~ Haight Street from Market Street to Webster Street,
6 (F) ~~(E)~~ Church Street and 16th Street in the RTO District,
7 ~~(F)~~ ~~Duboce Street from Noe Street to Market Street,~~
8 (G) Duboce Street from Noe Street to Market Street,
9 (H) Octavia Street from Fell Street to Market Street, and
10 (I) 1st, Fremont and Beale Streets from Market to Folsom Street, and
11 (J) The eastern (water) side of The Embarcadero between Townsend and Taylor
12 Streets.

13 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
14 loading shall be created or utilized on street frontages identified along any Transit Preferential,
15 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the
16 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,
17 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
18 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
19 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
20 unless the officially adopted alignment is along the left side of the street. Where an alternative
21 frontage is not available, parking or loading access along any Transit Preferential, Citywide
22 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
23 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
24 streets not listed in subsection (2) above as an exception in the manner provided in Section
25 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be

1 clearly demonstrated that the final design of the parking access minimizes negative impacts to
2 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

3 (5) For corner lots in the SALI District, no new curb cut shall be permitted, nor
4 any existing curb cut expanded, on any Street or Alley identified as an alley in the Western
5 SoMa Area Plan of the General Plan if any property on the same block with frontage along
6 that Street or Alley is designated as a RED or RED-MX District.

7 (6) A "development lot" shall mean any lot containing a proposal for new
8 construction, building alterations which would increase the gross square footage of a structure
9 by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a
10 structure containing parking. Pre-existing access to off-street parking and loading on
11 development lots that violates the restrictions of this Section 155(r) may not be maintained.

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

16 (1) **Ground floor or below-grade parking and street frontages with active**
17 **uses.**

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

23 (B) Parking located at or above ground-level shall conform to the street
24 frontage requirements of Section 145.1(c), and shall be lined with active uses, as defined by
25 Section 145.4(e), to a depth of at least 25 feet along all ground-level street frontages, except

1 for space allowed for parking and loading access, building egress, and access to mechanical
2 systems.

3 ~~(i) Where a non-accessory off-street parking garage permitted under~~
4 ~~Section 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 the~~
8 ~~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
10 exception under Section 309 or a conditional use in accordance with Section 303 as
11 authorized by subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-
12 of-way in a manner that accentuates ground floor retail and other uses, minimizes louvers and
13 other mechanical features and is in keeping with the overall massing and architectural
14 vocabulary of the building's lower floors. So as not to preclude conversion of parking space to
15 other uses in the future, parking allowed above the ground-level shall not be sloped and shall
16 have a minimum clear ceiling height of nine feet.

17 (2) **Residential accessory parking.** For residential accessory off-street parking
18 in C-3 Districts, two additional floors of above-grade parking beyond the at-grade parking
19 allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be
20 permitted 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
22 clearly 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
25 licensed professional and funded by the project sponsor. The Planning Director shall make a

1 determination as to the objectivity of the study prior to the Planning Commission's
2 consideration of the exception application under Section 309.

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

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

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

20 ~~(B) As a conditional use in accordance with the criteria set forth in Section
21 303, provided the site contains an existing non-accessory off-street surface parking lot with
22 valid permits for such parking as of the effective date of the ordinance enacting this
23 subsection and the site is located in the following Mid-Market area: Assessor's Block 0341,
24 Lots 4 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1
25 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13,~~

1 18, 19, 22, 24 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43;
2 Block 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64;
3 Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703,
4 Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through
5 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39,
6 42, 43, 45, 62 and 67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727,
7 Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81,
8 82, 83, 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and
9 51 This subsection 155(s)(3)(B) shall sunset on July 22, 2014.

10 (4) **Temporary Parking Lots.** Parking lots permitted in C-3 Districts as temporary
11 uses according to Section 156(h) *and expansions of existing above-grade publicly accessible*
12 *parking facilities* are not subject to the requirements of subsections 155(s)(1)—(3).

13 (5) **Parking and Loading Access.**

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

20 (B) Porte cocheres to accommodate passenger loading and unloading
21 are not permitted except as part of a hotel, inn or hostel use. For the purpose of this Section,
22 a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the
23 purpose of passenger loading or unloading, situated between the ground floor facade of the
24 building and the sidewalk.

1 (t) Garage additions in the North Beach Neighborhood Commercial District, North Beach-
2 Telegraph Hill Special Use District, and Chinatown Mixed Use Districts. Notwithstanding any other
3 provision of this Code to the contrary, a mandatory discretionary review hearing by the Planning
4 Commission is required in order to install a garage in an existing structure of four units or more in the
5 North Beach NCD, the North Beach-Telegraph Hill SUD, and the Chinatown Mixed Use Districts;
6 Section 311 notice is required for a building of less than four units.

7 In approving installation of the garage, the Commission shall find that: (1) the proposed garage
8 opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit,"
9 as those terms are defined in Section 317 of this Code, (2) the proposed garage opening/addition of off-
10 street parking will not substantially decrease the livability of a dwelling unit without increasing the
11 floor area in a commensurate amount, (3) the building has not had two or more evictions with each
12 eviction associated with a separate unit(s) within the past ten years, and (4) the proposed
13 garage/addition of off-street parking is consistent with the Priority Policies of Section 101.1 of this
14 Code. Prior to the Commission hearing, or prior to the issuance of notification under Section 311(c)(2)
15 of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting
16 to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also
17 have made a determination that the project complies with (4) above.

18 **SEC. 156. PARKING LOTS.**

19 (a) Definition. A "parking lot" is hereby defined as an off-street open area or portion
20 thereof solely for the parking of passenger automobiles. Such an area or portion shall be
21 considered a parking lot whether or not on the same lot as another use, whether or not
22 required by this Code for any structure or use, and whether classified as an accessory,
23 principal or conditional use.

24 (b) Conditional Use.

1 (1) Where parking lots are specified in Articles 2 or 7, or 8 of this Code as a use
2 for which conditional use approval is required in a certain district, such conditional use
3 approval shall be required only for such parking lots in such district as are not qualified as
4 accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall,
5 however, apply to all parking lots whether classified as accessory, principal or conditional
6 uses.

7 (2) ~~(e)~~ In considering any application for a conditional use for a parking lot for a
8 specific use or uses, where the amount of parking provided exceeds the amount classified as
9 accessory parking in Section 204.5 of this Code, the Planning Commission shall consider the
10 criteria set forth in Section 157.

11 (c) ~~(d)~~ **Screening.**

12 (1) Any vehicle use area that is less than 25 linear feet adjacent to a public
13 right-of-way or parking lot for the parking of two or more automobiles which adjoins a lot in
14 any R District, or which faces a lot in any R District across a street or alley, shall be screened
15 from view therefrom, except at driveways necessary for ingress and egress, by a solid fence,
16 a solid wall, or a compact evergreen hedge, not less than four feet in height.

17 (2) ~~(e)~~ Any vehicle use area that has more than 25 linear feet adjacent to a
18 public right-of-way or is a parking lot for the parking of 10 or more automobiles shall be
19 screened in accordance with the standards described in Section 142, Screening and Greening
20 of Parking and Vehicle Use Areas

21 (d) ~~(f)~~ **Artificial Lighting.** All artificial lighting used to illuminate a parking lot for any
22 number of automobiles in any District shall be so arranged that all direct rays from such
23 lighting fall entirely within such parking lot.

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

4 ~~(f)~~ ~~(h)~~ No permanent parking lot shall be permitted in C-3-O, ~~C-3-0(SD)~~, ~~C-3-R~~, ~~C-3-G~~
5 and NCT Districts; temporary parking lots may be approved as conditional uses, except in the
6 C-3-0(SD) ~~d~~District, pursuant to the provisions of Section 303 for a period not to exceed five
7 ~~two~~ years from the date of approval; ~~permanent parking lots in C-3-S Districts shall be permitted~~
8 ~~only as a conditional use~~. No new parking lots may be approved in the C-3-0(SD) ~~d~~District,
9 however conditional use approval for a two-year extension of existing parking lots in the C-3-
10 0(SD) ~~d~~District may be approved purusant to this ~~S~~Subsection provided that they meet the
11 requirements of subsection (i) ~~(j)~~.

12 ~~(g)~~ ~~(i)~~ Any parking lot approved pursuant to zoning categories .25, .27 and .29 of
13 Sections 813 through 818 of this Code shall be screened in accordance with the standards
14 described in Section 142, Screening and Greening of Parking and Vehicle Use Areas except
15 where this requirement would prevent otherwise feasible use of the subject lot as an open
16 space or play area for nearby residents.

17 ~~(h)~~ ~~(j)~~ **Interior Landscaping and Street Trees.**

18 (1) All permanent parking lots are required to provide 1 tree per 5 parking
19 spaces in a manner that is compliant with the applicable water use requirements of
20 Administrative Code Chapter 63 and a minimum of 20% permeable surface, as defined by
21 Section 102.33 Permeable Surfaces. The trees planted in compliance with this Section shall
22 result in canopy coverage of 50% of the parking lots' hardscape within 15 years of the
23 installations of these trees. Permeable surfaces and grading shall be coordinated so that
24 stormwater can infiltrate the surface in areas with less than 5% slope.

1 (2) ~~(k)~~ **Street Tree Requirement.** All parking lots shall meet the street tree
2 requirements specified in Section 143.

3 (†) (i) The conditions of approval for the extension of an existing parking lot in the C-3-
4 0(SD) ~~d~~District shall include the following:

5 (A) (1) a minimum of one parking space for car sharing vehicles meeting all of
6 the requirements in Section 166 for every 20 spaces in said lot;

7 (B) (2) a minimum of two Class 2 bicycle parking spaces for every 50 linear feet
8 of frontage in a highly visible area on the property adjacent to a public sidewalk or shall attain
9 approval from the appropriate City agencies to install such bicycle parking on a public
10 sidewalk on the same block;

11 (C) (3) interior landscaping compliant with the requirements in subsection (†) (h)
12 above, provided that if a site permit has been approved by the Planning Department for
13 construction of a building on the subject lot that would replace the parking lot in less than 2
14 two years, the trees may be planted in movable planters and the lot need not provide
15 permeable surfaces described in subsection (†) (h).

16 **SEC. 157.1. CONDITIONAL USE APPLICATIONS FOR NON-ACCESSORY PARKING**
17 **~~GARAGES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND DTR DISTRICTS.~~**

18 (a) In considering a Conditional Use application for a non-accessory parking garage
19 in ~~Eastern Neighborhoods~~ Mixed Use Districts ~~and DTR Districts~~, the Planning Commission shall
20 affirmatively find that such facility meets all the criteria and standards of this Section, as well
21 as any other requirement of this Code as applicable.

22 ***

23 **SEC. 158.1. NON-ACCESSORY PARKING GARAGES IN C-3, RC, NCT, AND RTO**
24 **~~DISTRICTS AND THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE~~**
25 **~~DISTRICT.~~**

1 ****

2 (b) **Non-accessory parking facilities in C-3, RC, NCT and RTO Districts ~~and in the~~**
3 **~~Van Ness and Market Downtown Residential Special Use District~~** shall meet all of the following
4 criteria and conditions:

5 (1) The rate structure of Section 155(g) shall apply.

6 (2) Non-accessory parking facilities shall be permitted in new construction only
7 if the ratio between the amount of occupied floor area of principally or conditionally-permitted
8 non-parking uses to the amount of occupied floor area of parking is at least two to one.

9 (3) In the case of expansion of existing facilities, the facility to be expanded has
10 already maximized capacity through use of all feasible space efficient techniques, including
11 valet operation or mechanical stackers.

12 (4) The proposed facility meets or exceeds all relevant urban design
13 requirements and policies of this Code and the General Plan regarding wrapping with active
14 uses and architectural screening, and such parking is not accessed from any frontages
15 protected in Section 155(r).

16 (5) Project sponsor has produced a survey of the supply and utilization of all
17 existing publicly-accessible parking facilities, both publicly and privately owned, within ½-mile
18 of the subject site, and has demonstrated that such facilities do not contain excess capacity,
19 including via more efficient space management or extended operations.

20 (6) The proposed facility shall dedicate no less than 5% of its spaces for short-
21 term, transient use by car share vehicles as defined in Section 166, vanpool, rideshare, or
22 other co-operative auto programs, and shall locate these vehicles in a convenient and priority
23 location. These spaces shall not be used for long-term storage nor satisfy the requirement of
24 Section 166, but rather are intended for use by short-term visitors and customers.

1 (c) **Review of any new publicly-owned non-accessory parking facilities or**
2 **expansion of existing publicly-owned parking facilities in C-3, RC, NCT and RTO**
3 **Districts ~~and in the Van Ness and Market Downtown Residential Special Use District~~** shall meet
4 all of the following criteria, in addition to those of subsection (b):

5 (1) Expansion or implementation of techniques to increase utilization of existing
6 public parking facilities in the vicinity has been explored in preference to creation of new
7 facilities and has been demonstrated to be infeasible.

8 (2) The City has demonstrated that all major institutions (cultural, educational,
9 government) and employers in the area intended to be served by the proposed facility have
10 Transportation Demand Management programs in place to encourage and facilitate use of
11 public transit, carpooling, car sharing, bicycling, walking, and taxis.

12 *(3) The City has demonstrated that conflicts with pedestrian, cycling, and transit*
13 *movement resulting from the placement of driveways and ramps, the breaking of continuity of shopping*
14 *facilities along sidewalks, and the drawing of traffic through areas of heavy pedestrian concentration*
15 *have been minimized, and such impacts have been mitigated to the fullest extent possible.*

16 *(4) The proposed parking conforms to the objectives and policies of the General Plan*
17 *and any applicable area plans, and is consistent with the City's transportation management,*
18 *sustainability, and climate protection goals.*

19 (d) **Parking facilities** intended for sole and dedicated use as long-term storage for
20 company or government fleet vehicles, and not to be available to the public nor to any
21 employees for commute purposes, are not subject to the requirements of Subsection (b)(1),
22 (b)(5), (6), and (c)(2).

23 **SEC. 161. EXEMPTIONS AND EXCEPTIONS FROM OFF-STREET PARKING, FREIGHT**
24 **LOADING AND SERVICE VEHICLE REQUIREMENTS.**

1 The following exemptions shall apply to the requirements for off-street parking and
2 loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as
3 exemptions, shall be narrowly construed. Where exceptions in this Section require approval
4 by the Planning Commission or Zoning Administrator, the Planning Commission or Zoning
5 Administrator shall consider the criteria of Section 307(i).

6 (a) **Topography.** No off-street parking shall be required for a one-family or two-family
7 dwelling where the lot on which such dwelling is located is entirely inaccessible by automobile
8 because of topographic conditions.

9 (b) **Loading across very wide sidewalks.** No off-street loading shall be required
10 where access to the lot cannot be provided other than by means of a driveway across a
11 sidewalk 25 feet or more in width from the curb to the front lot line which would cause serious
12 disruption to pedestrian traffic.

13 ~~(c) **Uses other than dwellings in CVR and CRNC districts.** In recognition of the~~
14 ~~compact and congested nature of portions of Chinatown, the accessibility of this area by~~
15 ~~public transit, and programs for provision of public parking facilities on an organized basis at~~
16 ~~specific locations, no off-street parking shall be required for any use, other than dwelling units~~
17 ~~where a requirement is specified, in Chinatown Visitor Retail, or Chinatown Residential~~
18 ~~Neighborhood Commercial Districts.~~

19 (d) ~~(c)~~ **Uses other than dwellings in the CCB District and Washington-Broadway**
20 **SUDs Special Use District.** In recognition of the small scale of development, the desirability of
21 retention and conversion of many existing buildings of established character, the need to
22 relieve congestion, and the provision of public parking facilities on an organized basis at
23 specific locations, no off-street parking shall be required for any use ~~other than dwellings~~ in the
24 Washington Broadway Special Use District ~~Numbers 1 and 2~~ as described in Section 239 of this
25

1 Code ~~and in the Chinatown Community Business District, where the size of the lot does not exceed~~
2 ~~20,000 square feet.~~

3 ~~(e) **RC-4 Districts.** In recognition of the close neighborhood orientation of the uses~~
4 ~~provided for in Residential Commercial Combined Districts of high density, no off-street~~
5 ~~parking shall be required for any principal use in an RC-4 District for which the form of~~
6 ~~measurement is occupied floor area, where the occupied floor area of such use does not~~
7 ~~exceed 10,000 square feet.~~

8 ~~(f) (d) **Waterfront Special Use Districts *SUDs*.** In recognition of the policies set forth in~~
9 ~~the Northeastern Waterfront Plan, a part of the General Plan, the unique nature of the area~~
10 ~~and the difficulty of providing vehicular access thereto, the Zoning Administrator or Planning~~
11 ~~Commission in specific cases may determine an appropriate reduction in off-street parking~~
12 ~~requirements in Waterfront Special Use Districts *Numbers 1 and 3* as described in Sections~~
13 ~~240.1, 240.2, and 240.3 of this Code, in authorizing any principal or conditional use,~~
14 ~~respectively, under those sections. In considering any such reduction, the Zoning~~
15 ~~Administrator for principal uses, and the Planning Commission for conditional uses, shall~~
16 ~~consider the criteria set forth in Section 307(i) of this Code.~~

17 ~~(g) (e) **Public parking in lieu of required parking in NC districts.** In instances in~~
18 ~~which all public agencies involved have certified by resolution that the requirements of this~~
19 ~~Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or~~
20 ~~authorized to be constructed for a special assessment district or upon any other basis, or (ii)~~
21 ~~in NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed~~
22 ~~sufficient to provide for the future construction of the required number of parking stalls, or by~~
23 ~~projects and programs which improve the management of on-street parking in the vicinity or~~
24 ~~which reduce demand for parking, off-street parking required for individual buildings and uses~~
25

1 may be correspondingly reduced if the total off-street parking supply in the area will
2 nevertheless meet the requirements of this Code for all buildings and uses in the area.

3 ~~(h) **North of Market SUD.** There shall be no minimum off-street parking requirements~~
4 ~~in the North of Market Residential SUD described in Section 249.5 of this Code.~~

5 ~~(i) **Freight Loading and service vehicle spaces in C-3 Districts.**~~ In recognition of
6 the fact that site constraints in C-3 Districts may make provision of required freight loading
7 and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision
8 of freight loading and service vehicle spaces for uses in C-3 Districts may be permitted, in
9 accordance with the provisions of Section 309 of this Code. In considering any such reduction
10 or waiver, the following criteria shall be considered:

11 (1) Provision of freight loading and service vehicle spaces cannot be
12 accomplished underground because site constraints will not permit ramps, elevators,
13 turntables and maneuvering areas with reasonable safety;

14 (2) Provision of the required number of freight loading and service vehicle
15 spaces on-site would result in the use of an unreasonable percentage of ground-floor area,
16 and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or
17 open space uses;

18 (3) A jointly used underground facility with access to a number of separate
19 buildings and meeting the collective needs for freight loading and service vehicles for all uses
20 in the buildings involved, cannot be provided; and

21 (4) Spaces for delivery functions can be provided at the adjacent curb without
22 adverse effect on pedestrian circulation, transit operations or general traffic circulation, and
23 off-street space permanently reserved for service vehicles is provided either on-site or in the
24 immediate vicinity of the building.

1 ~~(j)~~ (g) **NC and RG C-2 Districts.** The Zoning Administrator may reduce the off-street
2 parking requirements in NC and C-2 Districts, ~~as described in Article 7 of this Code, and in RG~~
3 ~~Districts~~ pursuant to the procedures and criteria of 307(h)(2) ~~(g)~~ and (i) of this Code.

4 ~~(k)~~ (h) **Historic buildings.** There shall be no minimum off-street parking or loading
5 requirements for any principal or conditional use located in (A) a landmark building designated
6 per Article 10 of this Code, (B) a contributing building located within a designated historic
7 district per Article 10, (C) any building designated Category I-IV per Article 11 of this Code, or
8 (D) buildings listed on the National Register and/or California Register.

9 ~~(l)~~ *~~Dwellings in Chinatown Mixed-Use Districts.~~ With respect to dwelling units in the
10 ~~Chinatown Mixed Use Districts, the parking requirement may be reduced to not less than one space for~~
11 ~~each four dwelling units, if the Zoning Administrator determines pursuant to Section 307(g) that the~~
12 ~~reduced parking requirement is sufficient to serve the reasonably anticipated auto ownership by~~
13 ~~residents of and auto usage by visitors to the project.~~*

14 ~~(m)~~ (i) **Landmark and Significant Trees.** The required off-street parking and loading
15 may be reduced or waived if the Zoning Administrator determines that provision of required
16 off-street parking or loading would result in the loss of or damage to a designated Landmark
17 Tree or Significant Tree, as defined in the Public Works Code. The Zoning Administrator's
18 decision shall be governed by Section 307(i) and shall require either (i) the recommendation
19 of the Department of Public Works Bureau of Urban Forestry, or its successor agency, or (ii)
20 the recommendation of a certified arborist as documented in the subject tree's required tree
21 protection plan.

22 ~~(n)~~ (j) **Geologic hazards.** No off-street parking or loading shall be required where the
23 Planning Department finds that required parking or loading cannot practically be provided
24 without compromising the earthquake safety or geologic stability of a building and/or
25 neighboring structures and properties.

1 (e) (k) **Protected street frontages and transit stops.** The Planning Commission may
2 reduce or waive required parking or loading for a project if it finds that:

3 (1) ~~¶~~the only feasible street frontage for a driveway or entrance to off-street
4 parking or loading is located on a protected pedestrian-, cycling-, or transit-oriented street
5 frontage, as defined in Section 155(r) of this Code, or;

6 (2) ~~¶~~the only feasible street frontage for a driveway or entrance to off-street
7 parking or loading is located at a transit stop, and

8 (3) ~~¶~~the reduced or waived parking and loading can meet the reasonably
9 anticipated mobility needs of residents of, workers in, and visitors to the project.

10 ~~(p) **Garage additions in the North Beach NCD, North Beach-Telegraph Hill Special Use**~~
11 ~~**District, and Chinatown Mixed-Use Districts.** Notwithstanding any other provision of this Code to the~~
12 ~~contrary, a mandatory discretionary hearing by the Planning Commission is required in order to install~~
13 ~~a garage in an existing residential structure of four units or more in the North Beach NCD, the North~~
14 ~~Beach-Telegraph Hill Special Use District, and the Chinatown Mixed Use Districts; Section 311 notice~~
15 ~~is required for a building of less than four units.~~

16 ~~In approving installation of the garage, the Commission shall find that: (1) the proposed garage~~
17 ~~opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit,"~~
18 ~~as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-~~
19 ~~street parking will not substantially decrease the livability of a dwelling unit without increasing the~~
20 ~~floor area in a commensurate amount; (3) the building has not had two or more evictions with each~~
21 ~~eviction associated with a separate unit(s) within the past ten years, and (4) the proposed~~
22 ~~garage/addition of off-street parking installation is consistent with the Priority Policies of Section~~
23 ~~101.1 of this Code. Prior to the Planning Commission hearing, or prior to issuance of notification~~
24 ~~under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the~~

1 ~~project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify.~~

2 ~~The Department shall also have made a determination that the project complies with (4) above.~~

3 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION**
4 **BROKERAGE SERVICES IN COMMERCIAL C-3, ~~EASTERN NEIGHBORHOODS MIXED~~**
5 **~~USE~~, AND ~~SOUTH OF MARKET~~ MIXED USE DISTRICTS.**

6 ***

7 (b) **Applicability.** The requirements of this Section apply to any project meeting one of
8 the following conditions:

9 (1) In Commercial ~~the C-3, Eastern Neighborhoods, Mixed Use and South of~~
10 ~~Market~~ Mixed Use Districts, projects where the gross square feet of new construction,
11 conversion, or added floor area for office use equals at least 100,000 square feet;

12 (2) In the C-3-O(SD) District, where new construction, conversion, or added
13 floor area for residential use equals at least 100,000 square feet or 100 dwelling units;

14 (3) In the C-3-O(SD) District, projects where the gross square feet of new
15 construction or added floor area for any non-residential use equals at least 100,000 square
16 feet; or

17 (4) In the case of the SSO, WMUO, or MUO District, where the gross square
18 feet of new, converted or added floor area for office use equals at least 25,000 square feet.

19 (c) **Requirement.** For all applicable projects, the project sponsor shall be required to
20 provide on-site transportation brokerage services for the actual lifetime of the project, as
21 provided in this Subsection. Prior to the issuance of a temporary permit of occupancy (for this
22 purpose Section 149(d) shall apply), the project sponsor shall execute an agreement with the
23 Planning Department for the provision of on-site transportation brokerage services and
24 preparation of a transportation management program to be approved by the Director of
25

1 Planning and implemented by the provider of transportation brokerage services. The
2 transportation management program and transportation brokerage services shall be designed:

3 (1) To promote and coordinate effective and efficient use of transit by tenants
4 and their employees, including the provision of transit information and sale of transit passes
5 on-site;

6 (2) To promote and coordinate ridesharing activities for all tenants and their
7 employees within the structure or use;

8 (3) To reduce parking demand and assure the proper and most efficient use of
9 on-site or off-site parking, where applicable, such that all provided parking conforms with the
10 requirements of Article 1.5 of this Code and project approval requirements;

11 (4) To promote and encourage the provision and proliferation of car-sharing
12 services convenient to tenants and employees of the subject buildings in addition to those
13 required by Section 166, and to promote and encourage those tenants and their employees to
14 prioritize the use of car-share services for activities that necessitate automobile travel,
15 including the promotion and sale of individual and business memberships in certified car-
16 sharing organizations, as defined by Section 166(b)(2).

17 (5) To promote and encourage project occupants to adopt a coordinated flex-
18 time or staggered work hours program designed to more evenly distribute the arrival and
19 departure times of employees within normal peak commute periods;

20 (6) To participate with other project sponsors in a network of transportation
21 brokerage services for the respective downtown, South of Market area, or other area of
22 employment concentration in ~~the Eastern Neighborhoods~~ Mixed Use Districts;

23 (7) To carry out other activities determined by the Planning Department to be
24 appropriate to meeting the purpose of this requirement.
25

1 **SEC. 182. NONCONFORMING USES: CHANGES OF USE.**

2 The following provisions shall apply to nonconforming uses with respect to changes of
3 use:

4 ****

5 (b) Except as limited in this Subsection, a nonconforming use may be reduced in size,
6 extent or intensity, or changed to a use that is more widely permitted by the use districts of the
7 City than the existing use, subject to the other applicable provisions of this Code. Except as
8 otherwise provided herein, the new use shall still be classified as a nonconforming use.

9 (1) ~~A nonconforming commercial and industrial use in a Residential or
10 Residential Enclave District shall be subject to the requirements of Section 186 (other than a
11 Residential-Commercial Combined District or an RED District), which use is located more than 1/4 mile
12 from the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict
13 described in Article 7 of this Code, may change to another use which is permitted as a principal use at
14 the first story and below in an NC-1 District, or it may change to another use which is permitted as a
15 conditional use at the first story and below in an NC-1 District only upon approval of a conditional use
16 application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to
17 change in use to a retail sales activity or retail sales establishment which is also a formula retail use,
18 as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this
19 Code. The nonconforming use shall comply with other building standards and use limitations of NC-1
20 Districts, as set forth in Sections 710.10 through 710.95 of this Code.~~

21 ~~If the nonconforming use is located within 1/4 mile from any Individual Area Neighborhood
22 Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the
23 nonconforming use may change to another use which is permitted as a principal use at the first story
24 and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or
25 Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change to another use which~~

1 *is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual*
2 *Area Neighborhood Commercial District or Districts within ¼ mile of the use only upon approval of a*
3 *conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming*
4 *use is seeking to change in use to a retail sales activity or retail sales establishment which is also a*
5 *formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of*
6 *Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use*
7 *limitations of NC-1 Districts and any Individual Area NC District or Districts located within ¼ mile of*
8 *the use, as set forth in Article 7 of this Code.*

9 (2) ~~A nonconforming use in a Residential-Commercial Combined District may be~~
10 ~~changed to another use listed in Articles 2 or 7 of this Code as a principal use for the district in which~~
11 ~~the existing use would first be permitted as a principal or conditional use.~~

12 (3) (2) A nonconforming use in a Neighborhood Commercial District may be
13 changed to another use as provided in Subsections (c) and (d) below or as provided in
14 Section 186.1 of this Code.

15 (4) ~~A nonconforming use in any district other than a Residential, Downtown~~
16 ~~Residential, or Neighborhood Commercial District may be changed to another use listed in Articles 2~~
17 ~~or 7 of this Code as a principal use for the district in which the existing use would first be permitted as~~
18 ~~a principal use.~~

19 (5) (3) A nonconforming use in any South of Market Mixed Use District may not
20 be changed to an office, retail, bar, restaurant, nighttime entertainment, adult entertainment,
21 hotel, motel, inn, hostel, or movie theater use in any district where such use is otherwise not
22 permitted or conditional, except as provided in Subsection (f) below.

23 (c) A nonconforming use may be changed to a use listed ~~in Articles 2 or 7 of this Code~~
24 ~~as a conditional use for the district in which the property is located, only upon approval of a~~
25 ~~conditional use application pursuant to the provisions of Article 3 of this Code, subject to the other~~

1 ~~applicable provisions of this Code, without the necessity of specific authorization by the City Planning~~
2 ~~Commission except where major work on a structure is involved,~~ and the new use may thereafter
3 be continued as a permitted conditional use, subject to the limitation of Section 178(b) of this
4 Code.

5 (d) A nonconforming use may be changed to a use listed ~~in Articles 2, 7 or 8 of this Code~~
6 as a principal use for the district in which the property is located, subject to the other
7 applicable provisions of this Code, and the new use may thereafter be continued as a
8 permitted principal use.

9 (e) A nonconforming use ~~in an R District subject to termination under the provisions of~~
10 ~~Section 185 of this Code~~ may be converted to a dwelling unit and to two or more dwelling units
11 with conditional use authorization, without regard to the requirements of this Code with
12 respect to residential dwelling unit density ~~under Article 2, dimensions, areas and open space under~~
13 ~~Article 1.2,~~ or required off-street parking ~~under Article 1.5,~~ and the Zoning Administrator may
14 provide relief from certain other standards specified in Section 307(h) through the procedures of that
15 Section, provided the nonconforming use is eliminated by such conversion, provided further
16 that the structure is not enlarged, extended or moved to another location, and provided further
17 that the requirements of the Building Code, the Housing Code and other applicable portions of
18 the Municipal Code are met.

19 ***

20 **SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.**

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

1 (a) Any nonconforming commercial or industrial use of land where no enclosed
2 building is involved in such use, except for permanent off-street parking lots in the C-3-O, C-3-
3 R and C-3-G Districts existing on the effective date of Ordinance No. 414-85, provided that
4 such lots are screened in the manner required by Section 156(e); such permanent uses shall
5 be eliminated no later than five years and 90 days from the effective date of an amendment to
6 this Code which makes such permanent uses nonconforming.

7 (b) Any use of a type first permitted as a principal or conditional use in an NC, C or M
8 District or in a Residential-Commercial ~~Combined~~ District, when occupying a building in an R
9 District other than a Residential-Commercial ~~Combined~~ District that has an assessed valuation
10 not in excess of \$500 on the effective date of this Code or such later date as the use becomes
11 nonconforming, with the following exceptions:

12 (1) Any lawful use in this category in a building having an assessed valuation of
13 \$250 or more on the effective date of this Code, or such later date as the use becomes
14 nonconforming, shall have a period of permitted continuance of 10 years from the date at
15 which the property was placed in a residential zoning classification, if such a period of
16 continuance produces an expiration date which is later than the expiration date stated above;
17 or

18 (2) Any lawful use in this category which is of a type first permitted in an NC-1
19 District; or of a type first permitted in any other district and supplying commodities at retail, or
20 offering personal services, primarily to residents of the immediate vicinity; shall have a period
21 of permitted continuance of 10 years from the effective date of this Code, or of the
22 amendment thereto which caused the use to be nonconforming. After five years of such
23 period have elapsed, any use as described in this Paragraph (b)(2) shall, upon application, be
24 qualified for consideration by the City Planning Commission as a conditional use as regulated
25 in Section 303 of this Code.

1 **SEC. 204.3. ACCESSORY USES IN C, RC, M, AND PDR DISTRICTS.**

2 (a) **Commercial and Residential-Commercial Districts.** No use shall be permitted
3 as an accessory use to a lawful principal or conditional use in any Commercial or Residential-
4 Commercial C-1 or C-2 District which involves or requires any of the following:

5 ~~(1) The total employment for such accessory use of more than five persons in a C-1~~
6 ~~District, or more than 10 persons in a C-2 District;~~

7 ~~(2) The use of any single machine of more than one horsepower in a C-1 District, or~~
8 ~~more than 2½ horsepower in a C-2 District;~~

9 ~~(3) The use of machines in any one establishment in an aggregate of more than five~~
10 ~~horsepower in a C-1 District, or more than 10 horsepower in a C-2 District;~~

11 ~~(4) (1) The use of more than ¼ one-third of the total floor area occupied by such~~
12 ~~use and the principal or conditional use to which it is accessory, except in the case of~~
13 ~~accessory off-street parking or loading; or~~

14 ~~(2) Any noise, vibration, or unhealthful emissions extending beyond the premises of the~~
15 ~~use.~~

16 ~~(5) The production of goods not intended primarily for retail sale or use on the~~
17 ~~premises.~~

18 ~~(b) No use shall be permitted as an accessory use to a lawful principal or conditional use in~~
19 ~~any C-3 District which involves or requires the use of any single machine of more than five~~
20 ~~horsepower; or the use of more than ¼ one-third of the total floor area occupied by such use and the~~
21 ~~principal or conditional use to which it is accessory, except in the case of accessory off-street parking~~
22 ~~and loading. These limitations shall not apply to equipment or machines pertaining integrally to the~~
23 ~~lawful principal use itself.~~

24 ~~(c) Notwithstanding the provisions of Sections 227(h) and (i) and 260(b)(2)(l) and (M) of this~~
25 ~~Code, an accessory use to a lawful principal or conditional use in any C or M District which involves~~

1 ~~or requires the installation of a tower or antenna solely for the reception of radio and television~~
2 ~~broadcasts for the exclusive benefit of the residents or occupants in the building on which the antenna~~
3 ~~is placed shall be permitted without regard to the height of such tower or antenna and without regard~~
4 ~~to the proximity of such tower or antenna to any R District.~~

5 (d) ~~(b)~~ **PDR and M Districts.** No use shall be permitted as an accessory use to a
6 lawful principal or conditional use in any PDR or M District which involves or requires the use
7 of more than one-third (1/3) of the total floor area occupied by such use and the principal or
8 conditional use to which it is accessory, except in the case of accessory retail, off-street
9 parking, and loading. Multiple PDR uses within a single building or development may combine
10 their accessory retail allotment into one or more shared retail spaces, provided that the total
11 allotment of accessory retail space per use does not exceed what otherwise would be
12 permitted by this Section.

13 **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

14 In order to be classified as an accessory use, off-street parking and loading shall meet
15 all of the following conditions:

16 (a) Such parking or loading facilities shall be located on the same lot as the structure
17 or use served by them. (For provisions concerning required parking on a separate lot as a
18 principal or conditional use, see Sections 156, 159, 160 and 161 of this Code.)

19 (b) Unless rented on a monthly basis to serve a dwelling unit pursuant to Section
20 204.5(b)(1), below, accessory parking facilities for any dwelling in any R District shall be
21 limited, further, to storage of private passenger automobiles, private automobile trailers and
22 boats, and trucks of a rated capacity not exceeding $\frac{3}{4}$ three-quarters of a ton. Notwithstanding
23 any provision of this Code to the contrary, the following shall be permitted as an accessory
24 use:

1 (1) Lease, for term of no less than one month, of a lawfully existing off-street
2 parking spaces by the property owner or manager, for a term of no less than one month, is
3 space or permitted as follows:

4 (A) for use by any resident of a dwelling unit located on a different lot
5 within 1,250 feet of such parking

6 (B) for use by any resident of a dwelling unit located on a different lot
7 within the City and County of San Francisco so long as no more than five (5) spaces are
8 rented to those who live beyond 1,250 feet of such parking space.

9 (c) Accessory parking facilities shall include only those facilities which do not exceed
10 the ~~following amounts permitted by Section 151(c) for a structure, lot or development: three spaces~~
11 ~~where one space is required by this Code; four spaces where two spaces are required by this Code; 150~~
12 ~~percent of the required number of spaces where three or more spaces are required by this Code; and,~~
13 ~~in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or~~
14 ~~development, whichever is greater, or in NC Districts, three spaces, where no off-street parking spaces~~
15 ~~are required by this Code. For purposes of calculation under the last provision just stated, gross floor~~
16 ~~area shall be as defined by this Code, and the area considered to be devoted to parking shall be only~~
17 ~~the parking spaces and aisles, excluding entrance and exit driveways and ramps.~~ Off-street parking
18 facilities which exceed the amounts stated in ~~this Subsection~~ Section 151(c) shall be classified as
19 either a principal or a conditional use, depending upon the use provisions applicable to the
20 district in which such facilities are located. This subsection (c) does not apply to districts
21 subject to Section 151.1, which establishes maximum amounts of accessory parking for all
22 uses in those districts.

23 **SEC. 206.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

24 These districts are intended to recognize, protect, conserve and enhance areas
25 characterized by structures combining residential uses with neighborhood-serving commercial

1 uses. The predominant residential uses are preserved, while provision is made for supporting
 2 uses, usually in or below the ground story, which meet the frequent needs of nearby residents
 3 without generating excessive vehicular traffic. The compact, walkable, transit-oriented, and mixed-
 4 use nature of these districts is recognized by ~~no minimum~~ certain reductions in off-street parking
 5 requirements. The RC Districts are composed of two separate districts, as follows:

6 **RC-3 Districts: Medium Density.** These districts provide for a mixture of medium-
 7 density dwellings similar to those in RM-3 Districts, with supporting commercial uses. Open
 8 spaces are required for dwellings in the same manner as in RM-3 Districts, except that rear
 9 yards need not be at ground level and front setback areas are not required.

10 **RC-4 Districts: High Density.** These districts provide for a mixture of high-density
 11 dwellings similar to those in RM-4 Districts with supporting commercial uses. Open spaces
 12 are required for dwellings in the same manner as in RM-4 Districts, except that rear yards
 13 need not be at ground level and front setback areas are not required. ~~The high-density and~~
 14 ~~mixed-use nature of these districts is recognized by certain reductions in off-street parking~~
 15 ~~requirements.~~

16 **SEC. 223. AUTOMOTIVE.**

17 All automotive uses that have vehicular use areas defined in Section 102.31 shall meet
 18 the screening requirements for vehicular use areas in Section 142. All parking shall comply
 19 with the applicable requirements of Article 1.5. In Commercial Districts, all parking in structures shall
 20 comply with the street frontage requirements of Section 145.1.

C- 2	C- 3- O	C-3- 0(SD)	C- 3- R	C- 3- G	C- 3-S	C- M	M- 1	M- 2	PDR-1- G	PDR- 1-D	PDR- 1-B	PDR- 2	
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														SEC. 223. AUTOMOTIVE.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) <i>Automobile Sale or RRental, as defined in Section 890.13 of new or used automobiles, when conducted entirely within an enclosed building.</i>
P				P	(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.									
€*				€	€	P	P	P	P			P	P	(c) (b) Automobile Lot for sSale or rRental, as defined in Section 890.13, when conducted on an open lot of new or used automobiles.
€*				€	€	P	P	P	P			P	P	(d) Lot for sale or rental of new or used trucks.

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C*				C	C	P	P	P	P		P	P	(e) Sale or rental of new or used automobile trailers.
NA				NA	N	N	NA	NA	P	P	P	P	(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.
													(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication, and the sale or installation

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														<i>8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.</i>
<i>P</i>			<i>P</i>	<i>(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.</i>										
														<i>(1) Body and fender repair limited to replacement of parts and</i>

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													<i>spot paint spraying; and</i>
													<i>(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.</i>
					P	P	P	P	P	P	P	P	<i>(i) (d) Automotive Repair, as defined in Section 890.15. garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R-District:</i>
													<i>(1) Internal engine repair or rebuilding;</i>
													<i>(2) Repair or rebuilding of transmissions;</i>

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													<i>noise is reasonably confined to the premises by adequate soundproofing or other device, and</i>
													<i>(2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.</i>
					<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>	<i>(k) (f) Tire recapping, if conducted on premises not less than 200 feet from any R District.</i>
<i>P*</i>					<i>€ P</i>	<i>P</i>	<i>P</i>	<i>P €</i>	<i>P</i>	<i>P €</i>	<i>P €</i>	<i>P €</i>	<i>(h) (g) Parking <u>l</u>ot,</i>

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														as defined in Section 156, for accessory parking regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.
P	€	€	€	€	€	P	P	P	€	€	€	€		(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.
€*	€	€	€	€	€	P	P	P	€	€	€	€		(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155,

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														<i>156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.</i>
<i>P*</i>	<i>P</i>	<i>(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.</i>												
<i>P</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>(p) Major (nonaccessory) parking</i>

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														<i>garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.</i>
	<u>C*</u>						<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<i>(h) Public Parking Lot, as defined in Section 890.11.</i>
	<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>	<i>(i) Public Parking Garage, as defined in Section 890.12.</i>
	C	C	C	C	C	<u>C</u>	<u>C</u>	NA	NA	P <u>NA</u>	P <u>NA</u>		P <u>NA</u>	<i>(g) (j) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed</i>

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													building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
					P	P	P	P	P		P	P	(r) <u>(k)</u> Parcel delivery service, not subject to the above limitations.
C				C	P	P	P	P	P		P	P	(s) <u>(l)</u> Ambulance Service, as defined in Section 890.2.
							<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>(m)</u> Motor Vehicle Tow Service, as defined in Section 890.19.
				€	<u>C</u>	<u>C</u>	P	P	P		P	P	(t) <u>(n)</u> Storage garage for commercial passenger vehicles and light delivery trucks.
					€	P	P	P	P		P	P	(u) <u>(o)</u> Storage yard for commercial vehicles

1													or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.
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7							C	<u>P</u>	€	P		P	
8													(+) (<u>p</u>) Truck
9													terminal facility, if located
10													not less than 200 feet
11													from any R District.

SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICTS.

In order to provide for certain areas with special traffic and parking considerations, many existing buildings of small scale and established character which have been and will be retained and converted, and certain wholesaling activities carried on with distinct benefit to the city, there shall be two Washington-Broadway Special Use Districts, ~~Numbers 1 and 2~~, as designated on Sectional Map No. 1 SU* of the Zoning Map. The following provisions shall apply ~~within such special use districts~~:

(a) **Required parking.** ~~There shall be certain exemptions from off-street parking requirements, No parking is required for any use,~~ as provided in Section 161(d) of this Code.

(b) **Drive-in uses.** ~~Drive-up facilities, as defined in Section 890.30 of this Code, are not permitted. No permitted use shall include an establishment of the "drive in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations.~~

1 (c) **Parking lots.** A parking lot, ~~or a storage garage open to the public for passenger~~
2 ~~automobiles if not a public building requiring approval by the Board of Supervisors under other~~
3 ~~provisions of law,~~ shall not be permitted as a permanent use, and shall be permitted as a temporary
4 use for up to ~~two~~ five years only upon approval by the Planning Commission as a conditional
5 use under Section 303 of this Code.

6 (d) ~~**Wholesale establishment.** In Washington-Broadway Special Use District Number~~
7 ~~2 only, a wholesale establishment conducted entirely within an enclosed building shall be~~
8 ~~permitted as a principal use.~~

9 (e) **Parking pricing.** The parking pricing requirements of Section 155(g) shall apply within the
10 district.

11 **SEC. 243. VAN NESS SPECIAL USE DISTRICT.**

12 (a) **General.** A Special Use District entitled the Van Ness Special Use District, the
13 boundaries of which are shown on Sectional Map No. 2SU02 of the Zoning Map, is hereby
14 established for the purposes set forth below.

15 * * * *

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

18 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in
19 the 130-foot height district and at the hospital site within the Van Ness Medical Use
20 Subdistrict, and 4.8:1 in the 80-foot height district. These limits shall apply to dwellings
21 notwithstanding Section 124(b) of this Code, including floor space used for nonaccessory off-
22 street parking, driveways, and maneuvering areas. The floor area ratio may be increased to
23 up to 7.5:1 for a medical office building if located within the Van Ness Medical Use Subdistrict.
24 For definitions of floor area ratio and gross floor area, see Sections 102.11 and 102.9,
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1 respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not
2 apply in the Van Ness Special Use District.

3 (2) **Housing Density.** The restrictions on density set forth in Sections 207,
4 207.1, 208, 209.1 and 209.2 of this Code shall not apply.

5 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. HT02. See
6 Section 270 of this Code for bulk limits. However, medical centers within the Van Ness
7 Medical Use Subdistrict subject to otherwise applicable standards for bulk limits per Section
8 270 and 271(c)(2) shall be permitted to exceed such standards to allow for unique massing
9 and volume required for medical facilities, if authorized as a Conditional Use pursuant to
10 Section 303 of this Code, in lieu of findings otherwise required under Section 271 of this
11 Code.

12 (4) **Awnings, Canopies and Marquees.** ~~Awnings, canopies and marquees,~~
13 ~~as defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the~~
14 ~~Building Code and Sections 243(c)(6), 136.2 and 607.3 of this Code, are permitted. However,~~
15 ~~m~~Medical centers within the Van Ness Medical Use Subdistrict subject to otherwise applicable
16 standards for awnings per Section 136.1 of this Code shall be permitted to exceed such
17 standards to allow for coverage of patient drop-off and entry areas.

18 (5) Medical Centers within the Van Ness Medical Use Subdistrict subject to
19 otherwise applicable standards for obstructions over streets or alleys per section 136(c)(1)(B)
20 of this Code shall be permitted to exceed such standards for vertical dimensions and
21 horizontal projections for architectural features to provide visual interest, achieve appropriate
22 articulation of building facades, and reduce pedestrian level wind currents.

23 ~~(6) **Signs.**~~

24 ~~(A) *Signs located within the Van Ness Special Use District, with the exception*~~
25 ~~*of the Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in*~~

1 ~~Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which governs~~
2 ~~signs located in the Van Ness Special Sign District.~~

3 ~~(B) Signs on structures designated as landmarks under the provisions of Section~~
4 ~~1004 shall be regulated as provided in Section 607.3(d).~~

5 (6) ~~(7)~~ **Rear Yards.** The requirements of this Code applicable to rear yards
6 may be modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
7 following conditions are met:

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

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

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

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

16 (7) ~~(8)~~ **Required Setbacks.** Setbacks for buildings exceeding a height of 50
17 feet shall be regulated as provided in Section 253.2 of this Code.

18 (8) ~~(9)~~ **Limitation of Nonresidential Uses.**

19 (A) **Residential Uses; Ratio Established.** In newly constructed
20 structures, nonresidential uses shall only be permitted if the ratio between the amount of net
21 additional occupied floor area for residential uses, as defined in this paragraph below, to the
22 amount of occupied floor area for nonresidential uses in excess of the occupied floor area of
23 structures existing on the site at the time the project is approved is 3 to 1 or greater. In
24 additions to existing structures which exceed 20 percent of the gross floor area of the existing
25 structure, nonresidential uses shall be permitted in the addition in excess of 20 percent only if

1 the ratio between the amount of occupied floor area for residential use, as defined in this
2 paragraph below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater.
3 This residential use ratio shall not apply to development sites in the Van Ness Special Use
4 District which have less than 60 feet of street frontage on Van Ness Avenue and have no
5 street frontage other than the Van Ness Avenue frontage. For purposes of this Section,
6 "nonresidential uses" shall mean any use except Dwelling Units or Group Housing those uses
7 described in Sections 209.2(d) and (e) (hotel, inn, hostel), 209.3(a) (hospital, medical center or other
8 medical institution with in-patient care facilities), 209.4 (community facilities), 209.6 (public facilities
9 and utilities), 209.7 (vehicle storage and access) and 209.8 (commercial establishments); in the
10 Automotive Special Use District nonresidential uses include automotive uses as described in Section
11 237; "residential use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c)
12 (dwelling units and group housing).

13 * * * *

14 (9) (F) Residential Parking. Pursuant to Table 151 in Article 1.5 of this Code, the
15 residential parking requirement shall be one space for each dwelling unit; provided, however, that the
16 Zoning Administrator may reduce the parking requirement to not less than one space for each four
17 dwelling units pursuant to the procedures and criteria of Sections 307(g) and (i) of this Code. Projects
18 with parking which exceeds the amount permitted in Section 151.1 for an RC District shall be
19 permitted if:

- 20 (A) the project was approved prior to the effective date of this Ordinance
21 No. _____ ;
- 22 (B) the project builds no more parking than the amount approved; and
- 23 (C) the project proceeds to construction within three years of the
24 effective date of this Ordinance No. _____ .

1 (10) ~~(G)~~ **Medical Center Parking.** Notwithstanding any contrary provision of
2 this Code, the maximum parking provisions for the Van Ness Medical Use Subdistrict shall not
3 exceed the lesser of 990 spaces or 125% of the minimum number of spaces required by Code
4 in the aggregate for the Cathedral Hill Campus which, for purposes of this subsection, shall be
5 the Van Ness Medical Use District and Assessor's Block 0690, Lot 016, located at 1375 Sutter
6 Street. Any parking sought up to this maximum but that exceeds the parking provisions
7 outlined elsewhere in this Code may only be granted by the Planning Commission as a
8 Conditional Use Authorization.

9 (11) ~~(H)~~ **Medical Center Loading.** Loading standards for medical centers within
10 the Van Ness Medical Use Subdistrict applicable under Section 154(b) may be reduced from
11 the required minimum dimensions through a Conditional Use Authorization, provided that the
12 dimensions provided will be sufficient to meet the reasonably foreseeable loading demands
13 associated with the proposed facility.

14 (12) ~~(I)~~ **Adult Entertainment Enterprises.** The uses described in Section
15 221(k) of this Code are not permitted.

16 (13) ~~(J)~~ **Other Entertainment Uses.** Other Entertainment Uses as defined in
17 Section 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

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

21 (14) ~~(L)~~ **Medical Center Street Frontages.** If authorized as a Conditional Use
22 under Section 303 of this Code, a medical center within the Van Ness Medical Use Subdistrict
23 may deviate from the street frontage requirements of Section 145.1 of this Code, so long as
24 the Planning Commission finds that the proposed street frontages otherwise achieve the
25 intended purposes of Section 145.1 to "preserve, enhance and promote attractive, clearly

1 defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate
2 and compatible with the buildings and uses" in the surrounding areas.

3 (15) ~~(10)~~ **Reduction of Ground Level Wind Currents.**

4 (A) New buildings and additions to existing buildings shall be shaped, or
5 other wind baffling measures shall be adopted, so that the development will not cause year-
6 round ground level wind currents to exceed, more than 10 percent of the time, between 7:00
7 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of
8 pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-
9 existing ambient wind speeds exceed the comfort levels specified above, the building shall be
10 designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

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

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

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

21 For the purposes of this Section, the term "equivalent wind speed" shall mean an
22 hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
23 pedestrians.

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1 **SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.**

2 In order to provide for the protection and enhancement of specialty retail and antique
3 store uses in the Jackson Square area, there shall be established the Jackson Square Special
4 Use District as designated on Sectional Map No. ~~FSU~~ SU01 of the Zoning Map. The
5 boundaries of this special use district shall be coterminous with the boundaries of the Jackson
6 Square Historic District as established by Appendix B to Article 10 of this Code and further
7 described in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The
8 following provisions shall apply within the Jackson Square Special Use District:

9 (a) **Purposes.** These controls are intended to protect and enhance the unique retail
10 character of the special use district. All decisions of the Planning Commission and
11 Department for the establishment of ground floor use shall be guided by the following factors:

12 (1) Continuation and enhancement of existing ground floor retail uses are of
13 critical importance to the character of the District and displacement of such uses should be
14 discouraged;

15 (2) Attraction and retention of similar new retail establishments that conform
16 with the character of this District should be encouraged; and

17 (3) Uses that greatly intensify the density of employment have a negative
18 impact on the provision of neighborhood services, traffic circulation, and limited on- and off-
19 street parking.

20 (b) **Controls.**

21 (1) **General.** The provisions of the C-2 use district as established in Section
22 210.2 and applicable provisions of the ~~Garment Shop Special Use District (Section 236)~~ and the
23 Washington-Broadway Special Use Districts (Section 239), and the Chinatown Community
24 Business District (Section 810.1), shall prevail except as provided in paragraphs (2) and (3)
25 below.

1 (2) **Conditional Uses.**

2 (A) ~~(a)~~ Office uses set forth in Sections 219(a), (b), (c), and (d), and
3 Sections 890.70 and 890.111, and all institutional uses set forth in Sections 217 and 890.50,
4 at the ground floor are subject to conditional use authorization pursuant to Section 303 of this
5 Code, provided, however, that building lobbies, entrances, and exits to and from the
6 basement, ground floor, or upper floors, and other reasonably-sized common areas at the
7 ground floor shall be permitted without conditional use authorization. In addition to the findings
8 required under Section 303(c) for conditional use authorization, the Commission shall make
9 the following findings:

10 (i) The use shall be necessary to preserve the historic resource
11 and no other use can be demonstrated to preserve the historic resource.

12 (ii) The use shall be compatible with, and shall enhance, the
13 unique retail character of the District.

14 (B) ~~(b)~~ Subsection (b)(2)(A) ~~(a)~~ shall not apply to any use that fronts
15 Pacific Street.

16 (3) **Prohibited Uses.** Adult entertainment enterprises, as defined in Section
17 221(k) *of this Code* are prohibited.

18 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

19 In addition to those specified in Sections 302 through 306, and Sections 316 through
20 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in
21 administration and enforcement of this Code. The duties described in this Section shall be
22 performed under the general supervision of the Director of Planning, who shall be kept
23 informed of the actions of the Zoning Administrator.

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1 (g) **Exceptions from Certain Specific Code Standards through Administrative**
2 **Review in the Chinatown Mixed Use Districts and the South of Market Mixed Use**
3 **Districts.** The Zoning Administrator may allow complete or partial relief from parking, rear
4 yard, open space and wind and shadow standards as authorized in the applicable sections of
5 this Code, when modification of the standard would result in a project better fulfilling the
6 criteria set forth in the applicable section. The procedures and fee for such review shall be
7 the same as those which are applicable to variances, as set forth in Sections 306.1 through
8 306.5 and 308.2.

9 (h) **Exceptions from Certain Specific Code Standards through Administrative**
10 **Review ~~in the Eastern Neighborhoods Mixed Use Districts.~~ ~~In the Eastern Neighborhoods Mixed~~**
11 **~~Use Districts,~~ ~~the~~ The Zoning Administrator may allow complete or partial relief from certain**
12 **standards specifically identified below, in Section 161, or ~~and~~ elsewhere in this Code when**
13 **modification of the standard would result in a project fulfilling the criteria set forth below and in**
14 **the applicable section.**

15 (1) **Applicability.**

16 (A) Eastern Neighborhoods Mixed Use Districts. For projects not subject to
17 Section 329, relief may be provided for the following requirements: rear yard; non-residential
18 open space; off-street loading requirements; and off-street parking limits up to the maximum
19 quantities described in Section 151.1.

20 (B) Dwelling Unit Exposure for Historic Buildings. Relief may also be
21 provided for dwelling unit exposure requirements for buildings which are designated landmark
22 buildings or contributory buildings within designated historic districts per Article 10 of this
23 Code, any building designated Category I-IV per Article 11 of this Code, and/or buildings recorded
24 with the State Historic Preservation Office as eligible for the California Register, when the
25 following criteria are met: (i) literal enforcement of Section 140 would result in the material

1 impairment of the historic resource; and (ii) the project complies with the Secretary of the
2 Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10
3 appendices of this Code. This administrative exception does not apply to new additions to historic
4 buildings.

5 (C) Residential Open Space for Historic Buildings. For a landmark building
6 designated per Article 10 of this Code, a contributing building located within a designated historic
7 district per Article 10, or any building designated Category I-IV per Article 11 of this Code, the
8 provision of off-site publicly accessible open space, meeting the requirements of Section 135(h), may be
9 credited toward the residential usable open space requirement.

10 (D) Conversion of Non-conforming Uses to Residential Uses. The Zoning
11 Administrator may modify or waive dwelling unit exposure requirements, rear yard requirements, open
12 space requirements for inner courts, and the substitution of off-site publicly accessible open space for
13 required residential open space, provided:

14 (i) That the residential use, whether dwelling units group housing, or
15 SRO units, are principally permitted in the district or districts in which the project is located;

16 (ii) That the nonconforming use is eliminated by such conversion,
17 provided further that the structure is not enlarged, extended or moved to another location; and

18 (iii) That the requirements of the Building Code, the Housing Code and
19 other applicable portions of the Municipal Code are met.

20 (2) **Procedures.** The review of a modification requested under this Section
21 shall be conducted as part of, and incorporated into, a related building permit application or
22 other required project authorizations; no additional fee shall be required. Under no
23 circumstances shall such modification provide relief from any fee, including those related to
24 usable open space pursuant to Sections 135(j) and 135.3(d). The provisions of this
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1 Subsection (h) shall not preclude such additional conditions as may be deemed necessary by
2 the Zoning Administrator to further the purposes of this Section or other Sections of this Code.

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

5 The provisions and procedures set forth in this Section shall govern the review of
6 project authorization and building and site permit applications for (1) the construction or
7 substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain
8 requirements of this Code where the provisions of this Section are invoked, and (3) the
9 approval of open space and streetscape requirements of the Planning Code. When any action
10 authorized by this Section is taken, any determination with respect to the proposed project
11 required or authorized pursuant to CEQA may also be considered. This Section shall not
12 require additional review in connection with a site or building permit application if review
13 hereunder was completed with respect to the same proposed structure or alteration in
14 connection with a project authorization application pursuant to Section 322.

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

- 17 (1) Exceptions to the setback, streetwall, tower separation, and rear yard
18 requirements as permitted in Sections 132.1 and 134(d);
- 19 (2) Exceptions to the ground-level wind current requirements as permitted in
20 Section 148;
- 21 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in
22 Section 146;
- 23 ~~(4) Exceptions to the limitation on residential accessory parking as permitted in~~
24 ~~Section 151.1(e);~~

1 (4) ~~(5)~~ Exceptions to the limitation on curb cuts for parking access as permitted
2 in Section 155(r);

3 (5) ~~(6)~~ Exceptions to the limitations on above-grade residential accessory
4 parking as permitted in Section 155(s);

5 (6) ~~(7)~~ Exceptions to the freight loading and service vehicle space requirements
6 as permitted in Section 161(i);

7 (7) ~~(8)~~ Exceptions to the off-street tour bus loading space requirements as
8 permitted in Section 162;

9 (8) ~~(9)~~ Exceptions to the use requirements in the C-3-O(SD) Commercial Special
10 Use Subdistrict in Section 248;

11 (9) ~~(10)~~ Exceptions to the height limits for buildings taller than 550 feet in height
12 in the S-2 Bulk District for allowance of non-occupied architectural, screening, and rooftop
13 elements that meet the criteria of Section 260(b)(1)(M); Exceptions to the height limits for
14 vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as
15 permitted in Section 263.9 ~~263.7~~;

16 (10) ~~(11)~~ Exceptions to the height limits for vertical extensions as permitted in
17 Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;

18 (11) ~~(12)~~ Exceptions to the height limits in the 80-130F and 80-130X Height and
19 Bulk Districts as permitted in Section 263.8 ~~263.6~~ and in the 200-400S Height and Bulk
20 District as permitted in Section 263.10 ~~263.8~~;

21 (12) ~~(13)~~ Exceptions to the bulk requirements as permitted in Sections 270 and
22 272.

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**SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL
DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<p style="text-align: center;"><u>****</u></p> <p>§ 714.65</p>	<p>§ 236</p>	<p><i><u>GARMENT SHOP SPECIAL USE DISTRICT</u></i></p>
<p style="text-align: center;"><u>****</u></p> <p>§ 714.68</p>	<p>§ 249.35</p>	<p><i><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</u></i></p> <p><i><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial Districts.</u></i></p> <p><i><u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Section 259.35(c)(3).</u></i></p>
<p style="text-align: center;"><u>****</u></p> <p>§ 714.94</p>	<p>§§ 150, 153- 157, 159- 160, 204.5</p>	<p><i><u>BROADWAY OFF-STREET PARKING RESIDENTIAL</u></i></p> <p><i><u>Boundaries: Broadway NCD</u></i></p> <p><i><u>Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that: (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the</u></i></p>

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		<p>proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)-(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p> <p>Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1-SUa</p> <p>Controls: Garment shops are P at the 1st and 2nd stories</p>
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**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			North Beach
No.	Zoning Category	§ References	Controls
<p><u>****</u> 722.22</p>	<p>Off-Street Parking, Commercial/Institutional</p>	<p>§§ 150, 153-157, 159-160, 204.5</p>	<p>Generally, nNone required. <i>Limits set forth in if occupied floor area is less than 5,000 sq. ft.</i> §§ 151.1, 161(g)</p>
<p><u>****</u> 722.94</p>	<p>Off-Street</p>	<p>§§ 150, 151.1,</p>	<p>None required.-P up to <u>0.5 parking spaces</u> one</p>

1	Parking, Residential	153—157, 159— 160, 204.5	ear for each two dwelling units; C up to .75
2			cars <u>parking spaces</u> for each dwelling unit,
3			subject to the criteria and procedures of
4			Section 151.1(f); NP above 0.75 cars for each
5			dwelling unit. §§ 151.1, <u>166, 167, 145.1</u>
6			161(a)-(g)
7			# if installing a garage in an existing
8			residential building

**SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD
COMMERCIAL DISTRICT**

11	Article 7 Code Section	Other Code Section	Zoning Controls
12	§ 722.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT
13	§ 722.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT
14	<u>****</u>	§§ 150, 153-157, 159-160, 204.5	<p>NORTH BEACH OFF-STREET PARKING, RESIDENTIAL</p> <p>Boundaries: North Beach NCD</p> <p>A. Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. <u>In approving installation of the garage, the Commission shall find that:</u>(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-</p>
15	§ 722.94		
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		<p>street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p> <p>B. Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above.</p> <p>Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a</p> <p>Controls: Garment shops are P at the 1st and 2nd stories</p>
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1 **Table 810**

2 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

3 **SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT**

4

Section		Zoning Controls
5 § 810.71	§ 236	6 Garment Shop Special Use District applicable only for 7 portions of the Chinatown Community Business District as 8 mapped on Sectional Map No. 1 SUa

9 **Table 811**

10 **CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

11 **SPECIFIC PROVISIONS FOR CHINATOWN VISITOR RETAIL DISTRICT**

12

Section		Zoning Controls
13 § 811.71	§ 236	14 Garment Shop Special Use District applicable only for 15 portions of the Chinatown Community Business District as 16 mapped on Sectional Map No. 1 SUa

17 **Table 812**

18 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

19 **ZONING CONTROL TABLE**

20 **SPECIFIC PROVISIONS FOR RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

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Section		Zoning Controls
22 § 812.71	§ 236	23 Garment Shop Special Use District applicable only for 24 portions of the Chinatown Community Business District as 25 mapped on Sectional Map No. 1 SUa

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Section 4. Pursuant to Sections 106 and 302(c) of the Planning Code, the following amendments to Sheet SU01 of the Zoning Map of the City and County of San Francisco, duly approved and recommended to the Board of Supervisors by the Planning Commission, are hereby adopted:

Delete Washington-Broadway SUD #1 and Washington-Broadway SUD #2 from the Zoning Map and replace them with one Washington-Broadway Special Use District consisting of the properties described below.

<u>Property Description</u>	<u>Washington-Broadway Special Use District</u>
All C-2 zoned parcels on Blocks 0163, 0164, 0165, 0166, 0173, 0174, 0175, 0176, 0195, 0196, and 0197	

Section 5. Effective Date. This Ordinance shall become effective 30 days from the date of passage.

Section 6. Scope of the Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

~~Specifically, the Board of Supervisors recognizes that both this ordinance and the ordinance in File No. 120220 amend Sections 135 and 138 of the Planning Code. The Board~~

1 ~~intends that, if adopted, the additions and deletions shown in both ordinances be given full~~
2 ~~force and effect. To this end, the Board directs the City Attorney's Office and the publisher to~~
3 ~~harmonize the provisions of each ordinance.~~

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

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8 By: _____
9 JUDITH A. BOYAJIAN
10 Deputy City Attorney

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