

1 [Zoning – Parking Requirements and Garage Installation in Existing Residential Buildings in
2 Telegraph Hill, North Beach and Chinatown.]

3 **Ordinance amending the San Francisco Planning Code by amending Sections 714.94,**
4 **722.94, 803.2, and Table 810 to require a conditional use to install a garage in an**
5 **existing residential structure in the Broadway NCD, the North Beach NCD, and the**
6 **Chinatown Mixed Use and Community Business Districts; adding Section 249.46 and**
7 **amending Section SU01 of the Zoning Map to establish the Telegraph Hill – North**
8 **Beach Residential Special Use District to include the residentially-zoned areas**
9 **bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East,**
10 **Broadway to the South, and Columbus Avenue to the West, and require a conditional**
11 **use to install a garage in a residential structure; amending Section 151 to reduce the**
12 **minimum parking requirements in the Broadway and North Beach NCDs and the**
13 **Telegraph Hill – North Beach Residential Special Use District; amending Section 155 to**
14 **add Columbus Avenue between Washington and North Point Streets to the list of**
15 **streets where garage entries, driveways or other vehicular access to offstreet parking**
16 **or loading are prohibited; amending the Public Works Code by amending Section 723.2**
17 **to prohibit the issuance of minor sidewalk encroachment permit that would facilitate**
18 **the installation of parking in a residential structure; adopting findings, including**
19 **environmental findings, Planning Code Section 302 findings, and findings of**
20 **consistency with the General Plan and the priority policies of Planning Code Section**
21 **101.1.**

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23 NOTE: Additions are *single-underline italics Times New Roman*;
24 deletions are *strike-through italics Times New Roman*.
25 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

2 Section 1. Findings. This Board of Supervisors hereby finds that:

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

7 (b) Pursuant to Planning Code Section 302, these Planning Code amendments will
8 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
9 Commission Resolution No. _____, and the Board incorporates those reasons herein
10 by reference. A copy of Planning Commission Resolution No. _____ is on file with the
11 Clerk of the Board of Supervisors in File No. _____.

12 (c) These Planning Code amendments are consistent with the San Francisco
13 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
14 forth in Planning Commission Resolution No. _____, and the Board incorporates those
15 reasons herein by reference.

16 Section 2. The San Francisco Planning Code is hereby amended by amending Section
17 714, to read as follows:

18 SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
19 ZONING CONTROL TABLE

			Broadway
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
714.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250- -252, 260,	P up to 40 ft. C 40 to 65

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Supervisor Chiu
BOARD OF SUPERVISORS

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		270, 271	ft. § 253.1
714.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
714.12	Rear Yard	§§ 130, 134, 136	Required at residential level only § 134(a) (e)
714.13	Street Frontage		Required § 145.1
714.14	Awning	§ 790.20	P § 136.1(a)
714.15	Canopy	§ 790.26	P § 136.1(b)
714.16	Marquee	§ 790.58	P § 136.1(c)
714.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
714.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
714.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
714.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
714.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
714.25	Drive-Up Facility	§ 790.30	
714.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
714.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.

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714.30	General Advertising Sign	§§ 262, 602--604, 608, 609			
714.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2		
714.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
714.38	Residential Conversion	§ 790.84	P	C	
714.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
714.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P#	P #	
714.41	Bar	§ 790.22	P	P	
714.42	Full-Service Restaurant	§ 790.92	P	P	
714.43	Large Fast Food Restaurant	§ 790.90			
714.44	Small Self-Service Restaurant	§ 790.91	C	C	
714.45	Liquor Store	§ 790.55	C		
714.46	Movie Theater	§ 790.64	P	P	
714.47	Adult Entertainment	§ 790.36	C	C	

1	714.48	Other Entertainment	§ 790.38	P	P	
2	714.49	Financial Service	§ 790.110	C		
3						
4	714.50	Limited Financial Service	§ 790.112	C		
5						
6	714.51	Medical Service	§ 790.114	P	P	
7						
8	714.52	Personal Service	§ 790.116	P	P	
9	714.53	Business or Professional Service	§ 790.108	P	P	
10	714.54	Massage Establishment	§ 790.60, § 1900 Health Code	P	C	
11						
12	714.55	Tourist Hotel	§ 790.46	C	C	C
13						
14	714.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
15						
16	714.57	Automotive Gas Station	§ 790.14			
17	714.58	Automotive Service Station	§ 790.17			
18	714.59	Automotive Repair	§ 790.15			
19	714.60	Automotive Wash	§ 790.18			
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21	714.61	Automobile Sale or Rental	§ 790.12			
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23	714.62	Animal Hospital	§ 790.6	C		
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25	714.63	Ambulance Service	§ 790.2			

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714.64	Mortuary	§ 790.62			
714.65	Trade Shop	§ 790.124	P#	C #	
714.66	Storage	§ 790.117			
714.67	Video Store	§ 790.135	C	C	
714.68	Fringe Financial Service	§ 790.111			
714.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
714.69A	Self-Service Specialty Food	§ 790.93	C	C	
714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
Institutions and Non-Retail Sales and Services					
714.70	Administrative Service	§ 790.106			
714.80	Hospital or Medical Center	§ 790.44			
714.81	Other Institutions, Large	§ 790.50	P	C	C
714.82	Other Institutions, Small	§ 790.51	P	P	P
714.83	Public Use	§ 790.80	C	C	C
714.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
714.90	Residential Use	§ 790.88	P	P	P
714.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		

1	714.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
2	714.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		
3	714.94	Off-Street Parking, Residential	§§ 150, <u>151.1</u> , 153--157, 159--160, 204.5	<i>Generally, P up to one car + space for each two dwelling units; C up to .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. §§ 151.1, 161(a) (g)</i> <i>C# if installing a garage in an existing building</i>		
4	714.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.10	§ 253.1	65-A-1 HEIGHT AND BULK DISTRICT Boundaries: Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H Controls: Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet
§ 714.40	§ 790.102(n)	BROADWAY SPECIALTY RETAIL USES Boundaries: Broadway NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
§ 714.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1 SU a Controls: Garment shops are P at the 1st and 2 nd stories

§ 722.94	§§ 150, 153-157, 159-160, 204.5	<p><u>BROADWAY OFF-STREET PARKING, RESIDENTIAL</u> <u>Boundaries: Broadway NCD</u> <u>Controls: Installing a garage in an existing building may be permitted as a conditional use if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</u> <u>(1) the installation is consistent with the priority policies of Section 101.1 of this Code, the Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and the Department's Residential Design Guidelines, (2) the garage would not decrease sidewalk accessibility, (3) the garage would not front on a public right-of-way narrower than 41 feet, and (4) there have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.</u></p>
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Section 3. The San Francisco Planning Code is hereby amended by amending Section 722, to read as follows:

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			North Beach
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
722.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	P up to 40 ft.
722.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
722.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)

1	722.13	Street Frontage		Required § 145.1
2	722.14	Awning	§ 790.20	P § 136.1(a)
3	722.15	Canopy	§ 790.26	P § 136.1(b)
4	722.16	Marquee	§ 790.58	P § 136.1(c)
5	722.17	Street Trees		Required § 143
6	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
7	722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
8	722.21	Use Size [Nonresidential]	§ 790.130	P up to 1,999 sq. ft.; C 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2
9	722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
10	722.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq.
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				ft. §§ 152, 161(b)	
722.24	Outdoor Activity Area	§ 790.70		P if located in front; C if located elsewhere § 145.2(a)	
722.25	Drive-Up Facility	§ 790.30			
722.26	Walk-Up Facility	§ 790.140		P if recessed 3 ft.; C if not recessed § 145.2(b)	
722.27	Hours of Operation	§ 790.48		P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.	
722.30	General Advertising Sign	§§ 262, 602--604, 608, 609			
722.31	Business Sign	§§ 262, 602--604, 608, 609		P § 607.1(f)2	
722.32	Other Signs	§§ 262, 602--604, 608, 609		P § 607.1(c) (d) (g)	
No.	Zoning Category	§ References	North Beach		
			Controls by Story		
		§ 790.118	1 st	2 nd	3 rd +
722.38	Residential Conversion	§ 790.84	P		
722.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
722.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	

1	722.41	Bar	§ 790.22 § 780.3	C#		
2	722.42	Full-Service Restaurant	§ 790.92 § 780.3	C#	C #	
3						
4	722.43	Large Fast Food Restaurant	§ 790.90			
5	722.44	Small Self-Service Restaurant	§ 790.91 § 780.3	C#		
6						
7	722.45	Liquor Store	§ 790.55	C		
8	722.46	Movie Theater	§ 790.64	P		
9						
10	722.47	Adult Entertainment	§ 790.36			
11	722.48	Other Entertainment	§ 790.38	C		
12						
13	722.49	Financial Service	§ 790.110	C/NP #		
14	722.50	Limited Financial Service	§ 790.112	C/NP#		
15						
16	722.51	Medical Service	§ 790.114	P	P	
17	722.52	Personal Service	§ 790.116	P	P	
18	722.53	Business or Professional Service	§ 790.108	C/NP#	P	
19						
20	722.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
21						
22	722.55	Tourist Hotel	§ 790.46	C	C	C
23						
24	722.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
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1	722.57	Automotive Gas Station	§ 790.14			
2	722.58	Automotive Service Station	§ 790.17			
3						
4	722.59	Automotive Repair	§ 790.15	C		
5	722.60	Automotive Wash	§ 790.18			
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7	722.61	Automobile Sale or Rental	§ 790.12			
8	722.62	Animal Hospital	§ 790.6	C		
9	722.63	Ambulance Service	§ 790.2			
10	722.64	Mortuary	§ 790.62			
11	722.65	Trade Shop	§ 790.124	P#	C #	
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13	722.66	Storage	§ 790.117			
14	722.67	Video Store	§ 790.135	C	C	
15						
16	722.68	Fringe Financial Service	§ 790.111			
17	722.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
18						
19	722.69A	Self-Service Specialty Food	§ 790.93	C		
20	Institutions and Non-Retail Sales and Services					
21	722.70	Administrative Service	§ 790.106			
22	722.80	Hospital or Medical Center	§ 790.44			
23						
24	722.81	Other Institutions, Large	§ 790.50	P	C	C
25	722.82	Other Institutions, Small	§ 790.51	P	P	P

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2	722.83	Public Use	§ 790.80	C	C C
3	722.84	Medical Cannabis Dispensary	§ 790.141	P	
4	RESIDENTIAL STANDARDS AND USES				
5	722.90	Residential Use	§ 790.88	P	P P
6			§ 790.118		
7					
8	722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per400 sq. ft. lot area § 207.4	
9					
10	722.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per140 sq. ft. lot area § 208	
11					
12	722.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)	
13					
14	722.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	<i>Generally, P up to one car 1 space for each <u>two</u> dwelling units; C up to .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. §§ 151.1, 161(a) (g)</i> <i>C# if installing a garage in an existing building</i>	
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20	722.95	Community Residential Parking	§ 790.10	C	C C
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SPECIFIC PROVISIONS FOR THE NORTH BEACH
NEIGHBORHOOD COMMERCIAL DISTRICT

24	Article 7 Code	Other Code Section	Zoning Controls
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Section		
§ 722.26	§ 790.140	NORTH BEACH WALK UP FACILITIES Boundaries: North Beach NCD Controls: Walk-up automated bank teller machines (ATMs) are not permitted.
§ 722.40	§ 790.102(n)	NORTH BEACH SPECIALTY RETAIL USES Boundaries: North Beach NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
§§ 722.42, 722.44, 722.41	§ 780.3	NORTH BEACH SPECIAL USE DISTRICT Boundaries: North Beach NCD Controls: Full-service restaurants and small self-service restaurants as defined in Sections 790.92 and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the full-service restaurant, small self-service restaurant, or bar does not occupy:
		(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or
		(2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.
§§ 722.42, 722.44	§§ 790.92, 790.91	NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE AND SMALL SELF-SERVICE RESTAURANTS Boundaries: North Beach NCD Controls: (a) In order to allow full-service restaurants, as defined in § 790.92, and small self-service restaurants, as defined in § 790.91 to seek or maintain an ABC license type 41, so that they may provide on-site beer and/or wine sales for drinking on the premises, the restaurant shall be required to operate as a 'bona-fide eating place' as defined in § 790.142.

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		(b) In order to allow full service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:
		(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a 'bona-fide eating place' as defined in § 790.142; and
		(2) (2) The establishment maintains only an ABC license type 47, 40, 41 or 60.
		(c) The Commission may consider immediate revocation of a previous conditional use authorization should an establishment no longer comply with any of the criteria set forth above in (a) or (b) of this Section for any length of time.
		(d) A small self-service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61).
§§ 722.49, 722.50 722.53	§ 781.6	NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT Boundaries: Applicable only for portions of the North Beach NCD south of Greenwich Street as mapped on Sectional Map SU01 Controls: Financial services and limited financial services are NP at all stories; business or professional services are NP at the 1st story
§ 722.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a Controls: Garment shops are P at the 1st and 2nd stories
<u>§ 722.94</u>	<u>§§ 150, 153-157, 159-160, 204.5</u>	<u>NORTH BEACH OFF-STREET PARKING, RESIDENTIAL</u> <u>Boundaries: North Beach NCD</u> <u>Controls: Installing a garage in an existing building may be permitted as a conditional use if, in addition to the criteria set forth in Section 303, the Planning Commission finds</u>

	<p><i>that: (1) the installation is consistent with the priority policies of Section 101.1 of this Code, the Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and the Department's Residential Design Guidelines, (2) the garage would not decrease sidewalk accessibility, (3) the garage would not front on a public right-of-way narrower than 41 feet, and (4) there have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.</i></p>
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Section 4. The San Francisco Planning Code is hereby amended by amending Section 803.2, to read as follows:

SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.

A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Chinatown Mixed Use District is set forth, summarized or cross-referenced in Sections 810.1 through 812.96 of this Code for each district class.

(a) Use Categories. The uses, functions, or activities, which are permitted in each Chinatown Mixed Use District class include those listed in Table 803.2 below by zoning control category and numbered and cross-referenced to the Code Section containing the definition.

TABLE 803.2 USE CATEGORIES PERMITTED IN THE CHINATOWN MIXED USE DISTRICTS

No.	Zoning Control Categories for Uses	Section Number of Use Definition
803.2.24	Outdoor Activity Area	§ 890.71
803.2.25	Drive-Up Facility	§ 890.30
803.2.26	Walk-Up Facility	§ 890.140

1	803.2.27	Hours of Operation	§ 890.48
2	803.2.38a	Residential Conversion, Residential Hotels	§ 890.84
3			
4	803.2.38b	Residential Demolition, Residential Hotels	§ 890.86
5			
6	803.2.39a	Residential Conversion, Apartments	§ 890.84
7			
8	803.2.39b	Residential Demolition, Apartments	§ 890.86
9			
10	803.2.40a	Other Retail Sales and Services	§ 890.102
11			
12	803.2.40b	Gift Store--Tourist-Oriented	§ 890.39
13			
14	803.2.40c	Jewelry	§ 890.51
15			
16	803.2.41	Bar	§ 890.22
17			
18	803.2.42	Full-Service Restaurant	§ 890.92
19			
20	803.2.43	Fast-Food Restaurant--Small	§ 890.90
21			
22	803.2.44	Fast-Food Restaurant--Large	§ 890.91
23			
24	803.2.45	Take-Out Food	§ 890.122
25			
	803.2.46	Movie Theater	§ 890.64
	803.2.47	Adult Entertainment	§ 890.36
	803.2.48	Other Entertainment	§ 890.37

1	803.2.49	Financial Service	§ 890.110
2	803.2.50	Limited Financial Service	§ 890.112
3	803.2.51	Medical Service	§ 890.114
4	803.2.52	Personal Service	§ 890.116
5	803.2.53	Professional Service	§ 890.108
6	803.2.54	Massage Establishment	§ 890.60
7	803.2.55	Tourist Hotel	§ 890.46
8	803.2.56	Automobile Parking Lot, Community Commercial	§ 890.9
9	803.2.57	Automobile Parking Garage, Community Commercial	§ 890.10
10	803.2.58	Automobile Parking Lot, Public	§ 890.11
11	803.2.59	Automobile Parking Garage, Public	§ 890.12
12	803.2.60	Automotive Gas Station	§ 890.14
13	803.2.61	Automotive Service Station	§ 890.18
14	803.2.62	Automotive Repair	§ 890.15
15	803.2.63	Automotive Wash	§ 890.20
16	803.2.64	Automobile Sale or Rental	§ 890.13
17	803.2.65	Animal Hospital	§ 890.6
18	803.2.66	Ambulance Service	§ 890.2
19	803.2.67	Mortuary	§ 890.62
20	803.2.68	Trade Shop	§ 890.124
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803.2.70	Administrative Service	§ 890.106
803.2.71	Light Manufacturing, Wholesale Sales or Storage	§ 890.54
803.2.72	Fringe Financial Service	§ 890.113
803.2.73	Business Services	§ 890.111
803.2.80	Hospital or Medical Center	§ 890.44
803.2.81	Other Institutions	§ 890.50
803.2.82	Public Use	§ 890.80
803.2.90	Residential Use	§ 890.88
803.2.95	Automobile Parking Lot, Community Residential	§ 890.7
803.2.96	Automobile Parking Garage, Community Residential	§ 890.8
803.2.97	Tobacco Paraphernalia Establishments	§ 890.123

(b) Use Limitations. Uses in Chinatown Mixed Use Districts are either permitted, conditional, accessory, temporary, or are not permitted.

(1) Permitted Uses. All permitted uses in Chinatown Mixed Use Districts shall be conducted within an enclosed building, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: accessory off-street parking and loading; uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 890.71 of this Code; and uses which by their nature are to be conducted in an open lot or outside a building, as described in Sections 890 through 890.140 of this Code.

1 If there are two or more uses in a structure and none is classified under Section
2 803.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
3 separately as an independent permitted, conditional, temporary or not permitted use.

4 (A) Principal Uses. Principal uses are permitted as of right in a Chinatown Mixed
5 Use District, when so indicated in Sections 810.1 through 812.96 of this Code for each district
6 class.

7 (B) Conditional Uses. Conditional uses are permitted in a Chinatown Mixed Use
8 District when authorized by the Planning Commission; whether a use is conditional in a given
9 district is indicated in Sections 810 through 812. Conditional uses are subject to the provisions
10 set forth in Section 303 of this Code.

11 (i) An establishment which sells beer and wine with motor vehicle fuel is a
12 conditional use, and shall be governed by Section 229.

13 (ii) Any use or feature which lawfully existed and was permitted as a principal or
14 conditional use on the effective date of these controls which is not otherwise nonconforming
15 or noncomplying as defined in Section 180 of this Code, and which use or feature is not
16 permitted under this Article is deemed to be a permitted conditional use subject to the
17 provisions of this Code.

18 (iii) Notwithstanding any other provision of this Article, a change in use or demolition
19 of a movie theater use, as set forth in Section 890.64, shall require conditional use
20 authorization. This Subsection shall not authorize a change in use if the new use or uses are
21 otherwise prohibited.

22 (iv) Notwithstanding any other provision of this Article, a change in use or demolition
23 of a general grocery store use, as set forth in Section 890.102(a) and as further defined in
24 Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use
25

1 authorization. This Subsection shall not authorize a change in use if the new use or uses are
2 otherwise prohibited.

3 (v) Installing a garage in a residential building requires a conditional use. In addition to
4 the criteria set forth in Section 303, the Planning Commission shall find that: (1) the installation is
5 consistent with the priority policies of Section 101.1 of this Code, the Better Streets Policy in Chapter
6 98 of the San Francisco Administrative Code, and the Department's Residential Design Guidelines, (2)
7 the garage would not decrease sidewalk accessibility, (3) the garage would not front on a public right-
8 of-way narrower than 41 feet, and (4) there have been no "no fault" evictions, as defined in Section
9 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.

10 (C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1
11 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as
12 Accessory Uses) of this Code, a related minor use which is either necessary to the operation
13 or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and
14 subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an
15 accessory use when located on the same lot. Any use not qualified as an accessory use shall
16 only be allowed as a principal or conditional use, unless it qualifies as a temporary use under
17 Sections 205 through 205.2 of this Code.

18 No use in a Chinatown Mixed Use District will be considered accessory to a principal
19 use which involves or requires any of the following:

20 (i) The use of more than 1/3 of the total floor area occupied by both the accessory
21 use and the principal use to which it is accessory, combined, except in the case of accessory
22 off-street parking;

23 (ii) Any bar, restaurant, other entertainment, or any retail establishment which
24 serves liquor for consumption on-site;

1 (iii) Any take-out food use, except for a take-out food use which occupies 100
2 square feet or less (including the area devoted to food preparation and service and excluding
3 storage and waiting areas) in a retail grocery or specialty food store;

4 (iv) The wholesaling, manufacturing or processing of foods, goods, or commodities
5 on the premises of an establishment which does not also provide for primarily retail sale of
6 such foods, goods or commodities at the same location where such wholesaling,
7 manufacturing or processing takes place.

8 The above shall not prohibit take-out food activity which operates in conjunction with a
9 fast-food restaurant. A fast-food restaurant, by definition, includes take-out food as an
10 accessory and necessary part of its operation.

11 (D) Temporary Uses. Uses not otherwise permitted are permitted in Chinatown
12 Mixed Use Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this Code.

13 (2) Not Permitted Uses.

14 (A) Uses which are not listed in this Article are not permitted in a Chinatown Mixed
15 Use District unless determined by the Zoning Administrator to be permitted uses in
16 accordance with Section 307(a) of this Code.

17 (B) No use, even though listed as a permitted use or otherwise allowed, shall be
18 permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of
19 operation, creates conditions that are hazardous, noxious, or offensive through the emission
20 of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
21 excessive noise.

22 (C) The establishment of a use that sells alcoholic beverages, other than beer and
23 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

24 Section 4. The San Francisco Planning Code is hereby amended by amending Section
25 810.1, Table 810, to read as follows:

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Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

			Chinatown Community Business District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.12, 105, 106, 263.4, §§ 250--252, 260, 270, 271	P up to 35 feet # C to 65 ft. C to 50 ft. (along Commercial Street) See Zoning Map, § 254 50 ft. length and 100 ft. diagonal above 40 ft. # See Zoning Map, § 270
.11	Lot Size [Per Development]	§§ 890.56, 121	P up to 5,000 sq. ft. C 5,001 sq. ft. & above § 121.3
.12	Rear Yard/Site Coverage	§§ 130, 134, 136	Location may be modified / 75% coverage § 134.1
.13	Sun Access Setbacks		15 ft. at specified heights § 132.3
.14	Maximum Street Frontage [Per Building]		P to 50 feet C more than 50 feet § 145.3
.15	Awning	§ 890.21	P § 136.2(a)
.16	Canopy	§ 890.24	P § 136.2(b)

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17	Marquee	§ 890.58	P § 136.2(c)
COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES			
.19	Floor Area Ratio	§§ 102.9, 102.11, 123	2.8 to 1 § 124(a) (b)
.20	Use Size [Nonresidential]	§ 890.130	P up to 5,000 sq. ft. C 5,000 sq. ft. & above § 121.4 Except for full-service restaurants
.21	Open Space		1 sq. ft. for every 50 sq. ft. of building over 10,000 sq. ft. § 135.1
.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153-- 157, 159--160, 204.5	1:500 sq. ft. when lot size over 20,000 sq. ft. §§ 151, 161(d)
.23	Off-Street Freight Loading	§§ 150, 153-- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
	Chinatown Community Business District	§ 890.71	P in front C elsewhere
	Controls by Story	§ 890.30	
.26	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise
.27	Hours of Operation	§ 890.48	No limit

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.30	General Advertising Sign	§§ 602--604, 608.1, 608.2	P § 607.2(e)		
.31	Business Sign	§§ 602--604, 608.1, 608.2	P § 607.2(f)		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition Residential Hotels	Ch. 41 Admin. Code			
.39a	Residential Conversion Apartments				
.39b	Residential Demolition Apartments				
Retail Sales and Services					
.40a	Other Retail Sales and Services [Not Listed Below]	§ 890.102	P	P	P
.40b	Gift Store--Tourist	§ 890.39	P	P	P

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	Oriented				
.40c	Jewelry	§ 890.51	P	P	P
.41	Bar	§ 890.22	P	P	P
.42	Full-Service Restaurant	§ 890.92	P	P	P
.43	Fast Food Restaurant (Small)	§ 890.90	C	C	C
.44	Fast Food Restaurant (Large)	§ 890.91			
.45	Take-Out Food	§ 890.122	C	C	
.46	Movie Theater	§ 890.64	P	P	
.47a	Adult Entertainment	§ 890.36			
.47b	Other Entertainment	§ 890.37	P	P	P
.48	Amusement Game Arcade	§ 890.4 § 1036 Police Code			
.49	Financial Service	§ 890.110	P		
.50	Limited Financial Service	§ 890.112	P		
.51	Medical Service	§ 890.114	P	P	P

1	.52	Personal Service	§ 890.116	P	P	P
2	.53	Professional Service	§ 890.108	P	P	P
3						
4	.54	Massage Establishment	§ 890.60 § 1900 Health Code	P	P	P
5						
6	.55	Tourist Hotel	§ 890.46	C	C	C
7						
8	.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C	C	C
9						
10	.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
11						
12	.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
13						
14	.59	Automobile Parking Garage, Public	§ 890.12	C	C	C
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16	.60	Automotive Gas Station	§ 890.14			
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18	.61	Automotive Service Station	§ 890.18			
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20	.62	Automotive Repair	§ 890.15			
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22	.63	Automotive Wash	§ 890.20			
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1	.64	Automotive Sale or Rental	§ 890.13			
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3	.65	Animal Hospital	§ 890.6			
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5	.66	Ambulance Service	§ 890.2			
6						
7	.67	Mortuary	§ 890.62	C	C	
8	.68	Trade Shop	§ 890.124	P	C	
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10	.70	Administrative Service	§ 890.106			
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12	.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
13						
14	.72	Fringe Financial Service	§ 890.113	P#		
15						
16	.73	Tobacco Paraphernalia Establishments	§ 890.123	C		
17						
18						
19	Institutions					
20						
21	.80	Hospital or Medical Center	§ 890.44			
22						
23	.81	Other Institutions	Not counted as Commercial Fl. area § 890.50	P	P	P
24						
25						

1	.82	Public Use	§ 890.80	C	C	C
2	.83	Medical Cannabis Dispensary	§ 890.133	P		
3	RESIDENTIAL STANDARDS AND USES					
4	.90	Residential Use	§ 890.88	P	P	P
5	.91	Residential Density, Dwelling Units	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
6	.92	Residential Density, Group Housing	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
7	.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	48 sq. ft. § 135 Table 3		
8	.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space per unit §§ 151, 161(a) (o) <i>C# if installing a garage in an existing building</i>		
9	.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
10	.96	Automobile Parking Garage, Community Residential	§ 890.8, 160		C	C

SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT

Section		Zoning Controls
§810.10	§270	-- 50 N Height and Bulk District and 65 N Height and Bulk District as mapped on Sectional Map 1H
§810.71	§236	-- Garment Shop Special Use District applicable only for portions of the Chinatown Community Business District as mapped on Sectional Map No. 1 SU a
§810.72	§249.35	Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).
§§.94	§303	<u>Installation of a garage in an existing residential structure requires a conditional use. In addition to the criteria set forth in Section 303, the Planning Commission shall find that: (1) the installation is consistent with the priority policies of Section 101.1 of this Code, the Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and the Department's Residential Design Guidelines, (2) the garage would not decrease sidewalk accessibility, (3) the garage would not front on a public right-of-way narrower than 41 feet, and (4) there have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.</u>

Section 5. The San Francisco Planning Code is hereby amended by adding Section 249.46, to read as follows:

SEC. 249.46. A Special Use District entitled the "Telegraph Hill – North Beach Residential Special Use District," the boundaries of which are shown on Section Map No. SU01 of the San Francisco Zoning Map, is hereby established for the purposes set forth below:

(a) Purposes. (1) To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile

1 traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and
2 to prevent the ability to add parking from providing an incentive to convert existing residential
3 buildings from rental buildings to tenancies-in-common.

4 (b) Controls.

5 (1) Number of Off-Street Residential Parking Spaces. Up to three cars for each four
6 dwelling units is a Permitted use; up to one car for each dwelling unit requires a Conditional use,
7 subject to the criteria and procedures of Section 151.1(f); above one car for each dwelling unit is Not
8 Permitted.

9 (2) Installation of a Parking Garage. Installing a garage in an existing residential structure
10 may be permitted as a conditional use if, in addition to the criteria set forth in Section 303, the
11 Planning Commission finds that: (1) the installation is consistent with the priority policies of Section
12 101.1 of this Code, the Better Streets Policy in Chapter 98 of the San Francisco Administrative Code,
13 and the Department's Residential Design Guidelines, (2) the garage would not decrease sidewalk
14 accessibility, (3) the garage would not front on a public right-of-way narrower than 41 feet, and (4)
15 there have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco
16 Administrative Code, within the past ten years.

17 Section 6. The San Francisco Planning Code is hereby amended by amending Section
18 151, to read as follows:

19 SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

20 Off-street parking spaces shall be provided in the minimum quantities specified in the
21 following table, except as otherwise provided in Section 151.1 and Section 161 of this Code.
22 Where the building or lot contains uses in more than one of the categories listed, parking
23 requirements shall be calculated in the manner provided in Section 153 of this Code. Where
24 off-street parking is provided which exceeds certain amounts in relation to the quantities
25 specified in this table, as set forth in Section 204.5 of this Code, such parking shall be

1 classified not as accessory parking but as either a principal or a conditional use, depending
 2 upon the use provisions applicable to the district in which the parking is located. In
 3 considering an application for a conditional use for any such parking, due to the amount being
 4 provided, the City Planning Commission shall consider the criteria set forth in Section 157 of
 5 this Code.

6 Table 151
 7 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.
<u>Dwelling, in the Broadway and North Beach Neighborhood Commercial Districts</u>	<u>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(f); NP above 0.75 cars for each dwelling unit.</u>
<u>Dwelling, in the Telegraph Hill – North Beach Residential Special Use District</u>	<u>P up to three cars for each four dwelling units; C 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 unit.</u>
Dwelling, RC-4, RSD except in the Van Ness Special Use District	One for each four dwelling unit.
Dwelling, specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code	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.
Dwelling, in an affordable housing project as defined by Section 313.1 or 315.1 of this Code.	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

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	is located.
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 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.
SRO units	None, except for purposes of determining spaces, required by this Code in Section 204.5 in the South of Market base area, one for each 20 units, plus one for the manager's dwelling unit, if any, with a minimum of two spaces.
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 16 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		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
2	Residential care facility	
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4	Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
5	Elementary school	One for each six classrooms.
6	Secondary school	One for each two classrooms.
7	Post-secondary educational institution	One for each two classrooms.
8	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
9		
10	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.
11		
12	Stadium or sports arena	One for each 15 seats.
13	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.
14	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.
15		
16		
17	Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet, except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000 square feet.
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19	Restaurant, bar, nightclub, pool hall, dancehall, bowling alley or other similar enterprise	One for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
20		
21	Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
22		
23	Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
24		
25	Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area

1		exceeds 5,000 square feet, plus one for each 250 square feet of occupied floor area in excess of 20,000.
2	Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts.	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
3		
4	Mortuary	Five
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6	Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 10,000 square feet.
7		
8	Arts activities and spaces except theater or auditorium spaces	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
9		
10	Other manufacturing and industrial uses	One for each 1,500 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
11		
12	Live/work units	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each live/work unit.
13		

14
15 Section 7 The San Francisco Planning Code is hereby amended by amending Section
16 155, to read as follows:

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

19 Required off-street parking and freight loading facilities shall meet the following
20 standards as to location and arrangement. In addition, facilities which are not required but are
21 actually provided shall meet the following standards unless such standards are stated to be
22 applicable solely to required facilities. In application of the standards of this Code for off-street
23 parking and loading, reference may be made to provisions of other portions of the Municipal
24 Code concerning off-street parking and loading facilities, and to standards of the Bureau of
25 Engineering of the Department of Public Works. Final authority for the application of such

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1 standards under this Code, and for adoption of regulations and interpretations in furtherance
2 of the stated provisions of this Code shall, however, rest with the Planning Department.

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

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

7 (c) Every off-street parking or loading space shall have adequate means of ingress
8 from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in
9 preference to streets, except where otherwise specified in this Code.

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

13 (1) For residential uses, independently accessible off-street parking spaces shall
14 include spaces accessed by automated garages, or car elevators, lifts or other space-efficient
15 parking as defined in Section 154(a)(4) and Section 154(a)(5) provided that no more than one
16 car needs to be moved under its own power to access any one space.

17 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-
18 G, DTR, MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely
19 enclosed and access from a public street or alley shall be provided by means of a private
20 service driveway, which is totally contained within the structure. Such a private service
21 driveway shall include adequate space to maneuver trucks and service vehicles into and out
22 of all provided spaces, and shall be designed so as to facilitate access to the subject property
23 while minimizing interference with street and sidewalk circulation. Any such private service
24 driveway shall be of adequate width to accommodate drive-in movement from the adjacent
25 curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if

1 an adjacent street or alley is determined by the Zoning Administrator to be primarily used for
2 building service, up to four off-street freight or loading spaces may be allowed to be
3 individually accessible directly from such a street or alley, pursuant to the provisions of
4 Section 309 in a C-3-O, C-3-R or C-3-G District, the provisions of Section 307(g) in a South of
5 Market Mixed Use District, the provisions of Section 309.1 in a DTR District, the provisions of
6 Section 329 for projects subject to Section 329 in a MUO, MUG, or MUR District, or by
7 administrative decision of the Zoning Administrator for projects that do are not subject to
8 Section 329 in a MUO, MUG, or MUR District.

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

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

24 (g) In order to discourage long-term commuter parking, any off-street parking spaces
25 provided for a structure or use other than residential or hotel in a C-3 District, whether

1 classified as an accessory or conditional use, which are otherwise available for use for long-
2 term parking by downtown workers shall maintain a rate or fee structure for their use such that
3 the rate charge for four hours of parking duration is no more than four times the rate charge
4 for the first hour, and the rate charge for eight or more hours of parking duration is no less
5 than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall
6 be permitted for weekly, monthly or similar time-specific periods.

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) Not permitted:

20 (A) The entire portion of Market Street in the C-3, NCT-3 and Upper Market NCT
21 Districts,

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

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

25 (D) Mission Street from 10th Street to Division Street,

- 1 (E) Octavia Street from Hayes Street to Fell Street, Embarcadero in the DTR Districts,
2 (F) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,
3 (G) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT District,
4 (H) Mission Street for the entirety of the Mission Street NCT District,
5 (I) 24th Street for the entirety of the 24th Street-Mission NCT,
6 (J) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT
7 and Mission Street NCT Districts,
8 (K) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D
9 Districts,
10 (L) 6th Street for its entirety within the SoMa NCT District,
11 (M) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100
12 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI
13 and MUO District,
14 (N) Ocean Avenue within the Ocean Avenue NCT District,
15 (O) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,
16 (P) Columbus Avenue between Washington and North Point Streets.

17 (3) Not permitted except with a Conditional Use authorization: The entire portion of
18 California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell
19 Street and Stockton Street in the C-3 Districts, Grant Avenue from Market Street to Bush
20 Street Montgomery Street from Market Street to Columbus Avenue, Haight Street from Market
21 Street to Webster Street, Church Street and 16th Street in the RTO District, and Duboce
22 Street from Noe Street to Market Street, Octavia Street from Fell Street to Market Street.

23 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
24 loading shall be created or utilized on street frontages identified along any Transit Preferential,
25 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the

1 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,
2 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
3 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
4 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
5 unless the officially adopted alignment is along the left side of the street. Where an alternative
6 frontage is not available, parking or loading access along any Transit Preferential, Citywide
7 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
8 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
9 streets not listed in subsection (2) above as an exception in the manner provided in Section
10 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be
11 clearly demonstrated that the final design of the parking access minimizes negative impacts to
12 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

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

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

23 (A) All off-street parking in C-3 Districts (both as accessory and principal uses) shall
24 be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from grade)
25 unless an exception to this requirement is granted in accordance with Section 309 and

1 subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303 and
2 subsections 155(s)(2) or 155(s)(3) below.

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

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

15 (C) Parking allowed above the ground-level in accordance with an exception under
16 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections
17 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that
18 accentuates ground floor retail and other uses, minimizes louvers and other mechanical
19 features and is in keeping with the overall massing and architectural vocabulary of the
20 building's lower floors. So as not to preclude conversion of parking space to other uses in the
21 future, parking allowed above the ground-level shall not be sloped and shall have a minimum
22 clear ceiling height of nine feet.

23 (2) Residential accessory parking. For residential accessory off-street parking in C-3
24 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by
25

1 Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted
2 subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

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

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

15 (3) Non-accessory off-street parking garages. For non-accessory off-street parking
16 garages in C-3 Districts permitted under Section 223(m)--(p), two additional floors of above-
17 grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum
18 ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections
19 155(s)(3)(A) or 155(s)(3)(B) below:

20 (A) As a conditional use in accordance with the criteria set forth in Section 303,
21 provided it can be clearly demonstrated that transportation easements or contaminated soil
22 conditions make it practically infeasible to build parking below-ground. The determination of
23 practical infeasibility shall be made based on an independent, third-party geotechnical
24 assessment conducted by a licensed professional and funded by the project sponsor. The
25

1 Planning Director shall make a determination as to the objectivity of the study prior to the
2 Planning Commission's consideration of the conditional use permit application.

3 (B) As a conditional use in accordance with the criteria set forth in Section 303,
4 provided the site contains an existing non-accessory off-street surface parking lot with valid
5 permits for such parking as of the effective date of the ordinance enacting this subsection and
6 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9
7 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,
8 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through
9 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
10 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,
11 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,
12 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block
13 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67
14 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
15 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and
16 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection
17 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this
18 subsection.

19 (4) Parking lots permitted in C-3 Districts as temporary uses according to Section
20 156(h) and expansions of existing above-grade publicly accessible parking facilities are not
21 subject to the requirements of subsections 155(s)(1)--(3).

22 (5) Parking and Loading Access.

23 (A) Width of openings. Any single development is limited to a total of two facade
24 openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for
25 access to off-street parking and one facade opening of no more than 15 feet wide for access

1 to off-street loading. Shared openings for parking and loading are encouraged. The maximum
2 permitted width of a shared parking and loading garage opening is 27 feet.

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

8 Section 8. The San Francisco Planning Code is hereby amended by amending Section
9 161, to read as follows:

10 SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND
11 SERVICE VEHICLE REQUIREMENTS.

12 The following exemptions shall apply to the requirements for off-street parking and
13 loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as
14 exemptions, shall be narrowly construed.

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

18 (b) No off-street loading shall be required where access to the lot cannot be
19 provided other than by means of a driveway across a sidewalk 25 feet or more in width from
20 the curb to the front lot line which would cause serious disruption to pedestrian traffic.

21 (c) In recognition of the compact and congested nature of the downtown area and
22 portions of Chinatown, the accessibility of this area by public transit, and programs for
23 provision of public parking facilities on an organized basis at specific locations, no off-street
24 parking shall be required for any use, in any C-3 Districts, or for any use other than dwellings
25

1 units where a requirement is specified, in Chinatown Visitor Retail, or Chinatown Residential
2 Neighborhood Commercial Districts.

3 (d) In recognition of the small scale of development, the desirability of retention and
4 conversion of many existing buildings of established character, the need to relieve congestion,
5 and the provision of public parking facilities on an organized basis at specific locations, no off-
6 street parking shall be required for any use other than dwellings in the Washington Broadway
7 Special Use District Numbers 1 and 2 as described in Section 239 of this Code and in the
8 Chinatown Community Business District, where the size of the lot does not exceed 20,000
9 square feet.

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

15 (f) In recognition of the policies set forth in the Northeastern Waterfront Plan, a part
16 of the General Plan, the unique nature of the area and the difficulty of providing vehicular
17 access thereto, the Planning Department or Planning Commission in specific cases may
18 determine an appropriate reduction in off-street parking requirements in Waterfront Special
19 Use District Numbers 1 and 3 as described in Sections 240.1 and 240.3 of this Code, in
20 authorizing any principal or conditional use, respectively, under those sections. In considering
21 any such reduction, the Planning Department for principal uses, and the Planning
22 Commission for conditional uses, shall consider the following criteria:

23 (1) The anticipated parking demand to be generated by the particular use
24 contemplated;

1 (2) Accessibility to the proposed site from freeway ramps or from major
2 thoroughfares;

3 (3) Minimization of conflict of vehicular and pedestrian movements;

4 (4) The service patterns of forms of transportation other than the automobile;

5 (5) The pattern of land uses and the availability of parking in the vicinity;

6 (6) The policies set forth in the Northeastern Waterfront Plan, including policies
7 concerning the relative emphasis that should be given to pedestrian and vehicular movement;
8 and

9 (7) Such other criteria as may be deemed appropriate in the circumstances of the
10 particular case.

11 (g) In instances in which all public agencies involved have certified by resolution
12 that the requirements of this Code (i) will be satisfied in whole or in part by public off-street
13 parking facilities constructed or authorized to be constructed for a special assessment district
14 or upon any other basis, or (ii) in C-3 and NC Districts will be satisfied by a requirement of a
15 cash contribution in an amount deemed sufficient to provide for the future construction of the
16 required number of parking stalls, off-street parking required for individual buildings and uses
17 may be correspondingly reduced if the total off-street parking supply in the area will
18 nevertheless meet the requirements of this Code for all buildings and uses in the area.

19 (h) The off-street parking requirements for dwelling units in the North of Market
20 Residential Special Use District, as described in Section 249.5 of this Code, may be reduced
21 by the Planning Commission pursuant to the procedures for conditional use authorization set
22 forth in Section 303 of this Code. In acting upon any application for a reduction of
23 requirements, the Planning Commission shall consider the criteria set forth below in lieu of the
24 criteria set forth in Section 303(c), and may grant the reduction if it finds that:

1 (1) The reduction in the parking requirement is justified by the reasonably
2 anticipated auto usage by residents of and visitors to the project; and

3 (2) The reduction in the parking requirement will not be detrimental to the health,
4 safety, convenience, or general welfare of persons residing or working in the vicinity.

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

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

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

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

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

24 (j) The off-street parking requirements for dwelling units in NC Districts, as
25 described in Article 7 of this Code, may be reduced by the Planning Commission pursuant to

1 the procedures for conditional use authorization set forth in Section 303 of this Code. In acting
2 upon any application for a reduction of requirements, the Planning Commission shall consider
3 the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the
4 reduction if it finds that:

5 (1) The reduction in the parking requirement is justified by the reasonably
6 anticipated auto usage by residents of and visitors to the project;

7 (2) The reduction in the parking requirement will not be detrimental to the health,
8 safety, convenience, or general welfare of persons residing or working in the vicinity;

9 (3) The project is consistent with the existing character and pattern of development
10 in the area; and

11 (4) The project is consistent with the description and intent of the neighborhood
12 commercial district in which it is located.

13 (k) For arts activities in the RED, RSD, SLR, SLI or SSO Districts which will operate
14 primarily during evenings and weekends, the Zoning Administrator may reduce or waive the
15 off-street parking requirement when he or she determines pursuant to Section 307(g) that
16 within an 800 foot walking distance from the site the anticipated demand from the proposed
17 project, in combination with the existing nighttime and/or weekend demand for parking within
18 the same geographic area at the time of the permit application, would not exceed 90 percent
19 of the on-street or off-street parking spaces available to the public within the subject area. The
20 applicant shall provide to the Zoning Administrator an acceptable parking survey and study
21 which shows evidence of existing parking resources and demand and anticipated demand
22 generated by the proposed project and nearby land uses. The Zoning Administrator may
23 impose conditions on reduction or waiver of the requirement, including, but not limited to,
24 advertising of nearby transit and parking facilities, requiring valet parking services and/or
25 leasing parking spaces on nearby lots during performance or exhibition activities.

1 (l) Beginning on the effective date of Ordinance No. 412-88 (effective October 10,
2 1988), within any South of Market Mixed Use District, the Zoning Administrator, upon
3 application pursuant to Section 307(g), may waive or reduce the required off-street parking for
4 any nonresidential use where he or she determines that: (1) sufficient spaces to replace the
5 waived or modified requirement will be provided within a parking facility open to the public
6 sponsored by the San Francisco Parking Authority or the City and County of San Francisco;
7 (2) it is anticipated that the replacement spaces will be available not more than 10 years after
8 the parking would otherwise first be required to be available; (3) the facility in question is
9 within a walking distance, as defined in Section 159(d), of one-half mile; and (4) the applicant
10 agrees to pay a one-time fee of \$15,000.00 (this amount shall be adjusted annually effective
11 April 1st of each calendar year by the percentage of change in the Building Cost Index used
12 by the San Francisco Department of Building Inspection) for each space as to which the
13 requirement is waived or modified, which fee shall be deposited to the Off-Street Parking
14 Fund for the purpose of acquiring property or rights to property, through lease, purchase, or
15 other means, and design, improvement and maintenance of property, for the general purpose
16 of providing publicly accessible parking within the South of Market Mixed Use District, as
17 defined in Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning Map
18 of the City and County of San Francisco, which parking is reasonably expected to be used by
19 persons who live, work, shop, do business or visit in the South of Market Mixed Use District.
20 Said fee, and any interest accrued by such fee, shall be used for the purposes stated herein
21 unless it is demonstrated that it is no longer needed. This payment shall be paid in full to the
22 City prior to the issuance of any temporary or other certificate of occupancy for the subject
23 property.

24 (m) Within the South of Market Mixed Use District, the required off-street parking for
25 any nonresidential principal or conditional use in structures designated as landmarks, as

1 contributory buildings within a historic district identified in the approved South of Market Plan
2 or as significant or contributory buildings pursuant to Article 11 of this Code, may be modified
3 or waived by the Zoning Administrator pursuant to Section 307(g) of this Code when the
4 Landmark Preservation Advisory Board advises that the provision of parking would adversely
5 affect the landmark, significant or contributory character of the structure or that modification or
6 waiver would enhance the economic feasibility of preservation of the landmark or structure.

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

12 (o) Within the South of Market Mixed Use District, upon approval by the Zoning
13 Administrator pursuant to Section 307(g), the required off-street parking for bars, restaurants,
14 arts, nighttime entertainment, pool halls, and neighborhood-serving retail or personal service
15 activities may be modified, reduced or waived through participation in a Parking Management
16 Program approved by the Zoning Administrator which may include, but need not be limited to,
17 participation in a coordinated off-site satellite parking facilities program, shuttle service,
18 specified signage and designated advertising procedures.

19 (p) Notwithstanding any other provision of this Code to the contrary, a conditional use is
20 required in order to install a garage in an existing residential structure in the North Beach NCD, the
21 North Beach-Telegraph Hill Special Use District, the Chinatown Mixed Use Districts and Chinatown
22 Community Business District. In addition to the criteria set forth in Section 303, the Planning
23 Commission shall find that: (1) the installation is consistent with the priority policies of Section 101.1
24 of this Code, the Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and the
25 Department's Residential Design Guidelines, (2) the garage would not decrease sidewalk accessibility,

1 (3) the garage would not front on a public right-of-way narrower than 41 feet, and (4) there have been
2 no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code,
3 within the past ten years.

4 Section 9. The San Francisco Public Works Code is hereby amended by amending
5 Section 723.2, to read as follows:

6 SEC. 723.2. MINOR SIDEWALK ENCROACHMENTS.

7 (a) The Director of Public Works may grant permission, revocable at his or her will, to
8 an owner of property abutting any court, alley or street to install and maintain minor
9 encroachments such as fences, retaining walls, steps or stairways and other minor structures
10 in the sidewalk fronting such property where such encroachments are desirable or convenient
11 in conjunction with the owner's use and enjoyment of the property, or required for the safety,
12 convenience and comfort of the public using the sidewalk.

13 (b) Such encroachments shall not occupy more than 10 percent of the area of the
14 sidewalk fronting the property nor more than 25 percent of the width of the sidewalk, unless
15 the Director of Public Works determines that such restrictions are not applicable due to the
16 nature of the encroachment. No encroachment shall be approved that would facilitate the addition
17 of a parking garage in a residential structure. The Director may require further restrictions or
18 modifications and impose such conditions as he or she deems necessary. No advertisement
19 shall be permitted on the encroachments.

20 (c) In considering the issuance of permits under the provisions of this Section, the
21 Director of Public Works shall give due regard to the location, neighborhood pattern,
22 anticipated pedestrian traffic, access requirements of the Fire Department, and to the
23 convenience and necessities of the owners, occupants or tenants of offices, stores or shops in
24 the vicinity.

1 (d) The owner of the real property or the owner's authorized agent applying for a
2 permit under the provisions of this Section shall agree to hold harmless the City and County of
3 San Francisco, its officers, agents, and employees, from any damage or injury caused by
4 reason of the installation or maintenance of the encroachment in the sidewalk, and the owner
5 or owners or subsequent owner or owners of the respective real property shall be solely liable
6 for any damage or loss occasioned by any act or neglect in respect to the installation or
7 maintenance of the encroachments in the sidewalk.

8 (e) Each permit issued under the provisions of this Section shall not become effective
9 until the permit has been signed by the owner or the owner's authorized agent and a copy
10 thereof has been recorded in the office of the Recorder of the City and County of San
11 Francisco; provided, however, that within 15 days following the approval, denial or revocation
12 of a permit by the Director, any person may file a notice of appeal with the Board of Appeals.
13 In the alternative, when the encroachment is related to building construction, rehabilitation or
14 maintenance, any person may appeal the encroachment permit decision to the Building
15 Inspection Commission. A person waives his or her right to appeal to the Building Inspection
16 Commission encroachment permit decisions relating to building construction, rehabilitation or
17 maintenance by instead filing the appeal with the Board of Appeals. No encroachment permit
18 decision may be appealed to both bodies.

19 (f) For purposes of this Section, an encroachment permit is related to building
20 construction, rehabilitation or maintenance when the object of the encroachment permit
21 affects the applicant's ability to construct, repair or maintain the building.

22 (g) Pending decision by the Board of Appeals the Building Inspection Commission,
23 the permit decision by the Director shall be suspended.
24
25

1 (h) Before issuance of the permit, the applicant shall be required to pay to the
2 Department of Public Works a fee as set forth in Section 2.1.1 et seq. and a public right-of-
3 way occupancy assessment fee as set forth in subsection (k).

4 (i) Nothing in this Section shall be construed as authorizing the Director of Public
5 Works to grant permit for any encroachment which he or she determines to be inimical to the
6 health, welfare, safety and best interest of the general public, or in violation of the Charter or
7 laws of the City and County of San Francisco or laws of the State of California.

8 (j) The Board of Appeals or the Building Inspection Commission may affirm, reverse
9 or modify any permit decision made by the Director of Public Works under the provisions of
10 this Section. The decision by the Board of Appeals or the Building Inspection Commission is
11 final.

12 (k) The Board of Supervisors reserves the right to exact a public right-of-way
13 occupancy assessment fee for the use of the sidewalk or other public right-of-way space
14 permitted under the provisions of this Section.

15 (1) In accordance with Subsection (k) the public right-of-way occupancy assessment
16 fee for minor sidewalk encroachments, whether permitted or unpermitted and as specified in
17 Subsection (k)(2), shall be an annual fee of \$3.00 per square foot of occupancy of the
18 sidewalk or other public right-of-way space. For purposes of calculating the assessment fee,
19 the Department shall charge no less than \$100.00 per year even though the calculated square
20 footage charge for the encroachment may result in a smaller assessment fee.

21 (2) The following categories of minor sidewalk encroachments are subject to the
22 public right-of-way occupancy assessment fee:

23 (a) Encroachments in, on, above, or below the public right-of-way that are affixed or
24 appurtenant to any building whose owner obtained a site permit for new construction on or
25 after August 29, 2005. This Subsection (k)(2)(a) also shall apply to any commercial, industrial,

1 or mixed-use building whose owner obtained a site permit for new construction prior to August
2 29, 2005; provided, however, that such building is not located in any Neighborhood
3 Commercial District as designated in Planning Code Article 7 and that the encroachment
4 associated with such building was installed or encroachment permit obtained prior to August
5 29, 2005. This Subsection shall specifically include, but not be limited to, doors that open over
6 the public right-of-way and subsidewalk basements; provided, however, that this Subsection
7 shall exclude encroachments for shoring and tiebacks. This Subsection shall not apply to a
8 building that has been converted from a commercial, industrial, or mixed-use building into
9 building containing only residential use.

10 (b) Encroachments associated with a commercial, industrial, or mixed-use building
11 that change the vertical or horizontal plane of an existing sidewalk and modify the existing
12 sidewalk slope pattern in order to provide access necessary to comply with the Americans
13 with Disabilities Act; provided, however, that the building obtained a site permit for new
14 construction on or after August 29, 2005.

15 (c) Any enclosure of the public right-of-way that is used exclusively for private benefit
16 and was installed on or after August 29, 2005. This Subsection (k)(2)(c) also shall apply to
17 any enclosure installed prior to August 29, 2005 that is associated with a commercial,
18 industrial, or mixed-use building; provided, however, that the building is not located in any
19 Neighborhood Commercial District as designated in Planning Code Article 7,

20 (d) Underground storage tanks.

21 (3) For purposes of Subsection (k)(2), the term "site permit" also shall mean "building
22 permit."

23 (4) Notwithstanding Subsection (k)(2), no public right-of-way occupancy assessment
24 fee shall be charged against the owner of an historic or architecturally significant building who
25 has installed or seeks a permit to install a minor sidewalk encroachment in order to conform

1 with an applicable Municipal Code; provided, however that this exception shall not apply if the
2 encroachment is a subsidewalk basement. For purposes of this Subsection, an historic or
3 architecturally significant building shall be a building so designated pursuant to Planning Code
4 Article 10 or specifically identified as an architecturally significant building on the Planning
5 Department's database or on a list maintained by the Planning Department.

6 (5) The public right-of-way occupancy assessment fee shall be subject to the review
7 and adjustment procedures as forth in Sections 2.1.1 et seq.

8 (6) The public right-of-way occupancy assessment fee shall not be charged to any
9 federal, state, or local governmental agencies, commissions, or departments.

10 (7) Notwithstanding this Subsection (k), the public right-of-way assessment fee for
11 underground vaults shall be as specified in Section 2.1.1 et seq.

12 Section 10. Pursuant to Sections 106 and 302(c) of the Planning Code, the San
13 Francisco Zoning Map is hereby amended by amending Section Map No. SU01 to show the
14 boundaries of the Telegraph Hill – North Beach Residential Special Use District, established
15 by Section 249.____ of the San Francisco Planning Code, which includes the residentially-
16 zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to
17 the East, Broadway to the South, and Columbus Avenue to the West.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 JUDITH A. BOYAJIAN
23 Deputy City Attorney
24
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