

File No. 091165

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date February 1, 2010

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
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Completed by: Alisa Somera Date January 28, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file and the online version.

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.

22 NOTE: Additions are single-underline italics Times New Roman;
23 deletions are ~~strike-through italics Times New Roman~~.
24 Board amendment additions are double-underlined;
25 Board amendment deletions are ~~strikethrough-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. 091165 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. 10011, and the Board incorporates those reasons herein
10 by reference. A copy of Planning Commission Resolution No. 10011 is on file with the
11 Clerk of the Board of Supervisors in File No. 091165.

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. 10011, 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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		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	
714.48	Other Entertainment	§ 790.38	P	P	
714.49	Financial Service	§ 790.110	C		

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714.50	Limited Financial Service	§ 790.112	C		
714.51	Medical Service	§ 790.114	P	P	
714.52	Personal Service	§ 790.116	P	P	
714.53	Business or Professional Service	§ 790.108	P	P	
714.54	Massage Establishment	§ 790.60, § 1900 Health Code	P	C	
714.55	Tourist Hotel	§ 790.46	C	C	C
714.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
714.57	Automotive Gas Station	§ 790.14			
714.58	Automotive Service Station	§ 790.17			
714.59	Automotive Repair	§ 790.15			
714.60	Automotive Wash	§ 790.18			
714.61	Automobile Sale or Rental	§ 790.12			
714.62	Animal Hospital	§ 790.6	C		
714.63	Ambulance Service	§ 790.2			
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			

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1	714.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
2	714.69A	Self-Service Specialty Food	§ 790.93	C	C	
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4	714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
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6	Institutions and Non-Retail Sales and Services					
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8	714.70	Administrative Service	§ 790.106			
9						
10	714.80	Hospital or Medical Center	§ 790.44			
11	714.81	Other Institutions, Large	§ 790.50	P	C	C
12	714.82	Other Institutions, Small	§ 790.51	P	P	P
13	714.83	Public Use	§ 790.80	C	C	C
14	714.84	Medical Cannabis Dispensary	§ 790.141	P		
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16	RESIDENTIAL STANDARDS AND USES					
17	714.90	Residential Use	§ 790.88	P	P	P
18	714.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
19						
20	714.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
21						
22	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)		
23						
24	714.94	Off-Street Parking, Residential	§§ 150, 151.1, 153--157, 159--160,	Generally, P up to one car + space for each two dwelling units; C up to .75 cars for		
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		204.5	<i>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>		
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	<u><i>BROADWAY OFF-STREET PARKING, RESIDENTIAL</i></u> <u><i>Boundaries: Broadway NCD</i></u> <u><i>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:</i></u> <u><i>(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</i></u>

Administrative Code, within the past ten years.

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)
722.13	Street Frontage		Required § 145.1
722.14	Awning	§ 790.20	P § 136.1(a)
722.15	Canopy	§ 790.26	P § 136.1(b)
722.16	Marquee	§ 790.58	P § 136.1(c)
722.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
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
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)		
722.23	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)		
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 #	
722.41	Bar	§ 790.22 § 780.3	C#		
722.42	Full-Service Restaurant	§ 790.92 § 780.3	C#	C #	
722.43	Large Fast Food Restaurant	§ 790.90			

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722.44	Small Self-Service Restaurant	§ 790.91 § 780.3	C#		
722.45	Liquor Store	§ 790.55	C		
722.46	Movie Theater	§ 790.64	P		
722.47	Adult Entertainment	§ 790.36			
722.48	Other Entertainment	§ 790.38	C		
722.49	Financial Service	§ 790.110	C/NP #		
722.50	Limited Financial Service	§ 790.112	C/NP#		
722.51	Medical Service	§ 790.114	P	P	
722.52	Personal Service	§ 790.116	P	P	
722.53	Business or Professional Service	§ 790.108	C/NP#	P	
722.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
722.55	Tourist Hotel	§ 790.46	C	C	C
722.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
722.57	Automotive Gas Station	§ 790.14			
722.58	Automotive Service Station	§ 790.17			
722.59	Automotive Repair	§ 790.15	C		
722.60	Automotive Wash	§ 790.18			
722.61	Automobile Sale or Rental	§ 790.12			
722.62	Animal Hospital	§ 790.6	C		
722.63	Ambulance Service	§ 790.2			
722.64	Mortuary	§ 790.62			
722.65	Trade Shop	§ 790.124	P#	C #	
722.66	Storage	§ 790.117			
722.67	Video Store	§ 790.135	C	C	
722.68	Fringe Financial Service	§ 790.111			
722.69	Tobacco Paraphernalia Establishments	§ 790.123	C		

1	722.69A	Self-Service Specialty Food	§ 790.93	C		
2	722.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
3	Institutions and Non-Retail Sales and Services					
4	722.70	Administrative Service	§ 790.106			
5	722.80	Hospital or Medical Center	§ 790.44			
6	722.81	Other Institutions, Large	§ 790.50	P	C	C
7	722.82	Other Institutions, Small	§ 790.51	P	P	P
8	722.83	Public Use	§ 790.80	C	C	C
9	722.84	Medical Cannabis Dispensary	§ 790.141	P		
10	RESIDENTIAL STANDARDS AND USES					
11	722.90	Residential Use	§ 790.88	P	P	P
12			§ 790.118			
13	722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400-sq. ft. lot area § 207.4		
14	722.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
15	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)		
16	722.94	Off-Street Parking, Residential	§§ 150, 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>		

SPECIFIC PROVISIONS FOR THE NORTH BEACH

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NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 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-

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1		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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3		(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:
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7		(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
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10		(2) (2) The establishment maintains only an ABC license type 47, 40, 41 or 60.
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12		(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.
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14		
15		(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).
16		
17		NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT
18	§§ 722.49, 722.50 722.53	§ 781.6
19		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
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21		GARMENT SHOP SPECIAL USE DISTRICT
22	§ 722.65	§ 236
23		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
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25	§ 722.94	§§ 150, 153-157, 159-160, <u>NORTH BEACH OFF-STREET PARKING, RESIDENTIAL</u> <u>Boundaries: North Beach NCD</u>

	<u>204.5</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: (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>
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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

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803.2.25	Drive-Up Facility	§ 890.30
803.2.26	Walk-Up Facility	§ 890.140
803.2.27	Hours of Operation	§ 890.48
803.2.38a	Residential Conversion, Residential Hotels	§ 890.84
803.2.38b	Residential Demolition, Residential Hotels	§ 890.86
803.2.39a	Residential Conversion, Apartments	§ 890.84
803.2.39b	Residential Demolition, Apartments	§ 890.86
803.2.40a	Other Retail Sales and Services	§ 890.102
803.2.40b	Gift Store--Tourist-Oriented	§ 890.39
803.2.40c	Jewelry	§ 890.51
803.2.41	Bar	§ 890.22
803.2.42	Full-Service Restaurant	§ 890.92
803.2.43	Fast-Food Restaurant--Small	§ 890.90
803.2.44	Fast-Food Restaurant--Large	§ 890.91
803.2.45	Take-Out Food	§ 890.122
803.2.46	Movie Theater	§ 890.64

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803.2.47	Adult Entertainment	§ 890.36
803.2.48	Other Entertainment	§ 890.37
803.2.49	Financial Service	§ 890.110
803.2.50	Limited Financial Service	§ 890.112
803.2.51	Medical Service	§ 890.114
803.2.52	Personal Service	§ 890.116
803.2.53	Professional Service	§ 890.108
803.2.54	Massage Establishment	§ 890.60
803.2.55	Tourist Hotel	§ 890.46
803.2.56	Automobile Parking Lot, Community Commercial	§ 890.9
803.2.57	Automobile Parking Garage, Community Commercial	§ 890.10
803.2.58	Automobile Parking Lot, Public	§ 890.11
803.2.59	Automobile Parking Garage, Public	§ 890.12
803.2.60	Automotive Gas Station	§ 890.14
803.2.61	Automotive Service Station	§ 890.18
803.2.62	Automotive Repair	§ 890.15
803.2.63	Automotive Wash	§ 890.20
803.2.64	Automobile Sale or Rental	§ 890.13
803.2.65	Animal Hospital	§ 890.6
803.2.66	Ambulance Service	§ 890.2

1	803.2.67	Mortuary	§ 890.62
2	803.2.68	Trade Shop	§ 890.124
3	803.2.70	Administrative Service	§ 890.106
4	803.2.71	Light Manufacturing, Wholesale Sales or Storage	§ 890.54
5	803.2.72	Fringe Financial Service	§ 890.113
6	803.2.73	Business Services	§ 890.111
7	803.2.80	Hospital or Medical Center	§ 890.44
8	803.2.81	Other Institutions	§ 890.50
9	803.2.82	Public Use	§ 890.80
10	803.2.90	Residential Use	§ 890.88
11	803.2.95	Automobile Parking Lot, Community Residential	§ 890.7
12	803.2.96	Automobile Parking Garage, Community Residential	§ 890.8
13	803.2.97	Tobacco Paraphernalia Establishments	§ 890.123

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

16 (1) Permitted Uses. All permitted uses in Chinatown Mixed Use Districts shall be
17 conducted within an enclosed building, unless otherwise specifically allowed in this Code.
18 Exceptions from this requirement are: accessory off-street parking and loading; uses which,
19 when located outside of a building, qualify as an outdoor activity area, as defined in Section
20 890.71 of this Code; and uses which by their nature are to be conducted in an open lot or
21 outside a building, as described in Sections 890 through 890.140 of this Code.
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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:

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

1	.30	General Advertising Sign	§§ 602--604, 608.1, 608.2	P § 607.2(e)		
2						
3	.31	Business Sign	§§ 602--604, 608.1, 608.2	P § 607.2(f)		
4						
5	No.	Zoning Category	§ References	1st	2nd	3rd+
6						
7	.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
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9						
10	.38b	Residential Demolition Residential Hotels	Ch. 41 Admin. Code			
11						
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13	.39a	Residential Conversion Apartments				
14						
15						
16	.39b	Residential Demolition Apartments				
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18						
19						
20	Retail Sales and Services					
21	.40a	Other Retail Sales and Services [Not Listed Below]	§ 890.102	P	P	P
22						
23	.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

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.52	Personal Service	§ 890.116	P	P	P
.53	Professional Service	§ 890.108	P	P	P
.54	Massage Establishment	§ 890.60 § 1900 Health Code	P	P	P
.55	Tourist Hotel	§ 890.46	C	C	C
.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C	C	C
.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
.59	Automobile Parking Garage, Public	§ 890.12	C	C	C
.60	Automotive Gas Station	§ 890.14			
.61	Automotive Service Station	§ 890.18			
.62	Automotive Repair	§ 890.15			
.63	Automotive Wash	§ 890.20			

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.64	Automotive Sale or Rental	§ 890.13			
.65	Animal Hospital	§ 890.6			
.66	Ambulance Service	§ 890.2			
.67	Mortuary	§ 890.62	C	C	
.68	Trade Shop	§ 890.124	P	C	
.70	Administrative Service	§ 890.106			
.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
.72	Fringe Financial Service	§ 890.113	P#		
.73	Tobacco Paraphernalia Establishments	§ 890.123	C		
Institutions					
.80	Hospital or Medical Center	§ 890.44			
.81	Other Institutions	Not counted as Commercial Fl. area § 890.50	P	P	P

1	.82	Public Use	§ 890.80	C	C	C
2	.83	Medical Cannabis	§ 890.133	P		
3		Dispensary				
4	RESIDENTIAL STANDARDS AND USES					
5	.90	Residential Use	§ 890.88	P	P	P
6	.91	Residential Density,	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
7		Dwelling Units				
8	.92	Residential Density,	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
9		Group Housing				
10	.93	Usable Open Space	§§ 135, 136	48 sq. ft. § 135 Table 3		
11		[Per Residential				
12		Unit]				
13	.94	Off-Street Parking,	§§ 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>		
14		Residential				
15	.95	Automobile Parking	§ 890.7, 156, 160	C	C	C
16		Lot, Community				
17		Residential				
18	.96	Automobile Parking	§ 890.8, 160		C	C
19		Garage, Community				
20		Residential				

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SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT

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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	<i><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></i>

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

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

Table 151
OFF-STREET PARKING SPACES REQUIRED

Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each dwelling unit.
<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

	is located.	
1 2 3 4 5 6 7 8 9 10 11 12	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.
13 14 15 16 17	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.
18 19 20 21 22 23 24 25	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	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
2	Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
3	Elementary school	One for each six classrooms.
4	Secondary school	One for each two classrooms.
5	Post-secondary educational institution	One for each two classrooms.
6	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
7	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.
8	Stadium or sports arena	One for each 15 seats.
9	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.
10	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.
11	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.
12	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.
13	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.
14	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.
15	Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area

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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
5		
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 cochere" 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:

25

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.

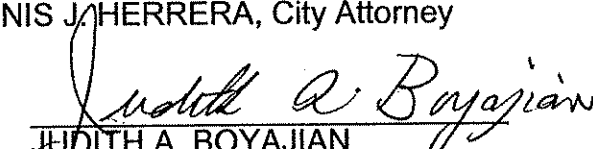
8 (6) The public right-of-way occupancy assessment fee shall not be charged to any
9 federal, state, or local governmental agencies, commissions, or departments.

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 249.46 of the San Francisco Planning Code, which includes the residentially-zoned
16 areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East,
17 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
25

LEGISLATIVE DIGEST

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

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

Existing Law

Each Neighborhood Commercial District (NCD) has a Zoning Control Table in the Planning Code that sets forth specific zoning controls such as Building Standards, Commercial and Institutional Standards and Uses, and Residential Standards and Uses. If there are any specific zoning control provisions, they are set forth at the end of the Table. Planning Code Section 714 provides the Zoning Control Table for the Broadway NCD; Section 722 provides the Zoning Control Table for the North Beach NCD.

Planning Code Section 803.2 sets forth the uses permitted in the Chinatown Mixed Use Districts. Table 810 provides the Zoning Control Table for the Chinatown Community Business District.

Article 1.5 sets forth the Planning Code's off-street parking and loading requirements. Table 151 has a schedule of the number of required off-street parking spaces for different types of uses; Section 155 sets forth general standards as to the location and arrangement of off-street parking, freight loading and service vehicle facilities; and Section 161 sets forth the exemptions from off-street parking, freight loading and service vehicle requirements.

Public Works Code Section 723.2 sets forth the requirements and procedures for minor sidewalk encroachments. Among other things, it prohibits such encroachments from occupying more than 10% of the sidewalk area fronting the property or more than 25% of the width of the sidewalk unless the Director of Public Works determines that such restrictions are not applicable due to the nature of the encroachment.

Amendments to Current Law

For the Broadway and North Beach NCDs, Tables 714 and 722 are amended to add new off-street parking controls to the Residential Standards and Uses section. Sections 714.94 722.94 are amended to permit parking for up to one car for each two dwelling units and require a conditional use for up to .75 cars for each dwelling unit; parking for more than .75 cars for each dwelling unit is not permitted. Language has been added to the specific zoning control provisions at the end of each of the Tables to authorize installing a garage in an existing residential building as a conditional use provided that in acting on an application for the conditional use, the Planning Commission specifically finds that: (1) the installation is consistent with the priority policies of Planning Code Section 101.1, the Better Streets Policy in Chapter 98 of the Administrative Code, and the Planning 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 Administrative Code within the past 10 years.

For the Chinatown Mixed Used Districts, Section 803.2 is amended to require that installing a garage in an existing residential building requires a conditional use. In acting on an application for a conditional use, the Planning Commission must make the same findings as are required for the Broadway and North Beach NCDs. Table 810 is amended to add the same requirements.

Section 249.46 is added to the Planning Code to establish a new special use district entitled the "Telegraph Hill – North Beach Residential Special Use District" that includes the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West. This special use district permits up to three cars for each four dwelling units; up to one car is authorized with a conditional use; and above one car for each dwelling unit is not permitted. Installation of a parking garage in an existing residential building requires a conditional use, and in acting on an application for a conditional use the Planning Commission must make the findings required for the Broadway and North Beach NCDs and for the Chinatown Mixed Use Districts.

Table 151 is amended to add off-street parking requirements for the Broadway and North Beach NCDs and the Telegraph Hill – North Beach SUD. Section 155 is amended to add Columbus Avenue between Washington and North Point Streets to the list of Protected

Pedestrian- and Transit-Oriented Street Frontages; Section 161 is amended to provide that a conditional use is required to install a garage in an existing residential building in the North Beach NCD, the North Beach – Telegraph Hill SUD, the Chinatown Mixed-Use Districts, and the Chinatown Community Business District. In acting upon an application for a conditional use, the Planning Commission must make the special findings noted above.

Section 723.2 of the Public Works Code is amended to prohibit the Director of Public Works from approving a minor sidewalk encroachment that would facilitate the addition of a parking garage in a residential structure.

Background Information

This legislation is proposes to regulate off-street parking and the installation of garages in existing residential structures in manner that ensures Section 803.2 sets forth the uses permitted in the Chinatown Mixed Use Districts. Table 810 sets forth they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way. It is also intended to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.





SAN FRANCISCO PLANNING DEPARTMENT

January 21, 2010

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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Suite 400
San Francisco,
CA 94103-2479

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Planning
Information:
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Re: Transmittal of Planning Department Case Number 2009.1053TZ:
Parking & Garage Requirements in the North Beach NCD, Broadway NCD,
Chinatown Mixed Use Districts & the creation of the Telegraph Hill-North
Beach Residential Special Use District

BOS File No: 09-1165

Planning Commission Recommendation: Approval with Modifications

Dear Ms. Calvillo,

On January 14th, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

The proposed Ordinance introduced by Supervisor Chiu would amend several sections in the Planning Code that deal with off-street parking requirements and the installation of new garage openings in existing residential structures. Below is a brief summary of the proposal:

1. Eliminate the minimum off-street parking requirements for residential uses and institute a maximum parking cap in the Broadway Neighborhood Commercial District (714.94), North Beach Neighborhood Commercial District (722.94), and the Chinatown Mixed Use and Community Business Districts (803.2 & 810); and
2. Require a Conditional Use Authorization to install a garage in an existing residential structure; and
3. Create the Telegraph Hill-North Beach Residential Special Use District to reduce the off-street parking requirements and require a Conditional Use Authorization to install a garage in a residential structure; and
4. Add Columbus Avenue between Washington and North Point Streets to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; and

5. Amend the Public Works Code by amending section 732.2 to prohibit the issuance of minor sidewalk encroachment permits that would facilitate the installation of parking in a residential structure.

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the January 14th hearing, the Commission voted to recommend approval with modifications of the proposed Ordinance. Specifically, the Commission recommends the following changes:

New Off-Street Residential Parking Controls: Approval as Proposed

The Commission supports eliminating the off-street parking requirements and the initiation of residential maximum caps in the 4 areas proposed (Broadway NCD, North Beach NCD, Chinatown Mixed Use Districts, and the new Telegraph Hill-North Beach Residential SUD). Removing the 1-to-1 off-street parking ratio is in line with the Commission's current policies, as evidenced in the many large plan areas that have been adopted in the past several years.

New Telegraph Hill-North Beach Residential Special Use District: Approval as Proposed

The Commission supports the creation of the Telegraph Hill-North Beach Residential SUD for it is through this SUD that the parking controls for new construction and voluntary installations will be put in place.

Expansion of the Residential Special Use District: Proposed Addition to Legislation

The Commission supports the possible expansion of the New Telegraph Hill-North Beach Special Use District so that a larger area of off-street residential parking requirements would be amended. The proposed expanded boundaries are:

- Bay Street to the north;
- Polk Street to the west;
- California Street to the south; and
- Sansom Street to the east.

Conditional Use Authorization Criteria: Approval with Modifications

The Commission suggests the following Conditional Use criteria that the Commission must use (i.e., substituting those below for what is proposed), as well as the procedures listed below:

NEW Conditional Use Criteria:

1. Removal of residential unit

- a. The proposed garage opening/addition of off-street parking will not cause the "Removal" of a dwelling unit or "Conversion of a Residential Unit" as defined in Section 317 of the Planning Code.¹
2. Decrease in habitable area
 - a. The 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. Adverse impact on historic resource
 - a. A garage opening on a historic resource must meet the requirements of Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*, which assures that no adverse impacts will be made to a historic resource.
 - b. In considering a garage opening/addition of off-street parking, the Commission shall balance the reduction of an adverse impact to a historic resource with the inclusion of a minor sidewalk encroachment vs. the sidewalk accessibility issues that an encroachment will have on the pedestrian space.
 - i. NOTE: This will require the modification of the DPW Code change.
4. Number of parking spaces vs. loss of on-street parking spaces
 - a. The proposed curb cut required for the off-street parking will be configured in a manner that 1) will minimize the loss of on-street parking, and 2) will not cause the excessive loss of on-street parking.
 - b. Notwithstanding the above, the Commission will not authorize a proposal with a curb cut which removes more than two on-street parking spaces.
5. Sidewalk Accessibility
 - a. The proposed garage/addition of off-street parking will not: 1) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street as defined in Code Section 155(f), or

¹ Section 317: (b)(1) - "Conversion of Residential Unit" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-residential use. (b)(9) - "Removal" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

- 2) reduces the path of travel on the sidewalk to less than 6 feet; and 3) the slope of the sidewalk will not be greater than 2%.
- b. All parking of vehicles in a driveway shall be screened in accordance with Section 142 of the Planning Code.²
6. Design Guidelines
- a. The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator Bulletin 2006.1A: *Procedures and Criteria for Adding Garages to Existing Residential Structures*.
- b. The proposed project will meet the landscape improvements requirements of Section 143.
7. No-Fault Evictions
- a. 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.
8. Priority Policies
- a. The proposed off-street parking/garage installation is consistent with the Priority Policies of Section 101.1 of the Planning Code.

NEW Procedures:

1. DPW Review
- a. Prior to approval by the Planning Commission, the Department of Public Works ("DPW") will be consulted about whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether they will be granted.
2. MTA-DPT review
- a. Prior to approval by the Planning Commission, the Metropolitan Transportation Authority ("MTA") and/or Department of Public Transit ("DPT") will be consulted about whether the proposed garage opening/curb cut will impact the transportation

² Section 142: Screening of Parking Areas in R, NC, and Eastern Neighborhoods Mixed Use Districts.

Off-street parking areas in R, NC and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section. (a) Every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas not within buildings shall be screened from view and confined by solid building walls. (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

network, the off-street parking supply for the block, and the safety for transit riders, bicyclists, and pedestrians.

DPW Code Change: Approval with Modifications

1. The Commission suggests that this proposed change be *removed* as a city-wide requirement. In some instances, particularly due to site constraints and topography, an encroachment permit may allow a parking/garage installation without negatively impacting the public realm. The Commission/Department should be able to use this tool to mitigate impacts.
2. Amend the proposed DPW Code Section 723 to state the following:
 - a. If a proposed encroachment permit will be used to facilitate the installation of off-street parking in an existing structure in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts, or the Telegraph Hill-North Beach Residential SUD, as defined by the Planning Code, then such permit will only be issued upon the approval of a Conditional Use Authorization by the Planning Commission.
 - b. NOTE: Prior to the Conditional Use hearing, DPW will forward a recommendation about the proposed garage opening which will outline whether a minor sidewalk encroachment permit will be granted.

Miscellaneous

1. 41 foot Street Issue
 - a. Suggest including all alleyways in the Chinatown Mixed Use Districts as prohibited from new curb cuts into Section 155.
2. Columbus Avenue Restrictions
 - a. The Commission supports adding Columbus Avenue from North Point to Washington Streets to the list of streets in Section 161 where new garage entranceways, driveways, and other off-street vehicular access is prohibited.
3. NEW ADDITION TO SECTION 161:
 - a. In addition to adding Columbus Avenue to Section 161, which would prohibit new curb cuts, the Commission also supports including the following:
 - i. Broadway from the Embarcadero on the East to Polk Street on the west.

NOTE: there are several technical amendments that the Commission is recommending. Certain sections of the Code that is cited in the Ordinance are outdated or incomplete, and there are some clean-up changes that must be made. The Commission is recommending that these changes be made, but the itemized list will be forwarded to the Board of Supervisors separately from the Planning Commission's recommendation.

Transmittal Materials
Hearing Date: January 14, 2010

CASE NO. 2009.1053TZ
Parking & Garage Requirements in District 3

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



John Rahairt
Director of Planning

cc: Supervisor Chiu

Attachments (one copy of the following):

Planning Commission Resolution No. 18010

Planning Commission Executive Summary for Case No. 2009.1053TZ



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18011 HEARING DATE: JANUARY 14, 2010

1650 Mission St.
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Project Name: Parking & Garage Requirements in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts & the creation of the Telegraph Hill-North Beach Residential Special Use District

Case Number: 2009.1053TZ [Board File No. 09-1165]

Initiated by: Supervisor Chiu / Introduced October 6, 2009

Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

Reviewed By: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

90-day Deadline: January 12, 2010

30-day Extension: February 11, 2010

Recommendation: Approval with Modifications

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE A CONDITIONAL USE AUTHORIZATION FOR THE INSTALLATION OF A GARAGE OPENING IN EXISTING BUILDINGS, REDUCE THE PARKING REQUIREMENTS IN CERTAIN NORTHEAST NEIGHBORHOODS, CREATE THE TELEGRAPH HILL-NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, INCLUDING AMENDING SECTION SU01 OF THE ZONING MAP, AND AMENDING THE PUBLIC WORKS CODE BY AMENDING SECTION 732.2 TO PROHIBIT THE ISSUANCE OF MINOR SIDEWALK ENCROACHMENT PERMITS THAT WOULD FACILITATE THE INSTALLATION OF PARKING IN A RESIDENTIAL STRUCTURE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101

PREAMBLE

Whereas, on October 6, 2009, Supervisor Chiu introduced a proposed Ordinance under Board File Number 09-1165 that would amend several sections in the Planning Code that deal with off-street parking requirements and the installation of new garage openings in existing residential structures; and

Whereas, on January 14, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meetings to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented by Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends approval with modifications of the proposed ordinance and adopts the attached Draft Resolution to that effect. Specifically, the Commission recommends the following modifications:

New Off-Street Residential Parking Controls: Approval as Proposed

The Commission supports eliminating the off-street parking requirements and the initiation of residential maximum caps in the 4 areas proposed (Broadway NCD, North Beach NCD, Chinatown Mixed Use Districts, and the new Telegraph Hill-North Beach Residential SUD). Removing the 1-to-1 off-street parking ratio is in line with the Commission's current policies, as evidenced in the many large plan areas that have been adopted in the past several years.

New Telegraph Hill-North Beach Residential Special Use District: Approval as Proposed

The Commission supports the creation of the Telegraph Hill-North Beach Residential SUD for it is through this SUD that the parking controls for new construction and voluntary installations will be put in place.

Expansion of the Residential Special Use District: Proposed Addition to Legislation

The Commission supports the possible expansion of the New Telegraph Hill-North Beach Special Use District so that a larger area of off-street residential parking requirements would be amended. The proposed expanded boundaries are:

- Bay Street to the north;
- Polk Street to the west;
- California Street to the south; and
- Sansom Street to the east.

Conditional Use Authorization Criteria: Approval with Modifications

The Commission suggests the following Conditional Use criteria that the Commission must use (i.e., substituting those below for what is proposed), as well as the procedures listed below:

NEW Conditional Use Criteria:

1. Removal of residential unit
 - a. The proposed garage opening/addition of off-street parking will not cause the "Removal" of a dwelling unit or "Conversion of a Residential Unit" as defined in Section 317 of the Planning Code.¹
2. Decrease in habitable area
 - a. The 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. Adverse impact on historic resource
 - a. A garage opening on a historic resource must meet the requirements of Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*, which assures that no adverse impacts will be made to a historic resource.
 - b. In considering a garage opening/addition of off-street parking, the Commission shall balance the reduction of an adverse impact to a historic resource with the inclusion of a minor sidewalk encroachment vs. the sidewalk accessibility issues that an encroachment will have on the pedestrian space.
 - i. NOTE: This will require the modification of the DPW Code change.
4. Number of parking spaces vs. loss of on-street parking spaces
 - a. The proposed curb cut required for the off-street parking will be configured in a manner that 1) will minimize the loss of on-street parking, and 2) will not cause the excessive loss of on-street parking.
 - b. Notwithstanding the above, the Commission will not authorize a proposal with a curb cut which removes more than two on-street parking spaces.

¹ Section 317: (b)(1) - "Conversion of Residential Unit" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-residential use. (b)(9) - "Removal" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

5. Sidewalk Accessibility

- a. The proposed garage/addition of off-street parking will not: 1) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street as defined in Code Section 155(f), or 2) reduces the path of travel on the sidewalk to less than 6 feet; and 3) the slope of the sidewalk will not be greater than 2%.
- b. All parking of vehicles in a driveway shall be screened in accordance with Section 142 of the Planning Code.²

6. Design Guidelines

- a. The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator Bulletin 2006.1A: *Procedures and Criteria for Adding Garages to Existing Residential Structures*.
- b. The proposed project will meet the landscape improvements requirements of Section 143.

7. No-Fault Evictions

- a. 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.

8. Priority Policies

- a. The proposed off-street parking/garage installation is consistent with the Priority Policies of Section 101.1 of the Planning Code.

NEW Procedures:

1. DPW Review

- a. Prior to approval by the Planning Commission, the Department of Public Works ("DPW") will be consulted about whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether they will be granted.

2. MTA-DPT review

- a. Prior to approval by the Planning Commission, the Metropolitan Transportation Authority ("MTA") and/or Department of Public Transit ("DPT") will be consulted about whether the proposed garage opening/curb cut will impact the transportation network, the off-street parking supply for the block, and the safety for transit riders, bicyclists, and pedestrians.

² Section 142: Screening of Parking Areas in R, NC, and Eastern Neighborhoods Mixed Use Districts.

Off-street parking areas in R, NC and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section. (a) Every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas not within buildings shall be screened from view and confined by solid building walls. (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

DPW Code Change: Approval with Modifications

1. The Commission suggests that this proposed change be *removed* as a city-wide requirement. In some instances, particularly due to site constraints and topography, an encroachment permit may allow a parking/garage installation without negatively impacting the public realm. The Commission/Department should be able to use this tool to mitigate impacts.
2. Amend the proposed DPW Code Section 723 to state the following:
 - a. If a proposed encroachment permit will be used to facilitate the installation of off-street parking in an existing structure in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts, or the Telegraph Hill-North Beach Residential SUD, as defined by the Planning Code, then such permit will only be issued upon the approval of a Conditional Use Authorization by the Planning Commission.
 - b. NOTE: Prior to the Conditional Use hearing, DPW will forward a recommendation about the proposed garage opening which will outline whether a minor sidewalk encroachment permit will be granted.

Miscellaneous

1. 41 foot Street Issue
 - a. Suggest including all alleyways in the Chinatown Mixed Use Districts as prohibited from new curb cuts into Section 155.
2. Columbus Avenue Restrictions
 - a. The Commission supports adding Columbus Avenue from North Point to Washington Streets to the list of streets in Section 161 where new garage entranceways, driveways, and other off-street vehicular access is prohibited.
3. NEW ADDITION TO SECTION 161:
 - a. In addition to adding Columbus Avenue to Section 161, which would prohibit new curb cuts, the Commission also supports including the following:
 - i. Broadway from the Embarcadero on the East to Polk Street on the west.

NOTE: there are several technical amendments that the Commission is recommending. Certain sections of the Code that is cited in the Ordinance are outdated or incomplete, and there are some clean-up changes that must be made. The Commission is recommending that these changes be made, but the itemized list will be forwarded to the Board of Supervisors separately from the Planning Commission's recommendation.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Planning Code sets up parking requirements for all types of development. The intent is to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the General Plan, as part of a balanced transportation system that makes suitable provisions for use of both private vehicles and transit.
2. With respect to off-street parking, the Code is intended to require needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon the surrounding areas and uses, and to encourage effective use of public transit as an alternative to travel by private automobile.
3. Over the past several years, the Commission and City has enacted several long-range area-wide plans which included lowering the parking requirements for new construction and voluntary installations. These requirements are consistent with what is proposed in the Ordinance for the Neighborhood Commercial Districts and the Chinatown Mixed Use Districts. The Commission supports lowering these requirements.
4. The Commission also understands the need to create the Telegraph Hill-North Beach Residential Special Use District. It is through this SUD that the parking requirements for new construction and voluntary installations will be put in place. This area of San Francisco has a very high percentage of existing off-street parking and a low percentage of on-street parking. In light of the City's Transit-First Policies, as well as the Better Streets program and General Plan goals, the Commission supports the creation of this SUD to lower the parking thresholds.
5. The Commission strongly recommends that the proposed Conditional Use criteria be amended.
6. The criteria forwarded by the Commission outlines the best practices in terms of design review, coordination with DPW and MTA, as well as attempting to mitigate and reduce the loss of on-street parking spaces for the installation of off-street parking spaces
7. The Commission does not think that a city-wide ban on minor encroachment permits should be enacted.
8. Therefore, the Commission recommends *approval with modifications of the proposed Ordinance*.
9. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. TRANSPORTATION ELEMENT.

Policy 20.2: Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.

Policy 34.5: Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

Policy 40.4: Driveways and curb cuts should be designed to avoid maneuvering on sidewalks or in street traffic, and when crossing sidewalks, they should be only as wide as necessary to accomplish this function.

Policy 24.4: Preserve pedestrian-oriented building frontages.

Policy 26.1: Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

Objective 30: Ensure that the provision of new or enlarged parking facilities does not adversely affect the livability and desirability of the city and its various neighborhoods.

II. URBAN DESIGN ELEMENT.

Fundamental Principles for Neighborhood Environment #10: Parking garages lack visual interest if they have extensive rows of doors, blank walls or exposed vehicles. Extensive curb cuts prevent planting and other enhancement of the street, eliminate curb-side parking and are potentially dangerous to pedestrians.

Policy 4.4: Design walkways and parking facilities to minimize danger to pedestrians. Driveways across sidewalks should be kept to a practical minimum, with control maintained over the number and width of curb cuts.

Conservation Principle #3B: New blank facades introduced into areas of older, more detailed buildings detract from neighborhood character.

Conservation Principle #5: Preservation of San Francisco's strong and continuous downtown street facades will ensure maintenance of that area's distinctive character and urban quality. A consistent commercial façade on neighborhood shopping streets will give definition to those areas and promote activity.

Conservation Principle #12: Street space provides an important form of public open space, especially in areas of high density that are deficient in other amenities.

Policy 2.8: Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

Neighborhood Environment Principle #10D: The inclusion of stores at ground level maintains continuity of pedestrian activity on what would otherwise be a sterile street frontage of parking garages in a commercial area.

Neighborhood Environment Principle #16: Continuity of interest and activities at ground level in commercial buildings adjacent to pedestrian ways creates rich street life and enhances pedestrian experiences.

Neighborhood Environment Principle #16C: Major office buildings contribute more to street life if they have commercial activity at ground level.

Neighborhood Environment Principle #18: Alleys and small streets which are usable as part of the general network of pedestrian and service ways are potential areas of activity and interest.

II. CHINATOWN AREA PLAN.

Objective 1: Preserve the distinctive urban character, physical environment, and cultural heritage of Chinatown.

Policy 1.2: Promote a building form that harmonizes with the scale of existing buildings and width of Chinatown's streets.

Policy 1.4: Protect the historic and aesthetic resources of Chinatown.

Objective 3: Stabilize and where possible increase the supply of housing.

Policy 3.1: Conserve existing housing.

Objective 7: Manage transportation impacts to stabilize or reduce the difficulties of walking, driving, delivering goods, parking, or using transit in Chinatown.

1. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not improve the existing housing and neighborhood character by regulating the installation of off-street parking and garage openings in existing buildings, thus allowing the cultural and economic diversity of the District 3 neighborhoods.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will help preserve the City's supply of affordable housing by preventing the loss of dwelling units for the installation of off-street parking.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any construction or alteration associated with formula retail establishment would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a potential off-site parking-garage installation be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies. Any proposals for an Article 10 building will be reviewed by the Historic Preservation Commission.

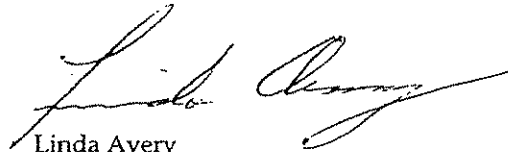
- H) Parks and open space and their access to sunlight and vistas will be protected from development.

Draft Resolution No. 18011
Hearing Date: January 14, 2010

CASE NO. 2009.1053TZ
Parking & Garage Requirements in District 3

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on January 14, 2010.



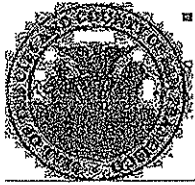
Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 14, 2010



Executive Summary

Planning Code Text & Map Change

HEARING DATE: JANUARY 14, 2010

Project Name: Parking & Garage Requirements in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts & the creation of the Telegraph Hill-North Beach Residential Special Use District

Case Number: 2009.1053TZ [Board File No. 09-1165]

Initiated by: Supervisor Chiu / Introduced October 6, 2009

Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

Reviewed By: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

90-day Deadline: January 12, 2010

30-day Extension: February 11, 2010

Recommendation: Approval with Modifications – see pg. 4 for specific recommendations

PLANNING CODE AMENDMENT

The proposed Ordinance introduced by Supervisor Chiu would amend several sections in the Planning Code that deal with off-street parking requirements and the installation of new garage openings in existing residential structures. Below is a brief summary of the proposal (detailed analysis is found on pg. 3):

1. Eliminate the minimum off-street parking requirements for residential uses and institute a maximum parking cap in the Broadway Neighborhood Commercial District (714.94), North Beach Neighborhood Commercial District (722.94), and the Chinatown Mixed Use and Community Business Districts (803.2 & 810); and
2. Require a Conditional Use Authorization to install a garage in an existing residential structure; and
3. Create the Telegraph Hill-North Beach Residential Special Use District to reduce the off-street parking requirements and require a Conditional Use Authorization to install a garage in a residential structure; and
4. Add Columbus Avenue between Washington and North Point Streets to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; and

5. Amend the Public Works Code by amending section 732.2 to prohibit the issuance of minor sidewalk encroachment permits that would facilitate the installation of parking in a residential structure.

The Way It Is Now:

Article 1.5: Off-Street Parking and Loading is the chapter of the Planning Code that establishes parking maximums and minimums throughout the city.

In Residentially-zoned districts that are located within the subject area (RH-2, RM-1, and RM-2¹), the off-street residential parking requirements are 1 space to 1 dwelling unit.

In the Broadway and North Beach NCDs, the off-street residential parking requirements are 1 space to 1 dwelling unit.

In the three Chinatown Mixed Use Districts,² the off-street residential parking requirements are 1 space to 1 dwelling unit.

Section 150 states that for any structure that was lawfully in existence in 1955 or 1968 (the date the parking requirements were added to the Code – 1955 for residential districts, 1968 for commercial districts), off-street parking is not required to be installed. Only if there is a major addition to such structure or use are off-street parking spaces required – and only for the portion of the new addition itself. Therefore, for the majority of existing structures in the City, off-street parking is not required, but is voluntary.

Currently an existing building can apply for a permit to install a garage opening and provide parking for the dwelling unit(s). It should be noted that the installation of a garage opening and parking is not a requirement but a voluntary action and subject to the discretionary approval of the Planning Department.

There are no conditional use requirements for new garage installations in existing buildings, nor are these applications subject to a 30-day notification under Section 311 of the Code.

For new construction projects, the off-street parking requirements are required.

Other Agency Review:

In addition to review by the Planning Department, new parking/garage installations are reviewed by the Department of Public Works. DPW must approve a street improvement permit, which is required for any new driveway cut. Often a minor sidewalk encroachment permit is needed if the installation literally 'encroaches' onto the public sidewalk or right-of-way. Finally, a tree removal permit may be required if an existing tree is in the path of the driveway.

¹ RH-2: Residential, Two Family. RM-1: Residential, Mixed, Low Density. RM-2: Residential, Mixed, Moderate Density.

² Chinatown Community Business District (810), Chinatown Visitor Retail District (811), and Chinatown Neighborhood Commercial District (812).

The San Francisco MTA also can review a new parking/garage installation if the proposed curb-cut is larger than 30' wide.

Both of these agency reviews can occur simultaneously, before, or after Planning review. Typically applications are submitted to the Planning Department for first review and approval.

The Way It Would Be:

The proposed Ordinance would do the following:

Specific Controls for the Broadway NCD (714.94), North Beach NCD (724.94), & Chinatown Mixed Use Districts (810):

New Off-Street Residential Parking Controls:

1. Permitted: up to one car for each two dwelling units;
2. Conditional Use: up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f);
3. Not Permitted: above 0.75 cars for each dwelling unit. §§ 151.1, 161(a) (g)
4. Conditional Use required if installing a garage in an existing building.

Conditional Use Criteria to be used by the Commission:

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:

1. The installation is consistent with
 - a. The priority policies of Section 101.1 of this Code,
 - b. The Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and
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.

NEW Telegraph Hill-North Beach Residential Special Use District Controls (249.46): see attached map.

New Off-Street Residential Parking Controls:

1. Permitted: Up to three cars for each four dwelling units;
2. Conditional Use: Up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f);
3. Not Permitted: Above one car for each dwelling unit.

Conditional Use Criteria to be used by the Commission:

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:

1. The installation is consistent with



- a. The priority policies of Section 101.1 of this Code,
 - b. The Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and
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.

Miscellaneous amendments:

1. Section 155 will be amended to include Columbus Avenue between Washington and North Point Streets to a list of streets where garage entrances, driveways, and other off-street vehicular access is not permitted.
2. Section 161 will be amended to cross-reference the new parking and garage requirements in the Broadway and North Beach NCDs, Chinatown Mixed Use Districts, and the Telegraph Hill-North Beach Residential SUD controls.

DPW Code Amendment to Section 723.2:

723.2: Minor Sidewalk Encroachment. (new line)

(b).... No encroachment shall be approved that would facilitate the addition of a parking garage in a residential structure.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department has a recommendation of approval with modifications.

New Off-Street Residential Parking Controls: Approval as Proposed

The Department supports the elimination of the off-street parking requirements and the initiation of residential maximum caps in the 4 areas proposed (Broadway NCD, North Beach NCD, Chinatown Mixed Use Districts, and the new Telegraph Hill-North Beach Residential SUD). Removing the 1-to-1 off-street parking ratio is in line with the Department's current policies, as evidenced in the many large plan areas that have been adopted in the past several years.

New Telegraph Hill-North Beach Residential Special Use District: Approval as Proposed

The Department supports the creation of the Telegraph Hill-North Beach Residential SUD for it is through this SUD that the parking controls for new construction and voluntary installations will be put in place.

Conditional Use Authorization Requirement for the Installation of Parking within an Existing Building:
Replace Requirement with 30-day notification

1. Replace the Conditional Use Authorization Requirement with a 30-day notification process pursuant to Section 311 or 312.
 - a. This process allows Discretionary Review to be filed and the application will be reviewed by the Planning Commission.
 - i. Put in place detailed policy criteria (such as those listed below) that the Department must adhere to when reviewing parking/garage installations.

The Department does not believe that a Conditional Use authorization is the best vehicle for approving garage and off-street parking installations. With detailed policy and guidelines that staff must follow, the Department believes that the majority of these applications can be approved at staff-level, subject to a 30-day public notice period.

Conditional Use Authorization Criteria: Approval with Modifications

If, in lieu of the recommendation above, a Conditional Use Authorization was to move forward as the vehicle for reviewing and approving parking/garage installations in existing buildings, then the Department suggests the following Conditional Use criteria that the Commission must use (i.e., substituting those below for what is proposed), as well as the procedures listed below:

NEW Conditional Use Criteria:

1. Removal of residential unit
 - a. The proposed garage opening/addition of off-street parking will not cause the "Removal" of a dwelling unit or "Conversion of a Residential Unit" as defined in Section 317 of the Planning Code.³
2. Decrease in habitable area
 - a. The 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 Section 317: (b)(1) - "Conversion of Residential Unit" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-residential use. (b)(9) - "Removal" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

3. Adverse impact on historic resource
 - a. A garage opening on a historic resource must meet the requirements of Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*, which assures that no adverse impacts will be made to a historic resource.
 - b. In considering a garage opening/addition of off-street parking, the Commission shall balance the reduction of an adverse impact to a historic resource with the inclusion of a minor sidewalk encroachment vs. the sidewalk accessibility issues that an encroachment will have on the pedestrian space.
 - i. NOTE: This will require the modification of the DPW Code change.
4. Number of parking spaces vs. loss of on-street parking spaces
 - a. The proposed curb cut required for the off-street parking will be configured in a manner that 1) will minimize the loss of on-street parking, and 2) will not cause the excessive loss of on-street parking.
 - b. Notwithstanding the above, the Commission will not authorize a proposal with a curb cut which removes more than two on-street parking spaces.
5. Sidewalk Accessibility
 - a. The proposed garage/addition of off-street parking will not: 1) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street, as identified in Code Section 151(f); or 2) reduces the path of travel on the sidewalk to less than 6 feet; and 3) the slope of the sidewalk will not be greater than 2%.
 - b. All parking of vehicles in a driveway shall be screened in accordance with Section 142 of the Planning Code.⁴
6. Design Guidelines
 - a. The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator Bulletin 2006.1A: *Procedures and Criteria for Adding Garages to Existing Residential Structures*.
 - b. The proposed project will meet the landscape improvements requirements of Section 143.

⁴ Section 142: Screening of Parking Areas in R, NC, and Eastern Neighborhoods Mixed Use Districts.

Off-street parking areas in R, NC and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section. (a) Every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas not within buildings shall be screened from view and confined by solid building walls. (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

NEW Procedures:

1. DPW Review

- a. Prior to approval by the Planning Commission, the Department of Public Works ("DPW") will be consulted about whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether they will be granted.

2. MTA-DPT review

- a. Prior to approval by the Planning Commission, the Metropolitan Transportation Authority ("MTA") and/or Department of Public Transit ("DPT") will be consulted about whether the proposed garage opening/curb cut will impact the transportation network, the off-street parking supply for the block, and the safety for transit riders, bicyclists, and pedestrians.

DPW Code Change: Approval with Modifications

1. The Department suggests that this proposed change be *removed* as a city-wide requirement. In some instances, particularly due to site constraints and topography, an encroachment permit may allow a parking/garage installation without negatively impacting the public realm. The Commission/Department should be able to use this tool to mitigate impacts.
2. Amend the proposed DPW Code Section 723 to state the following:
 - a. If a proposed encroachment permit will be used to facilitate the installation of off-street parking in an existing structure in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts, or the Telegraph Hill-North Beach Residential SUD, as defined by the Planning Code, then such permit will only be issued upon the approval of a Conditional Use Authorization by the Planning Commission.
 - b. NOTE: Prior to the Conditional Use hearing, DPW will forward a recommendation about the proposed garage opening which will outline whether a minor sidewalk encroachment permit will be granted.

Miscellaneous

1. 41 foot Street Issue

- a. Suggest including all alleyways in the Chinatown Mixed Use Districts as prohibited from new curb cuts into Section 155.

2. Columbus Avenue Restrictions

- a. The Department supports adding Columbus Avenue from North Point to Washington Streets to the list of streets in Section 161 where new garage entranceways, driveways, and other off-street vehicular access is prohibited.

NOTE: there are several technical amendments that the Department is recommending. Certain sections of the Code that is cited in the Ordinance are outdated or incomplete, and there are some clean-up changes that must be made. The Department is recommending that these changes be made, but the

itemized list will be forwarded to the Board of Supervisors separately from the Planning Commission's recommendation.

BASIS FOR RECOMMENDATION

The Planning Code sets up parking requirements for all types of development. The intent is to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the General Plan, as part of a balanced transportation system.⁵

With respect to off-street parking, the Code is intended to provide needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon the surrounding areas and uses, and to encourage alternatives to travel by private automobile and to maximize habitable space.⁶

New Off-Street Residential Parking Controls

Over the past several years, the Department and City has enacted several long-range area-wide plans which included removing the parking requirements for residential and commercial uses and at time imposing maximum caps on parking. These controls are consistent with what is proposed in the Ordinance for the Neighborhood Commercial Districts and the Chinatown Mixed Use Districts. The Department supports extending these controls to high density area that have opportunities for travel by transit, walking, or biking.

New Telegraph Hill-North Beach Residential Special Use District

The Department also understands the need to create the Telegraph Hill-North Beach Residential Special Use District. It is through this SUD that the parking controls for new construction and voluntary installations will be put in place. This area of San Francisco has a very high percentage of existing off-street parking and a low percentage of on-street parking. In light of the City's Transit-First Policies, as well as General Plan goals, the Department supports the creation of this SUD to lower the parking thresholds.

Conditional Use Authorization Requirement for the Installation of Parking within an Existing Building

The Department feels that the proposal to require a Conditional Use Authorization for the installation of parking/garage in all existing buildings to be overly burdensome to property owners, the Commission, and local community groups. While the Department acknowledges that parking/garage installations need to be reviewed more consistently, requiring a Conditional Use Authorization for every application appears to be an extreme measure.

The Department recommends that new garage/parking installations should be subject to the 30-day notification period under Sections 311. This, combined with a more rigid internal review process of these installations, will enable those proposals that have community issues to be brought before the Planning Commission for review. If a proposal meets all of the guidelines and policies, then there should not be a

⁵ Planning Code Section 150(a): Off-Street Parking and Loading Requirements.

⁶ Ibid.

Conditional Use Authorization entitlement attached - it should be approved as a regular building permit. If issues arise that the Department was not aware of, then the proposal should go to the Commission for review and approval. The 30 day notification process will allow the affected neighbors and community organizations to review and comment upon the application, while saving costs (time and money) for a mandatory Conditional Use Authorization hearing.

Conditional Use Authorization Criteria

As mentioned above, if the Conditional Use Authorization is the method that will move forward for the review of garage/parking installations in existing buildings, then the Department strongly recommends that the criteria be amended.

Those that are proposed in the legislation are too broad, not defined nor tailored to the type of project it is meant to apply to, and subject to interpretation. If the goal is to have straight-forward criteria in place for the Department/Commission to use, then they should be laid out as such.

The proposed criterion that deals with no-fault (i.e., Ellis Act) evictions should be removed altogether. The Department does not believe that the Planning Code is the appropriate vehicle for dealing with this issue. Further, a project sponsor can easily evade this provision by applying for (and receiving) a permit for parking/garage and then proceed to Ellis Act the building afterwards. The requirement does not appear to prevent the process from happening. Putting into place two criteria that deal with the removal and modification of a dwelling unit(s), will help alleviate the impact of the loss of residential units for garage installations.

The remainder of the criteria forwarded by the Department outlines the best practices in terms of design review, coordination with DPW and MTA, as well as attempting to mitigate and reduce the loss of on-street parking spaces for the installation of off-street parking spaces.

DPW Code Change

The Department does not think that a city-wide ban on minor encroachment permits should be enacted. It does not appear to be necessary. The criteria listed above outline a few circumstances where a minor sidewalk encroachment permit may be needed – to help mitigate the installation into a historic resource or if there are other extreme conditions where one is necessary. The Department believes that minor encroachment permits that require cheek walls should not be approved.

As such, the Department is recommending that the proposed language be removed altogether or be modified as suggested to apply only to those areas subject to the proposed legislation.

Miscellaneous

One proposed Ordinance states that “no garage shall front a public right of way narrower than 41 feet.” The Department finds this condition to conflict with larger planning policies. Planning practice is to 1) generally encourage more off-street parking entrances to be located on secondary, smaller streets, rather than larger, main thoroughfares, or 2) on special alleyways, converting street space to shared space and open space uses.

The Chinatown Mixed Use Districts are characterized by the many small alleys and streets. The Department believes that these alleys have unique character and should not have any additional curb cuts or off-street parking, and thus proposes that these alleys be included in a list that prohibits new garage entries, driveways, or other vehicle access.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(3) and 15378 of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received 8 letters and approximately 20 phone inquiries in support or opposition to the proposal from the public.

RECOMMENDATION: Approval with Modifications

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Proposed Telegraph Hill-North Beach SUD
- Exhibit C: Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*
- Exhibit D: Draft Board of Supervisors Ordinance
- Exhibit E: Public Comment Emails

PROCEDURES AND CRITERIA FOR ADDING GARAGES TO EXISTING RESIDENTIAL STRUCTURES

This Bulletin is written to explain Planning Department procedures for the review of permit applications which propose to add garages to existing residential structures in order to provide off-street parking. The review requirements of other City Agencies, such as the Department of Building Inspection (DBI) or the Department of Public Works (DPW) are not addressed in this document.

In certain circumstances, approval of such permit applications can be granted immediately (e.g. over-the-counter). In other instances, the application may be routed upstairs for further staff review, after which it may be approved or disapproved.

All applications may be reviewed first at the Planning Information Counter (PIC). An initial determination can be made by PIC Staff as to whether the subject structure is a 'historic resource.' Any proposal to add a new garage in a structure which is considered a potential historic resource must be reviewed by one of the Department's preservation specialists and may be subject to the supplemental review process set forth in Zoning Administrator Bulletin 2006.1b, 'Additional Procedures for Adding Garages to Residential Historic Resources and Potential Historic Resources.' For the purposes of this bulletin these structures or "historic resources" are buildings constructed in or before 1913 that appear to be of historic or architectural merit and those previously evaluated and included on specified registers and surveys. This also includes properties over fifty years old that may be found to be historic resources based on available historic information.

For all other structures, Planning Staff at the PIC will determine compliance with the Planning Code, the General Plan, the Residential Design Guidelines (RDG)¹, and the specific criteria contained below. Should the proposed curb cut and garage door meet these standards, the application may be approved over-the-counter.

1. *Appearance of Garage Door.* Garage door design and materials should be compatible with the existing building and surrounding neighborhood character.
2. *Placement of the Curb-Cut and Garage.* The location of curb cut and garage door should ensure maximum compatibility with the structure's context.
 - a. *On-Street Parking.* Could a greater number of on-street parking spaces be retained if the curb-cut and garage were shifted elsewhere on the building's frontage?
 - b. *Loss of Existing Street Trees.* Could existing street trees adjacent to the subject property remain if the garage and/or curb-cut was shifted elsewhere on the building's frontage?²
 - c. *Loss of existing Significant Trees.* Could existing Significant Trees within the subject parcel remain if the garage and/or curb-cut was shifted elsewhere on the building's frontage?³

¹ Pages 35 to 37 of the RDG contain recommended standards for new garage openings and curb cuts.

² Should any street tree removal be proposed, the application would be routed upstairs for further review while a Street Tree Removal Permit is sought from the Department of Public Works (DPW).

³ For purposes of this Bulletin, a Significant Tree is defined in Public Works Code Section 810A as a tree within 10 feet of the front property line which meets at least one of the following criteria: (a) a diameter at breast height (DBH) in excess of 12 inches, (b) a height in excess of 20 feet, or (c) a canopy in excess of 15 feet. Any removal of or impact to Significant Trees would result in the application being routed upstairs for further review while the applicant pursues required permits from DPW.

3. *Width of Garage Door and Curb Cut.* The total width of the garage door should be no larger than necessary to accommodate the off-street parking space. The total width of the curb cut should not exceed the Department's standard curb cut maximum of 10 feet^{4 5}. In any instance where a proposed curb cut or garage door exceeds either of these dimensional requirements, the application will be routed upstairs for further review, where the burden will be upon the applicant to show that there are special circumstances which warrant larger dimensions, such as:
 - a. *Site Constraints.* Is there a severe (1) lateral slope or (2) grade change in the front setback? Is the width of the lot or sidewalk atypical?
 - b. *Street Constraints.* Is the width of the street prohibitively narrow such that maneuvering a standard automobile into the proposed garage is not be possible?
 - c. *Limited garage or building depth.* When proposing a new multiple-space garage, could the garage be made deeper?
 - d. *On-street parking spaces.* Does excessive curb-cut or garage door width further decrease the number of available on-street parking spaces?
 - e. *Over-parking.* Would the proposal result in the provision of more than one parking space per dwelling unit?
4. *Creation of new street trees.* Are new street trees included in the proposal? If existing street trees would be removed, are replacement trees of similar caliper and canopy size proposed?
5. *Building Expansion.* Would any exterior dimension of the structure be increased? If building would be lifted to accommodate the garage, or if the proposal involves any exterior expansion whatsoever, in most cases neighborhood notification would be required and the application would be routed upstairs for further review.
6. *Interference with Transit, Bicycles or Pedestrians.* New or expanded garages or curb-cuts which are located along Transit Preferential Streets or which would otherwise affect transit stops, bicycle or primary pedestrian streets will be routed upstairs for further review.

⁴ This is a restatement of policies set forth in Zoning Administrator Bulletin 96.1. While Bulletin 96.1 presents background information and establishes a policy foundation for the regulation of curb cuts, this Bulletin (2006.1a) expands on and supersedes the policies contained in 96.1.

⁵ The Department's standard curb cut (7 feet across at the street level and 18 inch transition slopes [where the curb tapers down to the street] on either side) was established in Zoning Administrator Bulletin 96.1 and is reiterated on page 37 of the RDG

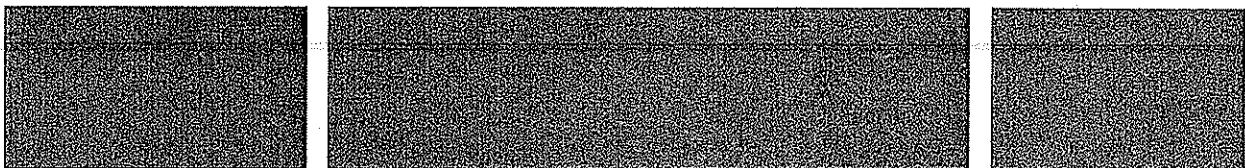
ADDITIONAL PROCEDURES FOR ADDING GARAGES TO RESIDENTIAL HISTORIC RESOURCES & POTENTIAL HISTORIC RESOURCES

The ongoing demand for off-street parking in San Francisco has created a serious challenge for its historic resources. This bulletin is written to ensure adequate and consistent review of the City's known and potential historic resources.

Rehabilitation and alteration standards for the preservation of designated City Landmark properties are contained in Article 10 of the Planning Code. However, there are structures within San Francisco that are considered historic resources in addition to landmark properties. For the purposes of this bulletin these additional structures or "historic resources" are buildings constructed in or before 1913 that appear to be of historic or architectural merit and those previously evaluated and included on specified registers and surveys. This also includes properties over fifty years old that may be found to be historic resources based on available historic information.

Inserting a new garage opening can have a major impact on a historic resource and the surrounding neighborhood. Due to this potential impact, the Planning Department reviews proposals for new garages on a case-by-case basis. Department staff will review all proposals for compatibility with the Secretary of the Interior's Standards for the Treatment of Historic Properties.⁶ These Standards were developed by the National Park Service and are applied as set forth by the California Environmental Quality Act (CEQA) Guidelines Section 15331. [It is important to note that as legal non-conforming structures, the Planning Code does not require the provision of off-street parking for these properties.]

Below is a list of the character-defining features that, if altered, may trigger additional Planning Department review; however, please note that in some instances the insertion of a garage opening will not be approved in a historic resource.



Generally, raising a historic resource to insert a garage opening is strongly discouraged when the act may render the building ineligible for the California or National Register. In some instances, raising a structure to insert a garage opening may be approved to avoid the removal of historic fabric as long as the integrity of the building, its original design, proportions, and its relationship to adjacent buildings are not compromised.

In cases where a garage opening may be appropriate, great care should be taken in the design and execution of the work. In addition to the criteria set forth in Zoning Administrator Bulletin 2006.1a, the following criteria apply to the review of new garages in historic resources.

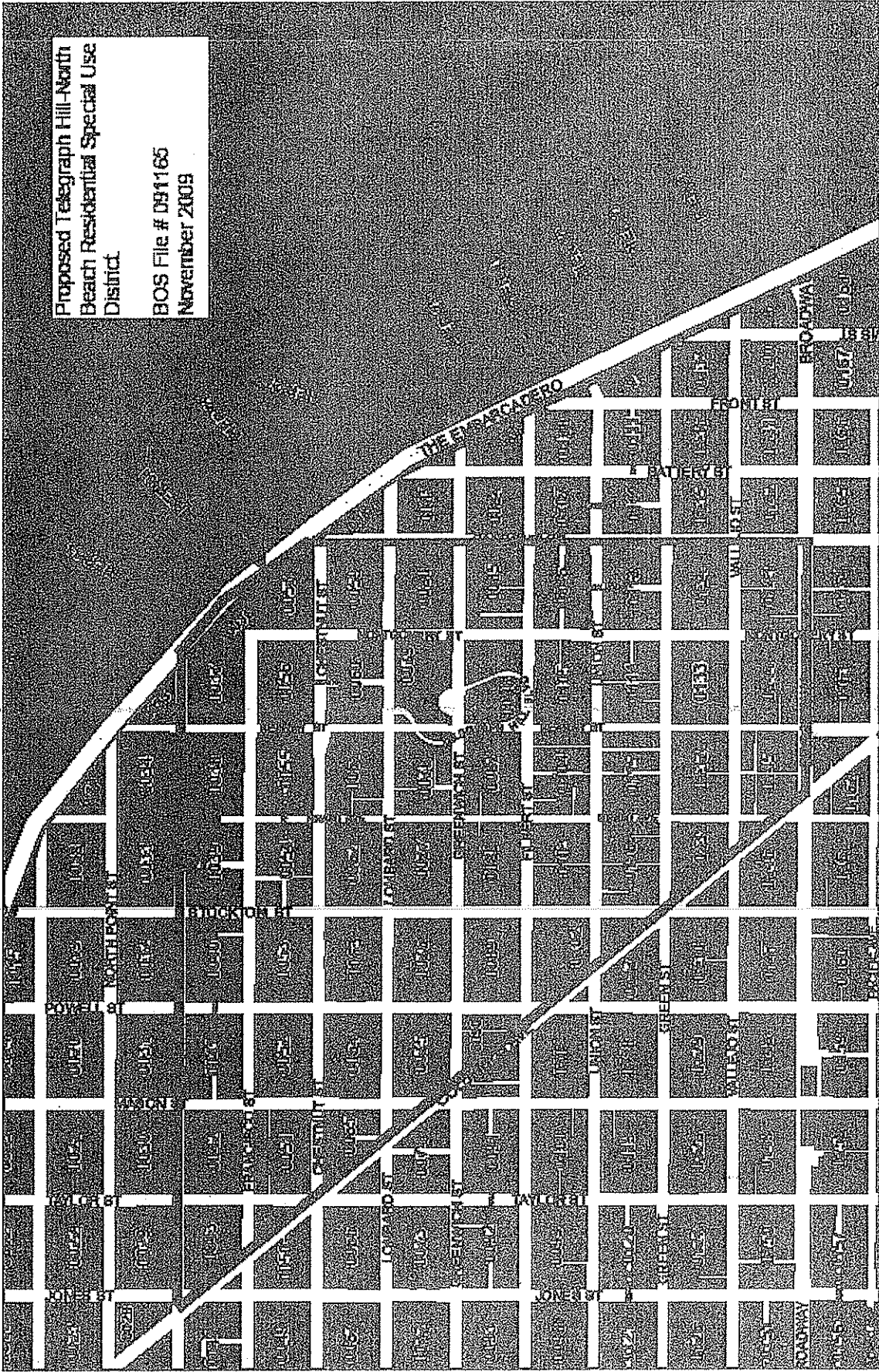
⁶ For more information please refer to the San Francisco Planning Department Preservation Bulletin No. 21.
<http://www.sfgov.org/site/uploadedfiles/planning/preservation/PresBulletin21Standards.pdf>

- Garage openings should be inserted on the side or rear whenever possible. These “secondary elevations” have fewer character-defining features.
- A new opening and curb cut should be no larger than absolutely necessary while still meeting the requirements of the existing Building and Planning Codes.
- Explore obtaining a Minor Encroachment Permit (Section 723.2 of the Public Works Code) from the Department of Public Works (DPW). This permit allows for the extension of the driveway into the public right-of-way and can lower the height of the garage door to avoid the removal of character-features. DPW can be reached at (415) 554-5810.
- All detailing, including garage doors, surrounds, and decorative features, should be compatible with the building’s architectural features without creating a false sense of history.
- Garages should be designed to be inconspicuous so they do not project out from the front façade of the building; however, new garage structures in the front yard setback of steeply sloping lots or in retaining walls may be appropriate.
- Landscape improvements should be incorporated into the proposal to minimize the impact a new garage opening has on the building and the surrounding streetscape.

Please note that approval of all garages, including those in historic resources and potential historic resources, is discretionary and are subject to CEQA as well as other relevant city requirements and code provisions.

Proposed Telegraph Hill-North
Beach Residential Special Use
District

BOS File # 091165
November 2009



San Francisco Planning Department
Planning Code Text & Map Change
Planning Case Number 2009.1053TZ
Tara Sullivan/558-6257

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